

Orange County Board of Education Meeting – 6/8/16 - Transcript

Welcome

Hammond: Okay. All right, I guess we're ready then. Good morning to everyone. Welcome to Orange County, Board of Education where our regular meetings now have been held at 10:00 in the morning and any person of course wishing to address the board on any matter.

Doesn't matter if it appears on the agenda or not. We would ask you to complete a request to address the board; cards are available there on the table on the back. We'd ask you to submit the card to our board reporter so that we can note that you'd like to speak and have you brought up.

Each individual usually be allowed to have 3 minutes and you cannot extend that time or give it to somebody else. We'd ask that you remember that this is a public meeting and you should be respectful of each other and the board.

And we'd ask that outburst, large amounts of clapping I guess. We ask you to not do that and of course anyone deemed disruptive can be asked to leave pursuant to penal code. And our board agendas are always posted online by our wonderful staff and they can be reviewed.

And so with that, we shall begin and for the benefit of the record, this regular meeting in Orange County, Board of Education is called to order. And with that we'll have an invocation by the Reverend Dr. John R. McFarland, fellow alumni.

Rev. Dr. McFarland: Oh you're gonna have to stand for the prayer. That's great. I've been a police chaplain in Fountain Valley for 28 years and I was at many city board meetings, their city council meetings and now I'm in Fullerton and involved with Buena Park also.

Oh hello, how are you? I had no idea really this went on. To be honest with you I just didn't know you had this – obviously you need this kinda formal instruction and I've been reading some of the information 200 million plus budget is that close?

Hammond: Yeah.

Rev. Dr. McFarland: Yeah, that's – that's incredible stuff and so I was – I'd been praying about how to pray for this meeting and for all of you and for our county. So I'm privileged to be part of this county and let's pray.

Father, thank you so much for these elected officials that make such crucial decisions over such great revenues. With very clear purpose in mind that the generations of children growing up in this county would have all the opportunities available to them.

Going way back to the founding of this nation when education was so important and colleges were founded by churches and – and there were grammar schools to teach young people grammar and to teach the basic concepts of life, liberty and the pursuit of happiness.

And as we've just gone through an election, I see how important it is you've given us a nation of the people, by the people, for the people. So we need an educated class of people that can make wise decisions in the leadership of our nation.

So all that goes together to pray for these elected officials as they influence the superintendents of school, down to the principals of the school, down to all the amazing teachers who – who love children.

They wouldn't do it if they didn't love children and then all the rules and regulations and expectations, I know how difficult that is. And the young people themselves, coming from homes where it's so tough.

I pray for the parents of the Orange County children, that they would provide a climate of home education in terms of around the kitchen table supporting the homework assignments and everything needed to get them back into the classroom, ready to listen and learn.

So, as much as we pray for the minds of the young people and the education in that realm. I pray for the climate of our schools from the preschools, kindergartens, elementary, junior high schools, high schools, and everywhere where this board has responsibility.

We pray Your blessing upon it and I thank you that in this board room there's still this invocation beseeching You and the declaration on the wall, "In God We Trust." For this we give You thanks, Amen.

Lindholm: Amen.

Hammond 1: All right. Recommendation on leading us in the **[inaudible]**?

Bedell 2: Ellin is retiring. Yeah **[inaudible]** retiring.

Hammond: Wow, Ms. Ellin. Yeah, you are retiring. Would you do us the honor please? And thank you for all the work you have done for all the kids. Thank you, Pastor.

Chariton: And with this great nation if you'll join me in the Pledge of Allegiance, in honor of our country and all those who stand for it, so I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Hammond: Thank you.

Bedell: It was nice to surprise her.

Williams: Hopefully in a nice way.

Bedell: Yeah, oh yeah I'm sure.

Williams: All right. Ms. Darou, roll call please.

Darou: Trustee Boyd?

D. Boyd: Here.

Phouangvankham: Trustee Lindholm?

Lindholm: Here.

Phouangvankham: Trustee Hammond?

Hammond: Present.

Phouangvankham: Trustee Jack Bedell?

Bedell: Here.

Phouangvankham: Trustee Ken Williams?

Williams: Present.

Robert Hammond: Introductions?

N. Boyd: We do not have any at this meeting.

Hammond: All right, we'll move onto the agenda. Chair seeks a motion in regards to the agenda.

Bedell: So moved.

Williams: Second.

Hammond: Moved and seconded. Any discussion on the agenda? Hearing none, all in favor of adopting the agendas, signify by saying, "Aye."

All: Aye.

Hammond: Oppose.

Hammond: Motion process 5-0. Motion – Chair seeks in motion regards to the minutes from last meeting.

Williams: So moved.

Bedell: Second.

Hammond: Moved in second at any discussion. Hearing none, all in favor approving the minutes as presented. Signify by saying, "Aye."

All: Aye.

Hammond: Motion passes 5-0. Closing right along, public comments. Madame vice-president, would you call up our first guest?

Lindholm: Yes Mr. President and we have at this time four requests to speak under general comments and then five and okay –

Female: Five under **[inaudible]**.

Linda Lindholm: And then we have three under item 17 that – I don't know if they've asked – have they asked to speak early?

N. Boyd: Last one just moved theirs to general. Under 17, we weren't sure how late that was gonna go and so they had asked for the **[inaudible]**.

Lindholm: All right. So we're gonna begin with this and see if we can get through the general comments and then go from there. Welcome, what we have is a timer for you, you get 3 minutes to speak. You can share your thoughts with us if it's not an agenda item, we can't take any action on it or discuss it but welcome. Beverly Berryman? Welcome.

Berryman: Thank you. Hello Dr. Mijares, President Hammond and the rest of the board. Thank you for allowing me to speak, I'm Beverly Berryman, I'm the president of the Orange County, PTA as you know.

I wanted to take this opportunity to thank Dr. Mijares publically along with the staff here at OCDE from facilities. We had our annual spring training this year on Saturday for all of our PTA parent leaders in the county.

And we were able to hold it here on this facility and I just wanna thank everyone from Tom Froehlich to Heather Burrows for helping us make sure we had insurance. We had everybody on board and then I wanna do a special shout out for a couple of your employees from facilities: Scott Miller and Robert Martinez, who was with us for the day and was so very, very, very helpful.

I just wanted to make sure that you realize that you've got some great staff. They're very accommodating, helped us through. We had over 400 people here to get training over the weekends so we were – it was very successful so thank you for that.

I also wanna thank the Department of Ed for allowing us to participate in the Orange County, Parent Support Service Fair that was on Friday. We were able to give some information out to our parents here in the county about special programs that we have here through PTA. So I wanna give them a shout out too for allowing us to participate in that.

And then I just wanna commend you on the big staple that you found for this LCAP and to – and to let you know that as parents we're involved in this program. We're involved in this process throughout the county and all of our districts are starting to do that and bring our parents in involved in the state holders for this.

And that we are advocating at the state level that we make this document something more easy to read for parents. Because as you can see if you give this to a parent, they are really not gonna read this at night.

It's not something that they wanna do on the beach and so we're trying to advocate so that this process is much easier for parents to become involved because we know how important it is for that to happen.

And when you give them a document like this, it – it's sometimes is hard for that, so I just wanted to give you those pieces of information and thank you guys.

Hammond: Thank you.

Lindholm: Thank you. Gloria Pruyne?

Lindholm: Do you wanna speak later?

Pruyne: Okay.

Lindholm: Okay. We'll hold you. David Whitley?

Whitley: Good morning board and superintendent. Congratulations to those who won reelection, divorce is a tough thing and we don't have to go through that right now so we get to come back and speak to the same faces each and every month.

I'm here because I received a flyer that – I don't mean to embarrass Robert Hammond bringing this up – this is not something I got from Robert Hammond but this it's a flyer that I – that I received from an individual that was essentially a campaign piece sent anonymously.

And what I wanna do is I wanna bring up the idea that we had a vote on taking an ethics class with this board and it talked about ethics and transparency and – and things like that. And I think that what we have going on here at the board is a – is an act of sabotage of other candidates.

Because it's being done transparently, there's no return address on the envelope. It's sent anonymously and it's – it's sent as just – as just a character assassination. It's meant to harm the candidate and to have those that surround that candidate, look at that candidate in a bad light.

When I received it, I looked at it and I started comparing a few things. One was the border and the drop shadow that was used and it – it looks very similar to the piece that was sent to – I think

it was sent to the OC liberal blog site that was later discovered to be as Mr. Boyd's document also sent anonymously to attack an individual that sits on this board.

I find it apprehensible and I – and I don't know what the board can do but I think that they should look into this and – and do something to try to redirect Mr. Boyd to do things that are in the best interest of the students – to do what's in the best interest of this board.

Because what I see happening is each resolution and each item that is brought up by Mr. Boyd is not to further the students of Orange County, but it's to embarrass others on this board. And I think it's – it's not helpful. So I would hope that the board, individually or collectively takes that action and that David Boyd would change his tactics. Thank you.

Lindholm: Thank you.

D. Boyd: May I make a comment?

Lindholm: Not agendized, but briefly.

D. Boyd: I received, I believe the same document in the mail and I believe Dr. Bedell received the **[inaudible]** same document in the mail. I don't know if any of the rest of you have but it makes little logical sense, if I was in the back of that, why would it wait to the last week before the election? It makes no sense whatsoever.

Lindholm: Okay, I – I appreciate your comments **[inaudible]** is not an agendized item, correct?

D. Boyd: Well we're not discussing it, I'm commenting on it.

Lindholm: Okay, I just wanna make sure.

D. Boyd: Okay.

Whitley: Sure to comment is okay but I think we should move on to the next item.

D. Boyd: Well I think – well I've been accused and if you have any evidence I – I would just love to see it. I can show you the letter that went to my house that I have – still have the envelope. Am I gonna send it to myself? Does that make a whole lotta sense? Maybe it does to you, but it certainly doesn't to me.

Lindholm: Thank you, Linda Cone?

Cone: Good morning board and congratulations to our three reelected board members. I'm speaking solely on the abstract here, but as a student of communication, I'm often amazed at how differently people see things.

Needless to say, I see things very differently right now but I'm gonna continue talking in the abstract. My subject is recall, may wonder why I'm talking about this but let me just continue.

Anyone can order this booklet from the Registrar of Voters. It's a very helpful pamphlet on recall – recalling a board that are – recalling any elected official.

And here's some things that you need to know about the recall process. First the recall process must be initiated by registered voters, eligible to vote on the officer they seek to recall. And it's important to know that the notice of intention must have the signatures of a minimum of ten proponents from that particular jurisdiction.

The actual recall itself must gain signatures of 10 percent of registered voters in the jurisdiction any larger than 100 thousand. Let's take a hypothetical board member district – just a hypothetical here. 300 thousand registered voters, the minimum requirement would be 30 thousand signatures, but the registrar recommends strongly that there be a cushion of an additional 50 percent.

That means for the recall to be successful, it would require in a hypothetical district of 300 thousand people, signatures of registered voters of 45 thousand. That's a lot of registered voters. It's important also to know that only registered voters in the jurisdiction may circulate the petition.

And then finally and perhaps most importantly, there are absolutely no guidelines in this document providing irrational for recall; this is just my personal opinion from now on. I think the idea that I don't like the way that you vote, it's definitely not a basis for recall.

But here would be my consideration in order of importance. First and foremost the breaking of a law. Secondly, the creating of an environment of disruption, obstruction, anger on an ongoing basis. And third and finally, vilifying people rather than confronting ideas, character assassination may be one thing to consider here. So again, my comments are in the abstract. My time has elapsed, thank you for your attention.

Lindholm: Thank you. Catherine Weiss? Welcome.

Weiss: Thank you. I have a child that goes to a local public school. I have on my phone and my phone is jammed right now of Laura from the LGBT center in Santa Ana, who's offering 3 year olds, non-conforming **[inaudible]**.

When I was a kid, I played with Hot Wheels; I played **[inaudible]** football. Did not mean I was any kind of gender confusion, just meant I liked those sport. She's also offering big pharma for hormones, making it look like it's fabulous for these boys to engage in a love that could possibly kill them through AIDS.

And so what I would like to say is, Laura and Mr. Boyd thinks it's okay to ask a child what their – if they're transgender, if they're gay homosexual. But it's not okay to ask an adult on the board, that makes no sense to me.

And that's not even what happened. And if anyone wants to see these videos, I'll be happy to – there's a YouTube where that it's exposing Laura. A day after attending this meeting, she went

to another meeting and accused Robert Hammond of speaking hateful speech against transgender at the very school board meeting I was at.

She also – I have it on video also, turned around to the Santa Ana city board and called them, “You white people. I’m ashamed of you.” So someone that’s talking about being a bigot can dare go in front of city council and even call them a bigot or call them, “You white people.”

That’s how linguistic neuro programming works. I have this book on propaganda by – by Bernays who came up with, “Let’s make it look fabulous for women to smoke, let’s make it look beautiful.” Can anyone say Caitlin Jenner? This is how they packaged this transgender to us.

And what I’d like to say is this is **[iaudible]**. Helena Blavatsky is a luciferian; Alice Bailey was her student, also a luciferian who does all the printing for the United Nations. Last year was the – the Year of Light, okay, so notice the rainbow on the United Nations.

This is the Baphomet, it’s half male, half female. Female on top, male on the lower half and this is – this is the luciferian elite, the occult. I can speak about this; I was in practicing the occult until God scooped me up.

God had a plan for me and for our children and so I’m sorry Mr. Boyd but it’s not appropriate to ask kids and he can hail any part. The government schools can offer pharmaceuticals, they can offer transgender surgeries, but they cannot heal a heart. Only God can do that. This is Lady Gaga who sang, "Born This Way," at President Obama's 2103 – here she is doing the Satanic symbol.

N. Boyd: Your time is up.

Hammond: Your time is up.

Weiss: – up and down. Okay, so...

Lindholm: Thank you.

Weiss: I'll be back. Thank you.

Lindholm: Thank you.

D. Boyd: I am curious as to where you get the idea that I've ever made a public comment one way or another on the Healthy Kids survey. I will be speaking up later in this meeting but I have never...

Hammond: Sir, we cannot dialogue.

D. Boyd: For the record, I have never commented one way or another.

Lindholm: Susie Conn? Welcome. And that's our attorney with his phone on.

[Crosstalk]

Conn: Good day, board and congratulations on the elections. I need new shoes, thank you very much. I am going to read a little bit... Can I close this or...? Yes, no?

Lindholm: Sure.

Hammond: No.

N. Boyd: No.

Lindholm: Oh.

Conn: I'm short. Okay, I'm going to read a few things today from the California Healthy Kids survey. As many of you know, I'm a nurse. I know that, amongst all education and throughout, many people of you are familiar with Erick Erickson and I've talked about him before and his developmental stages. One thing that we forget, as we oversee children, is that these children are very impressionable and when you take young children – and they have curious minds – and you introduce things to them and it's not just, say vanilla ice cream and chocolate – they didn't know there were other flavors out there – you then get children involved in things that they did not consider as a possibility out there before. And when their minds are developing – and, in school, we should be teaching them reading, writing, literature, grammar – we should not be filling their heads with all of these other ideas.

So I'm going to read a few questions from the Healthy Kids survey that are out there and just remind you that the children are no longer sent home permission slips for these items to be involved in them. The parents have to know to opt out. It is only parents who are engaged and involved that realize they can opt out of these things. To which, then again, is not creating an atmosphere for the less advantaged kids – those parents do not realize this is going on. This is for fifth graders. Okay?

"Have you ever used an e-hookah or an e-cigarette or other vaping devices?" "Have you ever drunk beer, wine," – which isn't that an interesting way it's written – "or other alcohol?" "Have you ever sniffed something through your nose?" Let's give them that idea, right? "Have you ever smoked any marijuana, pot, grass, or weed?" "Have you been thinking of smoking cigarettes as bad for a person's health?" "Do you think drinking alcohol is bad for a person's health?" and then, "What do you think about marijuana?" And then it goes into some other things like, "Are

you left alone after school?" Then we get into the high school and we start asking them... The high school – no, this is actually ninth grade and we go into some of the same stuff again about the drugs but it gets more in-depth and talks more about... I lost my place, of course. But I encourage all of you to go pull this up and read it.

Oh, here we go. Okay, so, "A cigarette – have you ever taken one or two puffs? A whole cigarette? Smokeless tobacco? Dip, chew, snuff, a Red Man, Skoal, Beechnut?" – well we're giving out labels and brands – electronic cigarettes, vaping devices, hookahs, a full drink of alcohol such as a can of beer, a glass of wine, wine cooler, a shot of liquor, marijuana, pot, weed, grass, hash, bud, inhalants, things you sniff, puff, breathe, get high on, glue, paint –

[Crosstalk]

N. Boyd: Your time is up.

[Crosstalk]

Conn – aerosols, gasoline, etc. So these are things that we are creating as suggestions to our children and not allow our parents to realize that they need to have permission and they're having to opt out. Thank you.

Lindholm: Thank you. Gloria Pruyne, would you like to speak at this time? I also have three other speakers. Are you going to wait until another agenda item?

Pruyne: I'll wait.

Lindholm: Alright. Thank you. So we're going to hold that one. Nestor Modo Jr.? Welcome.

D. Boyd: I'm wondering, Mr. President, would it be appropriate to move Agenda Item No. 17 up consistent with when we did last month since, obviously, a lot of our...

Hammond: Yes.

D. Boyd: Our interest in the topic...

Lindholm: How's our time, sir? 10:35.

[Crosstalk]

Hammond: I think we have a time certain coming up here pretty quick. I mean...

[Crosstalk]

D. Boyd: It's your call.

[Crosstalk]

Hammond: Alright. You good?

Lindholm: Okay. Thank you. Welcome and now you can start.

Modo: Hi, my name is Nestor Modó Jr. I'm the vice-president of the Log Cabin Republicans of Orange County. As you may know, Log Cabin Republicans of Orange County is an organization of men and women working together to represent gay conservatives and allies in our country who support fairness, freedom, and equality for all Americans. I wish to take this opportunity to address the board's lack of action on a resolution presented by board member Boyd recognizing May 22nd, 2016 as Harvey Milk Day.

As a chartered organization of the California Republican Party, we believe the issue of recognizing the contributions made to our society by gays and lesbians is critical and non-partisan. As Log Cabin Republicans, we celebrate the contributions by all Californians who have worked to protect and advance acceptance of the gay and lesbian community.

As the first openly gay elected official in California, the late supervisor Harvey Milk played a critical role in helping to raise awareness of the LGBT community but advocated for acceptance not only in our government but in our workplace, our homes, and, yes, in our schools. Gay and lesbian youth are three to four times more likely to commit suicide when compared to their straight peers.

As elected leaders in the education community, we hope you understand the impact Supervisor Milk has had on the lives of Orange County students and their wellbeing. On behalf of the Log Cabin Republicans of Orange County, our members, and numerous allies, I am urging you to vote to support a resolution honoring May 22 as Harvey Milk day, this year and every year. Thank you.

Lindholm: Thank you. Kimberly O'Dell?

O'Dell: Good morning, everyone. My name is Kim O'Dell and I'm also a member of the Log Cabin Republicans of Orange County. My mother was born and raised in Saigon and it was there that she met my father, a Marine as he was on a tour of duty in Saigon. They met, they fell in

love, they married and my mother was able to come home with my dad. She was one of the lucky ones. My six aunts and uncles were not. They were forced to flee Saigon instead of living in repressed and Communist country. They then had to leave their homes, their friends, and their families.

Resolutions are important. They're important recognition of a person or community group's contributions to society. Your resolution in regards to Black April – which recognizes the fall of Saigon – honors people like my aunts and uncles. According to a May 11th Orange County Register article, Board Member Bedell said he wanted less Harvey Milk and a more generic resolution honoring human dignity. It also portrays the board as requesting a resolution that doesn't focus on Milk.

[Crosstalk]

Hammond: Hold on just a minute. I'm trying to tell your time. Was that only two minutes?

O'Dell: Yeah, that was never restarted.

Lindholm: It wasn't accurate.

Hammond: We're going to give you another minute so hold on just a second, please.

Lindholm: Can you just time one minute?

Hammond: Yeah. It's still going off.

Lindholm: Could you just do that?

[Crosstalk]

Lindholm: Yeah, just one minute. Thank you.

Hammond: Go ahead. Please continue.

O'Dell: Okay. He wanted less Harvey Milk and more generic resolution honoring human dignity. It also portrayed the board as requesting a resolution that doesn't focus on Milk but, instead, is inclusive and welcoming to all students regardless of race, ethnicity, and sexual orientation. When the board did the right thing by recognizing the significance of Black April, it did not say that it wanted a watered down resolution that honors all people who are forced to live under Communism. Nor did it ask for a generic resolution that honors the plight of all refugees.

Instead, the board recognized the specific trials of the Vietnamese refugees and the special meaning that Black April has to that community and to freedom-loving people everywhere. The Log Cabin Republicans believe the same to be true for Harvey Milk Day. In approving a resolution for Harvey Milk day, the Orange County Board of Education is stating that the contributions of Harvey Milk, as a veteran, as a small business owner, as a community volunteer and as a –

[Crosstalk]

N. Boyd: Your time is up.

O'Dell – defender of freedom and equality are worthy of praise and ought to be emulated. We urge you to reconsider a resolution in support of Harvey Milk Day. Thank you.

Lindholm: Thank you. Kevin Santa Maria? Welcome. And the last of our speakers on this item.

Santa Maria: Good morning board. My name is Kevin Santa Maria, and I'm also a member of Log Cabin Republicans of Orange County. And I'm here to express support of the resolution honoring the late supervisor, Harvey Milk.

