

## **Orange County Board of Education Meeting – 9/14/16 – Transcript**

Sound of voices – gavel-

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

Lindholm: Good morning. I'd like to welcome you to the Orange County Board of Education meeting. 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 are prohibited except when we have a student do something really exceptional. If you are disruptive you will be asked to leave. Board agendas are posted online and can be reviewed at the board website and agendas are also available at the back of the board room. Welcome today. We are glad to have you all here. We will begin today with the invocation by Pastor Ryan Miller and Pledge of Allegiance will be given by Nina Boyd.

Miller: Good morning Board. Thank you so much for having me this morning, I appreciate the opportunity. So, why don't you all bow your heads with me while we pray. Father, God, we thank you for the opportunity to join with each of these men and women this morning and thank you for the Board's heart, and to serve our schools, got to serve our staff, teachers and administrators as well as the students and even the parents, God, that are involved there. For the Board specifically I pray that you would offer them strength and protection as they serve others both in the school system as well as throughout their communities and even in their personal lives. For the school teachers and staff, God I pray for strength and endurance to run the race of this school year well. God I pray for provision of every single piece of equipment, every teaching material and supplemental material, required to pour into our students the way God that they would desire. God, I pray that you would give them the ability to pour all of themselves into each student with as much a care and support and concern God, as would be available to them. For the students, Lord we pray for supernatural wisdom to retain everything that is taught to them on a week and week out basis. We pray Lord that they would recognize the gifts that you have given them and that you would be giving them the opportunity to flourish in whatever way that they would be through school and athletics that are provided by the school as well as any other programs that are available to them. And most of all Lord, for our students God I pray for protection from any harm that would be cause to them by other people or other things that they may be involved with. Lord, specifically for today's meeting I pray for humility of each of these Board members to make decisions, God, that would best suit the people that are affected by

them. I pray for a strong implementation of policies that will protect our children, the afflictions caused to them by alcohol, by drugs, by tobacco, and so many other things God that are hurting and harming our students and our children. We pray for protection where appropriate in any legal matters God that may be against the Board or our schools. And I pray that all of those involved in today's meeting would see their worth and their value as being created in the image of God, and that they would treat others likewise. And above all else God, I pray that your holy spirit will fall down on this room this morning and that it would be felt and received by each person in here this morning, and that the name of Jesus would be magnified and glorified above all else in decisions, in speech, and in every action. And so we thank you for this opportunity and we lift this all up in the name of Jesus. Amen.

Lindholm: And our Pledge of Allegiance will be led by our Associate Superintendent.

N. Boyd: Place your right hand over your heart and as we begin let us also remember that we just honored those lives that were lost on 9 1 1. Begin.

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, thank you both. You may be seated. At this time we have roll call and I would like our attorney to come forward and give a brief statement. Would you like to make the announcement? Ron, would you like to make that announcement or would you like me to? We have a Board member who is calling in today.....telecommuting and the process for that is we will be doing a roll call vote.

Wenkart: Yes, the Brown Act authorizes legislative bodies of local agencies to allow Board members to attend meetings by teleconference. Dr. Williams is teleconferencing from Tacoma, Washington. The Brown Act requires that we post the agenda there and that we make it accessible to the public, so if there's anyone in Tacoma, Washington who wants to make a public comment they have the ability to do that. Dr. Williams will be able to hear everything that is happening at the meeting and will be able to comment and provide input to the Board during the proceedings. He will also be providing input and attending closed session as well, all in conformance with the Brown Act. Was there anything else that you wanted me to address?

Lindholm: No, I appreciate that announcement, and with that we will go to our roll call.

Sisavath: Trustee Boyd?

D. Boyd: Here.

Sisavath: Trustee Bedell?

Bedell: Here.

Sisavath: Trustee Lindholm?

Lindholm: Here.

Sisavath: Trustee Gomez?

Gomez: Present.

Sisavath: Trustee Williams?

Williams: I am here in beautiful Tacoma.

Lindholm: Thank you. I'm sure we might wish we were there also. That brings us to introductions. Nina do we have any introductions?

N. Boyd: We have no introductions this month.

Lindholm: That brings us to agenda regular meeting adoption.

D. Boyd: I'll move.

Bedell: Second.

Lindholm: There's a motion and a second...all in favor?

Several Ayes.

Lindholm: Any opposed or abstentions? That stands approved. That goes to the item for approval of the minutes from the last Board meeting.

D. Boyd: I'll move.

Bedell: Second.

Lindholm: There's a motion and a second on that item are there any additions or corrections? All in favor.

Several Ayes.

Lindholm: Any no votes or abstentions? Motion carries unanimously.

Voices.

Lindholm: I apologize. We just learned this...ok. We're going to go back to adoption of the agenda and we're going to do a roll call vote.

Sisavath: Trustee Boyd?

D. Boyd: Yes.

Sisavath: Trustee Bedell?

Bedell: Yes.

Sisavath: Trustee Lindholm?

Lindholm: Yes.

Sisavath: Trustee Gomez?

Gomez: Yes.

Sisavath: Trustee Williams?

Williams: Yes.

Lindholm: And that brings us to the minutes and we're going to do a roll call vote on that again.

Sisavath: Trustee Boyd?

D. Boyd: Yes.

Sisavath: Trustee Bedell?

Bedell: Yes.

Sisavath: Trustee Lindholm?

Lindholm: Yes.

Sisavath: Trustee Gomez?

Gomez: Yes.

Sisavath: Trustee Williams?

Williams: Yes.

Lindholm: That brings us to public comments and we welcome you all here today. Thank you for coming. We have five requests to speak. You will be given three minutes each. Our clerk will be giving you a time and you will see a green light and a yellow and a red light. That tells you it's about time to finish up and she will let you know it's time to finish up. So, under the public comments section I'll call the first speaker. Would you like to do this?

Bedell: Sure. Brad Dacus? Brad, from Capo Valley.

Dacus: Yes, members of the board thank you for allowing us to be here we appreciate the opportunity. I'm president of the Pacific Justice Institute, a legal organization that defends religious freedom, without charge for not only individuals and groups in the private sector but also local government bodies when they're challenged in need of defense. We do our work without charge. I'm here today just simply to inform to this board of our commitment and willingness to work with the board and your legal counsel in a cooperative, constructive manner as is needed with regards to challenges to what is otherwise protected speech by the first amendment, protected specifically things such as we had this morning the prayer, the moment of solemn expression, and the *In God we Trust*, and other matters like that. We understand that there's been a particular threat to this board with regard to such matters. I'm just here to affirm to the board of our commitment and willingness to work very closely and cooperatively with your legal counsel to ensure that in no way are you people unduly threatened or intimidated to have to do something that is contrary to what you feel is right and in the best interests of this board and the County Board of Education, specifically. And we're here to serve you. We will also let you know that we will provide for the board our legal analysis that we have prepared regarding the position we believe the strong position that this board is in and along with our recommendations to how you should respond should you be in a position of direct threat of litigation. That's all for now. Thank you very much, appreciate it.

Bedell: Thank you. Mr. Scott Walsh?

Walsh: Good morning. While I am not an attorney, I represent First Liberty Institute with a base in Plano, Texas. We're the largest law firm in the nation that defends exclusively religious freedom cases. I've submitted to the board a letter prepared by our associate counsel Stephanie Taub, and Edgar Bradd's comments. We also are fully supportive of this board's actions and we want to make sure that you understand that we are prepared to represent you free of charge should the Freedom from Religion pursue their lawsuit.

Bedell: Thank you. I hope we have your name and address.

D. Boyd: I haven't received a copy of that letter?

N. Boyd: They just gave it to us and it is in your take home packet.

D. Boyd: Alright, thank you.

Bedell: Ms. Ruth Ramirez?

Ramirez: Good morning ladies and gentlemen. My name is Ruth Ramirez and I am an ACCESS teacher and I am part of the Harbor Learning Center AU. And I have been a teacher with ACCESS for over 15 years. Prior to that I was in law enforcement, I was a deputy sheriff for the Orange County Sheriff's Department and I left that very enjoyable career to become a teacher, to teach our at-risk students because I knew I could make more of a difference in this career. I'm here today, and it's an honor to be chosen by my association, to come here and speak to you a little bit about our program that we do in my administrative unit. There are many different programs that ACCESS has. Some of them are home based, home schooling, and then we go all the way to adults and institutions, and juvenile hall, etc. We also have a plan to have different teachers come and talk to you. I volunteered because I've been before this board before...it's a little intimidating for us to speak to you. We are planning to have a different teacher come and speak about their program, so it's not just all about me. I will be speaking today about my class, but they will be coming in the future. Two years ago, OC Pathways, under the guidance of Amy Kaufman and Rick Martin, came to my principal Vern Burton and said that they would like to start some CTE classes at Harbor Learning Center. This was a difficult program to start with our type of students and several of the teachers specifically Greg Barraza had to go to the students individually and say, look, this is a good program for you, we want to give you great opportunities for careers and maybe even college. He was instrumental in getting the students to participate. My students participated very grudgingly but eventually they started getting into the coding and all the things they were learning. It taught them that there's a bigger world out there and I am very excited to say that this has been a very successful program at Harbor Learning Center. I showed the students the Billion Acts of Kindness and they decided to do a project based learning event with the Special Ed students on our campus. We were already doing some

activities on the campus with those special needs students and then we incorporated them into our CTE classes. My students taught them coding and then they became buddies with them and they came into the robotics classes and learned robotics with our students. So, our students, taught what they learned and they also learned to be a buddy to the special needs kids on campus. These CTE classes have provided life changing benefits to our students. I think that these classes will help them raise above the economic poverty level that they're kind of stuck in and to have them start thinking about college and career. This is what our motto is; we want this to be our mission, to get them ready for college and for career. So, I have seen (*Sound of Timer*) firsthand the improvements that these programs have. I've enjoyed being here today and thank you for listening to me.

Bedell: Sorry. Ms. Bev Berryman? I'm multi-tasking. Bev Berryman PTA update and a former schoolboard member.

Berryman: Thank you. Good morning Dr. Mijares, President Lindholm, and welcome to Trustee Gomez. I don't think I've been here since you've been on, so welcome. My name's Bev Berryman. I am the president of the Orange County PTA. We represent all of the PTAs all over Orange County. A fun fact for you guys, I don't think you've heard this one yet but if you were to compare our district PTA with the rest of the nation, we are the tenth largest PTA in the nation, bigger than some states. So if you consider all the state PTAs we would be, if we were a state we'd be the tenth largest. And that's just here in Orange County. So, there's your fun fact of the day. I want to congratulate ACCESS on what great things you're doing for kids and CTE is so important for them, for life skills so they have somewhere and some hope to move on. So, thank you very much for what you guys do and all the teachers there. A couple of things as PTA update all of our PTAs are doing their membership drives. I come every year brings envelopes for you guys, I'm going to pass these out for you to have the opportunity to join your own Rio Contiguo PTA. For ten dollars, you can support their PTA. You don't have to volunteer to join PTA. Just so everyone knows you can join and support PTAs without having to volunteer. We can't be number ten unless we ask. So, I'm asking and anyone else in the audience if you'd like an envelope, feel free to ask me for one. Last year you guys helped us out or you partnered with us with our high school senior count me in register to vote or voter awareness for our high school seniors. I wanted to let you know how successful that was. We worked hard to get seniors to understand the importance of voting and registering to vote so we went through and found our results nearly doubled for 18 year olds in Orange County to register to vote. So, we're up to 41% for this next primary. I want you to know we doubled our senior registration for registered voters. We hope to be able to do this again this year, partnering with the schools with the Orange County Department of Education to get the awareness out so that all of our high school students know how important it is to vote. We don't tell them how to vote, we just let them know it's important for them to be able to cast their vote. Thank you very much for your time, and hopefully you'll join the PTA.

Bedell: We have Eva Weisz. Eva Weisz?

Weisz: Honorable Board Trustees and audience. Good morning, my name is Eva Weisz, I'm from Huntington Beach. Came to my attention that the school board trustee is voting on to remove "In God We Trust" sign on the school board trustee building. Just to think about it, to consider the issues is very troubling. This nation was founded on Judeo-Christian values. The schools in our nation with "Common Core" already moving away from this values. When the children has questions about their sexual orientation from 2<sup>nd</sup> grade on, and pushed to accept LGBT values and make up new ones on our own. When the Pledge of Allegiance is taken away from the routine every day saying, or replaced without mention one nation under God, and saying it without God, is a sliding to failure. Big civilizations went above God and failed. When God is taken out of the picture, we taking out our blessings to come from above. We can change certain ways how we live. But we should never change the way how God want us to live. We should never forget who gave us our life, who created this world, who is in charge and who we owe everything we have. Let us be grateful to him, let him be acknowledged and we will be surely blessed by him. I hope the sign will never be taken down. Thank you very much for your attention.

Lindholm: Thank you. And thank you Vice President Bedell for doing this, the names for the public speakers. That brings us to a time certain, I think we're pretty close, I'm now sure. Kelly do we have any charter submissions today. Do you want to put that on the record so we can hear? Thank you.

Gaughran: We have no charter submissions today.

Lindholm: Thank you.

Bedell: Madam chair may I say something?

Lindholm: Yes.

Bedell: Kelly, don't go away please. I had the privilege of attending with 3 of my colleagues the CCBE meeting and one of the sessions, I attended several on charter schools and one of the presenters I believe was from (inaudible) said how much he has enjoyed working with you personally and how much he has learned from you personally. You have a state-wide reputation which is positive unlike some of us on the board.

Laughter.

Gaughran: Well thank you very much, I appreciate that.

Lindholm: Thank you for that comment and he's accurate. They do hold you in high regard. That brings us to the consent calendar. Are there any items that need to be pulled from the consent calendar?

Bedell: Move approval.

Lindholm: We have a motion for approval. Looking for a second?

Gomez: Second.

Lindholm: We have a motion and a second for approval of the consent calendar items. All will be approved with one vote unless otherwise noted. We will do a roll call vote on this.

Sisavath: Trustee Boyd?

D. Boyd: I do have a question on number 6. Can we pull that?

Lindholm: Can we pull item #6? Then the consent calendar items we will be approving are items 2 through 5.

Bedell: Is that consent?

N. Boyd: That's not consent.

Lindholm: Oh, excuse me.

Bedell: At the top of the page David is the staff recommendations and a whole new section. There's only one consent item.

Lindholm: We only have one item, the granting of diplomas.

Bedell: Which is one of the most important things we do.

Lindholm: It's a very nice thing that happens. This item is approving granting of diplomas to the students listed from Alternative, Community and Correctional Educational schools and services. Alternative Education division. So we will only be doing a roll call vote on item #2.

Sisavath: Trustee Boyd?

D. Boyd: Yes.

Sisavath: Trustee Bedell?

Bedell: Yes.

Sisavath: Trustee Lindholm?

Lindholm: Yes.

Sisavath: Trustee Gomez?

Gomez: yes.

Sisavath: Trustee Williams?

Williams: Yes.

Lindholm: That passes unanimously. That moves us on to staff recommendations. Um, Item # 3. Is there a motion of approval of that?

Williams: I move that we motion Resolution # 25-16 in support of Orange County's Red Ribbon Week.

Bedell: Second.

Lindholm: We have a motion and a second supporting Red Ribbon Week. Any discussion? All in favor? You will be calling roll call.

Sisavath: Trustee Boyd?

