

## **Orange County Board of Education Meeting – 12/14/16 – Transcript**

*(Sound of voices – gavel)*

### **Welcome and Call to Order**

Lindholm: Good morning to everyone. Hello we're going to start our meeting. We'd like you all to be seated so we can begin. We're going to have our wonderful program today but we're going to start with our regular business. Is my mic on? *(Sound of tapping on microphone)*. If you'll all please be seated we'd like to begin, and welcome. Welcome to everyone during this holiday season. Regular meetings are held each month at 10:00 am unless otherwise noted. Any person wishing to address the Board on any matter whether or not it appears on the agenda is required to complete a request to speak form, available at the table by the door and then please submit the completed form to our board recorder who is up here on the item prior to the meeting where it's going to be discussed. Each individual will be allowed 3 minutes per person per meeting and may not give their time to extend for other speakers. All persons are reminded that this is a public meeting and attendees and speakers should be respectful of each other and the board. Verbal outbursts and clapping except for performances are prohibited. Anyone deemed to be disruptive will be asked to leave pursuant to Penal Code Section 403. Board agendas are posted online and can be reviewed at the OCDE board website and agendas are also available at the back of the board room. We will begin today with the invocation by Pastor Becky Tirabassi and we will have the Pledge of Allegiance by our Associate Superintendent.

Tirabassi: Thank you for inviting me to open with an invocation. Lord we know you have the wisdom to guide the faculty, administration, and board of our county and we know you have the solutions to help our students and families live healthy and whole lives. Help us to humbly turn to you for that wisdom and those solutions so that we each protect the young lives with which we have been entrusted in our county. Most importantly, help us to daily aspire to raise up and educate the boys and girls and the young men and women in our county to know and fulfill their unique purpose in each of their lives so that they will make a positive difference in their communities and on their campuses. We put our trust in you, oh Lord. Amen.

Several Amens.

Lindholm: And the Pledge of Allegiance:

N. Boyd: If everyone would place their hand over their heart...

Many voices: *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.*

Lindholm: Thank you, and be seated. That brings us to Roll Call, please.

Sisavath: Trustee Boyd?

D. Boyd: Here.

Sisavath: Trustee Bedell?

Bedell: Here.

Sisavath: Trustee Lindholm?

Lindholm: Here.

Sisavath: Trustee Gomez?

Gomez: Present.

Sisavath: Trustee Williams?

Silence

Lindholm: And are there any introductions today?

N. Boyd: There are no introductions at this meeting.

Lindholm: Thank you. That brings us to the agenda and the regular meeting adoption of the agenda for today's meeting.

D. Boyd: I'll move.

Gomez: I'll second.

Lindholm: There's a motion and a second for today's agenda.

Bedell: Madam Chair may I just amend under the section of adjournment may we list in honor of Wendy Benkert and her retirement, in honor of her contributions?

Lindholm: We can do it in honor, but not in memoriam. (*Laughter*). We will have that...

Bedell: If we can amend the agenda that way they'll be there. Thank you.

Lindholm: Alright, that's a friendly amendment. All in favor?

Several Ayes.

Lindholm: Any opposed? Regular meeting of November 16<sup>th</sup>, the minutes. Any additions or corrections?

Bedell: Move approval.

Gomez: Yes, I do have a couple of clarifications. On page 5 number 5. I don't know if there was something missing at the bottom of that as requested by board member, and I think it should have had the name of the board member that requested the travel. So that we can add that.

N. Boyd: That would be Jack Bedell.

Gomez: Correct. And then on page 7 under announcements, under the superintendent's report the second bullet, boy scout got repeated and so on the second bullet point it should say Santa Ana USD State of the District breakfast. So the boy scouts should be deleted from that bullet point. Thank you.

Lindholm: Was there a motion for approval with amendments as noted? Is there a second?

D. Boyd: I'll second.

Lindholm: OK, trustee Boyd is seconding that as amended. All in favor of the minutes, Aye.

Several Ayes.

Lindholm: Any opposed? Ok, the minutes carry. That brings us to the public comments section. We do have one request to speak under public comments.

Bedell: Paul MacGregor, please.

*(Voice from audience inaudible)*

D. Boyd: If I can make one comment regarding a constituent that I lost this past month. Jeff Arthur who has addressed this board many times on many different issues, but in particular pension plan issues, passed away about 2 weeks ago after a very long illness.

Lindholm: OK. We wish his family the best and condolences to them, he will be missed. That concludes the public comments section. We have no other the public comments and that brings us to some of the fun parts. So, I will be inviting our board members to move to reserved seats in the audience and I will be introducing Steve Venz? Welcome, the visual and performing arts coordinator. So we will be going down to that front row, board members and our superintendent.

Venz: As the students are coming in and getting set up...yeah, come on down. I just wanted to have this opportunity to explain why we invited Willard to come today and perform for us. There are actually two specific reasons for this. One as you know, this is a whole new world now with the new standards, the new LCFF, and LCAP. There's so many changes that are occurring within education. Exciting changes as well as opportunities. Willard exemplifies this specifically with this music program. The music program has been in place for 5 years. The choral conductor who you will see come in, started 5 years ago to lift the program up. Jeremy has been at the school for about, actually for one year. And the way Santa Ana Unified School District has designed this is that they want to build the arts into their school community and strengthen it and provide opportunity for arts education for our kids. And so, as you see today, Jeremy is a result of what you see in terms of how to leverage your LCAP, your Local Control Accountability Plan, and this new funding. This is based on the essence of.... (Sound of movement)...is this better? OK. This is really about the essence of a well-rounded education.

Lindholm: Would you please stand under the mic for recording purposes?

Venz: Sure, I can do that. Again, a well-rounded education and that's what we're talking about. Because with all of the things that we have seen in terms of the contentiousness of the environment, the essence of this is about bringing the human component and it's about empathy and understanding. And what better way to do that then through the arts. Right? So that's the power of the arts and you link that power with STEM then you have something that will make our community and our students so much stronger and viable for the future. So, it's my pleasure to introduce to you, I'd like to bring up Amy Scruton, the principal of Santa Ana...not Santa Ana Unified, the principal of Willard Intermediate School (*Applause*). I didn't talk about the turn-around arts initiative, just quickly...Santa Ana Unified School District this year was awarded two schools to be part of this turn-around arts initiative. It's part of the Presidential Committee of Arts and Humanity. This is a national initiative and they have about, not sure I think.....

Scruton: 58 schools nationwide. (*Laughter*)

Venz: Thank you, I'm glad you got that down. We are thrilled to have them in Orange County and thrilled that they are partnered with Willard as well as Sierra Prep. Amy, come on up and .... I'm going to let her introduce the students.

Scruton: I just want to thank everyone very much for inviting them. They are so excited and it's a really great opportunity for my kids. We were really fortunate last week, they got to perform at the Skirball Center in Los Angeles and I can see already that my kids are confidence is higher and they are feeling better about the exciting opportunities for them and I know it's going to continue to carry over into their academics as well. So our first group here is our advanced band and Mr. Jeremy De La Cuadra is our awesome director and I'm going to turn it over to him. Thank you.

*(Applause)*

Jeremy: Enough talk, let's play. *(Laughter)*.

Students begin playing their instruments.

*(Applause)*

Jeremy: That was *Shenandoah*, arranged by Michael Sweeney. We do have one other piece for you, it's by Frank Dikelli, and it's called *First Light*.

Students begin playing their instruments.

*(Applause)*

Lindholm: Can you wait a moment? I think you did a fantastic job, absolutely. *(Applause)* I'm sure the parents would like to take a few photos so I'm going to ask our board to step out of the way, so the parents can take pictures of all the wonderful kids.

*(Sounds of movement)*

Lindholm: Then I'd like to invite the board to stand with the group, if you'd like, and the superintendent.

*(Sounds of movement and conversation, applause)*

Venz: We have the choir coming in, just a couple of notes, just to let you know a little more about this ensemble. Some of these students have actually, I know the baritone saxophone started playing the instrument a month ago or a month and a half as well as the students, I asked specifically if the students were coming in with background in the arts and playing instruments in elementary school. The answer was no. They actually started playing their instruments at

Willard. So this is really an accomplishment, considering where they're coming from. The only thing I didn't make clear was that Amy was the music teacher at Willard for the entire time and this year they actually brought in Jeremy to teach a couple of the periods of music. Then Jeremy and Amy worked this system up so they go to Heninger Elementary and they teach the middle school there and it's all based on this plan of creating an arts academy, a visual performing arts academy at the high school which was developed about a year ago. This is the first year it's in place. So it's really thinking in a very systemic way of building it up and giving these opportunities that are necessary for the kids. It's my pleasure to introduce to you Amy Beltran with the Concert Choir.