Harvey Milk's contributions have not been lost on other elected officials and I'd like to share that briefly with this board. In 2008, governor Arnold Schwarzenegger posthumously inducted Harvey Milk in the California Hall of Fame.

1 year later, he signed SB 572 into law which established Harvey Milk Day as a day of special significance in California. In 2013, while chairman of the Orange County Board of Supervisors, Shawn Nelson authored a resolution proclaiming May 22nd as Harvey Milk Day.

The resolution was unanimously approved by the entire Board of Supervisors. The resolution is now included in the Orange County Board of Supervisors, and the **[inaudible]** resolutions list.

Meaning that Harvey Milk's contributions are recognized each and every year at Orange County. The board has proven to provide a copy of that resolution for your reference. On behalf of the Orange County Log of Cabin Republicans, I urge your support in recognizing the contributions of Harvey Milk and please do not deny the history of us and our involvement in this community. Thank you.

Lindholm: Thank you. To our clerk. Do we still have 30 – do we have any time left in our 30 minutes of public comment? We do? Okay. I have one more request to speak. Robert Schorr? Oh.

Robert Schorr: **[Inaudible]** speaking as well. Dr. Mijares and members of the Board. I'm a Pastor of a church here in Orange, into my foremost with falling is to just announce to every single person in this room their liberty for you.

They're as liberty promised to be set free from the trap of sin. Jesus Christ came to this world to set us free from that and that is for you. And I want you to know that.

That is what I preach, that is my main calling. And I have been set free from the trap of sin. I've seen my father set free from it. Not exactly the same sin that I'm addressing right now with – as of item number 17, but it does not matter.

And you can find liberty and freedom in Christ. I encourage you to go to the cross of Jesus Christ and take the work he did for you on that cross. But now, I wanna talk about the trap. This board is accountable to the families of Orange County for the protection of their children.

You're accountable not to Sacramento. Sacramento did not vote you in and neither did the Log Cabin club. This board is accountable to the families. This board is accountable to God. And I'll give you an opinion, that's not my opinion. It comes from the word of God.

And it says this, "Whoever causes even one of these little ones to stumble. It would be better for them if a millstone was hung around his neck and he was thrown into the sea." Those are the words of Jesus Christ.

I brought a book today; I was reading it out in the parking lot because I came at 9:00. And it's a wonderful book called, "The Winter Fortress" about the Nazi occupation of Norway and in spring of 1942, did you know that 500 teachers went on strike and refused to accommodate the Nazi regimes demands that they teach the New Order, the new Nazi order.

They went on strike, they were arrested. 500 of them, they were sent to a concentration camp with horrible conditions. They died in the concentration camps, in the labor camps and I want to know, why would people do this? Why would teachers do this?

There's only one reason. They care about children. They don't care about movements. They don't care about agendas. They don't care about philosophies or revolutions. They cared about the welfare of their children. This board is accountable to God and to the families of this county for the protection of the purity of our children and thank you for letting me speak.

Lindholm: Thank you. Mr. President that concludes public comments.

D. Boyd: If I can make a brief comment, if I may, less than a minute.

Lindholm: Well then everybody gets to.

D. Boyd: Okay fine. Well you know what? It's also on the record that the Nazis also exterminated gays. If you were found to be gay in Nazi Germany, it was a death warrant. Now, I was upset with Dr. Bedell at the last meeting because of his comment about –

Lindholm: This sounds rather political.

D. Boyd: No, no. This is [inaudible].

Lindholm: Your attorney, is this appropriate at this time?

D. Boyd: Well, it was written in the last [inaudible]

Lindholm: I just want to ask if this is appropriate of our attorney and then I am okay because then other Board members aren't gonna be allowed to speak.

Wenkart: Well, we're at public comments right now. So when we get to comments on the Harvey Milk resolution, those comments could be made at that time.

D. Boyd: Okay. But a lot of these people will be here and I think it's important that you hear what I have to say because I think Dr. Bedell's comments were taken out of context and it was unfair what was in the media that I didn't realize – I missed the first part of the last meeting and I didn't realize this Board had to sit through 45 minutes of character assassination that accused Mr. Milk with no documentation whatsoever of statutory rape. So I can understand – I have a better understanding now of why the Board took the action they did to defer it not knowing the background and not knowing that these allegations were false.

Lindholm: Mr. Chair, I suggest we go on to our agenda items.

Hammond: So then – we have a time certain at 10:45. We're a little bit early so we can't go to that but we --

Hammond: Take a break.

Williams: And consent calendar.

Hammond: We can look at consent calendar. That's only one. Consent calendar item No. 7. Chair seeks a motion.

Williams: Motion.

Bedell: Second.

Hammond: Moved in second about approving the diplomas as so listed. Any comment? Doctors?

Bedell: Consent.

(Inaudible): No comment.

Hammond: Consent, yeah. All in favor of approving the consent calendar signify by saying, "aye".

Several Ayes

Hammond: Motion passes 5-0.

Lindholm: I think we could take a 3-minute break and have staff allowed because they're gonna be using our PowerPoint.

Hammond: All right, then we're going to take a 3-minute –

Lindholm: Make sure that's working.

Hammond: I think we have, yeah three minutes. We have a time certain at 10:45 so this Board will recess for three minutes to prepare for 10:45 time certain. Orange County Board of Education is back in session. And with that, we have our time certain that's running now a little bit late. And so with that, I will turn this over Ms. Renee Hendrick.

Hammond: So Ms. Rene, take it away.

Hendrick: Thank you, President Hammond, members of the Board, Dr. Mijares. At this time, I'd like to open a public hearing for input into our 2016, 2017 budget for the Orange County Department of Education.

Lindholm: Mr. President, we do have 10 requests to speak on this. I --

N. Boyd: I'm sorry, that's with the LCAP.

Lindholm: Yes, okay. It's budget. Go ahead.

N. Boyd: Sorry.

Lindholm: Excuse me, we did have a hand. I'm sorry. Okay, then come on up. If you'll allow a request to speak or --

N. Boyd: We'll have them fill out a card.

Lindholm: Thank you.

Pollitt: My name is Tom Pollitt. I am a resident of Costa Mesa and my quick comment was, has this budget been looked at by the public? Has there been a public committee setup number that the cities in Orange County have subgroups, finance committees and things like that that look at such things before they come to the board and you get the approval of the finance committee over their endorsement of it? So I'm just curious if that's been done.

Hammond: All right. Thank you, Mr. Pollitt.

Hendrick: Hearing now the comments from the public. I'd like to close this public hearing at this time.

Hammond: Moving on to our next one. Mr. Dennis Roberson, good morning sir.

Roberson: Good morning. Thank you, President Hammond, members of the board and Superintendent Mijares. I'd like to open the public hearing for the Orange County Department of Education LCAP. And I'll call for any comments.

Lindholm: Yeah, Mr. President and board members we do have 10 requests to speak on the LCAP. I'm assuming that you would like to hear the LCAP presentation before you make a comment. Is that correct? Is there somebody you'd like to speak before the LCAP presentation?

N. Boyd: They had requested to speak before the LCAP presentation. I mean, when we do the cards we ask that question.

Lindholm: Would you please raise your hand if you'd like to speak before he does the LCAP presentation?

Bedell: They may not understand you.

Lindholm: Oh, do we need a translator?

N. Boyd: Yeah, we're translating. We're translating.

Lindholm: Okay, I'll wait.

Hammond: Hopefully, the presentation might answer a lot of the questions.

Lindholm: That's what I'm thinking. I'm thinking if you hear the presentation then your questions will be able to be directed more specially.

Hammond: Dr. Hittenberger, how long is your presentation roughly, sir?

Hittenberger: About half an hour.

Hammond: Okay.

Lindholm: All right. I'm not seeing anybody raise their hand at this time so I think what would be appropriate is to go ahead and give the 30-minute LCAP presentation. Oh, you would like to speak at this time before the presentation? May I have your name please?

Ramos: Agustin Ramos.

Lindholm: Agustin Ramos. Okay, I'll pull your card and then we'll keep the other nine for after the presentation. Thank you.

Ramos: Good morning to everyone. My name is Agustin Ramos. I'm here today to thank all the support that we have been receiving. My sons, Agustin and Manolo Ramos, 16 years old, they attend a program of ACCESS at the Harbor Learning Center in Fountain Valley. It's an honor to have been invited to be part of this meeting today. We appreciate deeply all the support that we have been receiving this school year to have all the necessary tools that are helping us help our kids. And we also understand our kids how can they be successful in their careers and how they can be successful in life. All the trainings have been very beneficial. All the workshops that we have been receiving like Positive Discipline I and II or the program how you can help raise your kids from Orange County and also the drugs and alcohol training that was provided by the police officer from Santa Ana. We also assisted to the cabinet conference. We recently also received a training about pathways to college and career. Please let's continue together. Let's continue working because our role like parents is not ending yet. We have to assume our responsibility and we have to support, motivate, guide. That is one of the reasons why we have to continue to improve ourselves. We have to educate ourselves. We have to actively participate in the school live work of our kids. It's also for that reason that we are here today to request more trainings or workshops for learning on music classes, lecture class where parents and child can participate and also motivational and self-esteem trainings.

N. Boyd Your time is up.

Lindholm: Yes. Thank you.

N. Boyd: Thank you.

Bedell: Thank you.

Robert: Thank you.

Lindholm: And just so you know, we don't have the applause because we have the speakers on all sorts of issue. So – but thank you very much. Good job. And that returns us to the LCAP presentation.

Lindholm: Were you gonna do public comments after the presentation?

Hammond: Good morning, Dr. Hittenberger

Hittenberger: Good morning, President Hammond, members of the board, Superintendent Mijares. I am pleased to present to you this morning the OCDE LCAP for 2016. You should have a copy in front of you and over the next few minutes I'll be walking you through some highlights of the plan to give you a sense of confidence that you are well versed in the content of the plan in anticipation of voting on the plan on June 22nd. Let me begin with some appreciations.

This plan is the product of much work by literally hundreds of people who have participated in the creation of a comprehensive plan and that includes many of the parents who are with us today – thank you so much for being here – many of our community partners who are also with us here today and we deeply appreciate your partnership. I want to also thank the incredible team we have in ACCESS. Some of our ACCESS team members are here today who contributed to this plan – and in special schools and programs, the fantastic team that contributed to the creation of this plan.

In particular, I want to thank the writing team that took the input from hundreds of parents and community members and over a thousand students who responded to surveys and put this plan on paper. It has been a tremendous team effort and we are grateful for that. I also want to thank out superintendent, Dr. Mijares, for his leadership in our service to students in ACCESS and special education. His vision set the tone for this plan. And finally, I want to thank you, our board members.

You play an absolutely vital role in the fulfillment of our mission to serve many of the students in the county who have the most significant needs so thank you for your support for that effort. I would like to ask you to open your LCAP plan to page three and we'll start our review of the plan there. This plan covers 2016 to 2019. It is a three-year plan. It also includes an annual review of data from 2015 and '16 and we'll call that to your attention as well.

Note on page three that there is a description of four kinds of programs that are described in this LCAP, first the ACCESS community school programs, most often short-term placements for students who are highly transient due to truancy, expulsion, drug use, gang affiliation, adjudication, teen pregnancy or teen parenting, homelessness, and foster youth placements. The second kind of programs are juvenile court school programs serving adjudicated youth in juvenile hall, probation camps, alternative means to confine with programs and social service emergency placements.

The first kind of program represented is the ACCESS Orange County Community Schools known as Community Home Education Program, CHEP, and Pacific Coast High School, PCHS. These are independent study programs supporting parents and students who want or need an alternative approach to a traditional brick and mortar school. And then fourth are special schools and programs serving students with severe physical and cognitive disabilities as well as students who are deaf and hard of hearing. I'd like to share with you some data about each of these four kinds of programs. You'll see them projected on the screen.

These are numbers collected on a single day in October. These are snapshots of enrollment and demographics for each of these four kinds of programs for 2015. It's important to note that we actually serve far more than this number of students over the course of the year because, as you know, a number of our students come to us, spend some time with us, and then return back to a school district. Some students come to us later than October. Those would not be reflected in these numbers. So – but this is a snapshot on a given day. For community home – community school programs on that day in October we had 2,576 students.

Eighty percent of them were eligible for free and reduced lunch, which you know means that they come from families with lower incomes. Twenty-nine percent of students in this program are English learners and 2 percent are foster students. In the juvenile court school programs we have 409 students as of that day, a hundred percent eligible for free and reduced lunch, 46 percent English learners, and 14 percent foster students. In our CHEP program and our Pacific Coast High School program we have 1,085 students, 22 percent of whom are eligible for free and reduced lunch, 5 percent English learners, and none of them at this – at that time were foster students. And finally, in our special schools and programs as of October 7th we had 404 students, 15 percent of whom were eligible for free and reduced lunch, 22 percent English learners, and 2 percent were foster students. That'll give you a sense of the demographics. We're going to be looking at a lot of data and some long descriptions, but it's important to remember that at its essence this is about individual students receiving the support that they need. This is an example of one of those students. Alandra is a student in our El Medina Center in Orange.

She has had the support of a transition specialist over the past year helping her prepare for graduation this year. She will be the first person in her family to graduate and her mom has a disability and Alandra has worked to support her family while she has also studied. She's also the first student from her family to go to college. She has already, with the help of our Access team, completed a year of studies at Santa Ana College in concurrent enrollment with her high school program. She wants to be a nurse. She's studying very hard. She represents what it is that our program is all about. This is Abby. Abby is in our special schools and programs. She is at the transition program, adult transition program at Golden West College.

Abby has overcome incredible odds to get where she is today. I won't go into the details, but today she is thriving. She's getting ready to complete our program and she will be transitioning to a supported employment program. She spoke to our staff a couple of months ago and had an incredible impact as she and her mom described the story of how she has progressed with the support of our team over the past year. So we keep in mind Alandra and Abby as we plow through a very dense document, understanding that ultimately this is about them and students like them.

On page four of your document there is a paragraph, paragraph three, that starts with for county offices of education pursuant to education code section 52066 the LCAP must describe for each county office of education operated school and program goals and specific actions to achieve those goals for all peoples and each sub group of peoples, including peoples with disabilities, who are funded through the county office of education local control funding formula as identified in Ed code section 2574, peoples attending juvenile court schools on probation or parole or mandatorily expelled. You have the Ed code foundations for our county office LCAP here. So our county office LCAP must respond to State LCAP priorities. We reviewed these in the past.

I won't spend a huge amount of time on them, but they fall into three major categories: Engagement, conditions of learning, and pupil outcomes. The idea is if we get the conditions of learning right and we engage students' families and community members and our staff and team pupil outcomes will improve. That's where we're headed. To go into more specifics, you can see on page five a list of the particular priorities under each of those three major categories. You've

seen these before so I won't go into each one, but you have them described there on page five. You see those are the ones for A. These are for priority – category B and then for C, parent involvement, pupil engagement, and school climate. We referred earlier to Ed code section 52066.

On or before July 1st, 2014 and each year subsequently each county superintendent of schools shall develop and present to the county board of education for adoption a local control and accountability plan using a template adopted by the State board. The template that we use in this document is not one that we created, but one created by the State board that we then use according to Ed code. So what is the role of the county board of education in the OCDE LCAP? The county board receives the OCDE LCAP plan developed and presented by the county superintendent of schools prior to July 1st each year, votes to adopt the OCDE LCAP plan before July 1st and then once the county office LCAP is adopted by the county board is goes to the California Department of Education for approval by the State superintendent of public instruction provided me – provided it meets the criteria established in Ed code. This is the logic of the LCAP process starting in – with the green circle. It begins with stakeholder engagement. We have dozens of meetings with parents, family members, and community members to get input on the needs of their students and their desires and then those, in turn, are the foundation that allows us to establish goals. Those goals then, to be achieved we have to define strategies and actions and determine the amount of funding that'll be necessary for each of those strategies and actions.

And once implemented then we measure their effect and look at the achievement levels and that be – leads us to a new cycle annually of then inviting stakeholders to engage with this, review the outcomes, review the goals, look again at strategies and actions, make adjustments where necessary to funding, and then this cycle is an annual one. We have input from OCDE staff, from parent advisory committees, from regional parent outreach meetings, English learner parent advisory committees, OCDE student surveys, and many other surveys. All of these inform the development of the plan and these are the kinds of comments that come out. Pages six through 14 in your document have a comprehensive description of the feedback that we received out of those meetings. These are just sample kinds of comments that come out of those meetings.

Provide more computers and devices for students to use. Improve communication with parents about student progress. Improve Internet connectivity for students outside of school. Help students with transportation to school with bus passes. Provide programs and courses to prepare students for college and careers. These are the kinds of comments that then get translated into actions and services in the plan. So what are the goals established out of all that stakeholder feedback for Orange County Department of Ed? There are three, three major goal areas: Effective use of technology, parent and stakeholder engagement, college career and life readiness. And we'll walk briefly through each of these three goals. Goal A – and you can find this on page 18 of your document.

I'm going to walk you through what's on page 18 to give you a feel for that template and how you can review the actions and services that are described in the document. Goal A, you will see at the top of page 18. Increase the effective use of technology for teaching and learning to promote 21st-century skills. Now, this template can be hard to read as one of our speakers

already mentioned today, but there is actually a logic to this template. If you understand the logic of the template it makes it much more readable, albeit very long. You have – first of all, you establish the need. What is the need that we’re trying to address? And you’ll see there’s a section on page 18 there on your template that says identified need. What should we achieve to meet that need? And that is the goal, which you see at the top of the page. And then actions.

What actions and services will enable us to achieve that goal? And you can see that there is a column on the left-hand bottom two thirds of the page that says actions and services and then lists a whole bunch of actions and services related to that goal. Then you have pupils. Who needs these services? Who are the pupils to be served? On the right-hand side of that bottom two thirds of that page the pupils to be served – and you can check off is this relevant to all pupils or specifically to low income pupils or to English learners or to foster youth or to re-designated fluent English proficient students or other sub groups that you can specify? And then what will it cost? What are the costs? You can see the budgeted expenditures column on the far right-hand side of that page and you have a cost estimate for each of the actions and services described.

And then finally, how will we measure the outcomes? And you will see a section that says expected annual measurable outcomes. This gives us a sense of the target that we’re trying to hit. So that is the logic of the template page. So for goal A let me talk for – about a couple of outcomes. We can’t do this comprehensively, but in our annual update, which starts later in the document, you have data from 2015 and ’16 because these were our goals last year as well and we’re making progress toward achieving them and the annual update tells what kind of progress we have made in the past year. In 2015 and ’16, 2,298 technology devices were purchased and deployed in our programs are laptops, Chromebook, iPads. A host of devices that then students and teachers can use to improve their learning by utilizing technology. One of the goals we have is to reduce the device to student ratio in each of our programs that is more devices available and – so that students individually have access to them and not just as part of a larger group. So here’s the progress in one year on device to student ratio. Community schools 2014-2015, we had one device per six students. In 2015-2016, that ratio has improved to one device for every two students. For juvenile court schools, we had one device for every three students. In 2015-2016, we’re now at one device per student.

And for CHEP and PCHS, we had one device for 11 students in 2014 and 2015. We are now to one device per three students. So that investment in these devices has made technology much more accessible to our students across these programs. Take a minute to look at these. This takes a little bit more reflection. There is a question here that was on the student survey. And you’ll know that the bottom right hand part of this slide, there were 1,052 student responses to this survey so this draws on a large number of students’ experience. “How often is technology used in the classroom for instruction?” That’s the question they’re responding to. You’ll see there three categories of possible response on this bar graph.

On the far left, we use technology “Daily or two to three times a week”. In the middle, “Less frequently; two to three times a month.” On the right, “Seldom or Never”. The lighter color is 2014-2015, the darker color is 2015-2016. So take a moment and reflect on this and say are we making progress on the use of technology in the classroom for instruction. I’d like to highlight this “Daily to two to three times a week”. In 2014-2015, students responded that they were using

technology in the classroom for instruction. 25.7 percent said “Daily or two to three times a week”; the most frequent option. In 2015-2016, that percentage has gone up to 58.9 percent.

In one year, that’s a rather dramatic increase in the number of students who are saying that they are using technology for instruction in their classroom daily to two to three times a week. Now, that doesn’t mean we have arrived. If you look on the right hand side, Seldom or Never, it was 54.6 last year that said Seldom or Never using technology for instruction. This year, it’s down to 34 percent but that’s still 34 percent who are saying we seldom or never use technology for instruction in our classroom that’s why goal A is still relevant and we are still pursuing it.

So what are the actions and services for 2016, 2017 and beyond in order to achieve goal A? Look on page 18. I’m gonna ask you to look at the second action and service. That’s what’s described here. And just to give you an example, it says, “Continue to support technology devices and network infrastructure to meet device to student ratio. Listed the expected annual measureable incomes.” So we need to continue to support technology. You can’t just purchase it and let it sit there. It has to be constantly supported so that it gets translated into instructional practices that are effective for teaching.

And if you move right word across that page, you’ll see that this goal applies to all pupils and the estimated cost is \$50,000.00 for supporting the technology devices and network infrastructure. That will give you a sense. Now, you’ll have time in the next week or two to go to the level of detail you’d like into the action and services but this gives you a feel for how this is laid out. Let me give you one that’s pertinent specifically to our special schools and programs on page 23. You will see the very first item. It says, “Continue unique learning system and news to you and explore additional supplemental software programs and curricular and online resources for incorporating the 5 C’s which is Communication, Collaboration, Critical thinking, Creativity and Character into student activities.” This ULS and News-2-You are technology resources for students with special needs. They’re being employed across our special schools –

And so this goal has to do with continuing to implement those technology supports and exploring additional ones to serve our students with special needs.

