REGULAR MEETING
September 11, 2019
10:00 a.m.
Board Room
200 Kalmus Drive, Costa Mesa, CA

ORANGE COUNTY BOARD OF EDUCATION
AGENDA

WELCOME

CALL TO ORDER

STATEMENT OF PRESIDING OFFICER: For the benefit of the record, this Regular Meeting of the Orange County Board of Education is called to order.

INVOCATION

William Owens, Author, Christian Life

PLEDGE OF ALLEGIANCE

ROLL CALL

INTRODUCTIONS

(*)AGENDA
Regular Meeting of September 11, 2019 - adoption

(*)MINUTES
Special Meeting of August 1, 2019 - approval
Regular Meeting of August 14, 2019 - approval

PUBLIC COMMENTS
(30 minutes)

CONSENT CALENDAR

(*)
1. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.

(*)
2. Adopt Resolution #14-19 in support of October 20-26, 2019, as Orange County’s Red Ribbon Week campaign, and encourage all community members to promote alcohol, tobacco, and other drug prevention education programs and activities, and send copies of this resolution to school districts in Orange County.

CLOSED SESSION 1

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Orange County Board of Education v. Orange County Superintendent of Schools, Case No. 30-2018-01023385-CU-MC-CJC
Government Code Section 54956.9(a) and (d)(1)
CHARTER SCHOOLS

3. Charter Submissions

4. ISAAC Charter School Update

5. EPIC Update

6. Unity Update

(*) 7. **Charter School Public Hearing** – Achiever’s Global Academy – Aracely Chastain, Administrator, Charter Schools will facilitate the public hearing.

   Discussion Format:
   Achiever’s Global Academy
   District
   Public Comments – Achiever’s Global Academy (30 minutes)
   Board Questions


   Discussion Format:
   Vista Heritage Global Academy
   District
   Public Comments – Vista Heritage Global Academy (30 minutes)
   Board Questions

BOARD RECOMMENDATIONS

(*) 9. Adopt amended board policy #100-11. (Williams)

(*) 10. Approve board resolution #15-19 on adopted 2019-2020 OCDE Budget. (Williams)

STAFF RECOMMENDATIONS

TIME CERTAIN


Recess Regular Board Meeting to a Meeting of the Orange County Department of Education Facilities Corporation

INFORMATION ITEMS

BOARD DISCUSSION
-Trustee salary and benefits (Bedell)
-Term Limits (Bedell)

ANNOUNCEMENTS
-Superintendent
-Associate Superintendent

Legislative Updates
-CSBA Update
-CCBE Update
-NSBA Update
-Capitol News Update
-School Services Update

BOARD MEMBER COMMENTS

EXECUTIVE COMMITTEE REPORT

PUBLIC COMMENTS (15 minutes)

ADJOURNMENT

Nina Boyd
Assistant Secretary, Board of Education

Next Regular Board Meeting: Wednesday, October 16, 2019 at 10:00 a.m. The meeting will be in the Board Room at 200 Kalmus Drive, Costa Mesa, CA.

Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting Darou Sisavath, Board Clerk at (714) 966.4012.

(*) Printed items included in materials mailed to Board Members
MINUTES
Special Meeting
August 1, 2019

ORANGE COUNTY BOARD OF EDUCATION
MINUTES
Special Board Meeting

CALL TO ORDER
The Special Meeting of the Orange County Board of Education was called to order by Board President Barke at 6:02 p.m., August 1, 2019 in the Board Room, 200 Kalmus Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE
Mari Barke, Board President

ROLL CALL
Present:
Lisa Sparks, Ph.D.
Mari Barke
Ken L. Williams, D.O.
Rebecca “Beckie” Gomez
John W. Bedell, Ph.D.

INTRODUCTIONS
None

AGENDA
Motion by Williams, seconded by Sparks, and carried by a vote of 3-2 (Barke, Williams, and Sparks voted Yes; Gomez and Bedell voted No), to approve the agenda of the August 1, 2019 Special Board meeting.