D. Boyd: Yes.

Sisavath: Trustee Bedell?

Bedell: Yes.

Sisavath: Trustee Lindholm?

Lindholm: Yes.

Sisavath: Trustee Gomez?

Gomez: Yes.

Sisavath: Trustee Williams?

Williams: Yes.

Lindholm: That one passes unanimously. That moves us to Item #4 which is approve apportionment of the Federal Forest Reserve Receipts in the amount of....

Williams: I so move.

Bedell: Second.

Lindholm: Any discussion?

Bedell: I'd just like.....this is one of the main items we lobby for when we go back to Washington because a lot of people even some congressional staff members don't realize that we get this money. It has been as low as 20 some odd thousand dollars and has been going up which is good. The county participates in this, several school districts participate in this so, this is a very important piece of what we do in our Washington activity and we work very closely with the Canavans on this to be sure we're included in this.

Lindholm: Any further discussion? Roll call please, Madam Clerk.

Sisavath: Trustee Boyd?

D. Boyd: Yes.

Sisavath: Trustee Bedell?

Bedell: Yes.

Sisavath: Trustee Lindholm?

Lindholm: Yes.

Sisavath: Trustee Gomez?

Gomez: Yes.

Sisavath: Trustee Williams?

Williams: Yes.

Lindholm: Item #5 under staff recommendations approve the material revisions to Unity Middle College High School Charter regarding the start date of the school which was approved for 2016-17.

Williams: I so move.

D. Boyd: Second.

Lindholm: We have a motion and a second on Item # 5. Any discussion?

Bedell: We just have one sentence on why they feel this is necessary?

Lindholm: Craig?

Craig: So the reason we have to change the start date is due to facilities. So facilities as you've heard from many charter petitioners is one of the largest challenges to overcome. And it was in the middle of June and our lease was finalized and we had enrolled 80 percent of our students and offered jobs to staff and unfortunately our landlord changed their mind on their construction timeline and their ability to complete it by September 30<sup>th</sup>, to start school so we looked at 55 other facilities and made the decision that we needed to delay.

Lindholm: So staff is in agreement with this?

D. Boyd: What was your enrollment?

Craig: At that time? 80 students.

D. Boyd: And your projected enrollment is?

Craig: 100.

Gomez: That was my question. Laughter.

Lindholm: Thank you, Trustee Gomez. Thank you. We have no further questions on this item, or discussion. With that, roll call vote, please.

Sisavath: Trustee Boyd?

D. Boyd: Yes.

Sisavath: Trustee Bedell?

Bedell: Yes.

Sisavath: Trustee Lindholm?

Lindholm: Yes.

Sisavath: Trustee Gomez?

Gomez: Yes.

Sisavath: Trustee Williams?

Williams: Yes.

Lindholm: That brings us to Item #6, which Trustee Boyd you wanted to pull Approve the Material Revisions to Oxford Preparatory Academy Charter school petition and bylaws ....Trustee Boyd?

D. Boyd: Yes.....

Williams: So moved.

D. Boyd: I'll second too.

Lindholm: We have a motion and a second for approval. Discussion? Trustee Boyd.

D. Boyd: *Remove sole statutory member* perhaps Ron can help me on this? Who is being replaced? OK, we've got a statutory member being removed, what's the.....

Lindholm: Would you like Oxford Prep to address to...

D. Boyd: Whoever...

Lindholm: We have someone from Oxford Prep. Identify yourself please.

McLeod: My name is Jared McLeod, Chief Operations Officer of the Organization, I've spoken to you many times before. Thank you. Since the termination of that service agreement, we've pulled all services in-house and hired new positions to fulfill the services. And with your guidance and approval we started school at our Saddleback Valley campus 2 weeks ago. All 595 full enrollment. So all the services are being fulfilled and we've had a very smooth start to the school year. So thank you.

D. Boyd: Yes. Sole statutory member, what is a sole statutory member do? What is their responsibility?

McLeod: So it was a piece in the bylaws of the organization, and it was never executed because the school just started in July, and this was terminated I believe back in March, or late June. Sole statutory member is a sub-piece in the bylaws that they would have the ability to protect assets, if we were doing a merge with another charter organization. It was a piece of the CMO, so that service agreement with our CMO was terminated. Sole statutory member with any services provided by the CMO are no longer.....

D. Boyd: That's not a substitute for a Board of Directors?

McLeod: No, we have our own Board of Directors. Oxford has their own Board.

D. Boyd: Ok, thank you.

Gomez: Madam Chair?

Lindholm: Yes?

Gomez: Just for the public's understanding when you say you've replaced services, could you describe what those services are?

McLeod: Of course. So, anything in our business department, doing all of our budgets in-house, for myself, I was representing working on Charter School application. Sole application of charters any other services that were included in the service agreement. It was an agreement that our board contracted with a CMO for services for and so all those are now in-house and there's a whole list of the appendix A, I believe in the board packet of what the services used to be. But it was things like business, things like charter application, training, staff developments, so we've

brought in, hired on staff to do staff development trainings. We've gone out in the community and seen best practices and we've recruited people to come in to pay for trainings, things like that have now come in-house.

Gomez: Ok, thank you.

D. Boyd: I've got one follow-up question. Is there any litigation anticipated as a result of this termination?

McLeod: Not at this time. I mean, not especially for our Saddleback Valley campus. Chino we're going through the renewal process with the state right now but that's a completely separate piece. But no litigation at this time.

D. Boyd: Alright, thank you very much.

Lindholm: And just to clarify because you just opened school, you have not used them, at all?

McLeod: Correct.

Lindholm: OK. I have no further questions. I think there's a motion and a second? That would mean roll call vote.

Sisavath: Trustee Boyd?

D. Boyd: Yes.

Sisavath: Trustee Bedell?

Bedell: Yes.

Sisavath: Trustee Lindholm?

Lindholm: Yes.

Sisavath: Trustee Gomez?

Gomez: Yes.

Sisavath: Trustee Williams?

Williams: Yes.

Lindholm: Ok. That concludes the items under staff recommendations. We have posted a time certain of 11:00 for the charter review team recommendation we need to hold that item until 11:00 o'clock so that people who wanted to speak on that item can be here. That brings us to....

N. Boyd: I'm not sure if the items #9 and #10 from the Orange County Workforce Innovation High School are here. They're checking, as a note.

Lindholm: Ok. I don't want to proceed because that was listed as after lunch. We do have closed session matters.

D. Boyd: We could do one of the two closed session matters.

Lindholm: I believe that we could do that. What we're be doing for the audience as information, we'll be holding off until 11:00, so all parties can be present for those discussions that are relevant to them. So, with the Trustees' consent of those who are here, shall we go into the closed session item?

Williams: Linda, this is Ken here. Can we do Board Recommendation #11, the Resolution, that would be a quick item. Would that be ok with you and the board?

Lindholm: I don't know if anybody was here to speak on that. I think it should...there's no time certain on that item so I think we could do that item. And it is supported by almost everybody, so I'm not anticipating any opposition. With the board's consensus can we go to Item #11?

Williams: I so move to approve Resolution #24-16, opposing Proposition 64 which would legalize marijuana in the State of California.

Lindholm: I would second that 'cause I am on this item. Bringing that back to discussion we do have that support item, Item #11. This is supported as an opposition by our own Orange County Sheriff and many, many other groups if you're interested you can go online and look at all those who are in opposition to Prop 64 which is the legalization of marijuana. Yes, Trustee Boyd did you have ....

D. Boyd: Yes, I have comments. If I understand this correctly, this initiative only applies to adults 21 years of age and older, correct? That's what it says in the summary here. I'm not sure what this has to do with the mission of our board and we are talking about an initiative that will only affect adults.

Lindholm: I think there's a couple of letters that we, I will be sending out if this is approved. And it is stating a lot that has to do with the flavoring of marijuana, when you have it in cotton candy form, when you have it in brownies, when you have it in all those other forms that it will appeal to those who are under the age of 21. And with that as a school board trustee it is a concern to me. We are trying to get our youth not to be smokers, we're trying not to have emphysema and lung cancer and that is why I am supporting this. I think it's a gateway for a lot of the children and I do believe that it's as important for us to recognize the issue.

D. Boyd: Ok.

Williams: I have a couple of comments.

Lindholm: Yes, Trustee Williams.

Williams: Yes, so I just love this question I love the dialogue that we're having and the leadership of our board and our department. Decriminalization of drugs is a huge issue, especially if you're in law enforcement, especially if you are a father or a mother whose child is now using illegal drugs and has become dependent and their entire future is in ruins because of its use. I think this board has in the past stood and led with leadership in allowing our communities and our constituents to understand the seriousness of alcohol, drug, tobacco and drug decriminalization. I know it's not politically incorrect, people will criticize me for feeling so strongly opposed to marijuana decriminalization but it's been proven, I've read articles in the newspaper and editorials that the next step after marijuana decriminalization is the decriminalization of all drugs. So, this is an unhealthy trend in society. And, yes, it does send a moral message and that's what's so important and I'm so proud of our board for leading the community with that moral message.

Lindholm: Thank you Trustee Williams. Vice President Bedell?

Bedell: Yeah, I think I might be able to, at least address part of what Trustee Boyd is raising. Someone who is always nervous about resolutions and scope of influence. I just came across an interesting piece and I'm sorry Madam Chair I don't have the citation, but it was about the delayed effects on children when adults during pregnancy smoke and/or do marijuana. That it is showing up in interesting ways in a 14 year old who hasn't smoked and part of the problem with the 14 year old can be traced back to in utero use of marijuana. So that's an adult thing, obviously, and I just support this resolution.

Lindholm: And back to your question, Trustee Bedell, I mean Boyd. I am in support of medical marijuana because I think there are people in those needs. But for us, this would be a regulation let's say we have bus drivers who are under the influence of marijuana. We could have teachers

under the influence of marijuana. I don't think we want to be in that predicament and a regulatory responsibility of those. So, this is a huge issue, I want to do it for our children and I do think it relates to our children.

D. Boyd: Final comment or just a comment?

Gomez: Go ahead and I'll wait.

D. Boyd: This is a tough one for me, um, it goes against my Libertarian thoughts and philosophy. The first year I was on the Board, we had an expulsion hearing. And the topic of the expulsion was the use of marijuana. And a kid came in and he explained how he bought it, he had a card from a doctor who claimed he needed it for medical purposes and we asked him....

Bedell: Was this in closed session?

D. Boyd: Yes, but no names. And the kid said well I got that from the doctor. Well, what doctor gave that to you? Well, it was some guy in Venice, who was handing out these certificates. Anybody who drove to this meeting today coming down the 55 Fwy saw this huge billboard for Santa Ana, I mean, the product is out there whether we like it or not. After that hearing, I had a meeting with an individual who appeared before the Costa Mesa on a regular basis. Costa Mesa at that time was debating what they should do with respect to the marijuana retail. And, she pointed out something that I'd never given a lot of thought to that the product is out there it's all over the place, but there's no regulatory control at all. She felt that, she had no idea for example how many pesticides were used in the growth of these plants and this would establish packaging, labeling, advertising and marketing standards and restrictions. So, again looking at the real world it's out there, we can't put Genie back in the bottle and for that reason, I will not support this resolution. Respectfully, and I do understand your concerns.

Lindholm: And I will give some more in a moment.

Gomez: Well, I did question the reasoning for this resolution given our mission as well because this is targeted towards adults. But we do have to understand that adults are in our classrooms, that adults are our teachers, adults are our bus drivers, our coaches, our athletic trainers, etc. So, this presents a little bit of a quandary as to the intent of the legislation is geared towards whether or not it should be legalized or not. Coming from a healthcare background there is an impetus for medical marijuana but I struggle with this from this body as some of you know I wear a different hat on city council, so I have that perspective as well. I am a little bit concerned about this resolution coming from this body, given the fact that our mission is children.

Lindholm: Thank you.

Williams: Linda, I have a couple comments to say to my dear colleagues if I can sway any votes...

Lindholm: Trustee Williams is a physician.

Williams: Speaking as the physician, I'd even get into the toxic and cancer causing effects of marijuana. We do have marinol which is an oral medication which we can give to patients who are suffering from chemotherapy related nausea. And I also support the use of medical marijuana for those patients who have severe terminal illnesses. But the current marijuana certificate is very much abused. You can ask any law enforcement officer, it is an abuse that is terrible. That's another issue to take on. Now, lastly, regarding the misconceptions that board has nothing to do with this law, it has nothing historically this board has always taken a role in very controversial issues. We have been leading the community obvious. This has everything to do with our children. We deal with alcohol, tobacco use, we talk about these things. There will be those children too who will be using marijuana at junior high and high school. If we say our children do not use marijuana, in those age groups that would be not the truth. So, it does have everything to do with us. If it becomes legalized and more widely available you can guarantee that our junior high and our senior high school students will be using marijuana without any restrictions.

Lindholm: Thank you, Trustee Williams. I'm going to leave this I hope with 2 other thoughts. Our campuses are smoke free. We are opposed to tobacco use on our campuses. Let's say this passes, then we have another problem, and another issue that we would have to do. And additionally, there's second hand, which I have always been opposed to and which is what happened with the initial thing against tobacco when the stewardesses on the airplanes were getting lung cancer and not being smokers. So, it's also the second hand issue. I think there's sufficient facts that we should stand on and support our police officers. If you go online and you look at those who are in opposition to this you will find almost everybody. It's the longest list I think I've ever seen in opposition to a proposition. With those comments duly noted, we do have a motion and a second so let's call roll.

Sisavath: Trustee Boyd?

D. Boyd: No.

Sisavath: Trustee Bedell?

Bedell: Yes.

Sisavath: Trustee Lindholm?

Lindholm: Yes.

Sisavath: Trustee Gomez?

Gomez: Support.

Sisavath: Trustee Williams?

Williams: Yes, support. Thank you.

Lindholm: Thank you. That item is approved. We will be sending, adding our name to those in opposition of Prop 64. We still have time for one closed session item. Ron, would you like to do that? Would you introduce the item please?

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 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.

Lindholm: Do we want; we probably won't have time for the second item, correct?

Wenkart: That would be short. The second item is existing litigation, just an update to the board on the existing litigation.

Lindholm: I think if you announce it then if we do have time we can.....

Wenkart: Or we can do it after lunch if we don't have the time. I think that one will be pretty short.

Lindholm: Ok, so those 2 items have been announced for closed session. With that, the board will be going into closed session because we are waiting for the time certain for the Charter School Review Team recommendation. So you will be having a brief break at least 10 minutes, maybe 15.

*Break for closed session.*

Lindholm: Ok, I'm going to bring us back from our closed session, Mr. Wenkart will you address the closed session item, please.

Wenkart: We discussed Whitley vs. Orange County Department of Education in closed session. No action was taken on that item. The other item will be discussed later, we'll go back into closed session after we take care of some other items. Thank you.

Lindholm: Ok. And one more thing, please, we have some more members of the audience. Will you make an announcement regarding our telecommuter and the roll call vote, etc.?

Wenkart: Yes. We have one of our board members who is in a remote location in Tacoma, Washington who is connected to the meeting by telephone. That's allowed under the Brown Act. The location in Tacoma Washington is accessible to the public, and the agenda is posted there and as required by the Brown Act. The Brown Act also requires a roll call vote on our action items. So you'll see a roll call vote as we go through the action items today.