*(Applause)*

Beltran: We have two numbers for you. The first one is *Deck the Halls* and the second one is *Let it Snow*.

Keyboard music and student singing begins.

*(Applause)*

Lindholm: OK, we're bringing it back from our wonderful performance that we just had from the students. That brings us to Item #2 which is charter submissions, do we have any charter submissions? We do not have any charter submissions today. So, moving on from Item #2 and moving to Item #3 that would be with Jeff Frost and Ron Wenkart. Would you begin that presentation, please?

Mijares: Madam President if I may just make a comment. You had talked following the election concerning all the propositions. There were 18 propositions in case you did not count them. And about 4 of them applied directly to schools. This is kind of a 5<sup>th</sup> one that definitely will apply to schools. So, we thought it would be wise to chat a little bit about this. Obviously it's premature. There's a lot that needs to be done legislatively before the general assembly so, much more to follow but we thought by having Jeff Frost here who is a lobbyist in Sacramento, spends all of his time, wears out several pairs of shoes a month walking the halls of our great capital. He will bring the political side of this to the board and answer questions that you might have. Then Mr. Wenkart will zero in on the legal aspects as of today. Again, this thing is evolving. Thank you.

Lindholm: I want to thank our superintendent for his time and energy we were discussing some of the propositions that would affect all our children and the students and it is a pleasure to work with superintendent Mijares and get this update on what kind of direction we're going to be taking in the coming year. Thank you for your time and energy and looking forward to hearing your expert opinion.

Frost: Thank you, board members, good to see you. I've been representing the county office now for almost 3 years and it's been a valuable experience hopefully for the board and department but it's been a valuable experience for me too. Proposition 64, as Dr. Mijares said one of 18 propositions passed with 57 point something of the vote. It passed with support of every demographic in the state. Young, old, rich, poor, virtually every ethnic group. So, it has had extremely strong support. The issue has always been as consultants in the legislature started to look at it we have only finally in 2015 established real regulation around medical marijuana, which passed in 1996. It's been an extensive period of time where the legislature and the governing bodies in the Department of Health, Food and Agriculture, etc., have been dealing with this issue. The question now is do you want two separate systems of regulation, 'cause this is now recreational marijuana. Or do you want to meld the two into one reasonably regulated approach. I think the answer is they will try to bring the two of them together. It is my understanding from talking to consultants that they will try to do a clean-up bill in the parlance of Sacramento. A clean-up bill that tries to bring more coherence to the initiative itself. The interesting part of it is that it took three individual bills in 2015 to pull this thing together. The various departments have to do regulations. Food and Agriculture have to deal with the growing and harvesting part of the initiative. Please don't ask me detailed questions because this is not my area of expertise. It is pretty clear that I think it will take....the initiative says that it should be in place by January 1, 2018. I'm not convinced that it will be. So there are a lot of politics locally involved in this. There is also now a new federal administration coming in. President Elect Trump during the campaign has talked a lot about state's rights and local control in a number of areas which was in essence the Obama position as it related to marijuana. Sort of, we know it's against the federal law but sort of go do what you want, we won't mess with you. At the same time we have a nominee for attorney general who has been reasonably outspoken against marijuana. So, it's kind of unclear from a state standpoint whether there will be some level of federal involvement or interference and we don't know the answer to those questions. From a financing standpoint the money that will be generated from the two levels of tax there is a tax on the harvesting and then there is a tax on sales. As we all know in every other state where there has been an initiative passed this is a cash business because it is federally illegal and thus there is no banking system that will deal with these transactions. If you want to get in the business of investing in large safes, that might be an industry where you need to go because every one of these retailers is going to have a lot of cash laying around. Four percent of the money is to go to regulation and administrative costs. Ten million dollars is set aside for public universities in terms of evaluating the health and safety of marijuana from a "recreational" standpoint. There is three million that is to go, three million a year, between 2018 and 2023 to the highway patrol for DUI related training because now all of a sudden you've got driving under a different type of influence then you do with alcohol. Community reinvestment act, I'm not sure what this has to do with marijuana regulation but it was in the initiative. Ten million dollars annually for job placement, mental health, substance abuse, legal services, and medical care. Sixty percent of the

available revenue will go to youth education, prevention, and early intervention. I presume that money will go to the California Department of Education and because they are a small bureaucracy my guess is that the money ends up getting filtered to county offices of education to do these actual programs locally. Twenty percent of the money to environmental restoration and protection as it relates to watersheds, etc., related to the cultivation of marijuana which everybody presumes is going to expand greatly. Twenty percent to state and local governments for training related to enforcement and then two million to the University of San Diego for medicinal cannabis research. I'm not sure who knows who there but that's where the money goes. So the next year will be spent holding a series of hearings. All of the development here is supposed to go business professions, committees, senator Hill is the chair of the senate committee the assembly committee is open because that member was termed out so there will be a new chair but I'm suspecting there will be a series of hearings and there might very well be overlap in those hearings. For example, when they deal with issues related to education they bring the education committee into it as well. As Ron will tell you when he gets up here in just a minute there really shouldn't be any change in how schools operate in California because marijuana has always been illegal in terms of coming to school high just as is the case with alcohol which is a legal drug. The question will be how schools deal with the volume and the new ability for edibles and things of that nature which are obviously a concern. So, if you'll look at what has happened in other states there has clearly been a lot of growth from the standpoint of schools hiring more people, having more interaction with law enforcement and so I think that will be a learning and growing experience for our school districts. Until the regulations are actually in place there are a lot of questions that are at this point unanswered. So, I will stop there, I'll turn it over to Ron and then be happy to answer any questions you might have.

Wenkart: Thank you, Jeff. I've got a handout here. Attached to this handout is the voter information that was given out for the election. It kind of summarizes a lot of what Jeff was saying so I won't repeat that but I'll just hit a few key highlights. As Jeff mentioned the initiative allows for licensing, taxation, and regulation of the marijuana industry by the legislature. So there's going to be hearings and legislation and regulations to regulate this industry. There are a few key points that I put in bullet points that the initiative does not allow that was some of the concerns that have been raised. For example, smoking marijuana while driving a car will still be prohibited. Smoking marijuana in a public place other than a business licensed for onsite consumption will still be prohibited. Smoking marijuana where smoking tobacco is prohibited such as public schools, that will be prohibited. Possession of marijuana at schools, daycare centers, or youth centers while children are present will still be prohibited. Providing marijuana to minors under the age of 21 for non-medical use will be prohibited. Growing marijuana in an area that is unlocked or visible from a public place will be prohibited. So, it's interesting, the recreational marijuana has an age limit of 21 but the earlier medical marijuana initiative has no age limit. So we've had situations where kids have bought marijuana, got a permit for medical marijuana or prescription from a doctor and have brought it to school. Then we've had to

discipline them whether it's been a suspension or an expulsion and their defense has been well, it's legal because it's medical marijuana. But the education code prohibits possession, prohibits sale, and it prohibits being under the influence of marijuana, and that hasn't changed. So, school districts will continue to discipline students as they have in the past. With relation to employment, I don't think that will change either. There have been several cases under the medical marijuana legislation where employees have said well, I can bring this marijuana to work because I have a prescription from a doctor and you can't discipline me. But, the private companies have fired employees who have brought marijuana to work or been under the influence of marijuana and the courts have upheld those firings. So, I think that will translate into the public sector as well. If we have employees who are under the influence of marijuana or possess marijuana at work we will take disciplinary action as well, I'm sure. What are some of the indirect effects? Well, talking to attorneys in Colorado and they haven't compiled statistics hard data yet. They are seeing some increase in marijuana possession in public schools. They're seeing some increases. They're seeing as Jeff mentioned edibles, that's a big concern, particularly with young children that they may accidentally eat these edibles that might be laying around, not knowing it has marijuana in it, with some medical consequences possibly. So those are some of the concerns. With that, we'll open it up to questions, if Jeff and I can answer any questions you might have.

Lindholm: I just want to thank you because I think this is opening up, from my background and experience with the city, marijuana has always been a gateway drug and then it moves on to the other drugs. My concern, personal concern, and probably should be for the parents is if you have a bus driver who was severely under the influence and driving our children or driving the district's children, probably teaching a class is not as hazardous but, I'm very concerned about our ability to either discipline or be able to measure and get the word out that this is not going to be acceptable that you cannot be a bus driver and be stoned and driving our children even though in the State of California recreational is legal although in the federal courts and in the federal law it's illegal. How do you address for the safety of our children?