PUBLIC COMMENTS
None

CHARTER SCHOOLS

1. Motion by Williams, seconded by Sparks, and carried by a vote of 3-1-1 (Williams, Barke, and Sparks voted Yes; Gomez voted No; Bedell Abstained) to approve the Ednovate Legacy College Prep material revision to move the school to temporary facilities at the following locations: 1960 S. Anaheim Way, 1710 W. Edinger Ave. and 1622 W. 6th Street.

2. Motion by Bedell, seconded by Williams, and carried by a vote of 4-0-1 (Williams, Barke, Bedell, and Sparks voted Yes; Gomez Abstained) to approve the Ednovate Legacy College Prep material revision request regarding the Legacy College Prep governing board amended bylaws and the material revision request to relocate the school from 1500 E. 17th Street to 1450 E. 17th Street, Santa Ana.
The Board went into closed session from 6:39 p.m. to 7:02 p.m.

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Orange County Board of Education v. Orange County Superintendent of Schools, Case No. 30-2018-01023385-CU-MC-CJC
Government Code Section 54956.9(a) and (d)(1)

Mr. Brenner reported the Board met in closed session to discuss an update regarding the litigation between the Board and the Superintendent. No action was taken with respect to the litigation. The Board also reviewed and voted 4-1 (Gomez voted No) to approve the invoice statement for June.

**PUBLIC HEARING**

3. **Public Hearing-** Greg Rolen conducted a public hearing regarding the Orange County Department of Education budget for the 2019-2020 fiscal year.

The hearing was opened at 7:08 p.m.

**PUBLIC COMMENTS**

- Tim Shaw, Budget

The hearing was closed at 7:11 p.m.

**BOARD RECOMMENDATIONS**

4. Motion by Williams, seconded by Sparks, and carried by a vote of 4-1 (Gomez voted No) to approve Greg Rolen legal services as of July 31, 2019.

Trustee Williams requested the following comment be included in the Minutes in regards to the bench or court order from Orange County Superior Court Order, Judge Crandall, ordering Superintendent Mijares to pay for past legal services of Greg Rolen. It is read as follows: "Having considered the parties briefing and oral argument regarding plaintiff cross-defendant Orange County Board of Education, a motion for a preliminary injunction and due deliberation having been had, and it appearing to the satisfaction of the court, that a preliminary injunction should issue. It is ordered that defendant Al Mijares, his agents, servants, assigns, and those acting in concert with it, and any entity acting on its behalf, are hereby enjoined and restrained during the pendency of this action and pending a further order of the court from refusing to remit payment, which has been approved by the executive committee of the board, to Greg Rolen and Haight Brown & Bonesteel for legal services performed for
the board. It is so ordered and signed on the 25th of July by Judge James Crandall.”

5. Motion by Barke, seconded by Williams, to discuss the approval of the OCDE Budget for the 2019-2020 fiscal year as required by state regulations

Associate Superintendent Nina Boyd commented that Dr. Mijares could not attend the meeting because he has a conflict on his calendar due to last minute date change.

Dr. Williams asked Associate Superintendent Nina Boyd since Dr. Mijares was not present at the board meeting to sign the 2019-2020 OCDE budget, if she would sign the budget document on pages three and seven. Associate Superintendent Boyd indicated that should the motion pass that Dr. Mijares would be the individual to sign pages three and seven. As Dr. Mijares was not present, Dr Williams explained the state education codes requirement to have either the board secretary or clerk sign pages three and seven of the budget document. A Subsidiary motion was made by Williams, seconded by Barke, and carried by a vote of 3-1-1 (Williams, Barke, and Sparks voted Yes; Gomez voted No; Bedell Abstained) to nominate Trustee Sparks as Board Clerk for the administrative purposes of lawfully signing pages three and seven of the budget that would be submitted to the state Superintendent of Instruction.

Trustee Williams requested the following comments be included in the Minutes regarding a previous memo created by Superintendent Mijares on July 19, 2019, that he sent to the board regarding the budget and his intentions not to assist the board in lawfully and properly transmitting 2019-2020 adopted OCDE budget to the state Superintendent of Instruction. The following statement from the last paragraph of July 19, 2019 memo was read by Williams: "For the foregoing reasons, I will not agree to amend the budget and will not be providing a modified budget reflecting the changes requested by the Board. In June 2019, I submitted to the board a fiscally sound budget. I am requesting the board reconvene a meeting to approve the 2019-20 budget I already submitted to the board for public hearing and adoption. If the board does not adopt that budget as submitted, takes action to modify the budget, or does not act, I will interpret that as the board's refusal to adopt the 2019-20 Budget and act accordingly."