Lindholm: Thank you. Ok, that brings us to Item # 7 which is a Charter Petition Review Team recommendation and Kelly Gaughran will you come forward.

Gaughran: Good morning, President Lindholm, Members of the Board, and Superintendent Mijares.

Today the Board shall render a decision regarding the Global Business Academy charter school petition, which was submitted on appeal on June 8<sup>th</sup> following the March 23<sup>rd</sup> action by the Capistrano Unified School Board.

The public hearing was held on July 13<sup>th</sup>, and on July 14<sup>th</sup> we met for the clarification meeting. We've had ongoing communication with the petitioner throughout the review process, and a final meeting was held on August 25<sup>th</sup> to discuss our recommendation.

As legally required, the petition has been reviewed according to California Education Code regarding charter school petitions received on appeal by a county office of education.

Copies of the Staff Report and Proposed Findings of Fact are available on the back table.

Each of you has been provided the Orange County Department of Education's Staff Report, 3 draft resolutions, and 3 options for action.

Option 1 approves the charter school petition as written.

Option 2 conditionally approves the charter school petition subject to completing the conditions to be delineated in an Agreement addressing the findings in the Staff Report.

Option 3 denies the charter school petition.

The lead petitioner for Global Business Academy will have 10 minutes to speak on behalf of the charter school.

Then, members of the public who wish to speak are allotted 3 minutes, with a total of 30 minutes for public comments on this matter.

For those interested in speaking, if you have not already, please fill out and submit to me a speaker card located on the back table.

I now call lead petitioner Catherine Sanchirico to the podium.

D. Boyd: President Lindholm, if I could make a suggestion? Given the very unique circumstances regarding this application and the actions taken at Capo, I wonder if we could perhaps grant the petitioner more than 10 minutes if they feel it's necessary to fully address the staff report?

Lindholm: I think that would be wise and a good suggestion. Fellow Trustees?

Gomez: I have no problem with that.

Bedell: Fine.

Lindholm: Ok, and Trustee Williams?

Williams: Linda, I have no problem with that. I'm mute so if it takes me a while that's because I have to pull out my phone from the pocket....

Lindholm: Ok, so we have agreement that you can address the issues that are before us.

Sanchirico: Thank you, Trustee Boyd and the rest of the members for allowing us to do that. Good morning Madam President Lindholm, members of the Board, Superintendent. I'd like to start off by thanking the staff. They have been wonderful through this whole process. They've been very responsive, providing answers to us in any type of clarifications and questions that we've had, so thank you ahead of time. I know you guys have a hard job in front of you. I just want to start by saying that GBA is a different school. It's going to be innovative, ground breaking and definitely the first of its kind in south Orange County. Our textbooks are online through the Acellus program of which I have brought a demonstration for you later on today. Students are going to be engaged and interact with their classmates. Imagine a school of the future where students can sit comfortably in groups as they share ideas and collaborate with each other while having the internet at their fingertips to find answers to questions and or be able to ask an expert somewhere else around the world. Well, that's the vision of Global Business Academy for fall of 2017 for the students. It's not going to be in the future, when learning could be more different. To do this we are providing internet access to all 408 students at a cost of \$155,000. That's budgeted in our line item 4100. Compared to statistics with many districts who are currently using internet access right now for their students, our budgeted item is for all students. To cover any unidentified costs and unforeseen expenses such as the Mandarin curriculum, additional art supplies, our budget goes at the very end to include an expenditure item of \$206,000 for those unforeseen and unidentified items. I know that approval of a brand new school is a very tough decision as opposed to receiving a school with a good track record. But our team has been working very hard for over a year and there's no obstacle that's going to prevent us from succeeding because we will work hard to show you that we can do this and we'll work harder than anyone else. We have almost a year until this school's approved to open so there's plenty of time for us to iron out any concerns that you may have, or that staff has identified. Our school is no different than any other start-up school. There's going to be a risk inherent in anything new and we're asking you for a chance to prove what we can do. I'd like to

take this next moment to go over some concerns that were raised by staff and also to answer some additional questions. We included written responses to the staff findings (*please pass them out to the board members*)

Lindholm: The clerk will pass them out, please.

Sanchirico: And, it was emailed earlier but just in case I brought hard copies. On there you'll see all the letters related to the UCI partnerships that were included. As far as our budget, we have numerous items in the budget that are very conservative expenditures of what actual expenses could be. We're going to seek to have a location that is actually lower cost than what's budgeted, we'll seek to reduce wherever possible as in miscellaneous operating expenses, we'll seek to get all grants where applicable. More specifically, to apply for the PCS GP Grant which has become available again with 28 million dollars that went unclaimed for schools like ours that were not approved in time. And lastly, we would work with our community and partners in fund raising efforts since we've got close to a year to do all that now. There were also concerns that were discussed regarding the special ed and our line item in the budget, line 5100 sets aside \$174,000 for special ed contracting or employees if necessary. But, in addition to that and added line item 1100 for a director of special ed at \$60,000 and an additional RSP teacher, all in the first year. Now, as enrollment increases all of these expenses have also been increased in the years following the first start-up. As for the athletic program that was talked about it is our desire to have athletic program and with an approval now that allows us over a year to develop this program to get our sponsors on board, get donations, fund raising efforts together, and apply for any and all grants and sources of money that's available out there. Physical Education is something that is very important to the government right now and also many statistics show how it's for the health of students and therefore there has been a lot of monies that are made available for athletic programs of which we would be applicable for upon approval. An approval now will also give us plenty of time to identify and hire teachers to work on the development of any curriculum, instead of a start date of this past fall, 2016, where we were rushed to hire teachers and rely on them volunteering some of their time. However, with an approval now all of those issues would no longer be as we would have ample time to identify these teachers and hire and bring them on earlier. We would have almost a year to concentrate on opening our school, encompassing our vision and being able to provide all the programs that we talked about. Lastly, I just want to say that I know that there are concerns that were raised and we believe that those concerns can be addressed. We believe those concerns can be addressed with your satisfaction with conditional approval where we'll be committed to working with your staff. I'd like to end by giving you an example of the Acellus program of what you were asking about before. And actually Acellus is not a new concept right now to a lot of schools and I believe that the Tustin School District is currently using Acellus as well.

Lindholm: Do we have a copy of the presentation? Thank you. Is this on their website?

Sanchirico: Yes, but you need a login ID, so they gave me a login so I could do this demo for you today. I'm not able to click in from here for some reason. Is there tech support in the room? Tech support? We need some of those kids that were here last time. They wanted to come today to speak but they're all in school and they asked if we could pull them out so they could speak. Some of them loved the responses they had gotten from the board members and the public. Ok,

so what I did was when I signed in these are some sample videos of the curriculum that Acellus provides. I'm going to click on one of many favorites of students...Fun Math is basically their version of pre-algebra. And the student so far has already viewed some concepts on times and how to solve this and then at this point they're asked a first of a series of questions to make sure they understand what they just saw. And so, this equation it's telling you to find what P is. I'm going to put in an answer which I know is wrong so you can see the response of what happens.

*(Acellus video demonstration goes live and begins to provide feedback)*

*"You've made that classic mistake that almost everybody makes whenever they're working with percent's. In this problem you know that I is 14,400. You know that R is 8% but I think you put an 8 instead of 8% which is 800ths. We know that T is 30 so I'm going to put a 30 in T's spot and it's P the principle that we're trying to find. Now when you multiply  $30 \times .08$  you're going to get 2.4 so, in order to find the value of P you're going to have to take 14,400 and divide by 2.4."*

Sanchirico: Ok, so then at this point you would put in the right answer and then it continues with a video. On the right hand side you'll see some resources that a student can click on and what these resources are is additional material that the student can access. Not sure why it's not opening up. And then the help menu as well contains additional help videos, additional help problems, and then a notebook for the students to take note when they can refer back to study for an exam. Business management is an elective that they have there, science, so I'll click on science, so here is again it went straight to questions. And if you click on the correct answer, let me click on the wrong answer instead...I apologize, it's not seeming to advance to the next resources.

Lindholm: We get the idea.

Sanchirico: OK, great...thank you. As I mentioned earlier, we are committed to working with your staff to iron out concerns that you may have or the staff has identified. We want this to be...we want this school to succeed as much as you do and we're willing to work hard to do that. I have brought with me people here that can address some of your concerns specifically. Our CPA who created the budget, our back office provider, some of our board members. Our special ed teacher was unable to come today because school started last week. But, I think our principal can field some of those questions. Our legal attorney, Michelle is here as well. So we are here to answer your questions, address concerns and again, at the very end we'd like to have an approval from you and thank you for your consideration and this opportunity.

Gaughran: Thank you, Mrs. Sanchirico. I now open the meeting for public comments. Each speaker will be given 3 minutes. A total of 30 minutes is allotted for public comments. President Lindholm, please call the first speaker.

Lindholm: I have a question for the Trustees. Do we want to hear the staff report first so that the audience can hear. Will you be giving a staff report and how long will that staff report be?

Gaughran: About 10 minutes.

Lindholm: OK.

D. Boyd: Yes, I think that would be helpful.

Gomez: I would like to hear the staff report.

Lindholm: I think the audience would like to hear the staff report first also.

Gaughran: I now call Aracely Chastain, Coordinator with the Charter Schools Unit who led the team reviewing the petition for Global Business Academy, to the podium to present the Staff Report.

Chastain: Good morning President Lindholm, members of the Board and Superintendent Mijares.

Let me begin by expressing that it has been a pleasure to work with the representatives for Global Business Academy. For the past three months, they have been proactive, responsive and willing to answer questions. When we review a charter school petition, not only does the charter need to present a sound educational program, but it must also include a financial and operational plan that will allow the petitioners to successfully implement the program presented in the charter petition. As a reminder, because the petition was submitted on appeal, we are legally obligated to review the petition as submitted to the Capistrano Unified School District.

Based on information gathered throughout the entire review process, the conclusion from the charter petition review team is that the petition does not contain reasonably comprehensive descriptions of the required elements and petitioners are demonstrably unlikely to successfully implement the program as presented in the petition. Therefore, OCDE staff is recommending denial of the Global Business Academy charter school petition presented on appeal. This is not an easy recommendation to present. The petitioners have presented a charter with many interesting aspects. And they obviously have the best intentions. I won't go through the entire staff report which you have already received, but I do want to highlight some of the key findings in the report.

### **Lack of reasonably comprehensive descriptions**

Multiple references to partnerships with the University of California, Irvine can be found throughout the petition. During the clarification meeting, petitioners let us know that they would be working with UCI for only one program, providing mentoring and resources to support student entrepreneurship. The petition lists UCI as being involved in other aspects of the educational program such as curriculum development and course design; teacher professional development and training; and the GATE program. Because all aspects of the GBA educational program rely heavily on the services of UCI, without those services, the petition lacks reasonably comprehensive descriptions of the elements that make up the educational program.

## **Curriculum development and course design**

During the clarification meeting, petitioners were unable to describe adequately how curriculum development would take place without the support of UCI. Petitioners initially stated that they would hire teachers during the planning year to develop the curriculum scope and sequence.

Staff pointed out that the cost of hiring teachers for this work is not included in the budget. Petitioners later submitted that “Teachers hired by GBA will be working on a volunteer basis to help develop the scope and sequence prior to starting full time employment with GBA for fall 2017.”

There are concerns with this plan. First, it is unclear how the school will obtain such volunteerism. Second, without employment contracts or other written agreements, there is no guarantee that the work will be completed. Third, there are concerns about possible future wage claims. Fourth, there are no funds allotted in the budget to pay teachers or consultants for these functions should the work not be completed by volunteers.

## **Internet Access and Instructional Materials**

The original petition does not adequately describe how students without internet access at home would have equal access to the online lessons. This is particularly important because according to the petition, all classes will utilize the flipped classroom method. This means that the entire educational program is heavily dependent on students being able to access online lessons at home. The original budget did not allocate funds to provide internet access for students. The petitioner has been able to correct this item of concern and will provide internet access to all students. However, the original budget allotted \$12,000 for internet per year. The actual cost will be closer to \$156,000. In order to provide online access at home, funds were reallocated from the instructional materials budget. The original budget submitted budgeted \$550 per student for textbooks, instructional materials and supplies. The revised budget submitted by petitioner reduced that amount to \$50 per student. The charter petition lists over 30 textbooks as well as indicating that other instructional materials will be purchased as requested by teachers, such as novels, lab equipment and manipulatives. In subsequent correspondence, petitioner stated that no textbooks would be needed with the Acellus program. The Acellus program offers lessons in the four core subjects only (English, mathematics, science and history/social science). Acellus does not provide Mandarin as a foreign language option. Currently, it is unclear how the school will provide Mandarin instruction, how they will address the requirement for English learners, and there are no funds allocated in the budget for Mandarin language course instructional materials. In addition, there is concern that requiring English Learners and Long Term English Learners (students not fluent in their native language) to take Chinese as their foreign language could impede their ability to become proficient in English, which is a state requirement.

## **Credit recovery programs**

The instructional program presented in the petition is ambitious and rigorous. Obviously, there will be students who will need additional support to be successful. The petition lists credit recovery programs, including four to six weeks of summer school, online classes and evening community college courses. However the original budget had no funds allocated for any of these offerings. The subsequent budget submitted accounts for summer school teacher stipends only. Once again, we are faced with programs described in the petition that are not adequately funded.

### **Learning Opportunities**

The petition states that the school will offer approximately three hours of before school and after school learning opportunities for students, including internships, service learning, field trips and extracurricular activities such as full orchestra band. In addition, the petition lists a variety of electives such as digital and studio art, music, ceramics and photography and describes at length the importance of competitive athletics and GBA's commitment to providing the opportunity for all students to participate in an athletics program. However, the budget does include funds for these additional learning opportunities that make up the learning environment, including materials needed for the elective courses described, transportation and funds to implement an athletics program. Petitioners stated that they would rely on fundraising to provide athletics, however no pledge letters have been submitted. There is significant concern that the nebulous plans presented to deliver all of the offerings in the petition and the lack of funding to implement may lead to pupil fee violations.

### **Leadership Positions**

The original budget submitted did not account for all of the leadership positions described in the petition, including a Director of Special Education, Coordinator of Athletics, GATE Coordinator, Director of Human Resources, and Attendance Coordinator. During the clarification meeting, petitioners stated that they would not hire, or delay the hiring of some of the positions and the executive director would be responsible for all duties associated with these positions. There is concern regarding the capacity of the executive director to fill all of these roles.

### **Procedural concerns**

Beyond everything presented in the Staff Report, there remains the issue of a validation proceeding. On June 8, the Board voted to accept the appeal of the GBA charter school petition with the understanding that if approved the petitioners would file a lawsuit to secure a judgment determining the validity of the OCBE action to hear the GBA appeal. GBA would need to receive a positive final decision prior to opening.

### **Conclusion**

The petition proposes an ambitious and interesting educational program. Unfortunately, it is a program that the school may not be able to deliver. Partnerships were overstated and the school

fails to account for significant expenses, remains in serious jeopardy of having inadequate cash flow, and may not have enough funds to operate. If Average Daily Attendance comes in below projections, a significant financial problem could arise since the reserves for GBA are below the recommended amount for economic uncertainties. The petitioner has the option to withdraw the charter petition and resubmit to Capistrano Unified. This would allow the petitioner to take the feedback from both Capistrano and our staff report to rewrite the petition to accurately represent the instructional program, align the budget to support the learning environment described in the petition, and eliminate the need for a costly validation proceeding. If they choose to not exercise that option, based on the charter petition, the clarification meeting and the budgets submitted, we must recommend denial of the charter school petition as written. Thank you.