Wenkart: Well, I think one of the key issues that you mentioned that's going to be difficult is measuring what is under the influence? For alcohol we have a definite measure. I don't know that they've established a measure of when you're under the influence of marijuana so that will become an issue I think. But as far as possession with employees we will continue to discipline employees who...

Lindholm: So a bus driver who would have in his possession while he's driving a school bus?

Wenkart: We would certainly discipline that employee, probably fire him.

Lindholm: But we wouldn't know, how would we know if he was below a cognitive level that would be able to drive children?

Frost: I've raised some of these questions with the committee consultants. They've already gotten a lot of questions from the California Chamber of Commerce, other organizations related to the private sector. Yeah, you've got good points there, these are all things that will be part of our committee process. From the standpoint of our .08, what's the equivalent of that with marijuana or is it any marijuana in your system? These are all questions that I don't know that there's an answer to yet. But, I think the regulations will get promulgated in a way that school districts as employers hopefully will clearly understand. Then we'll know what the parameters are.

Lindholm: Bringing it to board members for questions?

Gomez: Not at this time.

D. Boyd: Yes.

Lindholm: Trustee Boyd.

D. Boyd: Yeah, a couple of questions. Under the initiative it still does not limit city control over the establishment of retail facilities, for example. A city could say ok, notwithstanding this initiative we're not going to allow any sales within our jurisdiction. Is that correct?

Wenkart: I'm not sure. It couldn't prohibit it but maybe limit it. I think there's been a number of lawsuits in Los Angeles and West Hollywood over this, limiting the number of facilities that sell medical marijuana. So I'm not sure how the courts are going to deal with that yet.

D. Boyd: OK. I guess a lot of these are going to be unknowns. Airline pilots have a zero tolerance when it comes to alcohol. I would hope there's something similar in the education code with respect to bus drivers? Is that true or is that false.

Wenkart: Not currently, but that might be something that we might want to propose or work toward.

D. Boyd: I would hope a bus driver, I mean we would have a zero tolerance. OK, well I could as you a whole bunch of questions, but I guess we'll pass.

Frost: I think the best course of action might be for us to just continue to keep you updated as these committees meet and bills start to get formed. Right now, it's all speculation and it's

speculation from their stand point as well. I think we'll just try to keep you abreast of where things are headed.

Lindholm: Just a quick question. Is this the law now? I mean is this...is the recreational marijuana law in effect right now?

Frost: I believe the answer to that is yes and no, meaning that from a legal standpoint I know that the courts are starting to kick cases out of people who are awaiting because of possession and other things. But I think that from a regulatory standpoint we're nowhere near somebody being able to open a shop down the street and say I've got recreational marijuana for sale. We're not there yet. I think different pieces have kind of taken effect because of its passage but the regulatory process I think has this, the initiative itself gives it a year. Whether it's ready in a year again is another thing.

Wenkart: Yeah, it's phasing in different parts.

Lindholm: Trustee Boyd?

D. Boyd: Yes. Thank you trustee Lindholm. As I understand it if a student has a medical condition that requires prescription drugs the normal protocol and drugs that have to be taken during the school day that the protocol is to take those drugs in the nurse's office as the nurse would dispense.

Wenkart: Yes, that's the general protocol.

D. Boyd: How would we handle somebody who, ok, I've got this prescription for marijuana, I'm going to hand it over to the nurse and I know there's no answer to this...?

Wenkart: No actually what we've told our school districts is that they cannot bring it to school. If they're going to have a medical prescription they could take it at home, but they cannot bring it to school and give it to you to administer. The education code prohibits the possession of marijuana on a school campus so therefore they cannot bring it to school.

D. Boyd: OK, thank you.

Lindholm: Trustee Bedell.

Bedell: Yes, thank you madam chair. At the direction of our president I asked the CSBA chief attorney and his presentation and his view is exactly the same as yours, where we are. I appreciate how it's analogous to what you're going to do with the DUI, etc. I think trustee

Lindholm is raising an interesting point. It seems to me when we get federal regulations they are issued with periods of comment. I would hope that not only would we take advantage of that but if somebody like trustee Lindholm who brings the city experience we might...how would we get input into the draft of the regulations? See what I mean?

Frost: This is a two-step process. First is we can have input into the drafting of the legislation itself which is creating clarifying language to the initiative more specificity around which the regulations are based. The second piece then is just as we do with any regulation that the department of education as an example, is promulgating we can provide input through written comments and oral comments to the state board of education. It's kind of a two-step process and we can do all the commenting we want at that point.

Bedell: Ron, do we know...something I would like to see is see us deal with our employee representatives on this as well as part of the buy-in and as part of the education. Do we normally do that on regulations?

Wenkart: Not usually but depending on the issues. Sometimes we work with the labor organizations and sometimes not. If our position is the same, we would naturally work with them. Sometimes our position is not the same depending on what the legislation is but on this marijuana issue, there might be common ground.

Bedell: That's what I would say, I think we should go for that.

Wenkart: We could talk to them, sure. As you're asking the question I'm thinking we could work with CSBA and ACSA and all the state-wide organizations on this issue too.

Bedell: And add CCBE because I know they're interested in that as well. I like making a preemptive strike rather than be reactive.

Wenkart: I think our state-wide organizations would be interested in this.

Lindholm: And following up on vice president Bedell. Now is the time for us to take, and if the superintendent agrees, to get some information and comments out there urgently that even if we want to go with a zero tolerance for bus drivers. If you have 30 children on that bus...

Bedell: I can see that. I would have zero tolerance for a shop teacher, who is working with machinery.

Lindholm: So I think now is the time if we need to budget some money for that...to pursue that I would like to do that. We're doing an interim review today if we need to do that under the advice

of Renee she would give us advice on how we need to pursue that to protect the safety of the children. And to Trustee Boyd's question and studying from the city, you can actually, medical marijuana you can actually take in the pill form and get the ACTH, is that correct? Did I get the initials right? To get that in a pill form you don't have to smoke it and that is quite an easy way. The recreational is of course more alluring for youth or some of the adults but if you really need the medical marijuana you can take it and it can be actually specifically formulated for you and your pharmacy can dispense it for you. Most people don't know that in general. That might be something for the medicinal marijuana. I would love to see this pursued. And on a second issue if I may just one more thing I think we should also collaborate with the Orange County Sheriff's Department because in Colorado they have I believe an increase of 25 percent of accidents on their freeways where people under the influence of marijuana. So, I think that collaboration could be probably an additional amount of comments if we would like to make that. I just want our kids safe; I don't want to prohibit people from doing things in their home if that's what they choose. Our job is to keep our children safe and I'm very concerned with that. Further comments from board members?

Lindholm: Yes, Trustee Gomez.

Gomez: Yes, I think there's a lot of collaboration that could go on. You mentioned the Sheriff's Department, I think the police departments, the cities, they're all grappling with how this is going to be implemented and enforced, etc. I think there's a lot of people out there that are going to have comments from their perspective as to how this is all going to work. I think any collaboration that we can do for comments and information would be really valuable as well as getting input from our unions, our employees. You mentioned shop teachers, bus drivers are pretty obvious, there's going to be other areas. You know what, you're working with kids and you still have to have good judgment at all times and if we're hampering that judgment then we need to figure out what's best.

Wenkart: Sure, our teachers supervise kids and it's important that they be able to. I think it should apply to all teachers because you have somebody who's under the influence they may not be supervising the children like they should.

Gomez: Even out on the playground. They're seeing something and not reacting to something I mean it's all over.

Lindholm: And to your comments I would volunteer to attend a meeting if you would like me to, I'd be happy to do so. We spend a lot of time on these types of issues, when I was with the city.

Wenkart: We could talk to CSBA and see if the League of California Cities and the County Supervisors organizations are all interested as well as the Sheriffs, all those organizations at that level they could form a coalition and have an impact with the legislature.

Lindholm: Would I ask our outstanding superintendent to, if you would be so kind as to take the spearhead on this?

Mijares: Yes, and I do want to thank the board for its courage here because not everybody agrees with you. There are constitutional people who think it's their first amendment right to do this and I've been in those circles with Sheriff Hutchens. So, it does take courage, it takes leadership and perhaps we, the Orange County Department of Education can lead accordingly. I know all of our superintendents are asking a ton of questions and we have no answers. They're asking good questions because if you don't as you mentioned, Jeff, both of you, if you don't have the proactive piece in place you end up doing the reactive thing which is not good. I was just thinking as you were talking we do a lot of things with outside agencies let's say. We take field trips, kids go on boats, they go see the whales, so perhaps having strong policies that prohibit employers and vendors...so, it's going to scale in a lot of different ways but I like the fact that at least we're out in front.