Subsidiary motion by Bedell, seconded by Gomez, to delete the board members’ stipend and health and welfare benefits, totaling
$150,497.40 from the 2019-20 proposed budget. The motion was tabled to the September board meeting.

Motion by Barke, seconded by Williams, and carried by a vote of 3-2 (Barke, Sparks, and Williams voted Yes; Bedell and Gomez voted No) to approve the OCDE Budget for the 2019-2020 fiscal year as required by state regulations.

BOARD MEMBER COMMENTS

- Trustee Bedell- EPIC Oklahoma, ISAAC and Unity update on 8/14

ADJOURNMENT

On a motion duly made, and seconded, the Board meeting of August 1, 2019, adjourned at 7:59 p.m.

Nina Boyd  
Assistant Secretary, Board of Education

Mari Barke  
President, Board of Education

Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting Darou Sisavath, Board Clerk at (714) 966-4012.
MINUTES
Regular Meeting
August 14, 2019

ORANGE COUNTY BOARD OF EDUCATION
MINUTES

CALL TO ORDER
The Regular Meeting of the Orange County Board of Education was called to order by Board President Barke at 2:01 p.m., August 14, 2019 in the Board Room, 200 Kalmus Drive, Costa Mesa, California.

INVOCATION
Lieutenant Colonel Leroy Mills

PLEDGE OF ALLEGIANCE
Jeff Barke

ROLL CALL
Present:
Lisa Sparks, Ph.D.
Mari Barke
Ken L. Williams, D.O.
John W. Bedell, Ph.D.

Absent:
Rebecca “Beckie” Gomez - Nina Boyd, Associate Superintendent, commented Trustee Gomez will be arriving late.

AGENDA
Motion by Williams, seconded by Sparks, and carried by a vote of 4-0 (Gomez Absent), to approve the agenda of the August 14, 2019 Board meeting.

MINUTES
Motion by Williams, seconded by Sparks, and carried by a vote of 4-0 (Gomez Absent), to approve the minutes of the July 17, 2019 Regular Board meeting.

INTRODUCTIONS
Trustee Bedell introduced two boy scouts: James “Jimmy” Moore and Gabriel “GMM” Manning-Mongellanes.

PUBLIC COMMENTS
- Steve Blount, General
- Dr. John Winkelman, General
- Kathi Winters, General
- Darrell Williams - General
- Mark Schneider - General
- Brenda Lebsack - General
CONSENT CALENDAR

Motion by Williams, seconded by Sparks, and carried by a vote of 4-0 (Gomez absent) to approve Consent Items #1, #2, and #3.

1. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.

2. Accept the 4th Quarter Report on Williams Uniform Complaints for OCDE student programs for the period of April 1 to June 30, 2019.

3. Nominate and approve board member assignment for OCSBA for the 2019-20 fiscal year.

Note

Associate Superintendent Nina Boyd commented Trustee Gomez has confirmed her assignment with OCSBA.

The Board went into closed session from 2:28 p.m. to 3:03 p.m.

CLOSED SESSION I

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Orange County Board of Education v. Orange County Superintendent of Schools, Case No. 30-2018-01023385-CU-MC-CJC
Government Code Section 54956.9(a) and (d)(1)

Mr. Brenner reported the Board discussed an update regarding the litigation between the Board and the Superintendent. The only action taken was with respect to the invoice dated August 12th of Mr. Rolen and Haight, Brown and Bonesteel. The Board voted 4-0 (Gomez Absent) to approve the fee statement.

CHARTER SCHOOLS

4. Charter Schools Submissions
   • Achievers Global Academy- Virginia Carillo
   • Vista Heritage Global Academy- Dr. Wilson and Dr. Felch

5. Unity Middle College High School Update
   • Erin Craig, Founder and Executive Director
   • Roy Kim

Trustee Gomez arrived at 3:10 p.m.
STAFF RECOMMENDATIONS

6. Unity Middle College High School Noncompliance (carryover)- discussed, no action required.

The Board took a recess from 3:30 p.m. to 3:36 p.m. to clear the room for closed interdistrict appeal hearings.