This one also on page 23, the last item has to do with the implementation of GradPoint online curriculum so that our students have access in addition to face-to-face instruction, to online courses, implementing this GradPoint system of online curriculum is another part of our plan for Goal A. So that gives you a feel of the structure. I will go into less detail on Goals B and C but you get a sense of how the template is laid out.

Goal B starts on page 28. It has to do with increasing parent and stakeholder engagement as well as collaboration to support student learning. This picture you might recall is from our summer at the center partnership with Segerstrom Center, an extraordinary opportunity for our students to go spend two weeks with arts professionals and come out doing a program at the end of that two weeks and this is what they’re doing there.

These partnerships with our stakeholders are critical to our student learning and as well as parent engagement and that’s what Goal B is about.

Briefly, outcomes from 2015, '16, a hundred and sixty-three parent events have been held throughout Access and special schools and programs. Our parent who spoke earlier referred to some of those and his appreciation for those. These are rich opportunities for parents to engage with their students' education.

This is another outcome related to Goal B, 81 percent of our special schools and programs completers have been placed in post-secondary adult work or learning settings. That is, when our students finish with us from special schools and programs we don't want them to then just go home and have nothing as a next step. And so we are measuring what percentage of our students are we able to place in adult programs, which are continuing learning or supported employed, and right now that percentage is 81 percent.

We feel good about that but it's still one of the things that we want to increase to the point that we're at a hundred percent.

So here is another chart to kind of measure. This one asked a question of our own instructional staff, "What evidence do you see of increase in parent participation in the education process? Are you seeing more evidence of parent participation in our students' education process or not?" Again, the light color is 2014, '15. The dark color is 2015, '16.

Let me highlight the answer that we want to go to, which is clear evidence of increase in parent participation. That went from 21 percent in 2014, '15 to 32.6 percent in 2015, '16. That is a great increase but you'll see on the right-hand side that we still have 32 percent of our instructional staff saying there is – they have seen no evidence of an increase in parent participation.

So Goal B is still a very relevant one for us because parent participation is so central to students' success.

So, actions and services for 2016, '17 and beyond. You'll see one of the – that very first goal there is, continue to offer parenting classes, workshops and training to encourage parent participation in the educational process. And then you have many other actions and services for Goal B that follow that I will not go into in detail now.

If you'll turn to page 57 we have the third and final of our three major goals. This is Goal C: students will increase competencies that prepare them for success in college, career and life. You may recognize this as graduation at Sunburst, always an exciting event as all our graduations are.

Some outcomes from '15, '16. Seventy-two college tours have taken place in '15, '16 and two with 211 students participating. Our dropout rate has decreased to 6.91 percent. This is a question that was put to parents and the item was, "My child is being prepared for college, career and/or life."

We would like them to agree or strongly agree, and you can see the lighter color is at '14, '15. The darker color is '15, '16 and we see a definite increase in the percentage of parents who are saying, "This program is preparing my child for college, career and life." That's the direction we want that to go.

Now the reason for the surveys and the data is not simply to congratulate ourselves. We want to find things in it that suggest to us what we could do better, and this slide sort of got my attention because this is part of the student survey. We asked a similar question, "My school prepares students for future college or career tracks," and the number actually went down from '14, '15 to '15, '16 with students.

So it poses an interesting question for our team to consider. How is it that our parents have a sense that we're improving the level of preparation of students for college, career and life and yet our students when asked this year had a lower percentage saying, "I feel like I'm being prepared." That is exactly the kind of question that we want to come out of these surveys and discussions because it goes back to strategies and actions, what can we do more effectively?

Let me give you a sense of how we respond to that than in the plan. We will provide funding for four college and career counselors to support students as they prepare for post-secondary pathways. We have transition specialists. We have people who are working students, but we're gonna invest more in that. We see it as a critical need.

And let me give you one other example of the kind of thing that we're doing in response to that need. This is career success week. These students are participating in a program at Working Wardrobes and this is when they arrived, and this is after their appointments with Working Wardrobes. Again, before, after. It's a good look on them, isn't it?

So this is why we talk so much about partnerships and community partnerships, because we have incredible partners out there who have specialties that can work with our teams and equip students to go from the point where they are, which is sort of uncertain high school student, "Who knows what I'm gonna do with the rest of my life. I don't even know if I could go into an interview." To this, where they're ready to go and it's sort of emblematic in a way of what we're trying to accomplish through the entire program, moving toward college, career and life success.

And it's that personal attention that both we and our teams and the parents and all of our stakeholders give to our students that allow them to make the progress that is described here in our annual review. That annual review starts on page 91. I'm not going to go into it. I've already talked about some of the outcomes. You can see those in detail.

And then the appendices start on page 132. Those appendices are really interesting to peruse partly because you have the survey results there and there are lots of interesting responses, there's lots of interesting data which our teams have gone through as a part of creating this plan.

Finally let me mention, when we came last year you said, "Can you give us an executive summary?" This is the executive summary. We're happy to be able to provide you with it. We did wanna walk you through the plan because we know you're going to be taking the time to

look at the full plan in preparation for voting on it on June 22nd, but we are gonna provide you today with an executive summary that kinda gives the high-level look at the LCAP planned for this year.

Next steps in timeline to conclude, the adoption of the OCDE LCAP by the Orange County Board of Education, that meeting's taking place June 22nd. The OCDE LCAP is submitted to the California Department of Education by July 1st, and then the State Superintendent of Public Instruction can cruise the OCDE LCAP provided the plan meets the criteria by October 8th.

So thank you for the opportunity to share this plan with you. Again, thank you so much to everybody who was a part of creating this plan, gave input on it, and now Renee is going to come. Oh, we're gonna go back to the public comments.

Roberson: Thank you, Jeff. Next we have members of the board, Superintendent Mijares. We'd like to continue the public hearing and any comments or –?

Hammond: All right. Well, by the way Dennis thank you very much. Dr. Hittenberger, thank you and I know you didn't do that all on your own. So please, kudos to your entire staff again. So with that madam vice-president, why don't you go ahead and call up the people that like to come speak on this subject?

Lindholm: Thank you. We have ten requests to speak on this. You will be timed. You have up to three minutes to speak. We'd love to hear it and I'll be calling the names. Ken Santini, welcome.

Hittenberger: This may have been mentioned in past but I would like to point out that the entire LCAP is on our website. So anybody who wishes to review it, I might suggest that if they could put the executive summary out as well.

Linda: If I can say something. Thank you, Dr. Hittenberger for the executive summary. We will be reading it. But I think it's really useful to everybody. Thank you so much.

Santini: Good morning. Ken Santini. Deputy Director with the Children and Family Services Division of the Social Services Agency. I just want to mention that the Social Service Agency Children and Family Services Division are proud of the partnership of the Orange County Department of Education. It's been great for both agencies to have our foster youth services collocated within one of Family Service's offices. The collaboration with the OCDE ACCESS and special schools and the local school districts had made a significant difference from supporting the academic outcomes for foster youth. Children and Family services would like to thank the Board of Education and the Orange County Department of Education for continuing to make foster youth a priority in the proposed LCAP and we're excited to continue to work together and meeting the educational needs of foster youth in Orange County. Thank you.

Lindholm: Thank you. Patti Sanchez. Welcome. Come on up.

Sanchez: Thank you for inviting me. I'm Patti Sanchez. I'm a deputy district attorney. I work in Orange County and I am thrilled to be working in the truancy reduction program. Can I have these last two minutes because I don't know any lawyer that can only – I'm just kidding, only speak for the [inaudible]? So when I speak to parents throughout the county, I speak to them and give them ideas about what we can do to make sure our kids graduate from high school and I remind parents, "Can you imagine what Orange County would look like if we had a hundred percent graduation rate? What would we look like?" So I want to remind parents that that's our goal.

While I work in the truancy court unit in the court system, we partner with ACCESS and ACCESS is wonderful because they invite me to speak to their parents, parents that are new to ACCESS, parents who are getting started in the program. I also have noticed that over the last year we have an increase of students being forwarded to probation and the truancy reduction program. Well our goal is to keep them out of the court system. We know that there's a large portion of kids that just don't get it and aren't ready to wake up and take advantage of the school situation or they don't have parent support.

So when our kids get to court, our goal is to hopefully dismiss their case because they're back on track and we've given them some services. So when we meet these kids, we're always gonna ask them what we can do to help, what's going on to keep you out of going to school and how can we fix it, what services can we provide for you. And our goal is to make sure that our kids are in fact successful. So while some people say court, oh that's just a horrible thing. In the end, we see lots and lots of successes. So we're glad to be partnering with ACCESS and we're glad that there's an increase in ACCESS.

I also want to talk about somewhere in the center. We see the kids in our courtroom and they are – some of them are depressed and they have anxiety and they're homeless and they just don't have hope. And if our kids don't have hope, I don't see that they're gonna make a fabulous future. So we got to provide them hope. We have this fabulous partner, Sidra Gaines, who's an ACCESS employee that's working – you all have allowed her to work with us in our court system. She has this way of sucking these kids in and convincing them that this Summer at the Center program is magical. They go. Many of them go screaming and kicking. And once they get there, their lives have been changed and it's amazing.

We've seen our kids be successful in that program. What it gives them is a glimmer of hope, plus what you talked about now, that was engagement. If a kid is not willing to engage, then how are gonna catch them? How are we gonna keep them from falling? So we also talk about that it takes one caring, trusted, bonded relationship with somebody in their lives to make sure that they can be successful. So as we go – oh my goodness. So I want to end with a fabulous speaker at Sunburst. Dr. Hittenberger. You told us those kids that graduated, you said that the greeting in Haiti was, "I'm on fire," right? So I can see and I can tell you that with the participation of ACCESS, we're all on fire. So thank you.

Lindholm: Thank you. Andrea Carpena. Welcome.

Carpena: Good morning, everybody. My name is Andrea Carpena. I am the Client Services Coordinator for a non-profit organization called Working Wardrobes and we're actually just around the corner from you, very close. This year we have the pleasure of partnering with the ACCESS team to put together and help them put together the Career Readiness Week or Career Success Week for the students. More specifically we actually got to bring them over to our center and have them put on the clothing that you saw in the photos and can I just tell you how grateful we are for that partnership and to be able to have that impact in the children and the kid's lives. This was all by the way under goal B of the LCAP stakeholder engagement and I think it's so important that there are a lot of community partnerships that are happening within the program.

But as we saw on the photos, yes we provided clothing for the students. But really what the clothing for the kids meant was a chance for them to see themselves and realize what potential they have and to see themselves in a job, to see themselves maybe attending college, job interviews, and really focus on their future. So we're just really excited for the partnership that happened and we look forward to being able to partner again the following years. Thank you.

Lindholm: Thank you.

D. Boyd: Thank you. I just want to know if I should send some of my staff members over to her.

Lindholm: Beatriz Mestas? Beatriz? No? Okay. Francisca Solorio. Welcome.

Interpreter: Good afternoon to everyone and all the Department of Education and members of the board. I would like to thank all of you for all the support that you have given to all the ACCESS schools, especially for the Harvard Learning Center. I would like you to continue your support with all these schools, for all the schools in ACCESS so they can bring more programs for parents. I am thankful for Omar. I'm so sorry. I'm very excited. I did not know how. I did not know how to apply for my son to go to college. I didn't have an idea. But thankful – that meeting that I went that Omar was there; he gave me a lot of ideas at how I could help my child and how I could apply so he could go to college. I thought that I was never going to have a chance to send him to college because I do not have the money or the funding. But thanks to that, to him, I know that there's a lot of help out there and that helps her students to go to college so they can continue their education, they can continue study.

Like Omar told us. The money is not an issue. It's not a problem. So our youth can continue with their education. I'm very happy that he went and he gave us this training and I still want them to continue with this type of training so all the parents, so we can support our kids in their education and we can also give them moral support. That's it. Thank you. Thank you to all.

Francesca: Thank you.

Lindholm Nelida Chavez? Nelida? Sorry if I didn't say that correctly. Welcome.

Hammond: How do you say it?

Chavez: Nelida Chavez.

Hammond: Okay.

Chavez: Hi. I'm actually a student at Harbor Learning Center. I've been with them for two years already. My mom has actually been there since 2011, since my brother went there first then I did. I started at a chartered Christian school first but I fell behind for my parents and they didn't provide any programs to catch up. So then I went to Harbor Learning Center since my mom already drove me like three miles away from my house and then still have to go back and drop off my brother. Well they provided me with a lot of programs. I had OP, professional design, childcare development, and sales and retails, and that helped me out to know where to get a job and how to do everything.

They actually also helped me out with my doc because I'm illegal. While they provided me – they actually gave me a scholarship so I didn't have to pay for any of that. I truly appreciate everything since I know it's hard. I also thank my mom for everything that she does for me and I think Amber Guadalupe and Mr. Breving. They know all my struggles and they never look at me any different and they just provide everything for us at the school. They also provide with clothing, with basics of medicine. Not medicine but like – I forgot what it's called. They provided a lot of programs for us. It's just so amazing what they do for us. They even provide like bus passes for us to get to school and it's all free. A lot of students don't know all the programs that we actually have and I honestly hope that they appreciate everything that they do for us. Thank you.

Lindholm: Thank you. Good job. Maria Vasquez. Welcome.

Interpreter: Good morning to all. I'm here because I would like to thank all of you for all the support and all the resources that our school had, for sending all the programs that are helping us. They teach us parents how can we help our kids is one of the best schools, ACCESS, that give opportunities that in other normal schools we don't have. Maybe our kids will not receive the same support and help that we receive in the ACCESS schools. For me, it's something very good because I had two of my kids in the schools. Thanks to the principal and to Lupita, to the counselor, for all the support that we have received. I would really request your support so the programs can continue in our schools. I feel very proud of being the mother of my daughter. I've seen all the struggles that she have been going through. That's it. Thank you so much.

Lindholm: Thank you. Thank you. Lorena Tagle. Welcome.

Tagle: Buenos Dias.

Interpreter: Good morning to everyone. The only thing I would like to add to thanks is for all the support that you've given our kids. I also would like to thank principally to the director, Mr. Burton, Amber, our counselor, Allupe, for all these unconditional support that they give our kids. And I would also like to request and I will continue to request classes, more classes. I would like to request each classes for parents that we can continue to support our kids and so they can see

that we also have interest in continuum learning and give them that example. Thank you. That's all. Thank you.

Lindholm: Thank you. Luis Santos. He's ready?

Hammond: Luis Santos?

Lindholm: Okay. Sometimes the board meetings run long. So sometimes we lose some people. Cindy Knight. Welcome.

Knight: Thank you for seeing me today, hearing me today. I'm Abby's mom. Her picture is out there. When I was asked to speak to you today, I really wasn't quite sure what to say. My initial thought was surely you know how incredible your programs and stuff are and the impact they make. But then I thought because I'm employed as part of the management team for a school district in Orange County, how often do I have the opportunity to hear about the great things students are achieving and my answer is rarely.

When we were referred to your program, I went to visit the classroom Abby would be placed and I was absolutely amazed because I witnessed students learning. I remember looking at the wall in awe because school work was being displayed. The year before, Abby only had done art projects in the school work. About a year after the transition, Abby received the diagnosis of bipolar and schizophrenia which is added to her already diagnosis of autism. With this came to how – I had to learn a new map of psychotic medications being introduced to mental health wards and the isolation from friends and family that I really don't understand. Throughout this time, your staff was always there, helping, guiding and advocating along with me for Abby.

While navigating this new world, Abby's behaviors became extremely violent. She became suicidal and homicidal. So our lives are a bit different than most. We don't have doors to our rooms in our home because Abby's ripped them off the hinges. Abby has broken my jaw and my ribs and even broken the handle off my car door. At one point I had to call 911 for 5150 psychiatric call and was actually yelled at by the police officers and they told me I was wasting their time and I needed parenting classes. During this extremely challenging time, the only support I received was from the staff that worked with Abby.

As we're coming to an end of this part of Abby's journey, sorry, it feels as though I'm losing part of my extended family. But I know without any reservation, Abby has achieved what I was told many times to be the absolute impossible. She is an adult that has been able to mainstream into a class with peers at Colton West College. She has realistic and achievable career and life goals and I'm confident that she rolled to the best of her ability be a productive member of our society. I know and critically that this would not have been true or come true if it were not for the dedication, hard work, and care given by her staff.

Board of trustees, Dr. Mijares, there aren't enough words to express my gratitude for the exceptional programs you've provided to my child and other children that are often times just tossed aside. I've said this many times before and words just don't seem like they're enough, but thank you.

Lindholm: Thank you. And that concludes our request to speak on the LCAP and I think you've also heard how great our staff is and how dedicated the parents are and how wonderful the students are. So turning it back over to you.

Roberson: Thank you. President Hammond, members of the board, Dr. Mijares, I'd like to close this public hearing.

Hammond: Staff questions. Dr. Bedell.

Dr. Bedell: Yes. Could somebody please tell me the word in Spanish for lucky? Suerte. **[Speaking Spanish]**

D. Boyd: Could we have a translator for that?

Dr. Bedell: Yes.

Hammond: Al? What did he say? You could tell.

Dr. Bedell: This to me has been – there's this expression called *verklemt*. I don't know how that translates into Spanish, but it means to be filled with emotion and proud and exuding pride, whatever. This is what this board is about. I mean we spent so many hours on so many things that are not related to our unique 7,000 children who have nobody else but this board and this department. I want to acknowledge the staff and acknowledge the parents. This is not easy. This is not easy to be here and to be in this setting. I am *verklemt* and I am totally proud to what this organization is doing for these people and their families.

It is a true blessing and I don't think we've spent enough time on that and I just want everybody to know that. Speaking for myself I am totally impressed with these parents. This is gutsy. Not speaking the language, taking time off from work, and showing thanks and that is one – pardon my French, one hell of a role model for the rest of the society. So blessings. Thank you.

Hammond: Mr. Boyd.

D. Boyd: I have some questions for our Jeff Hittenberger. You might not know this off the top of your head but what does it take a family, income wise, to qualify for reduced lunch?

Hittenberger: You are correct. I do not know that.

D. Boyd: Okay. We'll move on then. In examining stakeholders, have we given any thought or are we reaching out to employers as far as what their expectations are with respect to our graduates?

Hittenberger: Yes. There is a collaborative work going on with employers. We have our programs are part of this larger effort, OC Pathways, that you have heard about before where we're trying to mobilize business partners around the county to collaborate with schools so that

there's a CMOS transition from education to the workforce which includes work-based learning experiences. For example Abby has had work-based learning experiences while she's been in high school. So that scenario. And I think one of our students also mentioned the program encoding and healthcare. So these are meant to be those kinds of transitional pathways that we work with employers so that our students can kind of have a CMOS transition in the workforce.

D. Boyd: Okay. And it's obvious we've made that standing progress in a really short period of time as far as internet access. That's something I hope that will continue or we can get to them one to one. Do we have any feeling as to what percentage of our students has regular internet access at home?

Hittenberger: I don't know. Do we have a specific number on that, Rick?

N. Boyd: Rick.

Martin: Yes. In the survey results in the back, there was a question, how often do you have internet access at home from a parent's perspective as well as a student perspective. I actually can research and like actually give it to Dr. Hittenberger in terms of what page you would look it at. That actually was an exact question that we asked both students and parents.

D. Boyd: Okay. Thank you. Thank you very much. Have we done or do we plan to do any future, any tracking of graduates? I'm thinking that five years out, where are these folks? Certainly we've given them the foundation. What have they done with it?

Hittenberger: I know we do some tracking, the one metric that we mentioned earlier about –

D. Boyd: It is hard to find these people.

Hittenberger: What proportion go directly to a continuing education employment program after they complete ours. So we're kind of in the early stages of collecting data and that five years out, it's really difficult but you're absolutely right to the extent that we can maintain those connections to support people in the transition. We want to do that.

D. Boyd: You commented on the students, the decline in the student's perception with respect to employability. I wonder if that just has to do with the economy in general that they hear so much negative news about no jobs being available.

Hittenberger: It's possible.

D. Boyd: Again, thank you for the executive summary. I hope we can get that posted on the internet as well.

Hittenberger: Thank you.

D. Boyd: Once again, thank you and your staff. Wonderful.

Lindholm: Thank you. Dr. Bill gave major comments. My comment to you is you're all impressive, especially you're gonna be extraordinary. I'm gonna give you that word. Extraordinary. To our staff, would you mind standing up if you're part of the ACCESS program and give some accolades? Very good. You deserve another word and that's wow. Just a couple of quick questions I have. What is the total budget amount for the LCAP?

Hittenberger: What we have is separate budget.

N. Boyd: The LCAP is actually is how we – the whole budget, it's all built into our entire budget.

Lindholm: **[inaudible]**.

N. Boyd: So it's not specific.

Lindholm: So, teachers and every – okay.

N. Boyd: Yes. All that's in there.

Lindholm: Okay. I didn't – because I had seen 50,000 or 35,000, I was just curious.

It doesn't go to 200 million **[inaudible]**.

Lindholm: Wasn't quite sure. And then how does that the new charter school fit into this?

N. Boyd: I'm sorry?

Lindholm: How does the new charter school fit into this?

N. Boyd: It doesn't from the standpoint that they will develop their own LCAP. So this LCAP is exclusive to the ACCESS community and juvenile court and special schools population. And the charter will do their developed and has developed their own charter that – and charter entities actually submit their superintended so that the board doesn't take action on their charter.

Lindholm: Okay. Thank you. Then just informationally for you, this will be coming back to us. You don't need to come and speak on that one. We will be passing this June 22nd.