Lindholm: I thank you and if we need additional funds the superintendent will let us know...

Mijares: Sure.

Lindholm: But I hope...is there a timeframe for when we could get a letter of input out? I kinda don't like to leave it laying, maybe after the second week in January we could get a letter of concern and just a place holder if nothing else. We might not be able to hold all the issues but a statement of concern.

Frost: I'll find out what the legislative timeline is on this. I'll let Ron and Dr. Mijares know and then we can sort of gauge our need to move, based on that.

D. Boyd: And if we could get a timeline with respect to the public hearings as well as...

Lindholm: That would be good. I'm happy to go and I'm sure people would be happy to go and speak on the issue if we need to go to Sacramento and give our two minutes or one minute. You get to hand in your concern and that's worth the time on occasion and this might be that occasion.

Bedell: It might also be good—the NSBA's meeting in the end of January and it may be something the department of justice to speak to them to see if there's some kind of linkage or

where they're going from on this and if it's a state's...there may be something that they're working out, it would be good to be in that piece.

D. Boyd: With a new administration we don't know where they're going.

Gomez: I was just going to say that same thing.

Lindholm: That would take time, too.

Gomez: In the meantime, what's California doing?

Lindholm: So thank you both and please if we need to get a place holder in, a letter placeholder, because I know to get the whole thing and to say this is what we're suggesting and the details, that takes a little time. But the placeholder, a couple of pages would be I think useful. You're the lobbyist you would give me the correct advice on that.

Frost: Yes, and let me find out what their timeline is here. We have a new legislature that's been sworn in but we have yet to actually any movement until January. I'm thinking probably in February they'll have a much better idea of....first the committees have to be formed...all of those technical things have to occur so we're not going to have a bill in two weeks. It's going to be an extended period of time. I think it gives us you know time to talk to our neighboring agencies and develop some good thoughts.

Wenkart: We can work together and then report back to the board what we're doing.

Lindholm: Please, if there's anything that comes up and you think we need to have input on and absolute working with the superintendent and of course the teachers out there in the field, they want the best for the children too. Absolutely.

D. Boyd: Do you expect there would be one bill or there would be a series of bills the Department of Education might sponsor their own, other regulatory agencies, they all have different interests and concerns.

Frost: I think that there will probably be at least two, one in each house. There's political credit that needs to go around, beyond that it's hard to tell. I don't know enough about this industry and the politics associated with it to know whether there's specific legislators that are already super attuned to this issue that will want to weigh in very quickly, we just don't know.

Bedell: Do you get a sense, you know how this sanctity around proposition 13, and what that generates, I'm trying to understand. Do you get a sense that there's a lonesomeness about going near this at all?

Frost: Going near recreational marijuana?

Bedell: Correcting and cleaning up, it's a mine field for them 'cause it's irrelevant to our regulations we might...

Frost: That's part of the reason why I started with the comment that this was widely supported among the citizenry and it wasn't just a massive onslaught of twenty somethings that carried this to victory. This is every single demographic in the state supported this. Some bigger than others. But I don't think as a result of that I don't see the legislature shying away from this. I think they will embrace the issue and say alright now let's put some regulation around this and off we go.

Bedell: Thank you.

D. Boyd: Roughly speaking, how much money was raised in support of the initiative? Do you recall? And did it come from any particular special interest groups?

Frost: Well there is a growing national marijuana interest that's the same as alcohol and tobacco and other "vices." It's a growing industry that people see is going to continue to grow. There was significant money, I can't give you a dollar figure. It would have been more if the polling data showed it was close. They didn't spend as much as they could have spent.

D. Boyd: Ok, thank you.

Lindholm: Thank you very much. Thank you for your time. Please keep us updated, we appreciate it. I'm going to move on to our consent calendar items. We have items 4 through 6. They can be all passed on one motion if you so choose.

Williams: So moved.

Lindholm: We have a motion for the consent calendar is there a second?

D. Boyd: Second.

Lindholm: There's a motion and a second for the consent calendar item. Any discussion? All in favor say Aye.

Several Ayes.

Lindholm: Any opposed or abstentions? Consent calendar items carry. Staff recommendations? We have Item #7 which is Renee. Anything on this would you like to have a report on this? I'm looking at my board members. Item #7?

Williams: I'll move.

Gomez: I'll second.

Lindholm: We have a motion and a second on that. I do have one question. First I want to start off with a note of appreciation because you have on page 48 you have a 5-year projection which I greatly appreciate this. That lets us know where we're going to be going in the future and what the trends are so I want to thank you for putting that together. Then my question is on page 19. We have books and supplies increase by a net of 4 million 686 and some change, can you tell me about that? What's going on with that?

Hendrick: So in that category is our what we call our holding account. We'll put dollars that we know will be spent so it doesn't affect the bottom line. Like we had a large grant that came in that we're not sure what category that will be spent in yet, so we keep in there so we're not charging indirect against it and things like that. So it's like a holding account that's open for people to look at but it doesn't show up. We know that we'll probably expend it during the year so one of the items could be is we are in the process of settling negotiations but we haven't actually ratified yet so it's not in the salaries but it's in that holding account. Its things that don't move yet, we're not exactly sure where they go but we know we need to budget for them.

Lindholm: OK and that's anticipated that will be spent this year?

Hendrick: Yes.

Lindholm: OK.

Hendrick: If not, you'll see it changed in the next budget.

Lindholm: OK. I don't have any other questions. Yes?

Bedell: I'm on page 18 this projected increase in 118 ADA? I missed if it's in the narrative where that's coming from.

Hendrick: This is coming from mostly from the charter, which is included in there. That's where the majority of the growth is coming. We have a little bit of growth in the community schools. Still a decrease in the juvenile courts though.

Bedell: Again, I was on trustee Lindholm's same page. The word attrition appears at least 3 times. Is that a strategic decision not to go after that for replacement or is it problematic or, I'm just interested because it's decrease, decrease, decrease.

Hendrick: Well because of our decline, we have been over staffed in some areas and so we are consciously not filling positions. Our policy has been consistent that whenever we have a vacant position we review that and look at that pretty consistently. Any new positions directly go to Dr. Mijares to approve, and even vacant positions, we're doing the same type of thing right now. We don't have a hiring freeze but we're also being very conservative and conscious in looking at positions. I can't say we're not hiring any teaching positions because it would depend on what type of program it's for.

Bedell: So when you look around, you're so well connected around the state, is this typical of what county offices are going through? Is this the new norm?

Hendrick: It is the new norm and it's not just county offices. Remember in Orange County we only have 2 districts growing and that's Tustin and Irvine. Every other district in the county is declining. Our county as a whole is now declining. The county offices, the juvenile court portion, I think you heard that was CCBE they're just seeing a huge decline statewide and that's due to state policies.

Bedell: And I was wondering, following again Trustee Lindholm, would it be more transparent if that, I understand your explanation but if that were truly for books and supplies and we had another category show what that almost 4 million dollars was.

Hendrick: It is detailed in your packet, you'll see it's like object code 4399, it is detailed out in there. Of the books and supplies a large portion is for books and supplies. You saw this as part of our LCAP plan, we had a few million dollars of new expenditures there. So not all of it is that but that is some of that holding. But in the detail of your budget is actually lined out separately.

Bedell: I was just wondering if there would be public confusion about that? OK. Now, go back on page 20 please, the 37 million reserve. Again, going around the state, how does that compare? Some people might say that's a nice chunk of money in there and it should go back to the taxpayers. You know what I mean by that...if you've got that much in the holding?

Hendrick: Right. Well, remember it's a county office we're funded a little bit differently than regular school districts. We still have no prior year protection. Again, going back we are in a county that did go through a bankruptcy at one point. Our salaries and benefits this doesn't even equal two months' worth of salaries and benefits. Maybe it's about 2 ½ months at this point. If you remember for cash flow purposes, I don't feel it's.....

Lindholm: And to follow up on your particular question we have the debt repayment on the building next door which is.....

Hendrick: Thirteen point something million now.

Lindholm: So, if you took that into account, then this number would be significantly lower.

Hendrick: And then because we are countywide we have a lot of disaster type of concerns. School districts are in one geographic location may not have the same as where we're spread across the whole county. We have a lot more concern about if there was some type of emergency how we respond to that and what it looks like.

Bedell: Thank you.

Lindholm: Do you have an emergency response center here of some kind?