Lindholm: Thank you. I do have compliments to our staff for working hard on this issue and I do have compliments to GBA for being out there and answering questions in a timely manner. Would our board like to hold questions until after public comments?

Several Yeses.

Lindholm: Alright. I think we would like to do the public comments. Would you like to announce that Kelly?

Gaughran: I again open the hearing for public comments. 3 minutes each, 30 minutes total. If you could call the first speaker, please.

Bedell: Yes. Wendy Garcia.

Garcia: Good morning Madam President, members of the board, and Superintendent. I'm here today as a concerned parent. As parents, we all want the best for our children, especially when it comes to education, they are our future. There's a growing problem as we see more than 50% of our high school graduates not eligible for the UC or 4 year university as a result of the high school education. As a board member I know your highest priority is to protect the interest of our children when it comes to education. You were elected by parents who believe you will perform your duties with integrity, responsibility, innovation, and trust with this important task. Unfortunately, many families do not have the luxury of sending their children to private school when they believe their public school is not adequate in educating their child. Please vote to approve GBA for the many unique qualities it will provide. Allow families a choice, an alternative to the traditional public schools and allow the students an opportunity to become an educated citizen of our state through the public school system. Thank you.

Bedell: Thank you, Wendy. April Blanchard? Is that Blanchard?

Blanchard: Good morning Madam President, members of the board, and Superintendent. Thank you for giving me the opportunity to speak today. I have two children, one in 10<sup>th</sup> grade and another in 6<sup>th</sup> grade. They both learn and study differently. They are both growing up in an era

with high tech. They're used to being interactive with games, on the tablet, online, and using smart phones. They are able to connect with friends from all over the country via Skype, play games, or face time to keep in touch. Going to school and sitting behind a desk for 60 to 90 minutes while a teacher lectures just doesn't work anymore. My children need to be engaged, they need to be stimulated, and challenged, and have the ability to interact with one another on a regular basis. This generation does not learn the way that you and I did. What I love about GBA is that they're offering innovative ways for students like my children to learn in a format that works for them. They can interact and engage with the other students while they're doing projects, activities and learning. We need GBA in our community for all students who are searching for a new way to learn in this fast paced high tech world. Currently there are zero charter high school choices for south Orange County. I see that as a problem. As parents, I believe that we are responsible for producing and nurturing intelligent curious, motivated individuals who can go forth and give wonderful things back to this world. In order to accomplish this parents need the ability to choose schools like GBA. So I strongly urge you to approve this petition and thank you for your time and attention today.

Bedell: Thank you. Somebody by the name of Donovan? Just Donovan, is that right Donovan? Thank you, Donovan. Good morning.

Higbee: Good morning. My name is Donovan Higbee, in case you need it for the record. That's Higbee. Good morning Madam President, members of the board and Superintendent. My name is Donovan Higbee and I am here on behalf of Congresswoman Mimi Walters who represents the 45<sup>th</sup> district of California in the U.S House of Representatives. Congresswoman Walters again regrets that she cannot be here today as the votes in Washington are currently taking place. Congresswoman Walters firmly believes that a strong education system is fundamental to the well-being of our children and the future of this nation and Charter Schools have demonstrated their ability to play an important role in providing positive outcomes for students from all socioeconomic backgrounds. The previous national educational system, No Child Left Behind, prioritized test scores over learning, hindered student success and limited the ability of teachers and parents to customize their students' experience, their students' educational experience. Congresswoman Walters recognizes that this was a broken and ineffective system which is why over the last 2 years she has supported common sense education reforms that empower state and local governments to make education related decisions. The every student succeeds act which was signed into law last year expands educational options by supporting the expansion of high performing charter schools. As a supporter of school choice Congresswoman Walters is hopeful that an agreement with GBA can be reached, that ensures that students in Orange County continue to have access to innovative and fulfilling educational choices. If you have any questions or if we can be of any assistance to you in any way, please do not hesitate to contact us at 949.263.8703. Thank you so much.

Bedell: Thank you. Claire Friend?

Friend: Good morning. My name is, good morning President Lindholm, members of the board, superintendent. My name is Claire Friend, I'm a member of the board of directors of Global Business Academy. I recently retired after 35 years in a private practice of child psychiatry. For the past decade I have studied and written about the crisis in public education. Charter schools have been one of the few bright spots in this otherwise dismal picture. Union politics which should have no role in education unfortunately does. It is one of the primary reasons for failing schools and poor student outcomes. Charter schools like Global Business Academy represent one solution to this problem. They offer students increased opportunities for success. They should be encouraged and nurtured, not denied. Many charter schools have higher rates of graduation and college admission than traditional public schools. Particularly for minority and disadvantaged students. Boards of education should be above politics and have what is in the best interest of children, the students, as their only objective. Many seem to act in the best interest of their union patrons, not that of the students. The Orange County Board of Education is an exception. It has resisted union influence in recent years and in recent years has given the support to charter schools in a number of instances. Thousands of students across Orange County are grateful for and have benefitted from this support. The hundreds of children who hope to attend Global Business Academy are hoping and praying for your support for them as well. Thank you.

Bedell: Thank you, Claire. Is that Janice Kimble? Jane, thank you.

Kimble: My name's not easy to pronounce. Good afternoon Madame President, members of the board, superintendent. I'm here today as a parent of 3 children. I have a preschooler, a first grader and a fourth grader. They also learn very differently from each other. I am a high supporter of charter schools, I have 2 nephews that have just started to attend a new charter school in the Capo district and they have...their education has been excitement, their education has blossomed. I urge you to accept the petition for Global Business Academy. Not only for the flipped classroom model but also for its entrepreneurial service to students. The GBA team has worked hard to establish partnerships with businesses, community leaders, and local universities. These partnerships will enhance the learning of GBA students. I believe that the project based learning, flipped classroom model, game based learning and the integrated entrepreneurial curriculum that will be offered at GBA will excel over those that are offered in public schools. Not one public school in our county or in our south county districts can say that they encompass all of these classroom models. I thank you for your time and hope that you will vote to approve our petition. Thank you.

Bedell: Yes. Next is Heidi? Crowley? I have a Heidi Landsgorf next.

Crowley: Good morning. Good morning President Lindholm, trustees, and superintendent. My name is Heidi Crowley and I am the coordinator of charter schools and strategic initiatives with Capistrano Unified School District and I have with me here today Susan Holiday our associate

superintendent of education services and Philipa Guiver our assistant superintendent of fiscal services. And we are here today to represent CUSD. Thank you.

Bedell: Thank you very much. Now, Heidi #2, Landgraff?

Landgraff: Hi Madam President, members of the board, and superintendent. I've been an educator for over 15 years, teaching in both public and private schools as well as being an entrepreneur with an innovative learning center which implements STEAM curriculum. I have seen and continually see first-hand the thirst students have for high technology learning. We need to give our students tools which empower them to be critical thinkers, innovators and leaders. GBA's use of Acellus learning system, history, TedEd, Google apps for education, hyper deck, and other online curriculum sources are not only keeping up with the needs of our students and keeping up with what is necessary to be educated in the 21<sup>st</sup> century. Entrepreneurial leadership skills and foreign languages are also necessary both of which GBA will be offering. Acellus is not new; there are many school districts locally that are utilizing it now, such as Tustin school District. As students evolve so must teaching methods. A student from 2016 cannot be expected to learn with the same methods used back in the 1900's. But sadly, that's exactly what's happening within our public school system. Please approve the petition for GBA so our students have a choice to be competitive in a changing global environment. America has always been the leader in many aspects and instead we are falling close to the bottom when it comes to education. Please approve this petition for our future leaders. Thank you.

Bedell: Thank you very much, Heidi. Amanda Valles? Amanda?

Valles: Good morning Madam President, members of the board, and superintendent Mijares. My name is Amanda, I'm here today as a member of the community and a strong supporter of charter schools. Currently in Capo and Saddleback districts, there are no choices for parents and students to continue with charter schools past the 8<sup>th</sup> grade. Other districts stop offering charter schools as early as the 5<sup>th</sup> grade. There's an important need for Global Business Academy not only for providing high school component as a school choice for families with a mission, vision and instructional strategies are unique. Which is currently not being offered in the public school system. The district will have you believe the methods GBA offers such as flipped classroom learning, project based learning, service based learning, game based learning, and even the integrated entrepreneur curriculum are currently being offered in public schools. But, can they show you these same methods are being offered under one umbrella at one school? The answer is no. Additionally, GBA team has made strides to establish partnerships with business, community leaders, and local universities. These partnerships will enhance the learning of GBA students regardless of the attempts of various groups to sabotage these partnerships who instead of working with GBA to do its best for students have chosen to use their positions as a vehicle for hurting the very own students they are sworn in to protect. I urge you to look past these Machiavellian efforts and protect the state mandated rights of children to be educated, be

prepared for post-secondary education, and a globally competitive world, as GBA is proposing to do. Thank you for your time and your consideration for this petition.

Bedell: Thank you very much. Is that Angi Hansen? Is that right, Angi?

Hansen: Good afternoon Madam President, members of the board and superintendent. Thank you so much for your time and service to our community. I'm the mother of 5 children and they range from college to 6<sup>th</sup> grade. I'm also earning my Masters in Education in Teaching and Learning. There have been a lot of lies and attacks on GBA and the founding team. I don't know a more qualified group of hardworking individuals who have only the children's best interests in mind. We have put our personal funds and much time towards putting the school together and I'm appalled at the lack of integrity and responsibility by those in leadership positions. If there have been concerns about things on our end, meetings should have been held to get to the bottom of these lies instead of believing them blindly. GBA was first attacked by the board members at Capistrano district and although the board, the CUSD board approved the petition, they now have their hands deep in keeping our approval here at this level. Can anyone just step back and look at who's suffering from this? It's the children. Who is advocating for our children? Can anyone please think about our children? The one's that did not get to go to GBA this year because it wasn't approved, and because of politics. Can anyone protect our children and not be self-serving? Can our children come first instead of money or politics? That's my plea. I also want to address any concerns you might have about Acellus. My two younger boys, 6<sup>th</sup> grade boys are taking Acellus. They're taking 4 core classes and 1 elective. They're taking earth science, geography, reading, language arts, and personal finance as well as a very advanced math class that they would not have been able to take in another school. They're enthusiastic about the content, they look forward to learning in this advanced method and I love that they enjoy going to school each day. I urge you to approve GBA so parents like myself can have faith in those we elect to represent and protect the interests of our children. The children have already missed out on a year of GBA. Are you going to change that so that our children will have the opportunity come fall of 2016? I please with you. Thank you very much.

Bedell: Thank you. Leslie McCabe? Leslie?

McCabe: Good afternoon Madam President, members of the board, and Superintendent Mijares. I would like to address GBA's entrepreneurial emphasis. The purpose of the teaching junior high and high school students entrepreneurial skills is to educate, train, and empower the next generation of honorable entrepreneurs so they become difference makers who lead productive fruitful and purposeful organizations. When students are taught to value entrepreneurialism they learn the benefits of serving others and making the world a better place. Entrepreneurship education seeks to provide students with the knowledge, skills, and motivation to encourage entrepreneurial success in a variety of settings. GBA will be the only charter school in the district, charter high school. We have no other options right now except traditional schools that don't work for everyone. GBA will rigorously prepare students for college while continuing to

foster the love of learning, creativity and entrepreneurialism. All students will receive high level college preparatory classes, Mandarin, and the option of Spanish and French. Students will also have access to engaging electives including athletics and arts which will help them continue to grow as well rounded successful people who are able to gain entrance into college and career path of their choice. Thank you for your time and consideration of the GBA petition.

Bedell: Thank you. Susan Mas?

Mas: Good afternoon everyone, President Lindholm, board members and superintendent Mijares. I'm going to go off script a little bit because I spent 2 hours this morning and your Samueli Academy as a participant in the authentic audiences and I'll tell you you all need to do that. You see the kids grow right before your eyes. Kids who looked at their feet when they entered school. They are now giving speeches about climate change and really, it's a wonderful experience. I'm Susan Mas, I'm the executive director of Charters OC, a partnership with California Charter Schools Association. I was a member of the Laguna Beach school board for 17 years. While I was a member, the California Charter School Act was passed. I was very excited as a board member for our teachers, our administrators, and our parents who would now have the opportunity to create schools, bring new ideas into the system that they would not otherwise have the opportunity to do. School districts would now have an RNDR that would be able to bring the flexibility and autonomy needed to help district evolve as times changed. For the past 18 years, I have worked in the charter school arena. As you know, I was the founder of El Sol Academy, with a great deal of help from Dr. Mijares. And, as the Samueli Academy also, which I brought before the board, some of you were here for that. As the executive director of Charters OC I have been charged with increasing the number of high quality charter schools here in Orange County and that included this morning when several parents with tears in their eyes asked me to please continue the work of bringing high quality charter schools here to Orange County. It is the belief of our organization as well as many other groups and leaders in our county that all our young people deserve the choice of an excellent public school. Today I am here to speak on behalf of Global Business Academy. Both Charters OC and the Charter School Association have worked with the GBA team over the past year during which time they went through our rigorous evaluation process which was required to gain our support. We assure you that the GBA petition is a legally compliant petition. One of the most fundamental obligations of the adults in any society is to prepare its young people to lead productive and prosperous lives. GBA helps us fulfill that obligation. We are thankful that they brought, decided to locate here in Orange County. Thank you.

Bedell: Tim Whitacre?

Whitacre: Good morning Madam President, honorable members of the board of supervisors, and superintendent Al Mijares, it's good to see you again, sir. My name is Tim Whitacre and today

I'm standing before you speaking on behalf of the Orange County Board of Supervisors vice chair Michelle Steel. She's also the supervisor of the 2<sup>nd</sup> district for the county of Orange. She like me to note and to pass on to you that she is in favor of the charter petition for the Global Business Academy. Vice chair Steel agrees with you that quality education and preparation of our youth is vitally important. She believes that we must always strive to improve our education system in order to give students eligibility to attend California Universities and colleges. The Global Business Academy will be using nontraditional methods in order to better engage certain students, not all students, certain students, and prepare them for higher education and success in the business world. There methods will center on increased engagement, entrepreneurialship, and teachings to be globally competitive in today's world. In the 2014-2015 school year only 50% of high school graduates were UC/CSU eligible. Capistrano Unified was only slightly higher with a 54%. The macro economic trends with wages, high cost of living, and poverty status has made education attainment of the utmost importance today. Charter schools have proven to be successful because they are free to operate independently of budgetary state and federal restrictions. They have the ability to give primary focus to the students they serve and capitalize on providing 21<sup>st</sup> century teaching methods without limitations. Therefore, vice chair Steel would like the board to know that she gives her enthusiastic support for the approval of Global Business Academy's charter school petition. Having now seen the staff report as well and the comments that were given both by capable staff and also by the proponents of GBA. It appears that option 3, denial, is not the right way. Option 1, flat out approval at the moment, might not be the best thing, but option 2, continue to move the ball down the field and try to come to an agreement to give this school an opportunity to serve the local constituents in the area. So therefore, she respectfully encourages all board members to vote in favor of that, and solidify Orange County as a leader in forward thinking education and providing the students they serve the greatest opportunities for success. Thank you very much.