N. Boyd: June 22nd is when the board takes action along with the budget.

Lindholm: Other items. So with that, do you have any comments or would you like to?

D. Boyd: No, thank you, madam president, for recognizing the staff and of course it's always wonderful to have our parents and students come here and testify in behalf of their children and advocate for them. Dr. Bedell, thank you for your support in expressing.

Dr. Bedell: I apologize for my Spanish.

D. Boyd: No. Your Spanish was wonderful. Just lastly though, Bev Berryman, the PTA president for district four commented on the readiness of this document. That's why we have executive summaries that are much more consumable, usable for people. But I have to tell you that this is pursuant to law. The entire budget is in here, and metrics. The metrics that determine our success or not. And if we don't, I mean yes this is hard to take it to the beach and read it but the reality is that if you don't have it printed, then you're vulnerable in an audit. So we have to make sure that it's checked and balanced for us. We have to make sure that it's done right. Thank you, madam president.

D. Boyd: This is our third year on the LCAP, right?

Bedell: This is our third – yeah, I think it is.

D. Boyd: Has this document proven to be a –

N. Boyd: We're going into our third year.

D. Boyd: Going into our third, yeah, but this is the third time we've been presented with – anyway, we have the history.

Lindholm: We have a history.

D. Boyd: Has the document proven to be useful or is this another regulatory requirement that why we have to do whether we really want to or not?

N. Boyd: I would say that it's been useful.

D. Boyd: It's a good roadmap.

Mijares: Yeah, it is. I will also want to say that the state Board of Education is cognizant of the size of this, and is encouraging us to streamline it. They don't want a big heavy thing. So we are striking language where it's appropriate just to make it much more manageable.

Lindholm: Our superintendent sent a letter of how we can make this a little shorter in the documentation.

Mijares: We've been advised in a **[unintelligible]**.

Lindholm: Thank you. And there's some work endorsed.

Mijares: They do this into our account.

Lindholm: Right. There's some working groups right now that are looking at this with the state board and CDE, but the other fact that we should mention is that this office was recognized as having the number one county LCAP in the state last year. As you've all given accolades to the

staff and our partners and so forth that part of the reason why was because of the collaborative process that was used in this office that was not necessarily mirrored all over the state, but because it had student input, stakeholders, our parents too are actually in the program participating as well as our staff that they acknowledge that along with the detail and the document. Part of the challenge with the length of the document though is that because you're having to protect a new year, you can't delete the previous years.

So they're looking at that also in terms of how can we reduce when you're asking us to add another year on top of what we already have and that there's not a methodology for that reduction in terms of the document. So that's the other piece of it. Some of our parents may want to stay to hear the budget because it does relate and the budget and the LCAP are tied. So our Renee moves into doing the budget presentation.

Lindholm: We're scheduled to have the lunch break at 12. So I think we should go ahead and do that.

N. Boyd: And you're gonna take the budget presentation after lunch?

Lindholm: After, yes.

N. Boyd: You have a 12:30 time certain also for –

Lindholm: Understood. All right. So with that we're gonna take a lunch break and you get to go home with your beautiful families. Thank you very much. This is a lunch break. Then we'll do the –

Hammond: All right.

Hammond: Orange County Board of Education is back in session. With that, Ms. Renee. Take it away please.

Hendrick: I would need some to get my slide up here. All nine pages, I've got it. Okay.

Bedell: Are there people outside who want to hear this?

Hendrick: There we go.

Lindholm: The doors can be open for this one.

D.Boyd: Door can be open for this?

Hendrick: I think he's just trying because they're talking. So you have the entire budget packet and you also have the budget summary, the updated budget summary is in your packet. This is just gonna give you a couple of highlights so it won't take us too long to walk through that. But as you heard, the LCAP, a lot of the conversations and the needs that come into play with the

LCAP is really how we develop the budget and gives us a lot of our instructional guidance for the next year.

So with that, some of the goals and specific actions although some of them do have specific elements tied to them. The general overview of the program is in our salaries and our benefits and those types of services. Also in this proposed budget incorporate information from the governors May revise. Just a comment on that, that is not done yet because it's still going through legislative process. So there could be some changes between now and when the governor signs the budget also. So this, a couple days from school services. So it really talks about proposition 98 is still governing the level of funding. So the one thing to know here is that normally what's happened is the January governor's budget was one amount and then that we get higher in May. That's what's it's been for the last few years.

This year that was the opposite. Actually they lowered the amount the schools are gonna receive in May and that was because the state economy had actually decrease. So even though there's some one-time and ongoing revenues are going slightly for the forecast, it is signaling that we have a problem after 16-17. So the other change that we had is that the COLA that we are projecting at .47 which was in our last budget seminar I gave you, is now zero. That is based on the implicit price deflator for the state of California. So because that hadn't gone up, there's no COLA to schools.

So districts that receive LCFF many towards their target are still gonna receive more money. The difference is that the county office were already at our target. So we would only get money if there was COLA to the base. So for OCD's budget, more specifically now, you can say that we are projecting a decrease in LCFF of 6.9 million. A law that is no COLA to the base. We're already at our target funding. So there's \$90.00 there. Then we're projecting a 485 decline in average daily attendance. So that 6.7 million in your budget summary. You're gonna see actually a figure of 10 million something, and that's because part of it is under LCFF and you'll see another part under local revenue.

Our federal is decreasing by 9.6 million. A large portion of that is for MAA and that's because we are only counting that money as it comes in because there's been so many issues with the state and the federal government on how they account for that money. Most of that's passed through. But right now they're in a pass where they're back casting and redoing prior bills. So until we receive those dollars we won't actually show this income but we did receive funding for that last year. We also have Title One. So that is a federal grant. So with that we have what we called deferred revenue. So it's a little bit different. Normally we get the money in and we hold it in the ending balance. For deferred revenue you actually reduce your revenue in 15-16 and then you record it again in 16-17. So that's why it looks – increase for Title One. Then our early learning grant or Raise the Top as it was called, it actually ends June 30th. We will no longer have that grant.

State revenue increase by 7.9 million. So we had increases for the Career Pathways. That's about 5 million dollars. We have the new called Technical Education Incentive and that is a consortium with OCDE, Orange, Garden Grove, and Santa Ana. A lot of that money goes back out to the districts. Then if you remember Dr. Mijares last meeting talked about the new MTSS

grant. So that's included in this budget also. Then we included the governor's one time discretionary funding that he has proposed. As that goes through the legislative process, we're not really sure what that will look like, whether that will get – that's the part the legislature would like to see just kind of differently. So we have a decrease of 5.8 million because that was in 15-16. Then we're looking at new money of 1.6. So our local revenue, that's what you're seeing. We have increases for some rev –

Hendrick: Development workshops, items like that, but we're showing it at a 2.9 million decline because of our loss of students. This looks like our average daily attendance. So you can see going back to 2010-11, we are at 10,000 for '16. Our projection right now is at 6,308. If you remember from our last budget session, we actually were projecting about 200 and some ADA decline. We've increased that based on what we're seeing currently.

Looking at our expenditures, 74 percent of our budget goes to salaries and benefits and that's our direct services we're doing mostly for our students. You'll see books and supplies looks really large right now at 12 million dollars, and because that's where we're holding some of our items that will be spent. Services, that includes all of our operating services and also our lease agreements, capital outline 2.6 million and then other outgo is our tuition to other school districts. The salary and benefits, this is just a continuation that you see each time. You can see we've added some staff for 16-17. We still have quite a few vacant positions we haven't filled yet. So those will be new in 16-17. But again, it shows that employee benefits are increasing faster than our salaries are. A lot of it has to do with the pensions and also healthcare.

So to show you on the CalSTRS, we talked a little bit about this last time. So you can see this year we're moving to our employer rate going up to 12.5A. The other piece is the employee contribution has increased to 10.25. So it's going from 9.2 to 10.25. Then in their law, STRS now can increase this based on – they'll have this statutory and increase it past that 2019-20. Then for PERS, that increased. In the last budget, was 13.05. That's actually gone up to 13.88 now. Depending on when you started in schools, it's either 7 percent for the employee portion or 6 percent if you are a new member because they get a lower benefit. So this is just reminding you again of how much. So this year alone our increase in expenditures is 1.6 million due to the increase in PERS and STRS. Then that continues to go up significantly between and in the next few years.

We have a lot of one time projects for our student programs. So one of them – we're still in the process of having all that plan approved but the superintendent and we have live details in there. But the biggest piece is that it looks like it's gonna be 409 2000 for professional development. So when we talked about a lot of the devices, one of the things that became very clear is are we doing enough staff development to show the teachers how to use that instruction? And we feel that's an area we need to spend more resources. Then just a revamping of some of our textbook and instruction materials, a lot of those could be electronic. We talked about grad point and how that will be used for some of our instructional technology, then 1.8 million for technology and equipment.

So when we talked about the wireless issue, part of what's budgeted is called the Kajeet and that's like a hotspot for wireless so students can actually take those home and have wireless

connection. It's all filtered. So some of those are what's caught in that technology and the equipment budget. So when we look at the projected ending balance for 16-17, it looks like we're definitely spending by 13 million but a lot of that is one-time money that we've had from 14-15 and 15-16. But we're actually spending those dollars in this current year. We have to be very conscious. So that is an ongoing. So a lot of these things is why it's taken us a while to put our plan together because it should be one-time purposes and not ongoing expenditures. So that's why I've been really focused on making sure that that's meaningful expenditures that we won't be paying for our future years. Then that's just a reminder of our students at Sunburst.

Bedell: Yes, Renee. Thank you again for all this. Appreciate your being on top of it. I don't know. I don't know how to turn this off.

Hammond: Hit it hard.

Bedell: We've added charters, these charters that decline in ADA accounts for the increasing charters.

Hendrick: Well, the charter, we don't get funded for the charters.

Bedell: We don't get ADA for our charters?

Hendrick: No.

Bedell: Even our own charters.

Bedell: No.

Hendrick: We do for our own specific charter yes, and that is including that, yes.

Hammond: Any other? Mr. Boyd.

D. Boyd: On the topic of charters, with the number of charters we have now and we anticipate going forward, what's that done to our staffing requirements to monitor? We get one or one and a half percent of their ADA –

Hendrick: We get one percent of their LCFF revenue.

D. Boyd: Okay. Now, is that sufficient to cover the cost of for lack of a better term supervising, overseeing the operations at this part?

Hendrick: We're not sure yet. I can tell you it seems like it were when we had Samueli Academy. But now we're gonna have a bunch of new charters and Samueli had the ability to – if they had a problem with their finances, we could call them and they could get a quick fix to that. I'm not sure all the charters we've approved will have that same ability. So there'll be a lot more timing. So we've already increased staff but we're not sure that's sufficient to cover as many charters we have.

D. Boyd: Okay.

Williams: Quick question. So we're charging an administrative fee of 1.5?

Hendrick: One percent is the max that the state allows you to charge.

Williams: Okay. How did you know there was a max?

Hendrick: There is a max by the state –

Williams: So that's a legislative mandate?

Hendrick: It's a legislative max. So it's one percent or three percent if you provide the right facilities. Some districts do charge for other types of services also. We do charge them like for some of the payroll services if we're providing that, but that's separate from that one percent.

D. Boyd: And they can go anywhere they want as far as payroll?

Hendrick: Most of them do go to payroll processing places. They actually – the only thing that we're required to do is do the retirement reporting for them. They're paying for that if they're in **[inaudible]** first which a lot of them are choosing not to be.

Williams: I would hope that we would know at least an estimate of what the real cost are for administrative and for the charter schools. I suspect maybe a little bit more but it would be sure nice to know those numbers.

Hendrick: I mean I think that I could give you a total based on how many charters we have for the next meeting, yes. But we still haven't got in their budgets for next year and things like that. So it's a little bit difficult since our new.

Lindholm: Questions **[inaudible]**?

Hammond: Yes ma'am.

Lindholm: Thank you. And thank you. No I'm not done. Please. No you were extremely talented in this area. Great job. It looks like – can we have a copy of the PowerPoint because we've got the budget.

N. Boyd: It's in your packet.

Hendrick: It's in your packet.

N. Boyd: Your take-home packet.

Lindholm: Oh, so my take-home packet? Okay. So I do have it, right?

Hendrick: You have that and the budget summary.

D. Boyd: Could that also be placed on the website?

Hendrick: Yes. We normally do.

Lindholm: So if we go back to page – this is a deficit balanced but an unbalanced budget which we still – my fellow board members to – my time selective office I never passed a deficit spending budget except here. That's not true. Your fault but that's just something to be cognitive of. 13 million dollars is significant. Go ahead.

Hendrick: If you do look at 15-16, you see an excess of eight million.

Lindholm: 15-16.

Hendrick: '16. So in your budget packet it actually –

Lindholm: So eight is moving.

(inaudible): So we came in eight under.

Hendrick: We came in eight under. But a lot of that is because money was recognized for 15-16 but we're not actually spending until 16-17.

Lindholm: So it's really a five million dollar deficit budget?

Hendrick: In reality, it's really only about two million which will probably get better because the other, probably about three to four, is for one-time projects of money we received in 14-15 also.

(inaudible): So it's timing difference. It's between the fiscal year.

Hendrick: It's a timing difference because economy-wise, we have to account the cash when we receive it.

Lindholm: Gotcha.

Hendrick: But when we spend it it's different.

Lindholm: But the two million is gonna – going from 13 to 8 to 2 is gonna be coming off of our reserves.

Hendrick: The two million infrastructural – yes, at this point. We do think that number gets better as the year goes on because we have vacancies we won't fill right away and there are some other issues. But it also doesn't incorporate any salary enhancement.

Lindholm: When we're doing salary increases and I appreciate that we need to be doing that, but I think it should be very evident to a lot of people.

Lindholm: When you start borrowing from your reserve budget, that's kind of a slippery slope.

Hendrick: I agree. As our superintendent has reminded me numerous times also. It's very clear in his mind, that's part of our conversation, how you make it structurally sound without it being ongoing. So it's a very good point and one we have to keep in mind.

Lindholm: And you're very good at doing that. The other thing is that increased to 19 percent. That's just in the next four years?

Hendrick: Four years, yes.

Lindholm: So just for my fellow board members, we need to all be watching that. When you start – it's when you start going to take a loan out on your house to pay your current bills, that's something you need to be cautious. I know you do an excellent job on this and you will keep us informed.

Hammond: Any other questions? I'm sorry. Yes, ma'am. All right.

Lindholm: All right. Appeals.

Hammond: All right. Moving on. I guess Nina, are you ready for –

N. Boyd: Yes. She's gonna bring them in.

Hammond: Okay.

N. Boyd: We will make notes. This is a closed hearing. So that we need to clear the board room.

Hammond: Oh, all right. I'm sorry. Dr. [inaudible] we're waiting for him.

N. Boyd: No problem.

Hammond: All right. Here's –

Hammond: My back is killing me. All right. Orange County Board of Education is back in session and we are now gonna be taking our time certain of 1:30 at delayed hour of 2:42 it would appear. So with that, we'll call up on Ms. Ellin and Ms. Christine to give us the presentation about TUPE. So, welcome. You both do great jobs. Thank you.

Chariton: Thank you.

Olmstead: That's not ready.

Chariton: No, that's not ready. I'll let you handle that.

(inaudible): There you go. Just hit it hard.

Olmstead: All right. We're good.

Chariton: All right. Do we enter? President Hammond, board members and superintendent Mijares. Christine Olmstead and I have been asked to provide you an update of the TUPE, Tobacco Use Prevention Education Program administered by the Orange County Department of Education. We hope to provide you with the background to provide context about the TUPE program and the requirement for participating districts to administer the California Healthy Kids survey.

In 1988, California voters approved Prop 99 to increase the tax on each pack of cigarettes sold in the state by 25 cents per pack. The annual budget act appropriates funds from this tobacco surtax for several initiatives, including tobacco use prevention, education in schools, cessation programs for students, reinforcement activities, special community events, and tobacco intervention activities. The Tobacco Education Research and Oversight Committee or TEROC serves as the body responsible for providing oversight in leadership to all tobacco prevention initiatives in California, including the development of a state master plan to make recommendations to the legislature for improving the use of Prop 99 tobacco control efforts.

Recognizing that children and youth who smoke are more likely to be victims of violence, harassment, and consider suicide, as well as smoking contributes to other at risk behaviors in young people, the legislature has directed funding to the California Department of Education for tobacco use prevention education for school agencies or consortia that serves students in grades 6 through 12. The Orange County Department of Education has implemented tobacco education prevention initiatives for Orange County schools and communities since the early 1900s. Currently, OCDE receives a state allocation of 1.7 million dollars to period of July 1, 2014, through June 30th, 2017, to implement state projects. Again, this is state funding.

With these funds, the Orange County Department of Education has formed a consortium to provide economies of scale for implementation of the TUPE program in seven districts. These districts include our own access program, Fountain Valley school district, Huntington Beach City school district, Laguna Beach Unified school district, Ocean View school district, Saddleback Unified school district, and Westminster school district. Additionally, other districts are direct applicants for this allocation of funds. Again, ACCESS is receiving through this allocation, \$157,000.00 for the three year funding period.

The goals of TUPE are to promote opportunities for youth to make healthy tobacco-free choices through research-validated educational activities that build knowledge for themselves as well as social skills and developmental assets. TUPE encourages the involvement of the school, parents, and the community at large, to demonstrate concern for student health and as such to really encourage those students to make healthy choices in their lives and to succeed in school. Requirement key to receiving the TUPE funds is that the local educational agency is required to

have students participate in the California Healthy Kids survey. Christine will now provide you more detail on the California Healthy Kids survey.

Olmstead: So with the California Healthy Kids Survey the requirement under our State Department of Education is that the core module is given. And so the core module is supposed to be given to students in Grade 7, 9, and 11 and districts can request to have questions added from the various Healthy Kids Surveys that are available to be added to the core module, but no questions can be deleted because of norm referencing purposes.

There is an exception. The question about, “Which of the following best describes you.” It’s the last question on the test, can be removed at the district’s request. Survey results to the extent possible must be reported to the school site and student ethnicity is collected but no student identifiers whatsoever are collected.

And then the survey is to be administered in the first year the district receives TUPE funding as well as every other year thereafter. So it’s not every year that the district is administering the survey but by choice they can.

Within the core modules some demographic questions are asked. There are questions about resilience and youth development. There are questions about alcohol, tobacco and other drug use, and other attitudes and perceived norms. And there are questions about violence and safety.

So we wanted to tell you a little bit about how the results of the survey are used, and so one of the biggest things is that data shows that kids who are victims of violence, bullying, harassment, and also students who or children who consider suicide are more likely to smoke. And that’s based on relevant information and data that’s collected from the Healthy Kids Survey that they’ve been able to make that correlation and that’s through the Tobacco Education and Research Oversight Committee of California.

One of the things that’s been alarming that we’ve been seeing is a trend in e-cigarette use among youth, and it’s two to four times higher than traditional tobacco products. With that OCDE started the Not So Safe campaign in partnership with Orange County Healthcare Agency and the OC Sheriff’s Department to address the rise in e-cigarette use among youth in our county.

We are also seeing that local education agencies are incorporating the results of the survey into their Local Control Accountability Plans as an evidence-based metric to address state priorities around pupil engagement because the survey allows districts to assess the health risks specifically related to alcohol, tobacco and other drug use, school violence, physical health, resilience, and youth development in regards to school climate. And this survey allows schools and districts to monitor whether they are providing the critical developmental supports needed to promote healthy growth and learning, which is a requirement under LCAP.

So again the survey results are used by the Tobacco Education and Research Oversight Committee who administers the Prop 99 funds and provides recommendations to the legislature about tobacco use among youth as well as other entities. And so one of the things that’s been

done is that the TEROC has created a master plan for tobacco control, and so this is an infographic.

I know you can't see it. I think you have a copy in your take-home folders for you, but basically a report is done and they write a plan from 2015 to 2017 is the latest plan. And so this is the infographic that kind of shows you what the initiatives are based on the results of the data that's collected.

And so when we look at youth development, the Healthy Kids Survey has used to write the reports specific to youth development, and one of the things that it's showing is that 20 percent of middle schoolers who have tried e-cigarettes haven't tried a regular cigarette. But we have middle school kids trying e-cigarettes.

And then again to reinforce that, kids who are bullied and harassed are more likely to smoke, and so those questions about harassment and bullying can make that correlation as well. They make recommendations then, and one is to continue to build tobacco control programs in underserved communities, make sure that all schools are tobacco-free, and engage you and then combat tobacco industry marketing as youth-enticing products.

The other thing we look at is the influence, and so 90 percent of students surveyed can identify what an e-cigarette is. And so, one of the recommendations is to continue the education and prevention methods when it comes to tobacco use for our students.

And so to end we just wanna reiterate that one of the – just from the California Department of Education is that having tobacco-free schools is one of our nation's highest priority and we wanna invest in tobacco for youth with the TUPE funds. Thank you.

Hammond: All right, any questions Mr. Boyd?

D. Boyd: Would it be appropriate to ask questions now or do you wanna hold it 'til we get to 14, which sort of ties into this? It's the Healthy Kids.

Hammond: Yeah. We can go either way really, I just didn't – I thought you know what, since we have both of them up here right now do you have any questions directly for them?

D. Boyd: Yeah. I see from your example how the data is used in the broad sense but when a student completes one of these surveys and a question comes back or a question is answered in an alarming way, "Yes, I'm using drugs," let's say, is the parent notified of that?

Olmstead: No because it's anonymous.

D. Boyd: Okay, all right. Okay, so all we're doing is gathering data, you know we're not identifying any particular individual.