Hendrick: We actually do, we have a trailer that is parked out by the back building. Maybe that's something we could look at. We have an emergency command center that Dr. Mijares had planned last year, I think it took about a year to get that up. We have...

Lindholm: it has a generator?

Hendrick: It has a generator, it has solar panels, it has radio communications and we are just restarting our training to get staff up to movement on how that all works. But yes. And, it is mobile so we could move that to other locations within the county as needed.

Lindholm: And it's radio communication, it's not 800 megahertz, do you have a frequency?

Hendrick: I'm sorry that is above my technical knowledge.

Lindholm: I'm sorry but I'm really glad to hear....

Hendrick: We actually did it in cooperation with the Sheriff's Department so they actually along with the EOC, the county EOC, so it was what they had suggested.

Lindholm: Fantastic, I'm glad to hear you have it and a generator. I heard Irvine had no power recently.

Hendrick: We do have a generator on site for this building and site and that's because of our data processing. Since we do payroll for over 90 thousand employees in the county, it would not be good if we could not process that.

Lindholm: That would not be good. We have a motion and a second. Oh, absolutely, sorry.

Gomez: Well thank you. I actually spent some time with Renee and almost all the questions you asked I already knew the answer to....I did have a lot of questions.

Hendrick: Yeah, she did have a lot of questions.

Gomez: Yeah, I had way more questions than you did. You mentioned something about the emergency response center. Is our data backed up as well? Will we be able to access that too?

Hendrick: Yes, we do. And we actually have an alternative site in Arizona.

Gomez: OK, perfect.

Hendrick: So, we do have and it's all redundant servers and so we have invested quite a bit in that but again it's since we house the financial, HR and payroll systems for a lot of the districts it's critical for us. That's a big business piece so yes, we do have off-site...

Gomez: We don't want to affect people's pay.

Hendrick: No, that is the last thing. None of us want to take those phone calls.

Lindholm: Any further questions? With a motion and a second already on the floor to approve this and we thank Renee for her exceptional work. All in favor?

Several Ayes.

Lindholm: Any opposed? OK. Item #7 carries. That brings us to Item #8, is there a motion?

Bedell: So moved.

D. Boyd: Second.

Lindholm: Motion and second on Item #8. Is there any discussion?

Gomez: Madam Chair. Just to clarify a couple of things I just want to be sure I'm understanding a couple of things. In this proposal it talks about a budget for 1,000 students for the PSAT. Is that over the length of the grant or is that budget for the year? Do we know?

N. Boyd: Laura is approaching the podium.

Strachan: I'm Laura Strachan, the Assistant Superintendent over ACCESS and yes, that is for 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> grade for the students to take the PSAT, they would be eligible.

Gomez: OK. Are they going to take it, do you anticipate them taking it multiple times? Maybe 8<sup>th</sup> and 9<sup>th</sup>?

Strachan: There's actually different versions of it so yes, we will be giving a 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> version. We would like to give each year to our students. They have partnered with Khan Academy, with College Board now that gives each student individualized remediation plan. So we want to give it again so that they can get an updated plan and work with our teachers that way.

Gomez: OK. So we do anticipate 1,000 students in this....?

Strachan: We anticipate 1,000 students.

Gomez: OK. Then, the dual enrollment with the community colleges, is that going to be county-wide so we're going to be partnering with different community colleges?

Strachan: Yes. And we're looking at this grant will fund 5. It costs us about \$12,000 in the different programs for books and supplies for the students. So this would fund 5. We'd like to do more but the minimum would be 5 and it would be funded through here.

Gomez: Alright. Thank you.

D. Boyd: I have a question if I may? I see that the Khan Academy is referenced here. Are they charging for their materials?

Strachan: No, absolutely not. They have partnered with College Board, it's completely free when you take the PSAT, the student gets a report.

D. Boyd: OK, thank you.

Bedell: I'm looking at page 101. I applaud this program especially the emphasis on A through G. As you know the research shows that even a kid that's going into a trade-the more A through G he or she takes the greater the income. I think that's huge. I'm kind of interested, I think in the first paragraph on 101, the first paragraph the last three words, yeah. That's deviant behavior in California at a public institution. When you're going to Williams College and it's \$65,000 a year, that's very different than here. I guess, where does that 4 years come from? Becky can tell you, I can tell you that the overwhelming majority of Cal State Fullerton students are 5, 6, 7 years. I just don't want this to be a check off that's going to mean when only one percent do it that it's a failure.

Gomez: Right.

Bedell: You know what I'm saying by that?

Strachan: That was actually language in the bill, that wasn't from us. So, the intent was, I think because the recognize so many students are taking longer because they are not prepared, the intent of this block grant was for districts to allow programs to prepare their students so they can get through school and take the brisk classes without remediation and take it in the 4 years and to complete. So, that's the intent of the grant. That was the Senate bill's language.

Bedell: So whoever wrote the bill had no contact with California students?

Gomez: I think the intent, from what I'm understanding, is that when you prepare them they're doing all that remedial stuff and they're kind of 100-101 type classes so they can graduate when they get to the college level, that they can get through in 4 years. I had the same question but then I rethought that. Is that my understanding?

Strachan: I think it's a recognition that students are not ready and they are taking so many remedial classes just before they even start. It adds almost another year they're taking so much. Or they fail because they're taking lower loads. So by preparing them in high school..... (several voices talking) ... exactly.

D. Boyd: Aren't there two issues on this? One is the readiness of the student the other one is the availability of the classes.

Strachan: Exactly. That does happen in the state. I think it has gotten better with the funding levels changed a little bit as all community college students could not get the classes. That has eased up a lot. So, that's not so much an issue as it was a few years ago.

Lindholm: I would disagree to that point. I know my son is trying to get classes, doing an excellent job in those classes and is wait-listed on four of the classes he needs as a junior. So, my complaint is to your point is you can't graduate in four years because you can't get the classes you need. Even if you're prepared, you can't get the classes you need.

Gomez: I think that funding is shifting a little bit at the university level. And the community college level too. We're offering more classes that we haven't been able to offer in a while. So, I know I'm teaching a class I haven't taught in 4 or 5 years next semester, because now the funding has loosened up. I think we'll see some of that trickle up now.

Mijares: Could I also comment, what Dr. Bedell is addressing is the new norm. So the four year degree is now called the six year degree. So, there's a lot of concern about that among our policy makers. It's not only protracting the time but the kids are getting lost in the system and it's costing tax payers billions of dollars. So, I recall when this was passed by the legislature it came out of a deal brokered late in the process and this was one of the features that ultimately if this is done right it's going to save a lot of money.

Bedell: Absolutely.

Mijares: And then you have teachers who can now teach those classes, more of them, and you won't have kids waiting in line.

Bedell: Before Trustee Boyd rudely interrupted me (laughter) I was going to ask on page 103, the back side of what we were talking about. At the CSBA meeting I was at a session where one of the school board members or administrator was extolling the virtues that in that school district something like 52 % of their kids were getting A through G. I'm invested in this having worked on this decades ago and one of the problems a lot of districts have said we have EX percentage getting A through G, they don't tell you the percentage who passed it with a grade of C or better. When we get it originally it was OK we want A through G with the physical science AND we want to be sure that this isn't 14 units of D. Is this abstract, this summary? This is from the grant itself?

Strachan: This is actually what we're intending to do. Right now, our students, the only opportunity they have for A through G courses are online through our Pearson GradPoint program. Our classes are not A through G approved. So our goal is to actually get those approved so that our students have that option. They should not be just subjected to a diploma that doesn't, if they don't have that option. So the intent with us with us using this money is to increase our numbers of A through G approved courses, our actual coursework being taught in the classrooms is to up our rigor. Again, there are some students that may come to us in a

different need we will have that available as well, but the intent is for them to have the coursework and do well and learn the materials and be prepared to go onward.

Bedell: Can they do concurrent enrollment in a local district say for example they want physics can they take physics?

Strachan: Not at a district but we do work with the community colleges if they do have that need. They can do dual enrollment.

N. Boyd: Laura, you should probably mention though that PCHS does have...

Strachan: That's true. I'm sorry, I apologize for just working with ACCESS. PCHS is A through G approved other course work. So a student that comes to us can get A through G at PCHS if they choose that.

Bedell: So an ACCESS kid could do that?

Strachan: They could, absolutely.

N. Boyd: PCHS is ACCESS.

Strachan: Yes, it is ACCESS.

Bedell: I know that, I've only been here 13 years.....

Strachan: But our ACCESS students can also do it through GradPoint. They do have the option through GradPoint.