Bedell: Bob Lowen? Bob?

Lowen: President Lindholm, members of the board, I think you very much for your service here. It's a very difficult thing to be an elected official like this and take all this heat and I'm sure you've got phone calls, and stuff. I didn't make any of them though, so I want to tell you that.

Bedell: Thank you.

Lowen: A member of this board because I believe in this school, Jason Watts is a superstar in the entire group here, he's an A team so this is a real asset for this school and for the students here and that's what I want to talk about. Orange County has 5 times fewer charter schools by percentage of students than LA County. 2% to 10% so how does that happen? That happens, it reflects basically an attitude. You have the education establishment who basically sees charter schools as an impediment because it sucks up money that they should have for their traditional schools and you see the students and parents who see it as an asset, as an opportunity because it presents an alternative to what they don't like about the current schools. They see the status quo

is not adequate so if you're satisfied with the status quo, then you won't like charter schools and if you're not satisfied with the status quo, then you like charter schools. That's where I stand because I'm not satisfied with the status quo. So what happened here is that we have the Capo Unified school district got together and they held this hearing and they found 42 reasons why they didn't like this Capo Unified, and they said ok we're for this but there's 42 reasons that basically kill it. And everybody knew what they were doing, it was a procedural game. Ok, they're really saying we're against it but we can tell our constituents that we're for it. See, it's a little game. We all knew that was going on and we also saw that they came in and some active agent, the UCI issue was created by active intervention by a Capo agent. We couldn't quite figure out how that was working but we came in and Craig Alexander served a public records request. He's a local attorney he does this pro bono because he believes in this cause. The Capo board completely stonewalled him using tax payer money and you get lawyers to go in and do this and they forced the litigation and in five months there's no significant documents have been produced. So, essentially no transparency whatsoever. So the Capo board basically doesn't want anybody to know what's going on. They create this problem and this is how you kill a school if you're on the side of the establishment that doesn't want any kind of competition for the status quo. They like the status quo to continue so they stop the competition. That's what's going on with the UCI issue and so don't believe them. So here's what I would ask, ok, I would ask if you have problems with issues like the UCI issue or any of these other issues, (*sound of timer going off*) look at the documents yourself. Look at the record yourself. Approve this subject to you know, conditions, whatever conditions there are, and then sit down with staff, sit down with the people from Capo, who I know to be really good people and look at the record yourself. These are just issues, these are just issues of people that are trying to stop a really good thing from going on.

*(Voices trying to stop speaker as he has gone over the 3 minutes allowed).*

Lowen: This is a great issue of people who are trying to stop a really good thing from going on. This is a great issue. Don't take an asset away from the students of Capo.

N. Boyd: Sir, your time is up.

Lowen: Just because somebody has an establishment and wants to take it away from them. Thank you.

Bedell: Our final speaker is Miles Durfee, CCSA.

Durfee: Good morning, members of the board and Superintendent Mijares. My name is Miles Durfee and I'm the Southern California managing regional director for the California Charter Schools Association. Today I want to focus on two numbers, 408 and 262. Those numbers I think are significant to your deliberations today for Global Business Academy. But before I talk about those numbers I want to talk a little bit about the staff report. I have read the staff report, CCSA has reviewed the staff report, and I want to assure you that we believe that the petition is

legally compliant, has legal standing, has a budget that can and will work and that the partnership that UCI was ascribed was strongly in place and moving forward until it became public with the Capistrano Unified Board and staff, that they had been putting that into place. So let me just capitalize and give you the information on those items really quick, and then I'll give you the numbers. So, legal standing. So I'm reading from a letter on March 25<sup>th</sup> from the Capistrano Unified board attorney. And it says, "Consequently, this shall confirm that GBA's charter petition is denied by the district pursuant to the board action taken on the resolution. This is in your packet. I know you have 600 pages, the letter's there, I can provide you with a copy. To me that indicates that the general counsel for the staff for the district indicated this was denied. Legal compliance the petition, I can assure you we've been here before with you where we haven't been able to support petitions CCSA has a very rigorous review process we work very closely, we push back and challenge petitioners to make sure that they're clear and we believe that this petition is compliant. Budget. I've never met a school that has enough revenues to do all the things they'd love to do. I think we can work out the budget. Last one, partnership. I will have you look, I have 4 letters that there were some very high up people at UC Irvine that really wanted to partner with this school and they no longer are able to. I'm sure why, but when things went public it became that way. So, my time's running short, so let me give you the 262 and the 408. 262 – Is the number of happy smiley faces that I saw out at OCASA, the Orange County Academy of Sciences and Arts. I went to their grand opening on August 12<sup>th</sup>. They're so happy to be there. I got to hear about the founder and the challenges that they have and they're now in session. They have something in common with Global Business Academy. They were denied by Capistrano Unified, and thankfully, you approved them. (*Sound of timer going off*). 408, really quick, 408 is the number of students that you can impact today for 2017 to give them a choice to go to this school, Global Business Academy. I ask you to approve them; your vote will make a difference for 408 potential students at this school. Thank you.

Lindholm: Thank you.

Gaughran: Thank you to all presenters. At this time, the board will proceed with deliberations and questions and then vote on the charter school petition. To reiterate, you have 3 options. Option 1 – approves the petition as written. Option 2 – conditionally approves the petition, and Option 3 denies the petition. President Lindholm, I now turn the meeting back over to you.

Lindholm: Thank you. Trustee Williams, did I hear you?

Williams: I am here.

Lindholm: OK.

Williams: Are we ready to make motions 'cause I'd like to make a motion to support this petition.

Lindholm: You can make a motion, um are you doing option 1, 2, or 3?

Williams: Option 1 to approve the petition as is.

Lindholm: I'm looking for a second on that? I think I'm not hearing one? Um, that fails for lack of second. Are you going to go to option 2?

Williams: So, I would like to make a motion for option #2.

Lindholm: Are you making that motion?

Williams: That is correct.

Lindholm: I will second that motion. That brings us back for board discussion and board questions so we do have a motion on the table, on the floor. Board members for questions.

D. Boyd: I don't have questions, but have some observations, but no questions at this time.

Lindholm: OK. Vice President Bedell?

Bedell: Yeah. I would like the representatives of the school district to come forward. You volunteered, if your team could come forward.

Lindholm: I do have a question on that. Were they asked by their board to come here? Are they representing themselves as individuals? You were asked by the superintendent of your school or your board? Sorry, I'm just trying to figure out who you're representing.

Capistrano: We're here today representing Capistrano Unified.

Lindholm: By the board? Has asked you to come?

Capistrano: Our board did not ask us to come. We were requested by OCDE staff to be here.

Lindholm: If we do proceed this, I think we should have equal time with the applicant because that would be the only fair way to do this. Because they already had their hearing at Capistrano Unified. So, with that.

Bedell: I'd like to set the stage if I might. Elements of this I have found appalling and I would appreciate some of the comments made by the members of the audience. I frankly do not find anybody on the side of the angels when it comes to the notion of politicizing something that should be first and foremost for children. That's where I'm coming from. First and foremost for the kids. Period, alright? I want to get that clear. Now, it has been averred to me, several times, by the way I really appreciate your being here, a lot of districts don't want to come or don't have the courage to come or whatever. I applaud your district for being here. How many charters do you currently now have in your district?

Capistrano: We have 5.

Bedell: You have 5.

Capistrano: And I would like to correct some misinformation that was just shared. We do have 2 high school charters in our district. Capistrano Connections Academy and Opportunities for Learning. Both serve middle school and high school students. 2 of our 5.

Bedell: And they are A through G?

Capistrano: yes.

Bedell: Thank you. It has been averred to me that in the present sense...I'd like to talk the Irvine piece. To understand my view of this proposal, the Irvine piece is essential because a lot of the services they were going to provide are going to be from a Tier 1 Research university which I think is admirable and I support. Are you aware of any actions by any member of your board or your administration to undermine the UCI connection? It's been said to me on 3 separate occasions, and I want to be sure that everybody knows where I'm coming from on this. It's been said to me on 3 separate occasions that representatives of your district, board or otherwise, went to UC Irvine and said if you dare partner with them you're not going to be allowed to put student teachers in our district. Does that have any empirical reality to you?

Capistrano: I have no knowledge of that. I know that we did verify the partnership and we did receive a letter from UCI. We were trying to verify the accuracy and the extent of the partnership that was described in the petition. It was simply to verify that information.

Bedell: Thank you. Now, go back to your board voted 7-0 to approve this?

Capistrano: Correct.

Bedell: With 42 stipulations I believe?

Capistrano: 42 conditions, yes.

Bedell: let me be the devil's advocate for a minute. If this board votes to deny by a majority vote and the petitioners take this to the state, and the state has a history, state board has a strong history of approving charters that have been turned down. My understanding is that if that is the route that happens here, the district then will have supervisory roles in managing. That it goes back, and I'm going to speak to the counsel here, that if it goes back that way, if that happens, that the district originally has supervisory roles in that. Is that your understanding? Ron, do I have that right?

Lindholm: I think we need to ask our charter school team, I appreciate Ron's knowledge on general facts, but...

D. Boyd: We're talking about oversight, correct?

Bedell: Yes, oversight.

Lindholm: Yes, we need to know accurately.

Gaughran: Do you want to speak to this, Kelly?

Barnes: Good morning board members, superintendent. Kelly Barnes one of Ron's attorneys. If the state board chooses to approve a petition on appeal, the state board is the authorizer. There can be an agreement made with a local district to provide monitoring and supervision but the state board holds the authorizing responsibility.

Bedell: And they can contract that out is what you're saying.

Barnes: They can, but it would be by mutual agreement.

Bedell: Sure. Thank you. Thank you again for your patience. With the 42 objections, what would you give this, this is totally off the top of my bald spot and your guess, what do you believe would be, I like this program, I really like the mission of this, I'm a big fan of flip flop...laughter...I love it. I wish I could have done more if it in my own career that way. I do have some other questions. Do you think the district would be accommodating to the petitioners if it went back to the district?

Capistrano: We would gladly accept, if they submitted a new petition. We would gladly accept a new petition.

Bedell: Ok, so what does that mean?

Capistrano: Well, I think what Aracely stated that if they withdrew it and used the information from our conditions that we listed as well as the staff recommendations and to submit a new petition to us, we would gladly accept the new petition.

Bedell: One of the objections you had as I understand was the starting date for August 16<sup>th</sup>? Wasn't that one of them?

Capistrano: That was because we were voting in February 2016 and we were concerned that didn't give them enough time to fully implement their plan of August of 16. So that was something they've...

Bedell: That's moot now...

Capistrano: That's moot now.

Bedell: Go back to...it's my understanding there was a request they lost, because of your district, \$500,000 grant that would have helped them to get started. What can you tell me about your district's view on that loss and the timing piece?

Capistrano: I don't know anything about that, so I can't speak to that.

Bedell: Ok, that's fine. That's fine.

Lindholm: But, you're head of the Charter Department, correct?

Capistrano: Correct.

Lindholm: But they had a grant with...I believe 357,000...\$375,000 that they no longer had, so wouldn't that have been part of the application?

Capistrano: No. Once they submitted at our Board meeting on February 5<sup>th</sup> even before our board voted we were informed that they would not accept our conditions and at that point we didn't really hear anything from them. I received a letter, our attorney received a letter from Ron on May 26<sup>th</sup> to start negotiating on some of the different conditions. And they were willing to negotiate on 12 of the 42 conditions.

Lindholm: But you're not addressing...

Capistrano: Because I don't know.

Lindholm: You're not addressing that amount. That grant amount, to me, if I may, made a significant impact on their financial situation. When you're looking at whether or not they can afford to do all the things that they need to do because of the timing with Capo, the delays with Capo, uh, and the confusion, they were not able to have that money. They're going to reapply this year and hopefully that will solve a lot of their financial issues. That's a significant part, because that's what our staff is saying is problematic. So I have some issues with that. You also have...excuse me this is vice president Bedell's, I'll have some more questions.

Bedell: We are good friends. (Laughter in the audience). We travel together. I appreciate this. So facilities. Where is where are we now with that? My understanding is that there are no spaces for them to locate there, is that?

Capistrano: We were originally at the hearing and at the vote, we were told they were securing their own location and would not be on Capistrano Unified property and then I was just recently informed that they would be submitting Prop 39 paperwork.

Bedell: Ok. Could you please from your, and this is really important to understand where I'm going from on this, for the audience...I'm not trying to be...what is your definition of, and an operational definition of Material Revision? From your district's viewpoint, what constitutes a material revision?

Capistrano: I would think any significant change that impacts that from the original charter petition that was approved.

Bedell: So in other words, if a budget request goes from 500 to 50 would Capistrano team say that's a material revision?

Capistrano: Yes. I'll say yes.

Bedell: Ok. So if it's a material revision is something the state gets very involved in, and people talk about what constitutes a material revision. Ok, do you consider a material revision something that happens before we would approve it or after we approve it? And this is, I'm going to make this relevant. There are changes in the proposal that we're looking at, right than what the district saw? Aren't there changes in what's coming forward? What we have is exactly the district's proposal?

N. Boyd: Who's the question to, Jack?

Bedell: I don't, I guess....

Lindholm: Do you want to ask Catherine? She would know because she didn't....

Bedell: Aracely.....I need to think this out.

Capistrano: That's ok.

Chastain: Yes, there have been some changes made to the petition, from how it was submitted to Capistrano Unified. So for example one of those changes is the offering of internet access to all students. Another one of those changes would be the removal of the UCI partnerships in everything but the entrepreneurialship program. So those are some of the things that the petitioner has been working through and has explained to us.

Bedell: Ok, I'm done right now.

Sanchirico: We didn't make those changes on the petition. When working with staff and they had identified their concerns, we revised the budget based on staff recommendations to make the budget work and remove the grant that we had lost, which is the grant that we're able to reapply for again.

Lindholm: Ok. And I think just to clarify we created as a board a policy that we know that updating the budget would be part of the process. Because the budget as it stands when they come in is not going to be the budget 3 months later, or 4 months, or the next year. So we actually took action, the board took action, to say that you could update your budget information because that would be relevant.

Sanchirico: And that's all we've done. We haven't made any changes to the petition itself.

D. Boyd: And in some situations they would be required to update their budget.

Lindholm: Correct. Um would you like to go next?

Gomez: Oh sure.

Lindholm: Ok, Trustee Gomez.