Female 1: Olmstead.

D. Boyd: Okay, all right. That's all I had.

Hammond: Vice President Lindholm?

Lindholm: Thank you. I'm trying to do some research on this. This is from Prop 99, which I do have in front of me. I do have the ballot that the proposition that the voters voted on. It is almost all specific to smoking and tobacco products.

The particular core module for the California Healthy Kids goes way beyond that. It asked a whole bunch of other questions that are not related at all to tobacco. So to me it doesn't make any sense. I'm not sure if the voters realized that they're getting – that their children are being asked questions that are totally irrelevant to tobacco use.

But beyond that there are 18 modules posted on the Orange County Department of Education website. With the –

Olmstead: With the Orange County Department of Education website or is it the Healthy Kids website? Because we –

[Crosstalk]

Lindholm: The California Healthy –

Olmstead: – it links out to the Healthy Kids Survey.

Lindholm: It links directly out?

Olmstead: To the Healthy Kids website, that website.

Lindholm: There are 18 modules on them.

Female 1: Correct.

Lindholm: Does that mean that any of these modules can be used by any of the districts or us?

Olmstead: Yes. They're available for schools to use. The requirement is to use the core module.

Lindholm: Okay, and I'm also hearing – I'm sorry this is not the tobacco use module, which if we could use a tobacco use module I would be very much in support of it because it makes a lot of sense coming from Prop 99, which is one of the modules.

You're saying that doesn't fit the state's requirement to have this survey?

Olmstead: Correct.

Lindholm: We can't switch to the tobacco module.

Olmstead: The requirements in accepting TUPE funds are that we give the core module.

Lindholm: Okay. But you can also take out some of the questions?

Olmstead: Only the one that's been in question.

Lindholm: Okay, on the website. On our website it says – let's see if I can find that. Allow schools to customize our surveys and focus on special topics by choosing from many existing items or creating new items of their own.

Olmstead: They can add to the core module if they'd like, from the other existing surveys of the 18 that you see there, or they can also give any of the 18 surveys if they want to use them to assess various aspects further on local education agency.

Lindholm: It doesn't say that you can't take off a question on here.

Olmstead: We confirmed with CDE and WestEd that for norm referencing purposes that you cannot change anything if you're giving the core module and receiving TUPE funds.

Lindholm: Okay and WestEd interestingly enough – if I researched this enough – is the same company that gets payment for the administration of this. Is that correct?

Olmstead: For the data analysis, correct.

Lindholm: So if you look at – if you're using any of the other modules or wanna change a question, it's about \$200 to change a question. But if you're using some of the others, some single page can cost a significant amount of money.

Olmstead: Outside of the core module, yes.

Lindholm: So how much is the Orange County Department of Education paying for this? I understand it's underwritten by the California Department of Education. Do we know what the cost is?

Olmstead: Ellin has those numbers?

Chariton: For this particular year and this is specific to ACCESS, only ACCESS, and for 1,100 students participating it was a cost of \$5,851.00 paid to WestEd on behalf of ACCESS. That's \$0.30 per student –

Chariton: \$50.00 for a school-level report and I believe we were getting three reports, and also the shipping and handling actually.

Lindholm: Could we – well, I'm gonna ask that later. Because there are 18 modules we could restrict this to us using only one. We don't have to use any of the other 17.

Chariton: We only use one.

Olmstead 2: We only use the core module.

Lindholm: Okay.

Olmstead: That is the requirement under TUPE.

Lindholm: Okay. Then back to my great colleague, Trustee Boyd.

D. Boyd: I'm concerned about some of the questions in here that a student reports that he's seen a weapon. He's carried a weapon, he's carried a knife, and this just goes in to the state of California and they keep data.

Bedell: In other words, there's no correct –

Lindholm: There's nobody to step up and say, "Oh my gosh, we need to help that child. We need to have counseling. We need to have counseling available," so I have a lot of trouble with this California Healthy Survey. I do like the tobacco module. I mean that makes a great deal of sense tied to Prop 99 but I would like to hear more about – there's a program called Text a Tip. That's an incredible program where if a child feels bullied, is threatened, they text a school resource officer immediately –

Olmstead: Most of our schools use it.

Lindholm: Most of our schools? I'm not even sure all the parents know about that sometimes, so I'm concerned about this survey on a whole bunch of levels and I was just sharing that with you and maybe with the parents.

They may not know all the questions they could ask. They may not know about the 18 modules, and some of the other modules are very, very interesting. If you haven't read those I suggest you do.

Olmstead: Most of our districts only give the core module.

N. Boyd: Christine, could you move over to the mic?

Olmstead: I'm sorry. Most of our districts only give the core module as required by accepting TUPE funds.

Lindholm: I'm going – I'm sorry to give – I sound like I'm asking you questions. I'm questioning this survey.

Olmstead: We understand.

Lindholm: It doesn't have anything to do with the presenters.

Olmstead: No, we understand. The survey was developed under contract with WestEd from California Department of Education as the governing body who distributes the TUPE funds.

Lindholm: Okay, and I guess my problem too as a taxpayer is that the party getting the money to administrate this is also the party giving it. I just have a lot of trouble as a taxpayer with this kind of protocol. You must give it. You must pay us to give it. You can't change us to give it, and then it's tied to the Prop 99 which the taxpayers voted for. So that's my comments on it.

Hammond: Dr. Bedell?

Bedell: Yes, thank you. Thank you again for a great presentation. I wonder if the information you gave us, which is from Ms. Boyd, gives us a background and in the fifth paragraph it says – again going back just to our kids, our 7,000 kids not the [inaudible] value of somewhere – “The CHKS is given to the ninth and eleventh graders only in our ACCESS program. Students are not required to answer all questions which is indicated on the survey questionnaire,” and so you follow the stated directions regarding notification of using a passive consent option, correct?

Now I go to this, the core module, and I go to the second paragraph and as I understand this for us, this is for our ninth and eleventh graders. They're gonna get a paragraph that says, “This asks you about behavior, experiences, attitudes, alcohol, tobacco, other drugs, bullying and violence,” and then it says – and this is bolded, and so is that bolded from the state or is that something we did?

Olmstead: State.

Bedell: The state bolds, “You do not have to answer these questions but your answers will be very helpful in improving school and health programs.” Okay, “Please do not,” – further down – “Please do not write your name on this form or the answer sheet. Do not identify yourself in any way.”

Okay, now I thought I heard earlier and again I may have misunderstood this, the day – and I wanna get sort of a derivative of Trustee Lindholm's comments. The data that these questions would generate could be used by the district in discussing something that they have to discuss in that school climate. Is that fair?

Olmstead: That is fair.

Bedell: So that will be a justification, whether we like it or not that will be one way that they could – one part of a data bit that they could use to describe climate. Is that 90 percent of the students have seen knives on campus, right? That kind of idea?

Olmstead: And that's how many of our districts are using beyond just giving the Healthy Kids Survey for TUPE purposes is sort of using it to address school climate in the LCAP.

Bedell: Now when somebody –

Hammond: Through the LCAP.

Bedell: Yeah, exactly. So when somebody wants – the district wants this money they must administer this survey.

Olmstead: The core module, yes.

Bedell: Yes. And so that's about \$700,000.00?

Olmstead: That's what we get, \$700,000.00?

Chariton 1: For the seven districts for a three-year period it's \$1.7 million.

Bedell: \$1.7 million for the three districts, okay. I know the state does not force you to participate in this program.

Olmstead: Yes, they do.

Chariton: As contingent for the funding we – those districts that are accepting the funding must participate in providing the core module every other year to their students.

Bedell: Every other year?

Chariton: Every other year.

Bedell: So if the district says, "We don't want this funding. We don't wanna take class time doing this," no penalty accrues to them?

Chariton: I need to defer to my colleague.

Olmstead: There is no penalty. There used to be a statewide requirement that we give the Healthy Kids Survey. That requirement was lifted and now it's highly encouraged, and that's why it's through funding given to districts to continue to offer the survey.

Bedell: And could you refresh my memory, how many districts do it?

Olmstead: Twenty – okay we have 28 districts; three don't so 25 of our 28 districts give the survey.

Bedell: Twenty-five of the 28.

Olmstead: Yes.

Bedell: Thank you very much. Very helpful.

Hammond: Dr. Williams.

Williams: Do we have any other results from these surveys for our kids?

Olmstead: Do we have results? We do.

Williams: Have you ever given to the board?

Olmstead: No. We haven't.

Williams: Yeah, I don't. I haven't seen it. The Healthy Kids Survey was something that was brought about I believe a couple years ago with Robert and I talking about it. Never really brought up. I think it's – we should. If we have the results of these surveys, I would be interested in it.

Olmstead: I can tell you that the results are available online.

Williams: Oh, they are?

Olmstead: Uh huh. Yup.

Williams: Oh, okay. So if I can get a link that would be of academic interest. So this is from – summing from the Prop 99 tobacco-use funds that was passed, what was it 15 years ago?

Olmstead: Correct.

Williams: Somewhere around there and it originally started out on the path that this is anti-tobacco education, anti-smoking, and then when did it take a path where it expanded into psychological-type questioning? Asking about attitudes and things like that. When did that turn come about?

Olmstead: So based on the original results of the survey, “In seeing an increase, are kids identifying violence and harassment and bullying?” they started to add in '99 further questions to assess school climate on there.

Williams: I could chop that end up. Who required that? Is this that the state Department of Education through regulation?

Olmstead: The state Department of Education through the Tobacco Research Oversight Committee that oversees Prop 99 made that recommendation to add additional questions to it.

Williams: So this research committee, the state research committee, is it appointed members or are they elected?

Olmstead: That would be a question I'd have to get back to you on.

Williams: Okay. And who comprises that? You know the reason why we ask is because as trustees unions have – teachers have their unions. Administrators have their association. What would the students have? Well, they have their parents and hopefully good trustees and board members who are intimately involved in what’s going on at in what’s being taught and what’s being asked within the classroom.

And the biggest complaint that I get from my constituents is that a lot of people don’t know about this survey. It’s an unknown entity and these are very, very invasive questions that are being asked, and it’s always about – and it should be about – parents being involved and consenting to these type of things.

In our program right now we have a passive consent which I’m against and I think we should have a consent where the parents say, “Aye,” and they know about what they’re consenting to, to begin with. And they’ll say, “Oh, I want my son to take this.”

A passive consent is difficult for parents to understand what’s being administered to and if you’re a seventh grade child, which is about 12 years of age and you’re being asked questions about whether you’d been in a car that has alcohol involved in, who drove it, now you’re really undermining and asking questions that really undermine the family. You know, mean rumors, questions of bullying. We’ve taken a very strong stand about anti-bullying. No matter where you come from in life that’s wrong.

But some of these questions are suspect for other agendas and other political end results, and some people would say it’s all about political correctness. So that is – you know, may get out. Those are questions that we’re gonna talk about under the item but those are concerns that I get from parents and maybe from this we can make more of a definite decision as a board whether or not we make this not so much about a passive consent but an active consent where parents have to – they know what they’re consenting to before their child takes this.

Because I know my child, if he was 12 years of age, he’s not ready for some of these questions. Have you taken OxyContin, Percodan, Ritalin, Adderall, Xanax? Very highly suggestive but oftentimes can lead to adolescent behaviors in these areas. So that’s the concern that I get and feedback I receive from my constituents.

Hammond: Anything else? Okay. Thank you for the presentation. You mentioned passive consent but let me back you up. You’re talking about consent in general and I know that the Ed Code of 51513 is highly specific about how to get the consent and I know that when you’re talking about passive consent – okay fine we’re talking about 51938 Charlie, fourth sentence, not to be specific – but I’m curious is that to have that passive consent, how is the department in complete compliance with the fourth sentence in which it lays out all four aspects to get that passive consent?

And the reason why I’m asking is that when I was out meeting with constituents over the last few years I’ve talked to people who have – they didn’t finish high school, to people who have doctorate degrees, and people gave me the deer in the headlight look saying like, “We had no

idea this is going on,” and yet I’m supposed to take comfort, and nothing against you all, but I’m supposed to take comfort that we know, “Well, we have this passive consent.”

So my thought is just that what do you have to show that we are in compliance? I say “we”, board and department. How are we in compliance with both 51513 and 51938 Charlie?

Olmstead: I’m gonna refer that to our lawyer.

Hammond: I was hoping to keep him out of this.

Olmstead: And the reason I will is we’re talking about our own ACCESS program that we oversee and the compliance we have to a hereto to that, so I’m gonna let Ron speak to that.

Hammond: Okay, and by the way Ron, I’m curious. Can we as a board go with a board policy to pushback on 51938 C to say instead of going with passive that we have to have active consent?

Wenkart: Well, my understanding of the consent is that it’s not passive. It’s active. It’s as the parent you give consent to the department administering surveys and they check yes or no.

Hammond: Is that presented into 51513?

Wenkart: Yes, so I think it complies with 51513, yeah I think we’re in compliance.

D. Boyd: If I can jump in I have a form before me and I share the same concerns as President Hammond. Hell has not frozen over.

Hammond: I’m ready to go home. Wow.

D. Boyd: Seriously, you’d be surprised. It may not be apparent but we agree on a lot of things. In reading the last part of 51513 and I underlined it, “And the parent and guardian of the pupil gives written permission for the student to take this test questionnaire or examination.”

It refers to a specific questionnaire. It doesn’t refer to – and what we have the parents sign under two different sections, one that talks about sex education and life skills. Okay, but when it talks about surveys it’s just, “I do, I do not give my child, myself to participate in opinionated surveys,” and I think we need to be a little bit more specific in that area.

Wenkart: Well you can always make it more specific. There’s always room for improvement but I do think it complies with the code section.

Hammond: Have you guys taken any type of a survey or I mean have you actually gone up to some of the parents and said, “Are you aware that we’re gonna even give this or we’re gonna offer this questionnaire?” because my thought is if you were to ask to parents, I’m gonna venture that the large proportion of them have no clue –

Hammond: That this questionnaire is being asked. I’m not a gambling man but I might be –

Wenkart: I don't know. All I can tell you is from my experience as a parent, I signed a lot of forms and if you would've asked me a week later what I signed I probably wouldn't remember all the forms I signed. You know because you end up when you have children in school you have a lot of forms that you sign so they may remember, they may not remember.

Hammond: My thought would be probably most would not. I just wanna make sure that we're not – I'd like to try and minimize any liability, let's just put it that way.

Wenkart: Well, I mean we can certainly take a look at the form and –

D. Boyd: What would the liability be if we were found to be out of compliance?

Wenkart: We would be ordered to improve the form.

D. Boyd: Okay but there's no monetary sanction?

Wenkart: No, no monetary sanction. We would if it, we were –

Hammond: We'd probably have to pay though for the attorney fees.

Wenkart: Well, I mean depending on if somebody sued us or if it came from the state, the state may say, "You need to improve your consent form."

Hammond: Well from –

Wenkart: So then we would improve the consent form.

Hammond: Then from your perspective counselor, could we as a board pass a board policy asking the superintendent and staff to make sure that we're not relying on 51938 C for passive and that we're dependent more upon 51513 to have the active consent? Is that – would that be out of line in your opinion?

Wenkart: Well I think it's mainly a county superintendent responsibility but I'm sure that the county superintendent would be very sensitive to the concerns of the board and I'm sure the staff would work with the county superintendent and the county board to make adjustments to that consent form. I'm sure we can –

Boyd: Could we dialogue on this in maybe 60 days from now? Come back with after you've had the time to reexamine the law, any case law in this area, and give us your opinion. I think yeah, we maybe in minimal compliance but I don't think it really goes to the heart of what this code section is intended to do.

Hammond: Also Ron – oh, maybe I'm not sure who I should direct this to so Al, forgive me.

Mijares: It's okay.

Hammond: When Prop 99 was passed I'm assuming that probably most people who voted for it was in regards to understanding the Healthy Kids and smoking and stuff like that, but it seems like the questionnaire has subsequently expanded.

My concern is, is there a statutory enforcement, or maybe a statutory allowance if you will, that has allowed this by law to expand? In other words, is this maybe just somebody administratively that decided to expand this without any type of statutory support?

Wenkart: We can check that.

Mijares: Actually that would be done by regulation.

Wenkart: Yeah that type of thing is usually done by regulation but also we have a contract with the state because we accepted these funds, and so as part of that contract, it requires us to administer the survey.

Hammond: But can they – well okay I understand it and contractually, but can they contractually expand if there's no, say, statute or even regulations that allows it to expand?

[Crosstalk]

Wenkart: Well the state has brought authority to offer us money on certain – you know, conditionally, and with strings attached and this string is that you administer this Healthy Kids Survey that's administered by WestEd. So, the core module, and so we accepted the funds and so we are contractually bound to administer the survey.

Now if we wanna modify the survey we need their permission. They have said that they would allow us to delete that last question but nothing else from the core module.

Hammond: But to me it's like okay, it seems like the **[inaudible]** if I understand what the Vice President was bringing on up and I think I'm in agreement with this, Prop 99 said we're gonna focus on smoking and the health, that aspect. Basically tobacco if you will, but now it's expanded and so my concern is if Prop 99 was narrowly construed to focus just on that, where is the authority to expand? I don't see that.

Wenkart: We can research that. We haven't researched it.

Hammond: And so if it has been expanded without proper authority then it sounds to me like the questionnaire in and of itself is out of compliance.

Wenkart: But we'd have to get a court to say that. I mean, we couldn't just say that on our own.

Mijares: Just I think you have to look at the origin of this. This was passed by the voters. Tobacco products were taxed. We get that revenue as an anti-tobacco effort in the public schools because unless you use your own unrestricted monies, you don't really have money to fight this.

Now I happen to serve with the Sheriff Hutchins on her Drug Use is Life Abuse Committee and first of all, kids who are in the fifth grade are much more savvy than we may think and there's been a resurgence of tobacco use with e-cigarettes. And the nicotine that is found in e-cigarettes varies from it being similar to a cigarette all the way to a greater level of potency.

And recognize it, nicotine is a drug and smoking is a symptom of some issue, emotional issue, that's going on in the life of a person that would force them to smoke a cigarette to calm down for example. So therein lies the gateway into anti-drugs in general.

Now the state superintendent who is elected appoints numerous committees for a variety of reasons and probably appointed a committee to look at this and create a metric to determine the effectiveness of it and that leads to the research. Otherwise you just have people out of the sky building frameworks of research, so WestEd is involved. The University of California is involved. Those are the bodies that created the research which led to the survey.

So if you – the simple answer is if you don't wanna do it just don't take the money. But if you don't take the money I can guarantee you, you will have anti-cigarette people, anti-tobacco people here next board meeting wanting to know, "Why? What are you doing?"

So you know there's always a cause and effect thing that goes on here and I like the idea of that particular questions because it seems to be offensive and I think that's the reason WestEd took it out as an outlier and allowed only for that modification to the survey.

What we are now doing is reaching out to our parents because while you and I are up here, none of us have children in ACCESS. So the people we saw today supporting the LCAP, those are the people that I think need to have a voice in this subject and we're now talking to them.

"What do you think of the survey?" I do believe it's our responsibility to assure that they understand the survey and I like that idea that we're talking about here in terms of the opt-in, so Mr. Wenkart can help advise us on that. We don't wanna be in a situation where we're in contra of the state and now they're not willing to fund us anymore because then the domino, that causes one effect leads to another.

I think what we wanna do is to really ascertain the position of our parents – the 7,000 kids who all have parents and if they don't have natural parents they have a foster parent – but they have a guardian, find out where they're on, on this subject and then we can make I think a much more intelligent decision as to what we do. But I think that – and I totally agree with what we are saying up here in terms of parental knowledge, parental involvement.

Absolutely, I raised five boys as you all know and I definitely wanna know what's being said in the public schools. All my kids went to public schools. I wanna know what they're getting in the public schools and every parent should wanna know that. So I think definitely we need to sharpen up the communication, really ascertain what do parents know, what do they now need to know.

But recognize that it really is a complicated matter in the sense that if you're gonna do research you put researchers in a room and they want cross-tabulations, they want correlational studies, they wanna find out everything that goes on and that's where you start getting into these areas of social and emotional development. So for us to just say, "We want to abolish the survey or annihilate it or cut it up," now you invalidate the survey as an instrument. You know this Dr. Bedell and we all know this.

So I think in short this is a great conversation and if you're okay Mr. President and I think Mr. Boyd your comment about coming back, we can come back with what we're finding out from our parents and our guardians of our students and maybe we ought to look at the elimination of that question that deals with gender, which is offensive to many people. And also we'll look at the notion of opting in and Ron you can give us the guidance –

Wenkart: Sure.

Mijares: – as to what the law says and what we can and cannot do.

Hammond: Mr. Superintendent, thank you very much but you said that the survey though, it is anonymous. Is it electronic or is it paper?

Olmstead: It can be given either way.

Hammond: And this data, where is it stored at?

Olmstead: I will need to get back to you on that one. I don't know if it's WestEd or CDE. I'd have to check with CDE.

Hammond: All right. I have other comments. Dr. Williams?

Williams: So it sounds like we're in agreement with a lot of things here which is really nice to see although I do believe that it's a far reach from the voters including a tax on tobacco to go as far as developing a social-emotional oriented survey that asks questions about that are not age-appropriate activities. It is appropriate but I think to ask about alcohol and cigarettes, that would be reasonable but they start getting into some of these other areas that are very highly controversial about the family dynamics, family relationships. I'd like to see our parents, those Access parents over here. Let's show them the survey and let's ask them. If you read this and you say okay, you will have your kids take the survey.