Bedell: It would be interesting if they could...

N. Boyd: So if you have students that are accelerated and they come to us because of other reasons, maybe a discipline problem that they were expelled and now in our program. Chances are that they would probably go to PCHS as opposed to a community based program.

Strachan: We do look for the student when they come and we place them to make sure they're in the best program.

Lindholm: So this is new money for this year, correct?

Strachan: Yes. It starts in January and it's for 3 years.

Lindholm: That is great news and great news for our vice president. Thank you. We do have a motion and a second before us I do believe? All in favor of Item #8 say Aye.

Several Ayes.

Lindholm: Any opposed or abstentions? Item #8 carries. Item #9, is there a motion?

Williams: So moved.

Bedell: Second.

Lindholm: There's a motion and a second for Item #9, any discussion?

Bedell: Same questions.

Lindholm: Same answers, probably. All in favor of Item #9 say Aye.

Several Ayes.

Lindholm: Any opposed? Item #10, is there a motion for that?

Williams: So moved.

Lindholm: There's a motion.

Bedell: Second.

Lindholm: And a second on Item #10. Any questions or discussion? OK. All in favor say Aye.

Several Ayes.

Lindholm: Any....OK motion carries unanimously.

Gomez: No.

Lindholm: Excuse me, I apologize.

Gomez: No, I'm going to abstain from this Item just simply because I don't feel like I have enough information since this was something that was discussed prior to my joining the board.

So, I'm going to ask for some additional information going forward on this. But at this point I'm going to abstain.

Lindholm: OK. So please note the vote is 4 Aye votes and 1 abstention on Item #10. Under board recommendations we don't have anything listed under that. We have information items and that would turn us to our outstanding superintendent.

Mijares: You came upon this faster than I realized. (Laughter) Thank you madam president, members of the board. First of all I want to acknowledge that we were the recipients of a Golden Bell award from the California School Boards Association for a Gift of History. You all know that we go to Angel Stadium and put on an amazing event that's targeted at 3<sup>rd</sup> graders and it's about local history which is part of the history framework. This experience is aligned to state standards which early on that was a little bit of an issue because you got time on task and if you're taking kids off task that are not aligned with state standards then theoretically you're compromising their skill when it comes to being assessed by instruments that are aligned with state standards. So, I want to, hats off to people like Gail Eastman who was formerly a city council person in Anaheim who's no longer on the board but she continues to be part of the foundation that she helped establish. There's probably 30 businesses, very prominent businesses, Disney is a big sponsor, Angels are a sponsor, Yahoo, there's just, if you looked at the list it's like one of these who's who in Orange County, and they're all behind us. It was a great testimonial I think to get this by the California School Boards Association. Jack, you were there and was anybody else from the board there at the luncheon? So, I do want to thank Gail Eastman and Chris Lowe for their support, their leadership on this initiative, Gift of History. Is Christine going to report on that later?

N. Boyd: No, just what you're mentioning. Christine Olmstead is out.

D. Boyd: It is a lot of fun by the way if you ever have a chance to go. And there's a book that goes along with it that all the 3<sup>rd</sup> graders get.

Mijares: Nothing Rhymes with Orange, by Stan Oftelie, he's the...

D. Boyd: Actually I learned a lot about Orange County history I didn't know.

Mijares: We can spend an hour on this but what they did the last time was they had actors who were in costumes who dressed up right as Angel Stadium. The kids were all screaming and then there's the big jumbotron is also in sync and it really talks about the history of Orange County in various periods and businesses and how that all scales up nationally. So, it was great, and those kids will never forget this. So, great event, I wanted to commend our staff for all of its involvement. Dr. Olmstead is the assistant superintendent who oversees them. And then I want to

also acknowledge that on the 21<sup>st</sup> of November I attended the Nicholas Academic Center. Henry Nicholas, as you all know, is a business man here in Orange County and he puts on an event, this one was at Valley High School, there are 3 and they call them NACs – that's Nicholas Academic Centers and it's all about helping kids get into the university. Being college and career ready and successful and he personally helps tutor these students, not himself but he provides the funds for that and he also helps them with their post high school college degree expenses. It's just a great event.

D. Boyd: If I recall he was one of the co-founders of Broadcom.

Mijares: Yes, that same guy. Then, I wanted to also commend the staff here, thank Mr. Boyd for attending our OC Pathways showcase, which happened at the Marconi Automotive Museum. If you've never been there, Becky, you've been there.

Gomez: Yes, I've been there a number of times.

Mijares: It's amazing. It's 70 million dollars, Jeff, how many...no 30 million dollars worth of automobiles in this building. Just amazing. I wanted the red Maserati for a day, but Mr. Marconi wouldn't let me. They have a foundation, it's the Marconi Foundation, that they do the museum for the sake of raising money and it goes back to kids who are high risk kids, kids in need.

D. Boyd: It's open to the public, I think it's free, they ask for a \$5 contribution.

- Mijares: Donation. Right. So we had some tremendous personalities, Tim Buzza who is the program director of Launcherone at Virgin Galactic. This is a company that is actually involved in building space crafts that can orbit the earth and I think it's supposed to be where we as private citizens if you have several million dollars can go to the moon perhaps someday.

D. Boyd: I thought we'd send Jeff.

Mijares: Send Jeff? (*Laughter*). Mr. Buzza worked previously with Elon Musk. Jack's new car he got from him. So, just a fantastic motivational guy. He's an engineer by training along with a Nicole Lewis who talked about how we can help our kids through OC Pathways, getting the skills they need to take high level courses and still be very connected to the world of career tech. Great experience. We had a packed house and I want to thank our staff and Dr. Hittenberger and Amy Kaufman for your leadership in this. Thank you. Then, just quickly here. The CSBA Conference in San Francisco, I found that to be very interesting, very enlightening in many ways, and I was impressed with some of the keynote speakers. Some of the keynote speakers, although most of them were good. Then on the 8<sup>th</sup> of this month I was part of a panel at Chapman University. It was held by the new dean, Margaret Grogan, from the College of Education. It was all about what constitutes a good school, an effective school and we also emphasized normal

traditional regular schools and then alternative schools as well. Some of those are charter schools, so we had a chance to talk about this whole world of how we could help, particularly underserved parts of our county. Then I want to give a shout out to Wendy Benkert who's back there, Wendy, for her many years of service and Jack, thank you for your motion to recognize Wendy. We were meeting in this very building just a couple of days ago to salute her for her years of service. I don't know how many of you realize this but she really is, I hate to use a male name like Babe Ruth, but Nina give me another name that is the equivalent – Billie Jean King, there you go, of school business in California, if not beyond, really. We had that person right in this office for so many years. She's mentored a lot of the CBOs you see around here and is on BASC works with ACSA, CASBO, CSBA, she'd testified before the legislature many times and John Moorlach was here as well and Shari Freidenrich was also here to salute her. So, thank you, Wendy.

Lindholm: I think we could give her some applause.

*(Applause)*

Mijares: That's all I have under my reports, madam president.

Lindholm: Thank you. And we wish you all the best, thank you for all you've done. That brings us any board member comments?

N. Boyd: We just have a couple of updates for the board. Ron.

Wenkart: Good morning everyone. I just wanted to talk to you about an article that appeared in the *Enquiry and Analysis* publication for NSBA which had some interesting historical significance for Orange County. I just wanted to mention it as you know many of our employees are active in affiliated state and national organizations. And the National School Boards Association is one of those organizations. The National School Boards sponsors a council of school attorneys which brings together attorneys who represent school districts around the country. The council sponsors seminars, conducts webinars, distributes various publications to assist school attorneys and keep school attorneys up-to-date about what's going on around the country. And one of those publications is *Enquiry Analysis*. Last spring I was asked to write an article on the Mendez versus Westminster School District case which has a very interesting history both as to Orange County and national. There's interesting personal background for me as well that I'll share with you. I first became aware of the Mendez case in the mid 1990's when former county board member Felix Rocha contacted me and asked me to provide him with a copy of the case. Felix had been contacted by Sylvia Mendez, the daughter of the lead plaintiff and one of the children involved in the case, and the documentary film maker Sandra Robby who was making a film that eventually was shown on PBS station. When I read the case I