Gomez: Ok. First off, when I look at this petition and I look at the learning strategies I'm really excited as an educator, as a parent, a former coordinator of professional development at the community college level, I'm excited to see a lot of these things occur. I like the flip classroom ideas, I like the service based learning. Some of the parents have alluded to the traditional classroom. I'm from Tustin and Tustin has been referred to a couple of times in using some of the software programs. After they started using it, and I went in the Tustin classrooms, I kind of...my eyes got really big, 'cause it was controlled chaos. The teachers had complete control of the classroom, they had students doing all sorts of activities, it was really exciting. The teachers were walking around with the headset, they had a little microphone, the students could hear them no matter where they were in the classroom. Tustin has evolved and Tustin has changed from my children are past college age and the Tustin school district has evolved and has continued to meet the needs of the children and what the parents expect. So, I think that in listening to everything, reading everything, reading that 600 page binder, I think Capo Valley has heard the parents, because they do have charter schools already. But they obviously have some concerns about what's happening. I have some concerns. I'm also a former high school coach. So I understand the whole thing about athletics. Having the executive director oversee athletics because when you first start an athletic program, you've got to hire coaches, you've got to set up schedules, it is a monster. I just did it for one sport and I wasn't a full time teacher. I was working another industry and coaching. That was really hard. So, I can't imagine the executive director or the principal doing all that for all the sports, especially in the start-up capacity. Hiring a special ed teacher for, I think the figure was \$60,000, if I wrote it down correctly, I think that's well under a number that would be needed to serve those students. I also have concerns about the curriculum. I like the idea again, as I said about the flip classroom, service based learning, but I had some concerns about the "hiring of volunteers." That doesn't sound right, right? You don't hire volunteers. And so the lack there was a bit concerning. The partnership with UCI was really exciting to me. But then as I read more it sounded as though that partnership wasn't fully developed. Now, I just, as happenstance, got an email from a middle school teacher in Tustin. I still volunteer a lot in the Tustin schools. Again, my kids are long gone but, they come find me. And, this particular teacher teaches an entrepreneur class. I've been working with him the past couple years. We actually brought the students from that class, again, some of you may or may not know I also am a sitting council member for the city of Tustin. They asked me if I would come and listen to the kids present their projects. I said no, what we're going to do is have the kids come to city hall. So I brought the kids to city hall. I got our city manager, I got a local businessman, I got one of our other gentleman from economic development and we heard the proposals in the city hall chambers. There are ways to do things without a whole lot of, now don't everybody call me, I can't accommodate everybody at city hall, but I'm saying reach out to the community. There are ways to do things, ok. The partnership with UCI, that really concerned

me, because it seemed as though there were a lot more developed partnerships with UCI than what actually appears to be correct now. So, I have some concerns. I like the ideas, I think they're really solid, I think the kids have a great time 'cause I've seen it in action. I visit a lot of classrooms. I visit a lot of classrooms before I even got on this board. I'm in classrooms a lot, I talk to a lot of students, I actually visited some of our ACCESS programs this summer. There's a lot of good that's going on in our schools. And I think, I applaud the parents who came today and gave their time and their effort to prepare some remarks. You love your kids. You want the best for your kids and I think what you need to do is assist your school district and trying to figure out the best way to serve your children. That's what I've done for the past 20 plus years, well, I won't say how old my kids are, but, a long time. And I continue to do so because I believe in our schools, I believe in our community. So, I think there are ways to address some of these things, but we've got to do it in a way that's thoughtful and a way that we can support it with our budgets so that once again we come back to our core mission, and that's to make it a great learning opportunity for our kids. So, I want to listen to what the rest of my colleagues have to say, but I wanted to share those thoughts with you because I think it's important for the parents to know where I'm coming from, it's important for Capo Valley to know where I'm coming from because we got work to do. Thank you. (*Inaudible question from the audience*) Absolutely.

Lindholm: We'd like to bring you to the podium, please. So you'll be on the microphone.

Sanchirico: First I'd like to thank Capo district people coming to support us today. You know, they do have 2 high school charters in Capo. However, both of those are online, there's no physical location, which is different than what we're trying to offer. I'd like to talk to the, to you about the UCI issue. In the packets that I've prepared today, at the back you're going to find some letters. Can you turn to the letter that was signed by Stephanie Tucho Reyes?

Gomez: I do have to tell you that it's really difficult for an elected official to look at a detailed document on the dais while we're trying to discuss something.

Sanchirico: Oh, ok.

Gomez: That is really hard for us. That's not one of my favorite things is to get something on the dais. So, you're going to have to talk to it a little bit.

Sanchirico: Sure. Ok, so I'm going to go ahead and just read a line that she, a few lines that she in particular wrote regarding a partnership with our school. Let's see here.....Our college guidance and academic preparation professionals will work with your school leadership to shape curriculum and college guidance in a way that makes students truly competitive. Further, we can also provide teacher development in the core content areas and assistance designing hands on research based curriculum aligned with Common Core. Additionally we would be available to provide parent education for the parents of first generation students going to college. Then she goes on further and says we look forward to collaborating with GBA to support preparation for success in higher education. Signed by Stephanie Tucho, the department head. Then I'd also like

to read a subsequent letter by also the department head of the GATE and right in the front of, the top of the letter it says “partnership with Global Business Academy.” She mentions in the letter different courses that her department would be offering as well as the gifted students academy for Global Business network, Academy, and then she says “as our partnership progresses we may find additional resources that could aid GBA gifted students programs. We both have in common the goal of advancing these students, blah, blah, blah, I look forward to working with you further.” These are signed letters, on their letterhead, that we submitted with our petition initially. Whatever happened between them signing these letters and February 2<sup>nd</sup>, I have no control over and I don’t know the facts of that. I do know that from what Mr. Loen (sp)? Alluded to that there have been some concerns from the public, that a public records act was requested and so far no documents have been turned over this transparency. Also, with the 42 objections, one of the objections that was very, very difficult for us to be able to accept was CUSD wanted us to pick only one instructional strategy. That’s, from what I understand loosely, that’s what makes charter schools unique. You know, it would be too hard if we picked flip classroom method does that mean we can’t teach entrepreneurship? You know, if you go into a fast food restaurant and you order a hamburger do you have to take mustard, ketchup, lettuce, tomato, onions? No, you can pick and choose. Why can’t our students pick and choose? Why can’t we pick and choose what works for these students? Why can we only be confined to one instructional strategy? So that was very difficult for us. As far as the facilities, we did have two viable locations at the time we submitted that and we are using a Prop 39 as a back-up however we do prefer to be in our own location. To address the material revisions, the only revisions we made were with the budget and that was with working with the staff. Athletic program...you know, when I was growing up, our basketball teacher was taught by my social studies teacher. Our football coaches were taught by our PE teacher, and that’s how it’s done right now. I know for a fact at Tesoro High School, because I have many families that go there. So there isn’t any separate coach that they’re hiring just for every sport. I know Laguna Beach School District just offered one of our teachers a coaching position at less than \$25,000. So, it’s possible.

Gomez: That’s pretty good for a coaching position.

Sanchirico: Yeah, yeah.

Lindholm: Ms. Sanchirico, um, there was...thank you for your comments and we haven’t gotten to Trustee Boyd or Trustee Williams. There’s a motion on the floor to approve this with conditions.

Sanchirico: Yes.

Lindholm: With that, are you willing to go, that means an MOU gets created and that addresses over this next year all the issues that we have, and our staff is just terrific. And because you were delayed a year that gives you time to work on it. Would you be willing to accept that number 2 that has conditions on it that you would be working with staff?

Sanchirico: Oh, 1000 percent we accept that. We love working with your staff. They've been great through the whole process. That is a very welcome option for us and we would love to be able to work with you staff. As we would be anyway even without a conditional approval we will work with you and your staff either way.

Lindholm: Ok. Did you have further?

Sanchirico: I don't know where the misunderstanding of us hiring volunteers to create curriculum came from, but when we submitted this petition to Capo we had less than 6 months to identify and hire teachers, then funding was also an issue because that grant, and so at that point we talked about possibly if we identified a teacher, and we didn't that grant money in time that we would have ask if some of these teachers would volunteer some of their time to work with our principal to identify a curriculum, not to create a curriculum. You know, for example our principal has been volunteering his time to help us get to where we are. Numerous teachers on our board have been volunteering their time. So we never said that we were going to hire volunteers to create a curriculum. Our petition specifically said that we would identify an approved curriculum, with a committee to do so.

Lindholm: When are you able to apply for that grant again? The one that you lost because, to me, I'm sorry, I think Capo kept you going in circles for a while. They asked some good questions and I appreciate that and we actually did send this back to Capo for an additional month. Some of you may not know that we sent this one back and said, ok, we would like you to determine and to work with GBA. We want to give you an extra month to do this so that we would not accept it until they had an additional month to do that. Can you address that?

Sanchirico: Sure. Let me address the grant first. We are able to apply for that and the deadline for that is next week actually, so, we have the application already rewritten, fortunately they did not change the format of the application, just a new date on it. We were approved for it before using the same application, so we have good reason to believe that we'll be approved for it again.

Lindholm: And that's next week?

Sanchirico: Correct. The deadline I believe is September 24<sup>th</sup>.

Lindholm: So it would help you to have an approval at this time and that might solve some of the financial issues and get the teachers that Trustee Gomez would like us all to have.

Sanchirico: Correct. Um, as far as going back to Capo, we, your attorney sent the letter to try to get both parties to come to the meeting of the minds and we had suggested that you know these were conditions, some of the conditions we were not able to change and one of them was we would not pick one instructional strategy. So, we sent them a letter with the conditions that we were not able to comply with and ask them to meet us in the middle. However, we did not get a response within that 30 day period.

Lindholm: You didn't get a response back?

Sanchirico: No, we didn't hear back.

Lindholm: Ok. Trustee Boyd?

D. Boyd: How about Dr. Williams?

Lindholm: Trustee Williams, Dr. Williams are you there?

Williams: I sure am. Wish I was there to share in all the good times with you guys.

Lindholm: We have to know, is it raining there?

Williams: Actually it's a very sunny beautiful day.

Lindholm: Ok, good. Alright would you like to contribute to the conversation?

Williams: Yes, I would. Again, thank you all for being there. We've been down this road for several months now with this particular academy, and charter, and I'd like to say that this is not the first time I think our staff has been wrong with their recommendations. I think the recommendation that was stated publicly, was weak, the narrow, the one-sided, the prejudice, and it's not consistent with the spirit of the charter school legislation which was originally passed 20 years ago. I think there's a lot of union CTA politics and influence. I was not aware of what Trustee Bedell mentioned earlier regarding the Capistrano Unified holding a gun to the UCI teaching program and that they would not do new student teachers affiliated with that. If that were to be true, that would be a moral and ethical breach to communities as well as demonstrated to our communities who really we serve. As you know, charter schools have been a political football of the last 6 months. I'm a strong advocate of, these are good people behind this program, they have a well outlined program. I'm willing to go with option #1 or #2, and it sounds like that there may be more consensus for an MOU developing here. I'm open to that. Again, when I hear from the opponents of this proposition they say that this charter school petition is over stated or it's in serious jeopardy of not being successful, I think those are political words. Public schools in and of themselves are not consistently upholding the purpose of helping and protecting parents and children. And I think this charter will do that. Charter schools I think are viable options for our community, our parents, and our kids, and I believe the quality of people involved with GBA will make this program very successful. In regards to the statements of Mr. Miles Durfee I totally concur with him, this is a defacto denial by Capistrano Unified School District. As we all recall, Capistrano Unified put very serious and onerous limitations on GBA, they were not flexible, they were inflexible, and that's where we are today. So, I'm going to quickly summarize that I'm totally supportive of GBA, and if it is to be the decision of the board overall to have conditions, I'll support the board and vote yes for this charter petition.

Lindholm: Thank you, Dr. Williams. That brings us back and I'm watching the clock too to keep going for today. Trustee Boyd?

D. Boyd: Thank you. I don't have any questions but...

Lindholm: Does that mean she can sit down?

D. Boyd: Yes. Thank you for your comments. These are always tough calls for me. Particularly on this one because of the unique circumstances that brought them here in the first place. Um, I love the concept of both the flip classroom and the entrepreneurial emphasis. If I wasn't on this board I'd probably be lobbying for a seat on your board, going forward. It's very close to what I hope to get involved in after I leave here. In reviewing an application I look for a number of things. The most important probably two things. The professional competence of the members of the governing board and the ethics of the members of the governing board. And both get A's in this situation, I don't see any problem with the competence of the governing board or the ethics. The UCI thing is confusing, but I don't think there was any intent to mislead anybody. I met with the staff for over an hour on Monday to discuss this appeal, again which I thank you for taking the time for me and all the work you do. They told me that you're easy to work with and that's another thing that's important to me because any charter we approve it is an ongoing relationship. But, we also have to follow the law and our board policy. I've highlighted a few things in the staff report that I want to go over. Review of recommending denial, Roman numeral II, the petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition. I don't agree with that conclusion, mostly because the law is so vague. Over the weekend I had the opportunity along with my other trustees to attend a number of workshops and the people that have been involved in the charter movement for twenty plus years pointed out that 20 years ago, 25 pages would be a reasonably comprehensive description. Now, we're getting 300, 400, 500 pages. So I really don't have any problem with that part of it. The procedural concerns we addressed that at the last board meeting and we reached an understanding of what would happen if there was an approval and I don't see any reason to revisit that. Many of the things that are addressed in the staff report could be addressed in an MOU but there are things that we really can't do at this point in time. Going back to our board policy, when Trustee Lindholm and I worked on this roughly 2 years ago, I guess it's been now and submitted it to the board we recognized that there shouldn't be material changes to the application as it was submitted to a local board. And, we did allow that certain things we wanted to see, certain things we needed to see. As a CPA, I wanted to see the budget. I want to see a current budget. I didn't want to see a budget that was 6 months old or otherwise stale. If there was a change in the governing board, I wanted to know about that, because again that's one of the most important things to me. But, we said that there would be no changes in curriculum, instruction, assessment, framework for educational design based learning environment. Now, through no fault of your own, you're faced with a situation where you really don't have the resources to do what you wanted to do when it was submitted to Capo originally. And, that's where I have the biggest problem. Mandarin, it's not something I would do, but then again, it's a

judgment call on your part. I would never vote against a charter for that particular reason. But, I just think that the business model as it exists today is materially different than what was submitted to Capo months ago. Once again, not your fault. The resources are just not there to do what you originally wanted to do. You take this back to Capo and if Capo for whatever reason doesn't approve it again or sets too many conditions, you come back to us. I can approve it at that point in time. I could possibly do it, but I can't do it today.

Lindholm: Thank you. I think if I can, kind of wrap up some comments. I appreciate a lot of the comments, well, I appreciate all of the comments. Because they are all good, they are all valid and they're all from the heart. So, I do appreciate that. I think what I'm trying to get out this is there are some issues and one of the issues is because of the timeline. Because Capo took it and then it took all this amount of time for the school. And they submitted the application, the application was good, it had the money, it had the backing, it had the UCI letters. I'm looking at all the letters from October, there's 3 different signed letters in here, it was all there. There may have been some other issues that Capistrano could have worked with them at that time, when they approved it. That would have been the time to do an MOU with them and get it done. Then it drug on. Now, because of what you're saying, I'm saying everything has to do with the time. I don't think there's material revisions because they did it. I think there's possibly changes in the budget because of how Capo worked through this. Somebody was there, the grant was there, and then because of the time and the delay and they also had the lease agreements. They had a couple of places ready to go and places to sign and they could have gone and gotten their applications. So, for me the biggest problem is how this was treated. The timing and then the saying we've got 42 conditions but you're approved. So, it becomes to me it's problematic and it's not in the spirit of the charter schools. That is why I am supporting this, I think we have a time, we've already extended them for another year. I know our staff is very, very, very, good. I say that, if you come to every other meeting, I'm going to say that. And there are very well respected. There's nothing in here that cannot be fixed with an agreement. Nothing that I see. There's all the letters from UCI, I don't know what happened behind scenes on that. When they had 3 signed letters and then I've heard many rumors that are very disturbing to me and because the rumors are not going to go any further on that, but when you have the signed letters and then all of a sudden there getting pressure from outside sources, that's not the best way to approach something. That's not how it should be done. I think we can work as a team. I am supportive of this. I don't think I've listened to your arguments Trustee Boyd, and I think a lot of it has to do with the timing. And now, how many, now they're going to be starting in a whole other year. And I think that would be very beneficial to them. On kind of a different statement, I think, I'm looking at a screen over there that's antiquated. Like, where's the white board? We need to have something with technology. Many of the speakers came up with an iPhone, they have tablets, the kids all have tablets, if you want to communicate with them you text. We need something state of the art, 21<sup>st</sup> century. This is exciting. It's an exciting program and I'm really excited about this. Kind of reminds me of when you go back to the old schools and you have to sit down for 45 minutes. And then you get a little break and then you have another 45 minutes, and then 45 minutes.