TIME CERTAIN

7. Inter-district Appeal Hearing (closed) – Student #08142019001– Westminster School District to Huntington Beach City School District

The Board went into closed session from 4:27 p.m. to 4:54 p.m.

Motion by Williams, seconded by Barke, and carried by a vote of 4-0-1 (Williams, Barke, Sparks, and Gomez voted Yes; Bedell Abstained) to approve the appeal and allow the student to attend the Huntington Beach City School District for the 2019-20 academic year.

Kathy Ikola, Interim Coordinator, CWA & SARB, Educational Services facilitated the hearing.

The Board took a recess from 4:55 p.m. to 4:58 p.m.

8. Public Hearing – Textbooks and Instructional Materials, Renee Hendrick, Associate Superintendent, Administrative Services facilitated the public hearing. The hearing was opened at 4:59 p.m. There being no input from the audience, the hearing was closed at 5:00 p.m.

9. Motion by Williams, seconded by Sparks, and carried by a vote of 5-0 to adopt Resolution #13-19 stating that each pupil of the county office has available textbooks and instructional materials in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board and in accordance with the procedures as established. Adopted resolution will be posted on the Orange County Department of Education website and will be distributed as requested.

INFORMATION ITEMS

BOARD MEMBER COMMENTS

- Trustee Sparks – poll the Board for a new November 2019 board date
ANNOUNCEMENTS
Associate Superintendent
- Next board meeting is September 11th at 10:00 a.m. – Submission deadline is August 28th
- CCBE Conference in Monterey, September 13-15
- CSBA Annual Conference in San Diego, December 5-7
- Office closed on September 2nd

ADJOURNMENT

On a motion duly made, and seconded, the Board meeting of August 14, 2019, adjourned at 5:03 p.m.

Nina Boyd
Assistant Secretary, Board of Education

Mari Barke
President, Board of Education

Next Regular Board Meeting, Wednesday, September 11, 2019 at 10:00 a.m. - The meeting will be held in the Board Room at 200 Kalmus Drive, Costa Mesa, CA.

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ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 4, 2019

TO: Nina Boyd, Associate Superintendent

FROM: Jeff Hittenberger, Chief Academic Officer

SUBJECT: Granting of Diplomas

The students listed on the attached pages have been certified for graduation by the Custodian of Records or their designee for the Division of Alternative Education of the Orange County Department of Education. These students have met the standards of proficiency in the basic skills prescribed by the governing board in accordance with Education Code 51412. It is requested that the Board approve the granting of diplomas to these students.

RECOMMENDATION:

Approve granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.

LS:sl
ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 11, 2019

TO: Nina Boyd, Associate Superintendent

FROM: Stacy Deeble-Reynolds, Director, Student Achievement and Wellness

SUBJECT: RESOLUTION #14-19, ORANGE COUNTY RED RIBBON WEEK

Orange County schools typically hold Red Ribbon Week campaigns during one of the last two weeks of October. The Orange County Department of Education will recognize Red Ribbon Week as October 20-26, 2019.

RECOMMENDATION:

Adopt Resolution #14-19 in support of October 20-26, 2019, as Orange County’s Red Ribbon Week campaign, and encourage all community members to promote alcohol, tobacco, and other drug prevention education programs and activities, and send copies of this resolution to school districts in Orange County.
RESOLUTION OF THE BOARD OF EDUCATION
ORANGE COUNTY, CALIFORNIA
September 11, 2019

RED RIBBON WEEK, October 20 - October 26, 2019

WHEREAS, the Orange County Board of Education, the Orange County Superintendent of Schools and other local organizations acknowledge October 20 – October 26, 2019 as Orange County’s RED RIBBON WEEK campaign; and

WHEREAS, it is imperative that schools and communities launch unified and visible prevention education programs and activities to eliminate the use of alcohol, tobacco, and other drugs by youth; and

WHEREAS, parents, youth, government, business, law enforcement, schools, faith-based and community organizations, and the general public will demonstrate their commitment to drug-free communities by displaying red ribbons during this week-long campaign; and

WHEREAS, the California State Board of Education encourages the commitment of time and resources to ensure the success of the RED RIBBON WEEK campaign and year-round prevention education efforts.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Education adopts Resolution No.14-19 in support of October 20 - October 26, 2019 as Orange County’s RED RIBBON WEEK campaign and encourages all community members to promote alcohol, tobacco, and other drug prevention and education programs.