immediately saw the historical significance of the case and I was surprised we were never taught about this case in law school, that it wasn't more well known. When I've talked to other attorneys about it they've also been surprised and had not heard of it. So I gave Felix a copy of this case the documentary film was made and aired on PBS and this board held a reception for Sylvia Mendez and the other children involved. When I say children, they were much older of course by the time we...it was around the 50<sup>th</sup> anniversary of the case. The case is from 1946, U.S. District Court Case was 8 years before Brown versus Board of Education and it was upheld on appeal by the 9<sup>th</sup> Circuit Court of Appeals in 1947. It was one of the first court cases to say that Plessy versus Ferguson the separate but equal doctrine should be overturned by the Supreme Court. They held that having separate schools for Mexican-American children and other children was a violation of the 14 amendment and a violation of the equal protection of the laws. And they held that separate but equal facilities were not equal and were unconstitutional. Outside the court itself there was some interesting background too. Many of the organizations that were active in the Brown versus Board of Education case filed briefs in the Mendez case, including the NAACP. Thurgood Marshall filed a brief in the Mendez case and then later was the lead attorney in the case Brown versus Board of Education. During the course of this litigation, just before the 9<sup>th</sup> Circuit upheld it on appeal, the California legislature repealed laws in California that authorized segregated schools. That bill was signed by Governor Earl Warren. Then, Earl Warren was then appointed chief justice of the United States Supreme Court and was the lead author of the decision in Brown versus Board of Education. So, there's that historical connection which I find fascinating. So I just wanted to bring it to your attention, let you know about it. NSBA and the Council of School Attorneys wants to raise the profile of the case and to publicize it more so that attorneys and general public is more aware of the case. So, I'm happy to be a part of that effort and just wanted to share that with you. Thank you for giving me that opportunity.

Lindholm: Thank you.

N. Boyd: Laura.

Lindholm: Thank you for sharing that, Ron.

Strachan: Good morning Dr. Mijares, President Lindholm and members of the board. I just want to give you a couple of quick updates with some exciting things in ACCESS. Last Saturday on December 10<sup>th</sup> we had our graduation with the National Guard Sunburst Youth Challenge Academy. We had 197 program students graduate, which is a 91 percentage retention rate which is the highest in the state out of all the programs. We had 17 students earn high school diplomas and 7 students passed the high school equivalency test which is a very high number with the population. We had 154 students for the first time make honor roll which is a 3.7 + GPA. So it's 78 % of the cadets in this cohort earned honor roll so we're really proud of the class that just went through. They worked very hard. We would like to thank Trustee Gomez for attending the

service and we're sorry Trustee Bedell could not make it under the circumstances. We really appreciate the board's support for this program and the student and staff very much appreciate it. Secondly, I am very proud to announce that last night Pacific Coast High School's mock trial team won in the semi-finals and are advancing to the finals. (Sound of clapping) Our team actually consists of only 10 students where most of the teams have 20. So on top of the fact that they're advancing our students have to have multiple roles and work harder than the other teams. So we're really proud of our students. The team is led by our teacher Amy Sydoruk and we have 3 volunteer attorneys that worked with them. We're just very excited and looking forward to going to state hopefully. Our principal, Machele Kilgore does a fantastic job of making sure that our students are top in the state on this, so we're really excited. So, that's it.

D. Boyd: What's the next level you'll go to?

Strachan: State. If they win Saturday we will go to State.

D. Boyd: Is that in Sacramento?

Strachan: Yes. And then hopefully on to nationals.

Gomez: Where are the finals Saturday?

Strachan: I don't know. I will forward you the information. I'll give it to Nina. It just happened at 10:30 PM last night. Thank you so much.

Lindholm: Congratulations.

N. Boyd: Renee?

Hendrick: I want to give you an update on our Esplanade project and also you had asked the last quarter if we could look at some information on building the elevators. So, I have that information to share with you. The project continues to do well. Our occupancy is over 98% right now and so it is staying high. I have been concerned because you have seen a lot of buildings on Jamboree that have gone up for sale or lease. Lucky for us that's actually filled some vacancies because they are being moved out. There is a lot of pressure to build more living space in these areas so it is hard to find. We have a few units that are a mix of office and industrial units and industrial units sell big. They are never open. We have a waiting list for those. Those are needed in the area. So our budget looks on target for right now. The fact that we have that fixed rate is helping us it's only 3.5 percent and we have that locked in for 4 years. To look at the budget going forward, right now you can see that our estimated ending balance is going to be 3.9 million dollars. Of that 1.62 is actually required to be reserved by U.S Bank.

They're the holder of our note and that's the reserve they require us to have. That would leave us about 2.2. So we've done a lot of extensive work on what the elevators would cost for the 4 buildings. We had an architectural firm actually draw up plans, go through all the revisions for us and things like that and so they gave us 3 different estimates. The first estimate is if we do just a lift which they did not fill was the most cost effective, that's 2.7 million dollars for the 6 building. But the lift they said is not as practical, it would just fit a wheelchair in and it would have a tendency to not be as durable. Then they gave the 2<sup>nd</sup> option was for an elevator that would not be gurney sized which actually you're supposed to have a gurney size in case there was an accident, that's 4.1 million and to get an actual elevator which is the option that we would probably want to go with is 4.2 million dollars. So that's what it would cost for all 6 buildings. They were able to find a way to construct it so we wouldn't lose any lease space which is important as we don't want to lose any revenue. They did find corridors in each of the buildings where they could do that. Because of the age of our buildings there would be a lot of planning that would be needed because of asbestos and other types of issues that we're pretty sure we're going to find just because of the age of the building. They've tried to factor some of those things in. So, there's a couple of complexities with this. One is we can't hold more than 5 million dollars in this account, based on our state regulations. So the way we drafted the plan is we can never have more than 5 million dollars sitting in this account. Anytime it goes above that we use that to draw the principle down. The second problem is that we can't spend any of our OCDE funds if we contribute that towards the project at all it disqualifies us for financial hardship. Since we are trying to build that school, it would disqualify us. So any dollar we spend outside, it actually gets taken away from us. At this point, we're looking for what the plan is to move forward. We can take a small section of that, try setting some aside and doing one elevator at a time. The concern for that is how do you pick which building and how do you tell the other buildings you don't get it today and things like that. I wanted to give you that information and answer any questions you may have.

Lindholm: OK, questions? Yes, trustee Boyd.

D. Boyd: The leases for the property are those gross leases or net leases?

Hendrick: Gross.

D. Boyd: So we can't pass any of these costs along to tenants.

Hendrick: Depending on the term they're in we could increase their rates but no we couldn't...

D. Boyd: It's not a triple net lease for example where you could....ok.

Hendrick: No. But we could increase their rates. And we're just getting up to the market rate recovering from the crisis. So we're just now getting up to that \$1.45...

D. Boyd: Would it add a significant additional cost to do one building at a time? I mean if we could have a 4 or 5 year plan...

Hendrick: We couldn't get a very straight answer. Their answer was it would depend on economic factors. And I said such as? And they said well, if the economy starts booming and the building starts really booming then yes. And we are seeing a big cost escalation of prices. They're saying that could happen. But, maybe not. The elevators themselves probably not. But the cost actually to it would be that. I asked them what the return on investment would be based on that. They didn't seem to think that was as large as the investment.

D. Boyd: Yeah, I would agree with that. OK, thank you.

Lindholm: OK, so how are we going to move forward on this?

N. Boyd: Renee's looking at me. We talked about this and one of the recommendations we came up with for the board is that because the state bond had just passed in November, we're waiting to see how the monies are going to be disseminated and the time frames in terms of our financial hardship qualification and so forth. Our recommendation is that we don't do anything until we see how that process is working and then we update the board at the appropriate time and we can move forward with developing a plan after that. We want to ensure that we're able to build on the land that the board owns to get the facility over in north Anaheim. Secondly, we do know that our viable plan that we've been using to make accommodations. So if someone does have a challenge going upstairs for a meeting we have meeting room space on the first floor. So all they have to do is make contact with us, the meeting is held on the first floor in the conference room area space. So we have a way of accommodating so that has been our safety net and that has worked effectively thus far. So we would continue that practice until the appropriate time that we could move forward with developing a plan.

Williams: I have a question. So the whole conversation is based upon a requirement that just came up that we build these elevators, can you help clarify that?

N. Boyd: No. The question was posed by Trustee Boyd some time ago. And I think he's raised it several times as Renee has given the Esplanade report. Because of the ADA requirements in terms of reasonable accommodation for people who come. Because we're leasing facilities that are two stories and there's no elevator in the buildings, how are we making accommodation for people who have businesses on the second floor and people need to get there. They're in a wheelchair, they have another disability. Most facilities have started upgrading and putting elevators in or

lifts and ways to accommodate that. When the law was first introduced and passed, the reasonable accommodation was that you just had to ensure that there was a place that you could accommodate them for a meeting or to take care of business. Because the law's been in existence for a number of years the question is whether or not that methodology will hold in perpetuity. Or do we need to do something and so he had raised the question on getting costs associated to upgrading the building to put the elevators in so that the board does not entertain concerns from people that say we can't meet their needs.