There's team building, there's projects, there's professors that get brought in and it's exciting. The charter schools I've gone to the kids don't want to miss a day of school. They don't want to miss a day of school 'cause they might miss something. That's really exciting. So, I want to give kudos to all our teachers, too. Throughout Orange County. They're wonderful, wonderful people. They're inspiring and they work hard. I think this gives us another option for kids that learn a different way or they want to go a different direction. The other thing I see is that we have children that are trapped by neighborhood. And I say trapped by zip code. When you're here and there's a great performing school over there and you can't go there. The great thing about a charter is you can send in an application and your child can go there. It doesn't matter if you're rich or poor, where you were born, what's going on, you can go to that school. And charter schools, this is my district, I know San Juan, I know San Clemente. My kids went there. This is an opportunity for a lot of those kids who are in the multi-housing, they're all jammed in together, they can go to this school. Where else do you get an opportunity like that? So that's why I'm supporting it. I think it gives that opportunity, they're not going to start until next year, so I hope we work together to have this succeed. I know our staff is excellent. I think we can still work with Capo and I've already heard that you work very well with them. So, I don't know if there's anything further, but if you're ready to vote. Are we at that point?

Gomez: Could I have one question please? Just for a point of clarification, and I don't know who this question is to, but, we'll see. If, and it sounded as though both sides were willing to work together to sort this out. If the petition was, now don't – I'm saying this just to say it. If the petition was denied we're already looking to next school year, right? So, if the petition was denied do we have time to resort this out? Because it appears that there are material revisions and so, I'm just asking the question. Is there still time...

Lindholm: Well, I appreciate your argument, and concerns. But we already heard that to apply for this grant takes, is next week. So there's a lot of things, if they're denied here they can go to the state of California. And, I personally don't want to deny the parents and how many kids? 400 and some kids to go to that school. So, denying them and we're not sure what'll happen at Capo again. Will they go through this process again and get stuck in that machine. So....

Gomez: Well, it may get stuck in the machine now; we've got all these different conditions.

Lindholm: I think that's up to the applicant.

Gomez: And that's why I am bringing this up. Because there have been so many changes between what Capo indicated and what we've indicated, between then and now. It seems like there's changes. So, they're material on my mind.

D. Boyd: Who is best qualified to talk about timelines, Ron?

Lindholm: But, excuse me, vice president Bedell had a question.

Bedell: Yeah. I would, I appreciate all these comments. We, at the last meeting we, the petition, this is from your comments. The petitioner would be solely responsible to cover the cost of the validation process. Now that, if we approve it today, the validation process is estimated would take how long?

Lindholm: Do we have an answer for that? Can somebody...?

N. Boyd: Do you want our legal counsel to answer or?

Lindholm: I'd like the applicant, because they'll be the ones who are responsible.

Bedell: Yes, the validation process that we agreed to last month by taking it.

D. Boyd: I think their attorney is here.

Bedell: Hi.

Michelle Lopez from (*inaudible*) I don't have an exact number, timeline, it's up to the court, but we understand that was part of the conditions for approval and it was subject to you know, we needed the validation in place before the charter opened of course, we would adhere to that condition. I mean, it's out of our control as far as the timeline goes, but we understand that that's the condition...

Bedell: So that's a derivative of trustee Gomez's question because in fact it is another hurdle that they would have to go through that could delay. Right?

Gomez: But Global also asked for a month's extension too, so? Everybody has kind of contributed to this delay.

Lindholm: I hate to say it but I know you weren't here when we went through this whole process.

Gomez: Right. I'm the last to the party, no question.

Lindholm: And your questions have been really, really excellent. But, I've been through the process and hearing the pain of turning them down the first time. Been through the process of accepting, been through the process, so that's part of the piece you weren't able to be here for. So that's why I am very, very hesitant to send this back. I want to approve it now, if you want to vote no on it, and deny it, that's fine. It can go to the state. They will have a definitive answer. And I think they deserve a definitive answer. I'm not going to kick the can. I'm not going to kick the ball down the road. I'm not going to delay it. They're going to know where they are and they can go to the state if they want, or a week from now they can go and get that grant and they can be one of the best schools competing with all the other schools in Orange County. So. That brings us back. We have the vote if we vote to deny it they can of course go to the state of California. And that can be up to them immediately. If we approve it, they can go forth. They can

do a great job, they can work with our team. They can make it happen, and they can apply for that grant and all those financial questions go away. So, I'm ready for the vote, we have other issues. We need a roll call vote. Yes.

N. Boyd: Clarification, you're voting based on the motion that you and Ken presented for option #2, that would be what the vote is for.

Lindholm: Correct. The vote is on option #2 which is to approve it with conditions. I think personally, that's the best way to go forward. We know what's going on here and I think it could be just an outstanding school working together. So you have a roll call.

Sisavath: Trustee Boyd?

D. Boyd: No.

Sisavath: Trustee Bedell?

Bedell: No.

Sisavath: Trustee Lindholm?

Lindholm: Yes.

Sisavath: Trustee Gomez?

Gomez: No.

Sisavath: Trustee Williams?

Williams: Yes.

Lindholm: Ok, that motion will fail. That's on a 2-3 that means that this school is denied by the Orange County Board of Education. You're able to go forward and appeal to the state of California. I'm not sure if they can go back to Capo, that would be a question for somebody else. I thank you all for coming.

Bedell: Does that failure to approve that motion, bring into effect the other one? This board didn't take any action.

Gomez: That was the action that we took, on the...

Wenkart: There was a motion to approve their appeal but the motion was denied. So it's a denial.

D. Boyd: And option #1 failed because of a lack of a second.

Bedell: So we don't need anything else?

Wenkart: It might be a good idea to vote, formally vote on option # 3 which is denial so that there's no doubt about it. I think that would be the best way to clear this up so that it goes to the state and there's no question about it.

Lindholm: Is there a motion for Item #3?

D. Boyd: I'll move.

Lindholm: Moved by Trustee Boyd.

Gomez: I'll second.

Lindholm: And seconded by Trustee Gomez to deny this, option # 3. We have discussed unless somebody wants it? Ok, roll call vote please, to deny this.

Sisavath: Trustee Boyd?

D. Boyd: Yes.

Sisavath: Trustee Bedell?

Bedell: Yes.

Sisavath: Trustee Lindholm?

Lindholm: No.

Sisavath: Trustee Gomez?

Gomez: Yes.

Sisavath: Trustee Williams?

Williams: No.

Lindholm: Ok, you have that down and formal. I thank you all for coming, everybody. It's a tough process and we're going to take a break at this time. It will be our lunch break. Thank you. 30 minutes.

*(Sound of gavel and noise as meeting resumes)*

Lindholm: Until we get that connection with our board member in Tacoma. We will be just really happy to hear from our superintendent which is under the item of announcements. So if you'd be so kind.

Mijares: It's an honor to be here today. And, let me just mention, I had a chance to speak at the Marian Bergeson's services. For the record, Former Governor Pete Wilson also spoke. Julie

McCormick who is Marian's daughter and a principal in the Newport-Mesa School District to do this. And I just wanted to again salute the senator having been the first woman in both the Assembly and Senate of the General Assembly here in California is amazing to me. And went on as you all know to be a school board member, served on the Board of Supervisors, was the first person to hold the office, I think she was first one as the secretary of education and child development. But the most striking thing with her is that she worked in a segregated school in Santa Monica known as Garfield. It has been razed and now there's a district office there. But still, there's the classes of Garfield that have gone through. And largely, African American and Latino and an Asian population as well. But this was before Brown versus Board of Education or the Mendez decision. So, it was separate but equal was practiced. A lot of the kids that attended the school they lived in these makeshift homes like you find today in parts of Santa Ana, parts of Anaheim, that are subsisting, barely getting by and they didn't have adequate showers so they built showers at the school to help bathe the kids. So I just thought it was amazing to see this woman, because if you knew Senator Bergeson, you know that she is the image of perfection almost, right, in terms of her dress, her demeanor, how she conducts herself. But she has a heart that's very golden in my opinion. I knew her back when I was superintendent of Bakersfield City Schools. So, I wanted to let you know that it was a fantastic memorial service. A great tribute to a wonderful human being who made a difference. Who stood up for kids, even in Santa Ana when I was in Santa Ana, she was not in favor of 227, some of the more controversial propositions that tended to marginalize students. It was interesting because most people would not see her in that light. So, Senator Bergeson. Then I wanted to let you know that I attended the OC United Way Rally for Change at the Fairmont on the 7<sup>th</sup>, just last week. And, Max Gardner, the CEO of United Way did a fantastic job and it was a great celebration of what the United Way is doing. I'm on the Board of United Way and you know, we have four goals and one on the education goal is to cut the high school dropout rate by half. And our county has done a fantastic job of making sure that kids don't drop out. It is very difficult to drop out of school in Orange County California. Thanks to our board members and our superintendents and principals, and most notably our teachers, the parents, everybody plays a role. So, United Way has also been a great help to us, the Orange County Department of Education. Another one of their goals is to cut the number of homeless and housing insecure children in half. On health, it's increase the number of healthy youth by one third and in terms of income reduce the percentage of financially unstable families by 25 percent. All of these goals relate to each other. You can't, they're mutually inclusive. You cannot do one without the other. The last thing I'll talk to you about is that the Love Them All Foundation Golf Tournament, don't you just love that, Love Them All Golf Tournament will take place on October 17<sup>th</sup> at the Alta Vista Country Club in Placentia and all of the proceeds they raise from that event, or most of the proceeds besides the expenses they bear, go to the Orange County Department of Education Special Education. So, last year they raised \$20,000, great time and it's just a lot of good things happening. So, that's it for today, quick.

Lindholm: Good news. Glad to hear all that. Um, I don't think we're hearing, we'll keep trying. We'll go to item 9? I see that. So, Item #9 is by Kelly Barnes, Orange County Department of Education Petition Review Team. Kelly, welcome.

Barnes: Good afternoon board president, board members, superintendent. We are here to talk about the agreement. It's a discussion item and an action item. And, it is on the agenda as a discussion item because the petitioners had requested a few changes to our template agreement that the board approved a few months ago. And the charter petition review team reviewed those potential changes but felt that they were significant enough that the board should really weigh in on them and we didn't make a recommendation to move forward on them we wanted you to have a chance to take a look at them yourselves. I understand that petitioner's counsel has provided the changes that they have requested. And you can see from the agenda item the changes revolve around the liability of each party, the process for changes or addition of facilities, the dispute resolution process for facilities issues and governance issues. I would like to say that it's been a pleasure working with petitioners, they've been very responsive and we've gone back and forth quite a bit on a number of these issues. I'm happy to say the governance issue, I believe has been resolved. That had to do with the bylaws. They'll be approved at their next board meeting which will come very soon they had mentioned. But to highlight their other issues just to go over them. First, I think you have a copy now of the document that the petitioners have prepared? The first issue had to do with loan agreements. And essentially the change that petitioners are requesting has to do with the section regarding interschool loans and document requests. They wanted the language to be more tailored to the loan agreement. The original language is broader in nature, so that it's very clear to our partners in this that we may make requests about any related documents to the charter school whether they are directly related to the charter school or if the operator has multiple charter schools we will need to see the budget documents potentially from another charter school if there were a loan from ours to another charter school. So that's the template language that you had approved and this is the change that they are requesting. And they will come after me to explain further and respond to any questions. The next item is the indemnification provision. You can see from the underscoring that they were requesting adding some additional standards of gross negligence or willful misconduct. Our template language does not include that language. The state board of ed's MOU or authorizer agreement also, it mirrors our language. We patterned ours after the state's. The reasoning behind that is as you can see from the actual language it revolves around claims that have to do with charter school operations and not so much us and we also have an education code provision, section 47604 that sets a statutory standard for liability of authorizers with regard to nonprofits that operate charter schools. So we already have all of that in place and we weren't sure if there was a need for this additional language. It might be confusing; it might be more challenges to defining what is gross negligence or willful misconduct. And again, since the types of claims covered here are charter school operations, we won't be involved with those decisions on a day-to-day basis. The next item is facilities. This is a unique charter school as you know from the charter itself. It mentioned having partnership locations. It mentioned having short term and temporary locations where they

might run a program only for the eight months, and they also have a mobile classroom. So those unique characteristics may not fit as well into standard facilities language that we have in our template. The charter schools act does require identification of facilities in the charter. It may be difficult to do that with a mobile classroom so they propose language to address the mobile classroom needs and provide us with notice. For the short term and temporary location language, they indicated that it would be noticed again but we would be able to do a preopening site visit, similar to what we do for longer term sites. The next change that was requested had to do with zoning and occupancy dispute resolution. This would be the dispute resolution process for facilities related matters. Every charter under the charter schools act must have a dispute resolution provision and that's for more operational types of disputes. Our standard language has a little bit more flexibility to it for facilities disputes, knowing that those can come up very quickly we want to be able to resolve them quickly, have a number of options available. The dispute resolution process in general requires a lot of notice and actions and board meetings. So for facilities issues, let's say there's flooding and we need to figure out where the facility will be moved to. The reason we have the language as it is in the template is to afford us a quicker ability to resolve those issues. But they wanted you to consider having those disputes resolved using the standard dispute resolution process. Finally, to consider number 5 they wanted a word changed from site to facility or location. And, I think we had agreed to that, I think we changed some of the language to it but not all the way through, from what petitioner's counsel told me. So those were the changes that they have requested.

Lindholm: Kelly, are you and the applicant in agreement to all these conditions, are there disagreements?

Barnes: As I had stated some of them seem superfluous, I don't know that I would recommend the changes regarding liability because I think they limit us as an authorizer.

Lindholm: Which one?

Barnes: I wouldn't limit our ability to request records related to any kind of loan agreement. The proposal could be construed to limit that more than the existing language does.

Lindholm: Alright, then we bring them up?

Barnes: Sure.

Lindholm: Hi and welcome. If you'll identify yourself and we're talking about the Orange County Workforce Innovation High School.