AYES:
NOES:
ABSENT:
STATE OF CALIFORNIA
COUNTY OF ORANGE

I, Mari Barke, President of the Orange County Board of Education, hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 11th day of September, 2019, and passed by ____________ vote of said Board members present.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 11th day of September, 2019.

Mari Barke, President
Orange County Board of Education

Resolution #14-19
DATE: August 22, 2019

TO: Nina Boyd, Associate Superintendent

FROM: Kelly Gaughran, Director, Charter Schools
       Aracely Chastain, Administrator, Charter Schools

SUBJECT: Achievers Global Academy – Public Hearing

DESCRIPTION:

On August 11, 2019, Orange County Board of Education accepted a submission for an appeal of the denial of the Achievers Global Academy charter School petition by the Garden Grove Unified School District for an initial charter term of July 1, 2020 to June 30, 2025.

RECOMMENDATION:

Per California Education Code, OCBE shall hold a public hearing on the provisions of the Achievers Global Academy charter petition and consider the level of support for the charter school at the September 11, 2019 board meeting.
DATE: August 22, 2019

TO: Nina Boyd, Associate Superintendent

FROM: Kelly Gaughran, Director, Charter Schools
       Aracely Chastain, Administrator, Charter Schools

SUBJECT: Vista Heritage Global Academy – Public Hearing

DESCRIPTION:

On February 5, 2015, the Orange County Board of Education approved Vista Heritage Global Academy, formerly known as Vista Heritage Charter Middle School, for a five-year charter term, which expires on June 30, 2020.

RECOMMENDATION:

Per California Education Code, OCBE shall hold a public hearing on the provisions of the Vista Heritage Global Academy charter petition and consider the level of support for the charter school at the September 11, 2019 board meeting.
ORANGE COUNTY BOARD OF EDUCATION
BOARD AGENDA ITEM

DATE: September 5, 2019

TO: Nina Boyd, Associate Superintendent

FROM: Ken L. Williams, D.O., Board Vice President

SUBJECT: Amended Board Policy 100-11

RECOMMENDATION:

Adopt amended board policy #100-11.
CURRENT

ORANGE COUNTY DEPARTMENT OF EDUCATION Costa Mesa, California
BOARD POLICY

Election, Power, and Duties of Board President and Board Vice President

1. Annual Election of President and Vice President. At its regularly scheduled meeting during the month of July of each year, the Board shall nominate and elect from its membership a President and Vice President to serve until the election of their successors.

2. Powers and Duties of the President. The President, when present, shall preside at all meetings of the Board and shall take the President’s Chair at the hour appointed for every Board meeting and shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Board in the manner prescribed by these Rules. The President shall preserve order and decorum, and shall decide all questions of order.

3. Powers and Duties of the Vice President. When the President is unable to act at a Board meeting or is absent from a Board meeting, the Vice President shall exercise all the powers and duties of the President and shall be considered to be the Acting President.

4. Selection of President Pro Tem. When the President and Vice President are unable to act at a Board meeting or are absent from a Board meeting, the remaining Board members present, if there is a quorum, shall, by an order entered into the minutes, select one of their members to act as President Pro Tem for that meeting. The President Pro Tem shall have and exercise all of the powers and duties of the President during the President’s absence or inability to act from the Board meeting. The President Pro Tem shall be considered to be the Acting Board President only for that meeting.

PROPOSED

Election, Power, and Duties of Board President, Board Vice President, and Board Clerk

1. Annual Election of President, and Vice President, and Board Clerk. At its regularly scheduled meeting during the month of July of each year, the Board shall nominate and elect from its membership a President, and Vice President, and Board Clerk to serve until the election of their successors.