Williams: But currently, we are getting around the language by accommodating them with first story access.

N. Boyd: Correct.

Williams: First floor access.

D. Boyd: We hope. We are providing access but whether it complies with the law or not is....

N. Boyd: No one has challenged us yet because we've been able to accommodate.

D. Boyd: My office faces the same situation. I'm on the second floor if a student wants to take an examination we have an arrangement with a tenant on the first floor so they can take the exam or we'll arrange for a library. Whether that's bullet proof or not if we were to be sued is up in the air. The ADA has been in effect since 1991 or '92 so the so-called grace period has largely expired at least in the eyes of attorneys who love to litigate these things.

N. Boyd: We have the similar situation here at the department because these two buildings, the superintendent's office is upstairs so if someone needs an accommodation then he and or Jeff would meet with them downstairs and that has worked effectively as well.

D. Boyd: It also helps if we were ever to be sued that we're having these discussions and how the cost fits into the funds that might be involved.

Lindholm: I'd like to see us keep moving forward on this and see as you're working on the high school see if we can get some progress made. I don't think because we have 4 separate buildings, it's probably not going to increase your cost that much to do them individually. I would like to see us move forward when possible.

N. Boyd: We'll update you as soon as we find out from the state where we are and then we'll continue to have the dialogue and work with Renee's staff.

D. Boyd: OK, thank you, I appreciate that.

N. Boyd: Last I'd just like to update the board that next month there is a fiscal seminar that's done by the Orange County School Boards Association every January, right after the Governor's budget is released. That will be held here at the Department on January 25<sup>th</sup>. We'll send you information to let you know who will be providing the leadership in that seminar. We think three of the board members who have confirmed that they will be attending this Friday's holiday luncheon with staff. We understand that 2 board members sent regrets based on prior commitments. Our office is closed on the following days: December 23, 26, the 30<sup>th</sup>, January 2<sup>nd</sup> and January 16<sup>th</sup>. We will send you a reminder with regards to that and we will have very limited staff in between the Christmas and New Year holiday. So, we'll send you information so that if you need to get in touch with us for board business. The submission deadline for next month's board meeting is December 22<sup>nd</sup> and it's moved up due to the holidays and the closures in the office. So our next board meeting is Wednesday, January 11<sup>th</sup>.

Lindholm: Thank you. Thank you for that report. Board member comments?

Gomez: I would just like to share that Thorman Elementary School in the Tustin School District, you probably saw this on the new but almost 100 3<sup>rd</sup> graders got free bikes from a nonprofit foundation in San Diego called Bikes for Kids. It was picked up on a couple of news stories, so check that out. Today was my morning for music. I was at the Chamber Breakfast this morning for Tustin and the Foothill Dickens Carolers performed at that breakfast. And I was very pleased to attend the Sunburst Academy graduation. It was a wonderful ceremony. So thank you very much for that invitation. And I was pleased to hear about the Mendez case, that we're trying to raise the profile on that because that's something that I've been working with, I know Sandra, I'll be personally, and she and I have become good friends over the past few years and they're working on a little campaign about Mendez Acts of Kindness. Similar to what we're doing already. She's kind of, we've seen the film, we've taken to our group and things like that so we are helping her try to raise that profile as well. So, thank you for doing that and I hope that we'll be able to get some of that into the curriculum at some point. That's it for me, thank you.

Lindholm: Thank you. Board member comments? Trustee Boyd?

D. Boyd: Yes, thank you. I had the opportunity to visit the Epic Charter School a few weeks ago and I'd like to thank Paul MacGregor, the executive director and Michelle Anderson from CCA for extending the invitation. For those of you who haven't been there they have a very nice physical facility and (*inaudible*) fully accessible. We spent about an hour and a half talking about their program and I appreciate having a better understanding.

Bedell: CSBA.

D. Boyd: CCSA I should say. Oh, I did go to San Francisco, yes. We had a very interesting conference, particularly one of the speakers.

Lindholm: Trustee Bedell.

Bedell: The last budget we approved money for my trip to DC since they got out early and efficiently that trip was unnecessary so that money will not be yanked. Susan Henry from the coast, Newport Beach, I'm sorry, Huntington is the new president of CSBA. Orange County is among the leaders in the state now with CSBA presidents, and members of the executive committee. Mike Walsh from Butte County is the president elect and the president of CCBE is also on that same board, the Butte board. So Butte is well represented. I think that's nice for all their ten students. (Laughter) On the back table I brought some materials on the teacher shortage and other issues from that conference that I thought you might find interesting. CCBE passed a very, what I consider, nice start on a charter document for the organization and what county boards should look for in authorization. They'll be coming out with a final copy, what I have for you says draft printed all over it and I didn't want to put that out. I appreciated attending the Golden Bell on behalf and getting the award. Going back to the people who planned the Anaheim event we had lunch and they were planning next year's event and they're running through who would be good speakers, so that was good. Also happy to report that Orange County had several Golden Bell winners up and down the county. So that's what is going on with Orange County kids. So it was appreciated and thank you for allowing me to go to that conference. Speaking of marijuana, I don't know if this was Trustee Boyd's experience but when we swung open the hotel door, it was like skunk cabbage. I mean it was phenomenal, I just....! We had a luncheon for CCBE and we had what I considered the equivalent of a glorified Subway sandwich, half like you do, and a cookie and a lemon bar, salad, and iced tea...it was \$92.00 per person. They are now moving CSBA to Anaheim out of San Francisco. The homeless situation is phenomenal there. Which is sad because a lot of people are way up by the Oregon border and up over east and moving it to Anaheim and San Diego will not be convenient. They looked at Oakland and San Jose, but they just aren't very popular.

D. Boyd: Let me go on record that I wouldn't recognize the smell of marijuana. (Laughter) I was an accounting major. (Laughter)

N. Boyd: David, you're not by yourself. Renee didn't recognize the smell either when we were walking down the street.

Lindholm: Trustee Williams, would you like to make any comments?

Williams: No, I don't.

Lindholm: Thank you. The only comment I have before we go into, we're going to go into closed session is to wish all the, and thank you for all the work that everybody is doing, but wish all our servicemen who are abroad and those who won't be home with their families, all the best. We want them to come home safely, but there will be an empty seat at a lot of tables and I just wish them all the best. Keep our thoughts and prayers with them as we go through the Christmas and the holiday season. We're going to go into closed session, and Ron, you'll be announcing that. Then we will be, I don't know if we'll be reporting out or not so I will hold that in abeyance until our afternoon session which will be a separate meeting. Ron, would you like to introduce the issue?

Wenkart: As indicated on the agenda the Orange County Board of Education will be meeting in closed session regarding anticipated litigation. The Board has received a letter from an organization demanding that the board immediately stop scheduling invocations at its meetings. That the board remove the words *In God We Trust* from the board room and refrain from adopting resolutions related to religion in the future. Since there is a strong possibility of litigation the board will be meeting in closed session to discuss this matter. The other item as indicated on the agenda is Whitley versus Orange County Department of Education. We'll be meeting to discuss this pending litigation in closed session. This litigation involves the Brown Act and the Public Records Act.

Lindholm: Thank you.

D. Boyd: Ron, for the record, I will be recusing myself from the Whitley discussion.

Lindholm: Ok, so that's on the record. So for the benefit of the audience we want to thank you all for coming today. We will be going into closed session. If we report out we will be doing so. Our next meeting will be starting at 1:00 PM. We will not be starting sooner than that. So, if you would like to go out and have lunch or go on your way and get some shopping done, we wish you absolutely all the best and we will see you next year. We stand in recess.

*Sound of gavel.*

Lindholm: We are back and we will have some reporting out.

Wenkart: OK. We met in closed session on the Whitley versus Orange County Department of Education case. The board reviewed a settlement agreement and approved the settlement agreement. Dr. Williams, Dr. Bedell, and Ms. Lindholm voted aye. Ms. Gomez abstained and Mr. Boyd recused himself. The board authorized General Counsel to sign the agreement on behalf of the board. Mr. Boyd did you want to say anything about the recusal?

D. Boyd: No, not really. No, I don't think it would be appropriate.

Wenkart: OK. I think that's all we have then on reporting it out. Thank you.

Lindholm: Thank you. That's a prior meeting and that stands adjourned.

*(Sound of gavel).*