D. Boyd: Yeah, and that also leads into the LCAP. If we either have a problem, we don't have a problem.

Williams: That's it.

Hammond: All right. Do you have a question?

Lindholm: Yes, please. And thank you Mr. Superintendent. I think if we can go back to the original intent of what the voters voted for, I am supportive of having this brought back but that brings to – and I think as the trustee board has said, if these are – let’s say they are [inaudible] or whatever and they are sent to the State of California and then we get somebody who compiles results and then we get report, some of these questions tell me if I was a child and I said this, I want immediate help which is to your point of councilors – I would even add to this certain things like have you felt – if you’re gonna go down this track then it should be, “Have you been bullied one to three times this week?”

You need questions and you can develop questions that help the children and help them in a timely manner. And one of these questions says, “Have you been afraid of being beaten up?” Okay, that doesn’t have anything to do with tobacco. I think we’re pretty clear on that. But if somebody answers that, we need to be able to reach out to them quickly. The school needs to be able to – and that’s a concern of mine. I don’t want the children to say, “I answered these. I was afraid. I saw somebody carrying a gun, knife or other weapon and been threatened with harm and injury,” which again have nothing to do with tobacco but it’s putting that child at risk and he’s answered this and he gets no care. So I would like to add something like “Have you seen a counselor in the last semester? Is that more than 30 minutes? Are you –” I think we could do better. What I’m saying is, if we’re going to ask these questions, let’s do it better.

Mijares: Can I add a note in it?

Lindholm: Absolutely.

Mijares: It has to do with the notion of the survey. This is one survey which is administered statewide and archived perhaps WestEd and the Department of Ed and they’re looking at conditions that affect children and their reaction to them but schools have other climate service. They’re the multitude of service that schools will use in anti-bullying interventions. And those surveys give you what you’re talking about. So this isn’t the only survey that’s done, there are many other survey administered by schools; intermediate schools; high schools, particularly high schools. So I just want to make that point so we don’t think that this is one-all-be-all survey.

Christine [inaudible]?

N. Boyd: Some comments with regards to services because I think that’s the piece that has been left out in terms of what do we do once we receive the information?

Olmstead: Right. And so that’s one of the things you’ll see is even though – I hear what you’re saying in that. If somebody identifies yes, you want to intervene right away but like Dr. Mijares just said, schools have other ways of measuring at risk students and students who have concerns. One of the things that’s been done as a result of the Healthy Kids survey and we’re seeing it over and over in LCAP is that an increase in counseling services and counselors on campus for students. So we do see that as an effect not only just the Healthy Kids survey but the LCAP process as well. So, an increase in counselor and counseling services. So, when kids – they may say to their friend, “Hey, I saw a knife.” And then that Text-A-Tip or having a comfortable adult on campus that you can go to say something [inaudible]

Olmstead: If you say something, that's really entrenched in a lot of our schools. And so by having that environment at our school, we can see counseling services raising because of that. So not just because of this survey but other services that are provided.

Lindholm: And I can't agree with you more. I think counselors – teachers – they're absolutely fabulous and counselors can be saints and I think that they're very, very valuable. So – and for people who don't know about Text-A-Tip, can we get a presentation that takes like five minutes so I would ask that we do that and maybe find out how many schools have it? It's absolutely a great program for children in need right now.

Hammond: And we have that in our next board meeting.

Lindholm: Yeah, I think it'll only take about five minutes. And it's absolutely a fabulous program that helps children who might be suicidal, who feel they've been bullied. And it's just a really, really good program. So I would like to see us spend money on that.

D. Boyd: And to summarize if I may, Mr. President --

Hammond: Yes, please go ahead.

D. Boyd: My really concern is informed consent. I agree with Dr. Mijares that the questions should come from the parents. We could get parent input on what's appropriate. We don't have kids in these programs and that's part of the LCAP process. And by identifying our population better, we can better service our population.

Mijares: And I would like to add too and Dr. Bedell brought up that reading it, the very top there, about how it's all voluntary. You don't have to answer your questions but I could tell you when I was teaching 5th I could hand this to my 5th or my **[inaudible]** grade kids. Most of them at the same time are gonna look at me like, "Hey, coach just gave this --" We're gonna answer everyone with regards to what it says. So I mean, I know it's there but at the same time it's almost like it's not there.

Olmstead: And just a note about giving it in 5th grade, 5th grade is mandatory active consent and so parents are notified, there's normally screenings done of the survey and the active consent at 5th grade is mandatory.

Hammond: Right, passive can't kick in until some of them – and --

Lindholm: Correct.

Hammond: Yeah. But still, if I were – if I give it to my middle school or my high school, most of them are gonna say, "Oh, okay."

Williams: So it's the same question whether it's to a 10 year old, 12 year old, 14 year old, 17 year old? Is it the same survey?

Olmstead: No, the 5th grade core module is different questions than we find on the 7th grade core module as well as the high school core module; they're all different questions.

D. Boyd: We have the high school.

Hammond: Right, we have the high school too.

Olmstead: You have the high school module, correct.

Hammond: The 7th one given at 7th grade, Dr. Williams is basically identical to the high school ones. There are a few nuances that are not there but the last question is the same on all three for 7th, 9th and 11th.

Williams: And for the 5th grade one is it more age-appropriate? Is that what's going on?

Hammond: I only give it a cursory glance if that's what you mean.

Olmstead: The 5th grade one does ask questions about what you read there about Ritalin and OxyContin and things like that.

Williams: To a 10-year old?

Hammond: No. Okay then that's not what I saw.

Olmstead: The reason that question is asked at 5th grade, believe it or not, 5th grade students sell Ritalin to each other.

Lindholm: So is this gonna come back in a couple months? Is that the plan? And if so, I'd like to have included in it that we're not doing the other 17 modules. So I'd like that to be at least discussed. The tobacco module is interesting. I think that one would be absolutely appropriate.

Olmstead: We only give the core module in our ACCESS programs.

Lindholm: But it's on the website that teachers can buy if they would like all 17 of them – 18 of them.

N. Boyd: But we don't have control over what the districts decide that they're gonna do in their programs. So from the standpoint are the linkage – provides the full scope? And so we're not posting – it's not ours. I mean, we're posting what Healthy Kid survey and what was that in CDE have outlined. So from that standpoint, if we do a takeaway, we'd have to post just the one that we're talking about that's – and we post that under our program. But in terms of services to districts and services across the county, we post the full scope of what's available so that's why it's there.

Lindholm: We might want to have a statement by the board that this might be something that every parent would like to read before they give one of these 17 modules. So I think it can be brought back well.

Hammond: And a question for our CHEP program where we have kids who are 10 years of age. Do we give the --

N. Boyd: No.

Hammond: We don't give this on?

Olmstead: No.

N. Boyd: It's only in our community school.

Hammond: In the school also?

N. Boyd: And -- yes and it's only high school. So again, 9th and 11th graders. It's typically mostly 11th graders as we don't have as many 9th graders but -- yeah.

Hammond: It seems like inadvertently, we have addressed item 14 or is the motion to table that and bring it back **[inaudible]** 30 days?

Hammond: I think we can -- well -- let me get back to that because Dr. Bedell had a question and I must yield.

Bedell: I don't know what we just did for the last half hour. I'm here sitting here thinking if we can only mess around with this so far or we lose the money. We can't miss with the particular items very much or we're gonna lose the money. So I don't know -- I'm sorry, maybe it's the hour and I have a little blood sugar but I don't know what we're gonna get back and what we've done to the poor staff. I don't know what they're supposed to bring back or what we wanna do.

D. Boyd: Well, to me there's two things. One is to make sure that we're in compliant to the law and making sure that the parents are notified that -- it may not have frozen but I think it snowed someplace that Mr. Pollitt and I were in agreement on that point.

Bedell: I know. I was so shocked on that I probably missed that.

D. Boyd: And -- but the second thing is -- my concern is that if problem 99 says we're to focus on tobacco and those -- in that aspect, it seems like we have expanded beyond that and my concern is there some type of statutory regulatory authority authorizing that? I just wanna make sure that we're not participating at something that we shouldn't be but don't get me wrong. I absolutely think we need to be knowing what's going on because my 5th graders they schooled me on a few things.

Bedell: Well, I believe that.

: Because I'm still very right behind **[inaudible]**.

Male 3: But I just would like to call attention to it. And I think if we look at the line and get rid of the word "focus", it doesn't mean like it's saying exclusively. So focus means you can have emphasis on but it doesn't mean you exclude other things not maybe where their organization is doing.

Male 2: They pick a lot of the stuff in the media. Music conveys thoughts, ideas. They learn a lot from that. It's shocking what young people know today, how quickly they learn this. So--

Male 3: Yeah. Thank you, Mr. Chairman.

Male 2: I think I'm gonna get a cigarette after this meeting.

Male 3: I want a drink.

[Crosstalk]

Hammond: I think we're done with that. You ladies are awesome. Thank you and thank you to your staff. All right. We basically all but beat No. 14 to death I think as well. In regards to No. 14, we could take it now and we can do whatever you guys want.

Lindholm: Let's finish.

Hammond: All right. No. 14, it says "Adopt resolution 1616 to request the Orange County superintendent of the school, Dr. Mijares, to stop giving the cabinet to get survey due to socially inappropriate question." As for me, the chair seeks a motion in regards to item 14.

: And make a motion that we table it for 60 days. Would that be acceptable?

Female 1: Do you have any comments --

Male 3: To the September meeting?

D. Boyd: These are migratorial, yeah.

Hammond: August meeting maybe? Let's go August meeting.

Bedell: Okay.

Hammond: All right. So table to the August meeting, Mr. Boyd. Is that acceptable?

D. Boyd: That's fine.

Bedell: I second then.

Hammond: All right. It's been moved in second and to table item 14 to the august meeting. Any discussion? No. All in favor of tabling signify by saying "Aye".

Several Ayes.

Hammond: Great. It's been tabled. All right. Time certain No. 9 charter submission –

Hammond: Hi, Ms. Kelly. Take it away [inaudible]. Thank you.

Kelly Gaughran: Good afternoon, President Hammond, members of the board and Superintendent Mijares. I shall now open the portion of the meeting for the submission of charter school petitions. This process provides a time certain opportunity for petitioners to make comments when they submit their charter school petition and begins a petition review in consideration by the board under the Charter Schools Act. Each petitioner's given three minutes to formally present their charter school petition and please be aware that board members may ask questions following each presentation. I now call Catherine Sanchino to the podium representing Global Business Academy.

Catherine Sanchino: Good afternoon, Mr. President, members of the board and Mr. Superintendent. We are here today to ask the board to accept the appeal of Global Business Academy. For the last meeting, the direction was to give GBA and Capital District 30 days to work things out then come back this month for the appeal. We have attempted to do this by corresponding with the district's council through the council of the county. Our last correspondence to the district was to let them know of the 12 conditions we were accepting and ask for clarification on the others that were part of their resolution. Lastly, we asked that they drop three conditions that would require us to substantially modify the educational program and modes of instruction of Global Business Academy.

Since our last communication to the district dated on May 25th, we have been told the district is not willing to meet with us, therefore, we would like you to allow us to move forward with our appeal today. As it stands, we have already lost our start-up grant due to delays at Clovis Unified School District and efforts to stop us from opening our school. We need to move forward immediately to ensure the best opportunity for the school's success, of our school, so our school would not be further damaged and the parents and students who are waiting to attend this school will suffer the most from any further delays. I've also included copies of letters that were sent to the district and also original letters that were responded by their council stating that our petition was denied back in March.

D. Boyd: Before you do that, this ties directly to Item 16. And once this is formally accepted as I understand if the clock starts to run and this board has to take action within 60 days – Mr. Simmons, Mr. Wenkart but before we accept this, I'd like your comments on that because I have a lot of questions and I am basically asking to hold off for maybe 45 minutes until we have the opportunity to [inaudible]

Lindholm: Mr. Chair, we have a lot of requests to speak on this item. And we also have Item 16, so I would ask that Item 16 be brought forward now to make that motion.

Hammond: One second. Okay, then move in second and then to move Item 16 up now with Item 9. Any discussion on the motion, Madam Vice President?

Lindholm: No, I just think this is logical. We have them try to submit. We really wanted the Global Business Academy to work it out with Capistrano Unified. That was totally the goal and we have our wonderful council who try to work with them and everybody was trying to work on this one. I think it's a time and the place to accept this. There are a couple pieces of the language in here. If you look at Item No. 16, it's from the attorney from Capital Unified that says – I won't read the full thing but it says, "Consequently, this shall confirm that GBA's charter petition is denied by the district pursuant to the Board of Action. Take another resolution at further stated in the minute." So I would like to move forward with Item 16 and accept this for review, not accept it as like a plaited project.

Hammond: Yes. Mr. Wenkart, if I may.

D. Boyd: Okay. Well, I [**inaudible**] if you had any comment about the motion on the table.

Lindholm: The motion?

Hammond: No. And for discussion now.

Lindholm: To move it forward?

Hammond: Okay.

D. Boyd: For reasons, I'll get into Mr. Simmons. I don't know that we are doing –

Hammond: Well, hang on for a second.

D. Boyd: I'm trying to make sure that it ties our hands with –

Hammond: Respective flexibility.

D. Boyd: Well, I understand that but I wanna make sure we – good. Dr. Williams, got any --

Williams: Well, I think we're doing okay now. I was just looking at our protocol and our rules and how we do our meetings. And I think it's appropriate we move this up and so now we can jump into this.

[Crosstalk]

Bedell: And I think I may be missing something. The link to the whole motion is that we discuss accepting the appeal. It's not --

Williams: Well, I thought it was to accept the appeal.

N. Boyd: The motion before you currently is to move item 16 to now.

Bedell: To move it now but –

N. Boyd: To move it to now.

Bedell: -- but then you require subsequent motion and to accept the appeal.

N. Boyd: Correct.

D. Boyd: Okay, we're good then.

Bedell: Yeah.

Hammond: Okay. I'm sorry.

Bedell: That's why I was –

Hammond: All in favor of moving item 16 sooner on the agenda to now signify by saying "Aye".

Several Ayes

Hammond: Motion passed as 5-0. All right. Do you want to take speakers first?

Lindholm: I just wanted to say that the motion that we've moved before you is to accept the charter appeal by Global Business Academy. It would be putting it into the process of our – not our design team but our new team to go over it. It doesn't say it's approved, it says it is accepted into the process and so that's what the motion is.

[Crosstalk]

(inaudible): And it would require us to act **[inaudible]**

Hammond: Right, right.

N. Boyd: Hey, can I – a point of clarification. The board just made a motion to move agenda item 16 up for discussion purposes.

Hammond: Correct.

N. Boyd: Item 16 is taking in action so there's no action already. So you'd have to make the motion to accept it as opposed to assuming it's already accepted.

Hammond: Yeah, all we've done is just simply moved item 16 up on --

N. Boyd: Yeah, so you need a motion to accept.

(Inaudible): You just rearranged the agenda. That's all.

Lindholm: That what we did.

Hammond: Okay. Do you need a motion to accept item 16 then because that's what we're asking for?

Lindholm: You didn't?

Hammond: Do you?

Lindholm: I would move that. I think -- I know you went to discuss it so I would move that we accept it.

(inaudible): Okay, I'll second it.

[Crosstalk]

Hammond: All right. So it's been moved in second and that we accept. Okay. Discussion -- you are the maker of the motion, Vice president.

Male 3: We want the public comments first.

Male 2: Well, I was making sure she didn't have any comments right now.

Lindholm: No, I just wanted to -- this has been a difficult situation for everybody. We do believe in local control. We've really wanted a capital to come through it but this school has been in the process a long time. They have lost some funding because of the delay and the approval. And now, my understanding is that they won't be starting the school until the following year. So even if we approve it, they're gonna have a full year to get out all the kinks and all the bugs and work with our tremendous staff. We have just a very, very talented staff. And I do wanna read from the minutes. There's been some controversy of was it denied. It was approved. It had a lot of conditions on it that they didn't agree to.

And again, their attorney says from the minutes of the meeting, "It's an opportunity to not deny their petition but rather to work to strengthen their petition to get it to position of success. It is innovative on the part of the district. We are pushing new boundaries. If the two parties can agree then the committee wins. If they don't then it is a denial and the charter has pathways to seek approval." So this is in the minutes of the meeting. This is from their attorney. I think we give them time and I'm ready to accept it so that's why I made this motion. And then we have a lot of speakers.

Hammond: Dr. Williams, do you wanna say anything right now or do you wanna hold on so we can go to the speakers?

Williams: I'm good, yeah.

Hammond: Hold on, okay.

Lindholm: Go to speakers?

Hammond: Let's go to speakers then.

D. Boyd: Okay. Although my concern strictly goes to jurisdiction, it doesn't go to the merits. So--

Hammond: Do you wanna ask--

D. Boyd: -- whichever you wanna handle it.

Lindholm: Can I have them first?

D. Boyd: Yeah, any way you want it that's fine.

Hammond: All right. Let's go ahead and do the speakers.

Lindholm: Okay, we have speakers on this item. Valerie Gelb? I didn't say that right?

She had to leave to pick up her kids but she left the statement for it to be read if that's okay.

Lindholm: Okay, we can't do it. **[Inaudible]** Can we do -- I don't think we do that.

D. Boyd: It'll be part of the record.

Lindholm: It'll be part of the record. But if you like to be the person and read it as that person?

No.

Bedell: Do we need his name though?

Lindholm: And we would need your name and just -- no, we can do it afterwards but we need you to fill out his paper and you have three minutes. I know we have a new group here so you get three minutes to speak.

Good afternoon. This is on behalf of Valerie Gelb. Like many parents I have been anticipating GBA to open this fall as they are offering instructional methods currently not offered

Irfan: In the traditional public high schools. By bringing charter high schools and currently two kids in the charter school and currently I have two kids in charter school that is in eighth grade. GBA is not the only need because CUSD does not have a charter high school, but GBA is also needed because their instructional methods will allow hundreds of students to excel in school regardless of their learning ability or style. I hope you will support students in CUSD who need a charter school option. Valeria Gelb.

Lindholm: Thank you. And if you would fill out a form, that would be great, and hand it to our clerk. Thank you. Wendy Lang.

Female: Kelly.

Lindholm: Okay. It means she's not present. Angela Hansen. Thank you. Welcome.

Hansen: Sorry. Technology. Good afternoon. My name is Angela Hansen. I appreciate all your time. Thank you for being here. I am the mother of five children. I have one that is a junior in college at BYU, one that is graduating this year from Dana Hills High School, a freshman at Dana Hills High School, and twin boys that are at St. Ann's private school. I'm currently obtaining my master's degree in teaching and learning and as such having five children as well as getting my master's degree in education, I kind of have an educational laboratory going on in my own home.

What I'm finding is this combination of having children with various needs and particularly my twins. Such drastically different educational needs. At the same time getting my master's degree and learning about innovative and relevant education of strategies, and finding that it's really important that we offer these opportunities to our students. I feel like there are three things that are missing for our students in public school. One is that they need innovative teaching methods. No more sitting in a nice little straight rows and having to memorize what the teacher is spewing out to them. They need to be taught how to think.

Students need to have classes that are preparing them to go to great colleges, great universities. Right now that's not an option for you're just run-at-the-mill students. Then three, they need to have classes that are actually preparing them for the future. I envision a new world of educational possibilities, a world where school provide rigorous project-based learning, social-emotional learning, and access to new and relevant technology. It's a world where students and parents, teachers and administrators, policy makers and the people they serve are all empowered with the shared vision to change education for the better.

GBA focuses on innovative teaching practices and programs that help students acquire and effectively apply relevant knowledge, attitudes, and skills and beliefs to achieve their full potential. GBA will be empowering students to think critically, access and analyze information, creatively problem solve, and work collaboratively with their classmates, and communicate clearly and have an impact on their society. I hope that you will join us in reinventing the learning process for our future junior high and high school students. Thank you.

Lindholm: Thank you. Miles Durfee?

Durfee: Good afternoon, members of the board, superintendent. My name is Miles Durfee from the California Charter Schools Association. I'm speaking in front of you today on behalf of the association to urge you to support the acceptance of this appeal. We've worked very closely with this petitioner. We've monitored this process. We've worked with our legal counsel to make a determination that we believe that this petition is now right for your decision making process that Capistrano was not able to provide an approval for this charter school without conditions that the petitioner can't agree to. The petitioner cannot agree to those conditions and therefore he's denied.

I think there's good evidence in the record that that's the case, and we believe it is ready for your determination as an appeal and for you to review that process. So there have been some significant impacts –

Schools result to this process and I think that I – I often talk about the process and the bureaucratic process. This is a school who's trying to serve students that wanna choose to go to a school – to go to school that they wanna go to, right?

And if the school isn't a great school or it is a good school, it will be based on students making a choice and parents making a choice to be at that school. They have been through – they submitted this petition in February and during that time period, they have gone through this process.

They have been back and forth. They've been hearing legal interpretations and it really – that have nothing to do with the students. The process is clear, the legal advice that we have from the charter petitioner, from the school district's attorney themselves and from CCSA is that the appeal is ready to go.

And should go to you on the grounds of being denied by [inaudible]. So I urge to take this item and make it clear. Thank you.

Lindholm: Thank you. I think this is Amaas? Yes.

Amaas: Good afternoon, almost evening, board members and superintendent. I am here to speak on the behalf of the charter school law and the intent of that law and of school districts upholding that attempt passed in 1992 with one of the sponsors of our very own Marian Bergeson.

The California Charter School Act stipulated, "It is the intent of the legislature to provide opportunities for teachers and parents and pupils and community members to establish and maintain schools that operate independently from the existing school district structure to accomplish the following: improve pupil learning, increase learning opportunities for all students with special emphasis on expanded learning opportunities for pupils who are identified as academically low achieving, to encourage the use of different and innovative teaching methods and provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system."