2. Powers and Duties of the President. The President, when present, shall preside at all meetings of the Board and shall take the President’s Chair at the hour appointed for every Board meeting and shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Board in the manner prescribed by these Rules. The President shall preserve order and decorum, and shall decide all questions of order.

3. Powers and Duties of the Vice President. When the President is unable to act at a Board meeting or is absent from a Board meeting, the Vice President shall exercise all the powers and duties of the President and shall be considered to be the Acting President.

4. Selection of President Pro Tem. When the President and Vice President are unable to act at a Board meeting or are absent from a Board meeting, the remaining Board members present, if there is a quorum, shall, by an order entered into the minutes, select one of their members to act as President Pro Tem for that meeting. The President Pro Tem shall have and exercise all of the powers and duties of the President during the President’s absence or inability to act from the Board meeting. The President Pro Tem shall be considered to be the Acting Board President only for that meeting.
5. **Powers and Duties of Board Clerk.** The Board Clerk serves the Orange County Board of Education in a capacity of certifying to the state Superintendent of Instruction the complete and board adopted OCDE budgets-annual and interim. This position holds no position on the Executive Committee.
ORANGE COUNTY BOARD OF EDUCATION  
BOARD AGENDA ITEM

DATE:  
September 5, 2019

TO:  
Nina Boyd, Associate Superintendent

FROM:  
Ken L. Williams, D.O., Board Vice President

SUBJECT:  Resolution #15-19, Adopted 2019-2020 OCDE Budget

RECOMMENDATION:

Approve board resolution #15-19 on Adopted 2019-2020 OCDE Budget.
RESOLUTION OF THE BOARD OF EDUCATION  
ORANGE COUNTY, CALIFORNIA  
September 11, 2019

Board Resolution on Adopted 2019-2020 OCDE Budget

Whereas, in February and June 1977, the Orange County Board of Supervisors passed resolutions delegating its budgetary oversight authority to the Orange County Board of Education (the “Board”), and establishing the Board and the County Superintendent as “fiscally independent”; and

Whereas, at the May 2019 regular board meeting, the Board held a budget study session for the 2019-2020 Orange County Department of Education (“OCDE”) fiscal year; and on June 12, 2019, the Board held a Public Hearing on the proposed 2019-2020 Budget, as well as a discussion on the same budget with staff; and

Whereas, at its June 26, 2019, meeting, the Board approved and adopted the proposed 2019-2020 OCDE budget (the “Budget”) submitted to the Board by Al Mijares, County Superintendent of Education (the “Superintendent”) with approximately $170,000 in cost reductions for travel, conference, and lobbying expenditures; and

Whereas, the Superintendent is Secretary to the Board, which is an ex-officio position with the Board, and as Board Secretary, the Superintendent is obligated and required to carry out administrative duties reserved for that position at the direction and request of the Board; and

Whereas, one duty of the Board Secretary is to affix his or her signature to certain pages of the annual budget that is duly adopted by the Board, and another duty of county superintendents is to send the county board’s duly adopted budget to the state Superintendent of Public Instruction (SPI) by July 01; and

Whereas, subsequent to the June 26, 2019, Board meeting, there was no contact or communication by the Superintendent to the Board’s Executive Committee or to the Board’s special interim legal counsel regarding the Budget until the July 10, 2019, Board meeting; and

Whereas, at the July 10, 2019 regular Board meeting, the Board learned that the Superintendent did not sign the Budget or send it to the SPI at the California Department of Education (“CDE”). The Superintendent told the Board that because the proposed budget was amended at the June 26 meeting from the proposed budget that had been posted in advance of the meeting, a new notice, public hearing, and budget document with the reductions included was required. The Superintendent told the Board in open session he would help prepare the proper document to be sent to the SPI; and

Whereas, on July 19, 2019, the Superintendent sent a memo to the Board reversing his earlier statement that he would assist in producing the new Budget document for a further notice and public hearing process. He informed the board in this memo he would not help the Board construct a new budget that included the cost reductions made at June 26 2019 Bboard meeting (or any other differences), and

Resolution #15-19
Whereas, in the July 19 memo, the Superintendent stated he “...will not agree to amend the budget and will not be providing a modified budget reflecting the changes by the Board. In June 2019, I submitted to the board a fiscally sound budget. I am requesting the board reconvene a meeting to approve the 2019-2010 budget I already submitted to the board for public hearing and adoption. If the board does not accept the budget as submitted, takes action to modify the budget, or does not act, I will accept that as a the board’s refusal to adopt the 2019-2020 Budget and act accordingly”; and

Whereas, even though it disagreed with the Superintendent that a new notice and meeting were required due to the Board’s adoption of a budget that included amendments to the proposed budget, in order to address and remove this technical issue raised by the Superintendent, the Board noticed and conducted a special meeting and public hearing on August 01, 2019 regarding the Budget. Notice of the meeting and the Budget was properly and timely posted in advance. At the special meeting, the Board held a public hearing on the Budget, and subsequent to the Public Hearing re-adopted the Budget that it had previously approved and adopted on June 26, and

Whereas, the state budget template provided by the SPI provides for signatures on the Budget document. The signatures that are recognized on the SPI supplied template are the Board Clerk and/or the Board Secretary. For the purpose of affixing an official signature to the Budget in the event the Superintendent would not cooperate, the Board appointed Trustee Lisa Sparks as Board Clerk at the August 01, 2019 special meeting; and

Whereas, on August 05, 2019, special interim Board legal counsel, Greg Rolen, sent an email to Superintendent requesting he affix his signature to the adopted Budget. The email read as follows: “On behalf of the Orange County Board of Education we request that you sign the Budget Book which reflects the budget which was adopted on June 26, 2019, and re-adopted on August 1, 2019. Pages 3 and 7 require the signature of the “Board Secretary” or “Board Clerk.” My understanding is that you are currently the Board Secretary, and that in the past you have signed the Department of Education’s prior annual budgets in that capacity and forwarded it to the State Superintendent of Public Instruction. Accordingly, we request you do so again with respect to this budget. Please confirm by reply email that you will do so, and please send either me or Board President Barke a copy of the signed Budget Book and your transmittal to the State Superintendent for our records. The Board would like to submit this by August 7, 2019”; and

Whereas, no communication or agreement was received from the Superintendent in response to Mr. Rolen’s email or otherwise to indicate that the Superintendent would, as Board Secretary, follow the Board’s request that he affix his signature to the June 26, 2019 adopted, and August 01, 2019 re-adopted, Budget. Accordingly, on the August 11, 2019, Trustee Sparks as Board Clerk affixed her signature to the document, and the Budget was officially submitted to the SPI by special interim legal counsel on behalf of the Board along with a separate detailed analysis and summary of the 2019-2020 OCDE Budget adoption process; and

Whereas, on August 30, 2019 the California Department of Education and SPI sent an email informing the Board that the CDE is rejecting the budget as submitted because,
under California Education Code (EC) Section 1010, "The county superintendent of schools is ex officio secretary and executive officer of the board" and his signature was not affixed to the Budget, and because the Budget had been submitted to the SPI by the Board instead of by the Superintendent; and

Whereas, on September 4, 2019, Mr. Rolen sent a response to the CDE and SPI disagreeing that the Budget could not be approved by the CDE unless the Board Secretary had signed it and unless the Superintendent had submitted it, and setting forth the legal, factual, and common sense basis for that position.

Therefore, the Board hereby resolves as follows:

1. That the Superintendent, in his capacity as Secretary to the Board, and pursuant to his duties and obligations to the Board in connection therewith, is requested and directed to affix his signature to pages 3 and 7 of the 2019-2020 OCDE Budget originally adopted by the Board on June 26, 2019 and re-adopted on August 01, 2019; and

2. That the Superintendent is requested and directed to submit the signed Budget to the CDE and the SPI forthwith, and in no event any later than September 14, 2019.

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA, COUNTY ORANGE

I, Mari Barke, President of the Board of Education of Orange County, California, hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the eleventh day of September 2019 and passed by a vote of ________

IN WITNESS THEREOF, I have hereunto set my hand and seal this eleventh day of September 2019.

________________________________________
Mari Barke, President
Orange County Board of Education