It is important that school boards follow the intent to provide choices to our parents of students. I urge you to accept the appeal of the Global Business Academy.

Lindholm: Thank you. Jerry Simmons?

Simmons: Good afternoon board members and Superintendent Mijares. I'm here on the behalf of the petitioners for Global Business Academy and we're asking you today that you accept their appeal.

This is an unusual case and that the procedural defects and district's consideration of the petition had given your staff some concern about whether you have jurisdiction to hear this appeal. And I wanna tell you a little bit about how this dispute arose and why I believe – we believe you should hear this appeal.

The petitioners submitted their charter [inaudible] unified and – and suggested that there be a meeting staff to work out any concerns the district might have an advance of the board action. The district staff never setup such a meeting and instead just prior to the vote released a recommendation to approve the charter with 42 conditions that were never shared with the petitioners, or discussed with the petitioners.

This really flew in the face of the intent of the charters schools act because among these conditions was a condition that they rewrite the entire educational program of the charter, to delete various methods of instruction that the school district itself offers in its own schools and has deemed appropriate for its own students and programs that it itself operates.

So this is a bit to us like Burger King telling McDonalds that, yes you can sell hamburgers, but not if you're gonna sell them with mayo or ketchup or onions or buns. That's just not how it works. That's not the Charter Schools Act process.

You don't get to as a school district dictate to the petitioners that they get to rewrite their petition to make it fundamentally educationally unsound. If you feel that the petition is educationally unsound, you have an option of the Charter Schools Act, which is to deny it for just that reason.

The legislature provided that as a path for them. They chose not to take that path. We objected prior to the district's approval to those conditions. We indicated prior to the board action that we had no intention of accepting those conditions but nevertheless the district board approved it, with those conditions.

Then when we attempted to appeal this decision to your staff. We agreed with your legal counsel to go back as a courtesy to all of you and to not put you in a bad place.

Simmons: Agreed to go back to the district and to seek their official denial. Their superintendent and legal counsel recommended they do that and the board as you know opted not to take that action and instead agreed unanimously not to do that.

Because they believed that their district counsel's letter written to us indicating the petitions denial did in fact reflect the position of the district that the petition was deemed denied.

One of their board members went so far as to suggest an open session that they would join Global Business Academy and a lawsuit against the County Office of Education if you all refused to accept it.

Which was just absurd to me because they could have of course, taken four seconds and just denied the petition if they had wanted to be helpful in anyway at creating a clear record. Based on these facts, it's clear that the [inaudible] Unified School District simply has no interest with working with the petitioners to – to come to resolution on these issues and we ask that you please accept the appeal. Thank you.

N. Boyd: Time's up.

Lindholm: That concludes the request to speak on this item. Mr. President?

Hammond: All right. We have item 16 currently before us. Mr. Boyd, would you care to lead us off on some more discussion on item 16 please?

D. Boyd: Yes, sir. If I can bring Mr. Simmons back up. First of all, I wanna thank you for your comments. You know that I have a great deal of respect for your law firm. You know, going back at least the [inaudible] opinion, 3 years ago.

I don't know if you know it, but I was a participant in a webinar last month before ours that you put on. And I recognized the contributions that your firm has made to the charter school movement.

But you know that there's a "but" coming. But from a strictly business standpoint, I – I don't understand why we're putting ourselves in a rushed judgment position. If we accept the petition, we have to act on it within 60 days, correct?

Simmons: Yes.

D. Boyd: When we have the luxury of time, yes I know that they already lost a year. But we could use that year or a small portion of that year to try to clarify this so we don't face – find ourselves in a situation where 2 years from now, somebody comes in – maybe the state comes in and says, "Hey, we can really – we can really – this charter was approved in the first place and we want our money back."

Ron as I understand it has reached out to the Department of Education, Sacramento to try to get some opinions on this. And as I understand and you might wanna expand up on this Ron, they don't wanna touch it with a ten foot pole at this point in time.

So what happens if – if that happens? You guys get up and operating, you're working your tail off. You've gotta great program and 2 years from now, somebody comes in and says, "Hey, this was not properly chartered in the first place."

Would it be better to remove this – any possible contingency at this point in time? Rather than have that potential liability hanging over their head for the term of the charter?

Simmons: So I think two ways to answer that question. One is that's why I agreed with – with Ron and his team, to attempt to go back to the district and to try to get the district to take the proper – to follow the proper procedures under the Charter Schools Act.

That's why in fact we did that, was because we thought what would be a minor delay – what would be the impact of a minor delay if they were willing to agree to put that back on – on their agenda and take that appropriate action.

And so we – we really didn't want to have to this be in any way something that could be even arguably subject to challenge. We were really trying to avoid –

D. Boyd: Because the ramifications are just –

Simmons: We really were and – and I wanna thank too, in addition to General Counsel's office, I understand that others on staff here, made calls behind the scenes to try to get the district to – to just simply to clarify. Nobody was interested in telling them what to do but simply just clarify the records, so that it would be clear. But they've refused to that –

D. Boyd: Yeah and that's puzzling to me, yeah. I – I looked at the minutes myself and provided a copy to Trustee Lindholm and the attorney clearly told them that, "Hey, it would be a constructive denial if the applicant did not agree to the conditions." Now I had a look at the conditions, so I'm not gonna make any judgment on whether they were reasonable or unreasonable.

I'm just talking about our ability to look at this at – at this point in time. I can understand why and I'll use the word bitterness that there's a lotta friction between the applicant and the capital board. I think you probably did get screwed on this. But that has nothing to do with jurisdiction, does it?

Simmons: So – no but I – I would suggest to you that I think what the Capistrano board – the only thing they really failed to do as I see it is they failed to adopt the written statement of findings to support their denial.

D. Boyd: Yeah, you're right. But the fact is they didn't do it and that's what bothers me.

Simmons: And so they didn't do it, however, there was some discussion because this isn't the first time that a local district has failed to adopt a written statement of findings related to denial. And because of that, when the state board of education considered its regulations relating to charter school appeals.

You'll note in those regulations, that the petitioners are only required to submit that written statement of findings, if it is available. And the reason that phrase was added was specifically to address some conduct by a couple of other school districts here in California that had failed in fact to follow the law and do what they were supposed to do.

And it caused in fact this very quandary of, "So now what?" If they failed to do the law – to follow the law, does that mean the petitioners are somehow out of luck? Just because the district has – has been a bad actor or has failed in some way to – to perform its legal obligations.

And the state board did not want to have an impediment and essentially punished the petitioner because of the bad acts of a school district. They said, "No, if the school district fails to present that, then that's fine. All they've done is disadvantaged their case before us."

So they viewed it as no different than if one side in a lawsuit simply failed to respond and allowed a default judgment to go into play. That – that really this is their opportunity to set forth the reasons why they believe their – their denial was reasonable and if they choose not to set forth such a – set of reasons, obviously it undercuts a belief on appeal that their denial was reasonable or done pursuant to the statutes.

D. Boyd: Okay. Are there other pathways to approval? Could – could you appeal directly to the state at this point in time?

Simmons: We could not without some action by this board.

D. Boyd: Okay. This was – this is a tough one. It would worry me as a director of this company – this charter that they will have this contingency hanging over their head for the entire first 5 years of the charter.

That the state comes in or maybe a third party comes in under the federal and false claims act and says, "Hey, that \$90,000,000.00 we gave you – you aren't entitled to that and we want it back." They're not gonna have it to give it back and because we, as our board, our department approved it.

Is that ultimately gonna be our liability to pay back then? I don't know the answer to that question. I don't know anybody that knows the answer to that question. But it's unfortunate that we find ourselves in this timeline that they did lose a year.

And they may lose funding [inaudible] perfectly understand that but can't we set emotions aside for a little while? You could go to court and you could sue Capo for – for clarification on that. And if we have a judicial decision and if I'm the judge, I'm gonna go with you, Jerry.

Everything you make, everything you say makes perfect sense to me. But I'm not a judge and a judge might also say along the skeletal lines that, "Hey, it's not in the code. I'm – I'm not here to rewrite the law. That's something the legislature needs to take care of."

So why not take 90 days and then just see if we can – just merely filing the suit against Capo might get you your answer. Rhetorical question at this stage obviously but – but that’s my concern.

Simmons: So – yeah.

D. Boyd: It has nothing to do with the merits. Again I haven’t looked at the conditions to see whether they acted reasonably or not. It’s just do we have jurisdiction or do we not have jurisdiction?

Simmons: Right and so – so to that point, I guess, I think the most direct response is to say with state board regulations, it’s our belief that the fact that they have provided that the petitioners only need to submit that written statement of actual findings supporting denial if it’s avail –

Jerry Simmons: Available suggests that – that their failure to do that and that procedural defect on their part is not impediment to jurisdiction. I guess the only other thing I would say is, the second meet that we had with the district, where we went back and asked them.

What we have as part of the administrative record is the Trustee saying on the record – if you’ve read their comments. That they supported their counsel’s letter indicating that it was denied. That it was in fact their understanding when they voted, that it was denied if there was not an agreement from the petitioners.

And we have their action to approve minutes. Now which indicate that that was their intent: to deny. **[Crosstalk]**

D. Boyd: Could this – could this be a trap?

Simmons: So I think –

D. Boyd: Could this be a trap in the sense that you’re being set up and at some point in time down the line, a third party, CTA or other interested parties comes in and files a false action claim.

Simmons: So I – I mean I think under these facts the whole administrative record is what’s an issue, right?

D. Boyd: You might win but why take the chance of losing? If I’m the judge, you would win. I’m – I’m gonna say that right now, but we’re not a judicial body here.

Simmons: Well, believe me I wish that there was a pathway for us to come directly to the County Office but I don’t – I don’t think there is in this case with the particular kids this school is seeking to serve. I don’t think there’s a pathway for us to directly submit to you. I think the only way that – that we have a path for approval is through the appeals process.

And I think that were we to go through submitting a new petition, I suspect we would have the same sorta gamesmanship. I – I have no – I have no belief that – that there's a good faith actor on the other side of the table here **[inaudible]**.

D. Boyd: I tend to agree with you, but why not go to court and get a judge to sanction exactly what you wanna do? That makes it bulletproof.

Simmons: It's – it's an incredible – it's an incredible expense and it's an enormous amount of time –

D. Boyd: Capital might fold, number one quickly.

Simmons: And it would be an enormous expenditure of time if for example, Capistrano were to decide to appeal that decision. We could be years down the road.

D. Boyd: Well I guess it comes down to how – how much of a risk does your client wanna take?

Simmons: Dr, Dr. Jack Bedell?

Bedell: Yeah, I – my question is for our own counsel please, Mr. Wenkart. Are you of the opinion that the district denied this charter? Easy yes question, yes and no.

Wenkart: No, I don't think they – they denied it. I – I see that some of the issues that Mr. Boyd raised that we don't have clarity here. If – that's why we wanted it to go back to the Capistrano board to either say grant or deny – see if they could work something out.

We tried to bring the parties together but they were just too far apart, so we weren't able to bring them together. I do think there's some risk here for the GBA if they – if this board goes forward, because somebody might challenge it in the future.

I – if we had clarity either through Capo taking an action to deny then it would be clear. Or if there was a court action that declared that it was a denial, that would be clear. There's nothing in the law specifically about constructive denial.

But I do agree that Capo is at a disadvantage because their counsel did say it was a denial and several of the board members did believe that it was a denial so I think the court would take that into consideration.

Hammond: Ron, how many board members said it was a denial? Do you know?

Wenkart: I think it was one maybe two?

D. Boyd: Well they voted 7-0 after their attorney said it was a constructive denial, so their vote was based upon the advice of their attorney.

Bedell: **[Inaudible]**

Hammond: That what? I'm sorry. So they voted 7-0 –

D. Boyd: So they voted 7-0 after their attorney told them that if the applicant does not accept the conditions then it amounts to a denial.

Hammond: And then the board voted 7-0 –

David Boyd: 7-0 to go down that road. Now I – like I said, if I'm the judge, Jerry wins. Slam-dunk. But what's the exposure if you get a judge who's a strict constructionist? And say, "Hey, it's not in the code and this is problem that the legislature needs to take care of."

They have maybe \$10 million of ADA by that time and they say, "Give it back." And it's at our liability that did this – Dr. Mijares certifying each year that the schools in compliance. What's that? How does that process work?

Dr. Jack Bedell: Well I'm – I'm not sure which compliance you're referring to there but there's a number **[crosstalk]**

D. Boyd: Well whether there's – basically whether there's a valid chart.

Bedell: There's potential risk here. Most likely if the court found that we were outta compliance and we didn't have jurisdiction. They probably wouldn't make us pay the money back although that's a possibility. They would probably just say, "Close down the school."

D. Boyd: And they could very well go after the Trustees.

Bedell: That's possible. But the most likely remedy is they would just say close down the school because it wasn't properly –

Lindholm: I have a question.

Bedell: Do I still have the floor, since I asked the question?

Hammond: Yes, you do.

Lindholm: I'll follow you.

Bedell: Thank you, so Ron, let us assume we take this today.

Wenkart: Yes.

Bedell: And we start working it through the 60 day process, Is that what it is, Kelly? We start working through the **[inaudible]**. Is there anything preventing or what would that do because I've had more questions about this charter from people outside of my Trustee area and any other work we've ever done.

And I did not wanna talk to Trustee Linda about it because I didn't wanna violate the Brown Act. But so, even last night I got three very pointed statements about this charter. And truthfulness and packaging and whatever.

It was – it was very uncomfortable, all right? So I wanna be sure here that part of the thing is we want the Charter Act to work in working with the districts. So if we take this from your viewpoint, what does it mean? Because it – ultimately, if stuff gets revealed, we could say, “No.”

Wenkart: Well I think if the County Board decides to exercise jurisdiction over this and process the appeal. There's a risk that a third party or a Capistrano Unified but more likely a third party would bring illegal action against the board saying, “You don't have jurisdiction to start this process, because there wasn't a denial at the district level.” And so that would stop the process. I mean that's one of –

Bedell: And that could happen within 60 days?

Wenkart: Thank could. That's possible. Yeah.

Bedell: Thank you very much.

Lindholm: Question?

Hammond: Madame Vice-president?

Lindholm: Yes, I have a question. Right, Ron, you're our in-house counsel and they had Huff as their in-house counsel.

Wenkart: Yes ma'am. Right.

Lindholm: And he states twice that it's a denial. So I'm not sure – we're asking our in-house counsel and they asked their in-house counsel and they said it was a denial on two separate occasions. So that –

Wenkart: I – I think that weakens Capistrano's ability to challenge it now because they heard what their counsel said, they agreed with it, they went along with it. So I think it would be very difficult for them to challenge what this board is doing. But that wouldn't affect necessarily a third party from challenging.

Lindholm: Okay, this is a follow-up question for you.

Wenkart: Sure.

Lindholm: In terms of litigation, that's what I'm hearing and I concern about. We've been asked twice now to accept this. Doesn't that put us, the board in another position when they have their

attorney saying that it has been denied. And if we refused to take it, doesn't that also put us in a position? I – I think we're in a catch-22.

Wenkart: Yes, that's a possible risk too because the GBA could sue us and say, "You should've taken this, you have jurisdiction." And then – and the court would then give us an opinion or a decision as to whether we have jurisdiction or not.

And so, yeah we're in a tough situation. This is not the kinda situation in-house counsel likes to be in. I'd like to be in an area where it's clear and we could say, "Okay, this – we're safe doing this." So yeah, we're not completely safe either way.

Hammond: Dr. Weiss.

Weiss: So I think this is – this is a lotta legalese, I think the argument that we don't have jurisdiction is – is a false one. The Capo Unified School District did vote on this issue. Their legal counsel said that it is a constructive denial.

I think we have an obligation of duty to take this to the next level which is to accept item 16. So I'll make it – I'm not a lawyer – I don't – legalese is the term. I just take it straight forward and I think we do have jurisdiction.

Hammond: Alright, Mr. David Boyd.

D. Boyd: Well Mr. Wenkart, I might have put you on the spot and you're our attorney. Would you advise us to accept this petition at this time?

Wenkart: No, I would not. I would not.

D. Boyd: Okay.

Hammond: All right.

Lindholm: We have a motion before us?

Williams: We do?

Lindholm: We do. They made a motion a long time ago.

Williams: Did you make the motion? Yeah, you're second?

Lindholm: I think I seconded it. Did I –

Williams: No you made the –

N. Boyd: No, Linda made the motion and Ken second it.

Lindholm: Thank you. Mr. Wenkart, may I ask Mr. Jerry Simmons another question?

Wenkart: Sure, absolutely.

Lindholm: In terms of us accepting this, you know that starts the time clock and that your board and all your members need to be very, very accessible to our staff. That doesn't mean calling back in two weeks. That means being there and being available so that they can help you work through any issues or problems.

And also accepting it doesn't mean it's gonna be approved. I – I think for our board's consistence, that doesn't mean that will be approved. It could even be denied at the end of the day.

D. Boyd: But – but what it does mean Linda Lindholm, and why I'm concerned is it – it forces on us into it very tight time frame but if we don't take action in 60 days, we can never take action, just saying, correct Mr. Jerry Simmons?

Lindholm: Never?

D. Boyd: We have to approve or deny within 60 days from the time we accept it. If we accept it today, we have to take action within 60 days.

Lindholm: Okay.

D. Boyd: And my only point is, we – we can – we could informally – let me ask you this question, I mean could we informally accept it today, start going through the review process but allow us the additional flexibility if we need additional time. We're not locked into 60 days from today.

Simmons: So there's the provision within the Charter Schools Act that allows a 30 day extension by mutual agreement. And so I – I think what – without talking – having talked to Catherine about this, I guess what I would say is we would – we would wanna have an opportunity to discuss based on – based on what your staff's issues or concerns might be.

D. Boyd: My concern is just this could go so horribly wrong through no fault of your client, and that we have an opportunity to clarify it. Even if it means, you and Ron getting together and agreeing to participate in a lawsuit just to get a judicial determination on this.

To me, that wouldn't be terribly expensive, even it shouldn't be terribly time consuming.

Lindholm: There's the other issue that occurred because of the time frame. I would have been – it would have been – Capo could've denied this and that would've been fine too. But during this time period when this school was trying to get started, I believe they lost about \$350,000.00 in startup fees that there was grant that was awarded –

D. Boyd: Right.

Simmons: Federal startup grant, yes, for charter schools.

Lindholm: And that was lost due to the deadline?

Simmons: Yes.

Lindholm: So in – in terms and absolutely addressing Trustee David Boyd’s concern, I think they are now in that – they won’t start for a year. They were – they wanted to start September, that’s not gonna happen. So, that – they will have this time period to work with our staff who is just outstanding.

And they have a whole year to get this, and to get it right. So I’m comfortable with that it’s not even gonna start until next September. So in the middle, there can be any kind of litigation you want.

D. Boyd: Yeah, but it could also be 2 years after they open and that’s my biggest concern.

Lindholm: Oh yeah. I – I hear – I think I need to have the, “This is the school’s choice to go forward.” It is their choice to take it and ask us to accept – accept it. If he says, “I’m not –”

D. Boyd: It is.

Simmons: It is.

Lindholm: Yeah, it’s – it’s their decision, they brought it forward last time and we – and we said, “No, not at this time. Go back and see what you can do.” And our promise to them was if you please work on it and then bring it back.

But again, it’s still saying, “Bottom line, we’re not saying it’s approved.” We’re not saying it might be denied, we’re saying we’re going to accept it and we’re gonna review it and you need to be really available. So I’m comfortable with that. I’m comfortable because of the language written by their attorney, saying it’s denied.

I mean, if I did not have this saying it was denied, I wouldn’t wanna go for it. But I have this written, so –

D.: I don’t know their attorney but I did look up their attorney. He’s – has a lifetime of construction experience and he mentions charter school law. I also do charter schools so I – I, certainly respect Ron’s opinion more than Capo’s attorney.

I think we all wanna get to the same place. I mean, what – we all wanna look at it I think, it’s just how can we best look at it and protect our interest and ultimately protect the **[inaudible]** interest.

Bedell: Mr. Chairman?

Hammond: Dr. Jack Bedell?

Bedell: Yeah, just very briefly. Where I'm coming from on this is if we – we take this and it starts our process and I – I know from the people in the district that have spoken to me, so I'm sure Trustee –

Bedell: **[Inaudible]** gonna hear about it. This is gonna be on the why is tonight by 7:00 if we're outta here by then, all right? So I – it seems to me – I will vote to take it and then if anyone wants a – do a cease and desist.

That – that would be very helpful right away in terms of how the process goes, but I too find the language of their lawyer – he may have been a construction lawyer but it seems to me – for me as somebody who's interested in protecting this organization, Capo is not my issue, but this organization.

I'm comfortable with that and knowing that we have 60 days, right, Kelly? That something could blow up or a cease and desist – and that there – 'cause I have very serious questions about what's been said to me about this, and I can't get there without taking it.

And those – the answers to those questions frankly will be very key to me on how I vote on this, based on what's been alleged. So I just – in – in fairness to the – the respective proposers, I think that that the only way to get there would be for me to do that.

Lindholm: Okay.

Hammond: Dr. Dr. Ken Williams, is there anything else?

Williams: No.

Hammond: Dr. Dr. Jack Bedell, anything else?

Bedell: Nope. No.

Hammond: Madam Vice-president?

Lindholm: No, but I – I think – can Capo still come – they could still negotiate a conclusion?

Wenkart: They could. **[Inaudible]**.

Lindholm: We wouldn't preclude that, okay?

Wenkart: Sure. We could work on that.

Lindholm: I would encourage that.

Wenkart: Okay.

D. Boyd: Well once we take it does that jurisdiction end?

Wenkart: Well –

D. Boyd: I don't know.

Wenkart: Yeah – yeah it – it **[inaudible]** complicates things because it does enter jurisdiction –

Lindholm: Well and we tried.

Wenkart: Yeah, but I mean the law – if they were gonna challenge it, they need – they should challenge it right away. If the longer they wait, the weaker their case.

Lindholm: Okay.

Wenkart: And – and the same with any third party. So yeah, once you accept jurisdiction, then it'll – it'll be here.

Linda Lindholm: Okay. Thank you.

Hammond: Mr. David Boyd, anything else sir?

D. Boyd: No. I'll have to vote, "No," not because I don't agree with much of the arguments but based on the advice of attorney. I think the risk to the applicant is so great, that they need to take the time to resolve any possible issues.

And if that means having a judge do it, then that means having a judge do it.

Lindholm: Okay.

D. Boyd: I wouldn't wanna be a Trustee on that – on that board with that potential liability hanging over my head.

Lindholm: Okay.

Hammond: Great. If there's nothing else then the chair will call motion before this board is to accept this appeal in regarding to Global Business Academy Charter School. All in favor accepting this appeal, signify by saying, "Aye."

Lindholm: Aye.

Hammond: Aye.

Bedell: Aye.

Williams: Aye

D. Boyd: And no.

Hammond: Any abstentions? Motion passes 4-1. This board has accepted the appeal.

Bedell: Mr. Chairman, I'd like the record to show that my vote was in light of the district lawyer's letter.

Hammond: I think actually –

Bedell: That's what guided my vote.

Lindholm: I think in the minutes we could ask to have that language put into the minutes.

Williams: I think it's kinda got results.

Hammond: All right.

Lindholm: Okay. Thank you.

Hammond: All right, moving on with our time certain, it's 2:00 –

N. Boyd: President Hammond?

Hammond: I didn't do it.

N. Boyd: We need a 3 minute recess because we've run outta tape and so we need to change the tape.

Lindholm: We can do that.

N. Boyd: Before we continue.

N. Boyd: Okay, in session.

Lindholm: Are we there?

Hammond: Oh, yeah we're back in session, I'm sorry. And I think for the record, Dr. Al Mijares, he had a flight to go catch at LAX.

Lindholm: Correct.

Hammond: So we will miss his wonderful presence and moving on now with item number 10. Like I said our 2:00 time [inaudible]. Ms. Kelly, welcome back once again to the microphone. Would you please lead us on item 10?

Gaughran: All right. Today you shall render decision regarding the Orange County Workforce Innovation High school, county wide charter school petition which was submitted to the board on March 10. The public hearing was held on May 11.

As legally required, the petition has been reviewed according to California Education Code regarding charter school petitions received by County Office of Education. Copies of the staff report and proposed findings of fact are available on the back table.

Each of you has been provided the Orange County Department of Education's staff report: Three direct resolutions and three options for action. Option one, approves the charter school petition as written.

Option two, approves the charter school petition with conditions requiring the execution of an agreement that addresses the issues outlined in the staff report. And option three, denies the charter school petition.

Representatives for Orange County Workforce Innovation High school will have 10 minutes to speak on behalf of the charter school. Then members of the public who wish to speak will be given 3 minutes with the total of 30 minutes for public comments on this matter.

I now call Jeff Brown, co-founder and Bill Toomey, executive vice-president, chief academic officer to the podium.

D. Boyd: Mr. President, before we get started, there are people waiting to speak on item 17. Could we do an informal poll whether we will have a quorum? By the time we get around to that, any time pressures from anybody?

Lindholm: I don't know yet.

D. Boyd: Okay.

Lindholm: If I get a phone call, then I have to leave.

D. Boyd: Okay, understand.

Jeff Brown: Good afternoon.

Hammond: Jeff Brown, good afternoon.

Brown: Mr. President, board members and superintendent [inaudible]. Thank you so, so much for hearing from us again. We are delighted to come back. Before I start, I'd like to really thank

your staff for all the work they put forward with us to create the – the proper environment for us to work,

Since we're already here in – in Orange County and then have been here for a while. It was a delight to work with them and – and their questions were very direct and very forth coming. There was one item that I did want to address and that was regarding **[inaudible]**.

It seems and it's not – it was left outta the petition that was by omission not by intention and that item as the staff has pointed out to us will be put back into the petition. And I believe it had to talk about the Brown Act and – and a – yes, no, that should be in the petition, I apologize for that omission. It certainly has not been an intention.

Also in addition as we're looking through these items, a great many of these items are basically additional work that has to be done but has already been completed because of the operation being in effect.

It's – it's housekeeping areas, for instance setting up the – the dates when our board meets. It's a dandy – it'll be the quarterly and it will be the first Thursday of that month, depending on what that month would be.

So we have all of that information available to us. So I can go over this but because of the time and I know the stress that you folks are under. I would like to answer any questions that there may be and I – I would ask the board to provide us with a charter without any additional recommendations since we can work with the staff.

And I think the staff has been pretty forth coming with us. I may not – I'm not speaking for you, Kelly, but I do wanna say that so that we could – you can approve the charter as it – as it has been presented or we can go over the **[inaudible]** but most of this has been addressed.

D. Boyd: So just to be clear.

Brown: Sure.

D. Boyd: Are – are you then in support of option – option number two?

Brown: Option number two?

D. Boyd: Approve the charter petition with conditions.

Brown: Clarify language of **[inaudible]** indicates that your school operating anonymously, yes.

D. Boyd: Okay.

Bedell: It's option number two that's their recommendation?

D. Boyd: Yes.

Bedell: I'll move approval on number two.

Lindholm: Second.

Hammond: Okay, any discussion Dr. Jack Bedell?

Bedell: No, I think it's –

Hammond: Self-explanatory?

Bedell: **[Inaudible]** staff have looked closely. I think we can go with it.

Hammond: Okay, any other discussion?

Lindholm: I had no requests – we had no requests to speak on this, is that correct?

Wenkart: No, we have no one to speak on this.

Lindholm: Okay, I just wanted to make sure. Okay.

Hammond: Seeing how there's no other discussion, chair will call. All in favor of adopting item 11, option two, signify by saying, "Aye."

Lindholm: Aye.

Bedell: Aye.

Hammond: Aye

Boyd: Aye

Williams: Aye

Robert Hammond: Motion passes 5-0. Mr. Brown, you've been approved.

Lindholm: You have a school.

Brown: Thank you very much. Thank you and I wanna congratulate all of you that are still with us.

D. Boyd: That's one of the advantages to your number coming up late in the **[inaudible]**.

Bedell: Sounded like **[inaudible]**.

Hammond: Alright.

Lindholm: Can – can we thank our outstanding staff and all the committee members on it? Thank you very much, good luck to you.

D. Boyd: Did that, did that, did that. Did that.

Lindholm: Yes, that's done. Okay, done.

Hammond: All right, we're on item number 12. Staff recommendation, approve resolution 1516 regarding the education protection account proposed expenditure. Chair seeks motion.

Williams: So moved.

Bedell: Second.

Lindholm: Sec – oh.

Hammond: All right, moved in second at any discussion Dr. Williams?

Williams: No, sir.

Hammond: Dr. Bedell?

Bedell: No, sir.

Hammond: Madame Vice-president?

Lindholm: No.

Hammond: Mr. Boyd?

D. Boyd: No, sir.

Hammond: Okay. Seeing how there's – seeing how there appears to be no discussion, then we'll go straight to the vote. All in favor of item number 12, signify by saying, "Aye."

Lindholm: Aye.

Bedell: Aye

D. Boyd: Aye

Hammond: Aye

Williams: Aye

Hammond: Motion passes 5-0. It's been approved. Item 13, approve the appointment of an ad-hoc committee on litigation. Whitley v. Orange County Department of Education is item number 13.

D. Boyd: I'll move.

Hammond: Moved by Mr. David Boyd. Is there a second?

Bedell: David, I'll second it.

Hammond: Moved and second it is. Is there any discussion on item 13?

D. Boyd: My only comment is that an offer has been made to Mr. Whitley which we believe gives him virtually everything he has requested, so this should go away.

Williams: Okay.

Hammond: Any other discussion? Hearing none. All right, all in favor of item 13, signify by saying, "Aye."

Lindholm: Aye.

Bedell: Aye.

D. Boyd: Aye

Williams: Aye.

Hammond: Opposed. Motion passes 5-0. All right, item 14 has been taken care of; it's been tabled 'til August. Item 15, adopt resolution 1716. The board of trustees – the Orange County Board of Education tribute from its commitment to safe working and learning environments for everybody.

Bedell: I'll move approval and there'll be amendment coming. I'll move that this – the resolution read the board of trustees of the Orange County Board of Education reaffirms its commitment to safe working and learning environments for all students, employees regardless of.

Hammond: I'll – I'll second this motion by Trustee Dr. Jack Bedell.

Lindholm: It already says that.

Hammond: It already says what you just said, sir. Well I have to make **[inaudible]**.

Bedell: Nope, he's – he's doing the amendment.

Lindholm: Oh.

Bedell: I'm moving this as amended.

Hammond: Oh sorry.

Bedell: No, I wanted to speed it up because –

Hammond: Thank you for speeding it on up. I'm sorry I wasn't quick enough to catch the speed up. Alright. I'm sorry, Dr. Ken Williams?

Williams: So protocol, do I need to second this before I make an amendment then? Yeah, okay so I'll second it and now I'd like to make an amendment – this is a friendly amendment, I talked with good Trustee Dr. Jack Bedell.

What is written here needs to be expanded to be consistent with the California State Department of Fair Employment and Housing. To include everything he has here plus a few other ones. And that includes ancestry, age, color, disability including physical, mental, including HIV and AIDS, genetic information, gender, gender identity, gender expression, marital status, medical conditions, military or veteran's status, national, origin, race, religions, sex, and sexual orientation.

So that – that's what – that's what the state federal housing has. I know it's a lot –

Bedell: I support Dr. Ken Williams on this because it makes it in sync with what the system is, in the state law.

Lindholm: Can't we just say we support state law?

Bedell: Well we support – some of them we might not.

Lindholm: Oh.

Bedell: Yeah. I think it should be clarified. Given the past month and the conversations I've – I appreciate the board on record for –

Lindholm: Can you read them again, please?

Williams: Yes, I'll be more –

Lindholm: It's HR – what is it?

Williams: It's the California Department of Fair Employment Housing. They enforce the law and they give about 15 items here but expand upon Dr. Jack Bedell's issues here. So I – I'll read them? I don't know if the board would wanna accept it or whether you wanna see it come back.

I – I’ll leave that up to the board. Or vote on it as is, I – I’m good either way. I’m just trying to make this consistent with state law.

So the state law says ancestry, age, color, disability, genetic information, gender, gender identity, gender expression, marital status, medical condition, military, veteran status, national, origin, race, religion, sex and sexual orientation.

Bedell: Does it have political affiliation in there?

Williams: I don’t see it here.

Bedell: That’s a big one that – **[inaudible]** workplace.

Williams: I – I don’t see it here.

Lindholm: So is the amendment to utilize the information you have there not to add to what’s here? To change it –

Bedell: Substitute.

Lindholm: Substitute, thank you. Because it – some of them were duplicate and some were left off.

Bedell: That’s – Mr. Williams is more inclusive. I would just suggest that we do that and they add political affiliation. **[Inaudible]**.

: May we have a copy of that so that we can make sure we capture it correctly?

Williams: Sure.

: Thank you.

Hammond: Any comments from our attorney? Mr. Wenkart?

Williams: You’re asking an attorney for comments?

Female: **[Inaudible]**

Wenkart: I’ll make it quick. I – I think it’s fine to make it consistent with state law and I don’t see any problem with adding political affiliation.

Hammond: Okay, thank you. Alright. All in favor of passing resolution 1716 as modified, in a most collegial and friendly matter, signify by saying, “Aye.”

Williams: Aye.

Bedell: Aye.

Lindholm: Sure.

Hammond: Opposed. Abstained. You may **[inaudible]**.

Lindholm: We did that one.

Hammond: All right. Item 16 has been taken already. Passed, moving on. Item number 17, adopt resolution 1416, honoring May– 22nd as Harvey Milk Day. Chair seeks a motion.

Bedell: David, are you moving this?

D. Boyd: Well I didn't carry it over. From my stand point I would like it – I'll move for purposes of discussion if you'll second.

Bedell: I'll second it.

D. Boyd: Okay. All right. Obviously this caused a great deal of concern at the last meeting. And unfortunately I was not there at the beginning and I can understand after going back and listening to the tape while the board – why the board had some reservations regarding adopting the Harvey Milk Day resolution.

There were a tremendous number of allegations made against Mr. Milk. The most damaging of which was, and I'm quoting now from Mr. Whitley, "Harvey Milk had a life known where he statutory raped young boys under the age 18 which is well known, it's in his autobiography."

Well that's simply not true. There is no documentation that exists unless you've **[inaudible]** right wing **[inaudible]**. Let's say anything such that, like that and you don't think that would've been vetted before there was a Harvey Milk Day before he was awarded the Presidential Medal of Freedom?

I – I had an informal conversation with Mr. Whitley before he left. He was gonna come back. I made a proposition to him for charity purposes. If you can come up with any documentation that this took place, I'll give \$1,000.00 to any non-profit of his choosing.

And if he can't, he would give \$1,000.00 to children **[inaudible]**. Well he said was gonna come back, I don't see him out there. **[Inaudible]** was doing some research and found out that there is no documentation.

So I can understand the context of Dr. Bedell's comment which was taken outta context, when he said, "Less Harvey Milk." That really wasn't a fair representation of who he is but the Board of Supervisors has had a Harvey Milk Day resolution for years now.

It was handed out a little while ago, no drama whatsoever. So I said last – last month that it didn't make any sense for me – for us to do a Harvey Milk Day resolution in June. But you can be assured that it will be brought back soon on that recall.

Lindholm: We have a request to speak on this item. Gloria Pruyne? And she's waited –

D. Boyd: Many hours.

Lindholm: 7 hours.

Pruyne: Good afternoon President Hammond, honored school board members. My name is Gloria Pruyne from Fountain Valley and I'm speaking on should Harvey Milk, a pedophile, be honored. Harvey Milk, knowingly had a documented sexual relationship with at least one child, Jack Galen McKinley, who was 16 years old.

He was a runaway from Maryland. Matt Barber wrote and **[inaudible]** honored with U.S. postage stamp "Explaining Milk's many flings and affairs with teenagers and young men. Randy Shilts writes how Milk told one lover why it was okay for him to also have multiple relationships simultaneously. As homosexuals, we can't depend on the heterosexual model. We grow up with a heterosexual model, but we don't have to follow it. We should be developing our own lifestyle, there's no reason why you cannot love more than one person at a time."

McKinley, a disturbed runaway boy desperately sought the father figure to provide empathy, compassion, wisdom and direction. He instead found Harvey Milk, a promiscuous sexual predator, who found in McKinley an opportunity to satisfy a perverse lust for underage flesh. Years later, McKinley committed suicide at age 33.

Was McKinley better off after being Harvey Milk's partner? If so, why did he commit suicide? Whether convicted or not, it is nonetheless deplorable pedophilia and known pedophiles should not be honored whether national, state or local level.

I urge you to veto a resolution for a day honoring a known documented, morally reprehensible individual, Harvey Milk. I respectfully request that my comments be photocopied for each board member and I request that this documented be included as an original meeting document for historic reference. Thank you.

Lindholm: Thank you.

D. Boyd: And of course, there is no documentation. Last time I believe, one of the speakers referenced paged 25 of a particular book, the Life and Time of Harvey Milk, I think? With respect to the individual that Gloria just spoke about, there's nothing on page 25 that talk about any sexual relationships with any minors, absolutely zero.

A few years back we had a – **[inaudible]** was a resolution or a letter of recommendation. It came from a trustee about an individual he had known and respected for many years – not gonna name this person.

I didn't know who he was, I didn't know much about it so I – I googled him. And you know something? The same allegations that Gloria made about Mr. Milk was made about this guy, with no support whatsoever.

But it was on the Internet, it was on OC Weekly. And if I had brought that up that trustee would've been outraged and justifiably so because there's just no factual support. It's – it's just one lie after another lie. I'll make the same offer to you. I won't make the same offer – I don't wanna take your money.

But I made the offer to David Whitley, he can give \$1,000.00 [inaudible] non-profit organization he wants, I'll get it, if he can document it from any credible source.

Bedell: Mr. Chairman?

Hammond: Yes, sir?

Bedell: I seek – I seek Mr. Boyd's guidance on this.

Hammond: Okay.

Bedell: Did they – this resolution that we tabled and he put it within the context of what we did is no longer meaningful because it's for May. He's all – Mr. Boyd's has also indicated that he intends to bring forward a resolution for May 2017.

Given those two points, I wonder if we could have a motion and I seek your guidance as president of the board, what to do when a motion to postpone to time indefinite, pending what Mr. Boyd wants to do with a future resolution.

What is your preference?

Lindholm: Mr. Chair?

Hammond: Let me – let me answer his question and I'll –

Lindholm: Okay.

Hammond: I think that – that would be up to – to Mr. Boyd or the body itself could make a motion to postpone. I think it's – I think it'd be appropriate to hear more completely from Mr. Boyd. Madame Vice-president, I'm sorry, you had something?

Lindholm: Yes, I'm gonna be abstaining on this one because there are so many people. We should have resolutions to support. I – like Madame Curie helped cure polio – there are so many resolutions. This picks out 1 percent. I'm not inclined to support that. I – I think we only do federal holidays.

I just think we should stop doing resolutions of one person at a time after another. So I will be abstaining on this. If you wanna move it forward, or keep it, or table it. I – I think it's time or we recognize the first person who voted.

We recognized the suffragettes, we recognized – so – I – I just I think we have done this enough.

Hammond: Okay. Any other comments?

Bedell: I'll move that this particular resolution be postponed 'til March 2017.

Hammond: Okay.

Williams: You mean May. You mean May.

Hammond: You mean May or March –

Bedell: No, that would give us 2 months to then have conversations about it and to vet it.

Hammond: All right.

Bedell: See what I'm saying?

D. Boyd: I don't know but this is nuts to me. To me this is just nuts. I mean we either adopt it or we don't adopt it. It's – again to me it makes little sense to do a Harvey Milk Day resolution in June, as I said last month and that's why I said I opposed being at the table.

But it's tabled in and here we are, so I don't really care what you do with it. I'm gonna bring it back.

Robert Hammond: Well do you – then do you want to let them –

D. Boyd: [**Inaudible**] resolution, then I'll bring back more documentation on who Harvey Milk was.

Hammond: All right, do – do you wanna go ahead then and maybe for – I'll say first, the benefit of staff then, to allow your current resolution to expire knowing that you're gonna bring back in March, or whenever you'd like to –

D/ Boyd: Well I mean it's your call, Mr. President.

Hammond: Well – well it's your resolution.

D. Boyd: I voted against tabling it in the first place, so what you wanna do with it today I – I really don't care.

Hammond: Okay. Well if –

Bedell: See I'm – David, I'm talking in light of the resolution we just passed which for me is a more inclusive resolution and given that there is such misinformation about Mr. Milk – given there was such mis –

D. Boyd: Such hatred.

Bedell: Hatred, yeah hatred frankly and the language used at our podium we haven't had in my experience of 12 years on the board. I thought that it might be more sense to have a cushion if you like so we can have a better focused argument that's less **[inaudible]**, that's where I was coming from.

D. Boyd: Well I'll bring it back in March if that's what you want.

Bedell: That was **[inaudible]**.

D. Boyd: But – but what we wanna do with this today is really up to you guys.

Lindholm: Mr. President with the hour getting close to 5:00, we need a decision so that we can move forward.

Bedell: Did we go into overtime?

Hammond: Well there's a motion but it has not been seconded.

Lindholm: There was a motion earlier that was seconded for discussion.

Female: Who was the motion and second?

N. Boyd: David made the motion and Jack for the point of discussion seconded it.

Hammond: Well right, but then he made a – but then he made a subsequent motion to table until March of next year –

N. Boyd: Without the second.

Hammond: Right, that's what I'm saying. So is there a second to table this until March of next year? Hearing no second, your motion fails due to a lack of a second, sir.

Bedell: Okay.

Hammond: So we're back to the original motion. Any other discussion on this motion?

Lindholm: Call to question.

Hammond: Question has been called. All in favor of item 17, Harvey Milk Day, signify by saying, "Aye.". Opposed?

Williams: Opposed.

Lindholm: Abstain.

Hammond: Abstain?

D. Boyd: Abstain.

Bedell: Abstain.

Lindholm: Abstain.

Hammond: Okay. Motion of – fails 0-1-4.

Lindholm: There? Superintendent's gone.

Hammond: Superintendent has gone. So Ms. Nina, do you have anything?

N. Boyd: Your next meeting is on June 22nd. We sent some information related to the upcoming ACCESS graduations to the board members. So if you would please RSVP to us if you'd like to attend any of those – that you plan to attend so that you can be properly recognized at the graduations.

Hammond: Okay.

N. Boyd: And we've also sent you some information related to the CSBA conference. They've just opened up that window, it is scheduled for December 1st through the third.

Lindholm: I'd like to attend that if you send me a notice please?

Hammond: Okay. If nothing else, chair seeks a motion to adjourn.

Lindholm: Adjourned.

Hammond: We are adjourned.