Tooney: Yes, good afternoon. My name is Bill Tooney, I'm the chief academic officer and Michelle Lopez attorney from (*inaudible*). Yeah, so we will tag team on some of these. I can jump to number 3, facilities, and just give you my reasoning behind the need for that and to echo what the previous group said that the staff here has been a pleasure to work with, super

professional and even though we're down to 3 or 4 requested items it started a lot larger than that and it shows to the power of teamwork we really did work together to come to this point. For number 3, it really is important. We are a unique program state-wide. We have multiple facilities in other charters that are partnerships through workforce investment act groups, boys and girls clubs. I think we probably have 8 to 10 sites in facilities in boys and girls clubs. Those come to us sometimes in quick fashion. We get a call and we have a meeting maybe with an elected official and they put us in contact with one of these groups and they say, hey great we just came upon this site, it's available now but we have a couple of other groups that are interested so the nature of our program may happen in you know in 5 – 10 days. We may need to make a decision to get in that facility otherwise we would lose that facility. A perfect example of this just came up yesterday. In Pomona through one of our other charters and it's come up and we pretty much have 7 – 10 days to make a decision to go into an MOU with the Pomona Boys and Girls Club. If we don't make the decision in 7 – 10 days another organization will come in and take that space from us. That's where the kids are. It's a perfect partnership with especially workforce investment Boys and girls club. And those sites do sometimes we keep them for long term. Sometimes they are temporary because we get to 50 to 100 students in that site we need a permanent location. So, the need for this we again, we've had a great relationship, we don't think that that's going to be a problem. Staff has worked with us and obviously the board, but we would just like a quicker turn-around if we did come across a facility of the next board meeting being able to get all the documents to the staff in a timely fashion and then have that decision made in 30 – 45 days, would really, really help us.

Lindholm: Do you have a suggestion to work out this one issue? Do you have a suggestion on this one?

Lopez: Yeah, under number 3 the language that is crossed out – we're talking about charter school lease facilities partnership locations and resource centers. We added in, we're total fine with coming back to the board to approve those facilities changes but we added in that the board action would occur no later than the next regularly scheduled board meeting.

Lindholm: Well that sounds reasonable. So it's just by the next board, I'm not sure why there's an issue on this one. Because it would be ...

Lopez: Posting. Which we recognized in here following the charter school's written request provided the request is timely for agenda posting purposes. And, you guys meet often, more than a lot of other boards, we even see that you put regular routine approval of items on your consent calendar. We'd anticipate a partnership like that. Moving these items along quickly so that we don't lose out on a space.

Lindholm: Kelly, you had a comment?

Barnes: I think that discussion when we were going over the types of sites, had to do with the partnership locations being added in. And we didn't have a problem. We went back and forth a

little bit on this language but because the partnership locations as noted in this provision will be longer termed, they agree it would be something that would come before the board for material revisions, so we're fine with this. The other 2 pieces are actually in the exhibit, I guess to the agreement that's in your packet. And that was for the temporary shelter and the mobile classroom and I wanted call your attention to that because of the unique features of this charter. Staff thought it sounded very reasonable. We went back and forth about what would be required to get the notice monthly for the mobile classroom so we can do some monitoring. That works for us but we wanted to make sure the board was aware because our standard facilities language is any facility has to come to the board if it's an add or a change.

Lindholm: Ok, so are you, Kelly, comfortable at this point or do you have to add something about the partnership location you want to know more about. I think our team is comfortable with this language.

D. Boyd: That's number 3, correct?

Barnes: Yes.

Lindholm: So 3 and 5 we're ok with?

Barnes: Yes.

Lindholm: Ok, good. We're making progress.

Lopez: Just really quickly, I mean, number 1, we didn't know the language not just those directly related to the charter school was just really broad to us. I added in clarifying language which when talking with Kelly Barnes to understand better what that language was meant to be, meant to concern, I just added in that clarifying language so that we had a better heads up about what types of records the board would be looking for. So, we understand that the type of records that staff might be asking, have to do with the loan agreement. Not just any and all records related to the charter school which we just, again, we didn't know what the scope could be on something like that. So we feel like that's clarifying language.

Lindholm: Kelly, comments?

Barnes: I'm only saying this because I like to have language that protects the organization as much as possible. I am not imputing any kind of negativity to this particular operator. But having broader language in the context of this particular section, which does deal with loans, and interschool loans for an operator with multiple schools, which this one is, gives us a broader access to other types of records. In my experience, I've had some situations where charter operators have borrowed funds from one school to pay off STRS or PERS retirement contributions to pay off a vendor, to pay off other things, and you can maybe do some balancing and it might work out but if we don't get to see the records that the organization has related to that loan and related to that charter school, we will have a lot of trouble monitoring and with our

oversight. So in order for us to fulfill our obligations, we would like to have that broader access be very transparent in the agreement.

Lindholm: I think if I'm reading including records related to the loan agreement by and between the charter school, I think that covers you.

Barnes: We like the language not just those directly related to the charter.

Lindholm: What would those be?

Barnes: The other school. Charter school capitalized here means the one you are authorizing, not the school that was authorized by San Diego, that will also be operated by this nonprofit.

Lindholm: Ok, but it does sound very broad. Because, not just a charter school could be, I mean, yours is very, very broad. Can you narrow yours down just a little bit? Can you suggest some language and maybe agree upon that?

Barnes: Maybe, not just those directly related to the charter school?

Lindholm: I don't know.

Barnes: Any and all records related to the finances of the charter school. That's what we really need to be able to do.

Lindholm: I'm looking at Michelle.

It's in the spirit of transparency to use that word.

Lindholm: Michelle how's the wording?

Lopez: Any and all records related to the finances of the charter school? Because this involves interschool loans.

Barnes: Maybe you want to say interschool loans?

Gomez: That's a limitation again.

D. Boyd: Now, this is language that's in our proforma, correct?

Barnes: What's crossed out on this page is what's in our standard agreement.

D. Boyd: Right. So I can understand why we would want to make some changes to our prototype due to the unique operational issues of the school. But, this doesn't relate to that. If we're going to make the change here, we should probably make the change in the....

Lopez: So, we limit it to including records related to the loan agreement by and or between the charter school which to me would include, say if for example a loan between the orange county

school and the San Diego school that's operated by the same nonprofit by and or between the charter school would include that request to the San Diego charter.

D. Boyd: What would it not include? What would we be prohibited from?

Lopez: I don't think you'd be prohibited because ed code 47604.3 covers the fact that requires the charter school to respond to reasonable requests of the authorizer. You still have, this is nothing to do with that authority. It's not limiting your authority in any way that we see. It's just...to answer your question food vendor contract or like anything under the sun, didn't know what it meant.

Lindholm: Trustee Bedell.

Bedell: I think this is a non-issue. Because the way I did the definition of including doesn't say exclusively. So, including, so you're going to provide access to the records of the charter school including records related to the loan agreement by and between the charter school. What does that say? You can't get a record on what color the floor is in the other charter.

Barnes: Our concern with this proposal is what is deleted, not what was added in. So, not just those directly relating to the charter school is the concern that we have. This is a multiple charter school operator. So we would like to be able to look at records that impact the charter school but may not be the charter school's. If the loans...

Lopez: Now I would add we don't have control over you know if it's a vendor we can ask them to turn over. I don't even know what kind of records these would be though, like I don't have a good example to give you. But, we might not have control over those records that we're trying to limit it to the charter school's own records that we would obviously be able to turn over given a reasonable request by the authorizer. In compliance with the law.

Barnes: We've had that discussion and we have language for both situations, charter school and vendor documents and our ability to request those. And the law is very, very clear 47604.3 that we can reasonably request records related to the charter school, which would include vendor contracts which may take time for an operator to get ahold of if the vendor doesn't want to produce some invoice documents or something else, the vendor holds that the charter operator doesn't. We understand that we work with charter operators on that issue, however, my concern with this provision is for multi-site interschool loans. We want to be....

Lindholm: Can you just write that in there? What I'd like to do in the interest of time is send you back, and you write into there something about multi-school inter-school loans. Including, and you're going to come up with some language, but not limited to.

Lopez: OK, we'd be fine if you just add including but not limited to record I think we're fine with that.

Barnes: Could we also add for inter-school loans? In addition to by and between charter schools?

Lopez: I think that's what it means already but sure.

Lindholm: Ok, got that one. Item 2....

Lopez: Indemnification. I've heard Kelly's argument on this, I'm not willing to die on it, it's just the standard language, it's just very. I've added in gross negligence and willful misconduct 'casue that's just very standard indemnification language that is in every single indemnification clause generally out there. But, it's the pleasure of the board.

D. Boyd: Once again, if we change this agreement, then we should change our template overall. And maybe we should revisit the template a few months from now and see what's working and what might need revision.

Lopez: It's the pleasure of the board. The last one is just on the dispute resolution under #4 um. There wasn't really a process for dispute resolution, there was a 1-step process that said we'd meet within 10 days and then there was no second step. So what if that meeting doesn't lead to resolution? We put in a back stop provision to follow a dispute resolution process in the charter in case that one meeting doesn't resolve the dispute. We don't anticipate any disputes coming up but it was just a back stop provision.

Lindholm: Makes sense. I don't have any issues with that.

Gomez: Our counsel?

Lindholm: They're trying to get a timeframe it looks like.

Barnes: It's actually an added process. So, I've seen some facilities dispute language provisions and other authorizer agreements that set out a separate process for facilities. We were trying to avoid that to keep it simple and leave it flexible. Especially because we have different types of charter operators and for a template it would difficult to meet everybody's needs. The type of facilities issue we might contemplate with this operator would probably have to do with something with the short-term or the mobile classroom if we didn't get some information fast enough. That would likely be a phone call and get resolved relatively quickly so, if it didn't get resolved relatively quickly I wouldn't want us to be forced in a dispute resolution process either, if in 10 days because someone was on vacation or something we didn't get something we needed...

Gomez: Couldn't you do it by mutual agreement of both parties? It would go to a dispute resolution?

Barnes: We could do that.

Gomez: Ok, good.

Lopez: Number 5, I think I heard consensus from the board? That we're ok with, it's just the unique nature of independent study schools, they're not....(*inaudible*). We appreciate your willingness on that one.

Lindholm: Kelly, is that ok? Are we good with all the items? Thank you.

Lopez: Thank you for your time.

Lindholm: Thank you.

Lopez: And our opening day is the 17<sup>th</sup>.

Bedell: How many kids?

Tooney: We're going to be starting with 500 – 600.

Bedell: Great.

Tooney: We anticipate doubling that in a year. We're excited to go.

Bedell: And where are you going to be again?

Tooney: Santa Ana, Garden Grove, and Anaheim.

Bedell: Thank you.

Lindholm: Trustee Williams, are you there?

Williams: Yes, I am here.

Lindholm: Ok, fantastic. Welcome back.

Williams: I've listened to everything.

Lindholm: Ok, welcome from cyberspace. Um,

N. Boyd: That was a discussion item for number 9 but you do have action on this for the approval of the agreement.

Lindholm: Ok, do we have a motion to, Kelly would you make the motion please?

Bedell: I'll move to approve the agreement between the Orange County Board of Education and Orange County Workforce Innovation High School as amended and designate the Associate Superintendent to sign the agreement on behalf of the OCBE. Is that ok?

Williams: I second it.

Lindholm: All in favor?

Several Ayes.

Lindholm: Any opposed? Oh, roll call, excuse me.

Sisavath: Trustee Boyd?

Boyd: Yes.

Sisavath: Trustee Bedell?

Bedell: Yes.

Sisavath: Trustee Lindholm?

Lindholm: Yes.

Sisavath: Trustee Gomez?

Gomez: Yes.

Sisavath: Trustee Williams?

Williams: Aye.

Lindholm: Ok. We have a conference with legal counsel but we do have members of the public here for an informational item. Thank you. Board members, would you like to go to the discussion item? EPIC.

N. Boyd: And EPIC is also here so as a courtesy we could take both, Public comments and this item prior to closed session.

Lindholm: Alright. Ok, this item is a board discussion item brought by individual member Trustee Boyd. If you'd like to introduce the item and we do have a request to speak.

D. Boyd: Yes, ma'am. A couple of weeks ago we, I think we all received an invitation to attend the opening of EPIC. And at that time I thought it was appropriate to take a look at their website, refresh my memory on what their operations were all about. And I ran across a few items that were of concern. On every page of their website at that time it said, "*We are happy to say that EPIC is a fully accredited school on the same level as most public schools in the state of California.*" Still quoting, "*What does this mean to you? It means that our students are receiving an education that meets or exceeds the expectations of the California Department of Education. Credits and coursework received are valid should a student transfer to another program when applying for higher education.*" Well, it's my understanding that EPIC of course is not accredited; they could not be accredited based on the timeframe. They just opened, that's a process. And, it's further my belief that their statement with respect to transfer credit is of questionable accuracy. Then we also went to EPIC's one-on-one program where a \$1,500

payment can be directed by the parent, and if I'm getting the facts wrong, I'm assuming they will clarify this. But it raised concerns exactly how this would be accomplished. There's nothing that a parent would read that would give any further clarification on this. If you go to the vendor portion of their website it does have a process that a parent would have to go through to obtain these funds or for their student's to receive benefit of these funds. But, again, I think that process is weak as it's written. Now, perhaps clarification is in order. I know in my day job if I was to claim that my schools were accredited and they were not, I would be in a world of trouble pretty quick. Attorney General would be knocking on my door. And, while my history on this board demonstrates that I am pro charter, I like competition, but I want the competition to be a level playing field. I want the parents who go to a public school or go to a charter school to base that decision on accurate and clear information. And I think, based on what's on their website raised my concern.

Lindholm: Ok. This item brought before us is a discussion item by one board member and, do we have the representatives from EPIC here? We do. And then you have 2 requests to speak. Do we want to hear the speakers first...I'm not sure which way?

Bedell: Mr. Matsuda has to leave.

Lindholm: Ok, let's.

Bedell: Superintendent Michael Matsuda.

Lindholm: Welcome.

Matsuda: Thank you board for agendizing this discussion on EPIC Charter Schools. My name is Michael Matsuda, superintendent of the Anaheim Union High School District. First of all I would like to make it clear that our board of trustees is not opposed to locally authorized charter schools that are transparent and have local control accountability measures so parents and stakeholders can be heard. As we have learned, EPIC Charter Schools, a large online charter network, based in Oklahoma, is currently under investigation for fraud in the state of Oklahoma. I reviewed your approval of the EPIC Charter Schools appeal, from the Anaheim Elementary School District's denial of the charter application. We have serious concerns and agree with your staff's original recommendation to deny their appeal. EPIC Charter has engaged in a practice that is wholly inconsistent with the California guarantee of free public schools and equitable access. Specifically Article IX, Section V of the California constitution which provides for a free school system. EPIC's charter school model in its use and advertisements of a "student learning fund" of up to \$1,500 flies directly in the face of the California constitution. Socioeconomically disadvantaged student populations which make up the majority of the population targeted by EPIC would be subjected to a lower tier of education by virtue of EPIC's model. This model allows privileged students to use the \$1,500 provided to them by EPIC, to purchase materials and services beyond what is minimally accessible to their less privileged peers. We understand the Charter was conditionally approved, yet we find no evidence that those conditions have been

satisfied. We have seen a list of vendors for EPIC, all of whom are from Oklahoma. Does this board have no concern about the transfer of tax payer funds from California to Oklahoma? Does this board understand the impact of the education of the students of our districts when 10% of the monies are guaranteed to go to a private entity with virtually no transparency in place? Does this board understand that the students of this charter are only guaranteed one time a month face-to-face meetings with “teachers.” Can this board guarantee both the high school and the elementary districts that the special education and English learner needs of all students will be fulfilled as required by law? Especially in the case of online charter schools, the public needs to question how, without proper oversight students are being supported, not only academically but also socially and emotionally. National reports on online charter schools say that they have dramatically lower test scores than traditional public schools and that students (*sound of timer going off*) are not getting the adequate social emotional support. I urge you to relay upon your excellent staff and their fine work presented to you that has underscored the false promises that EPIC has suggested. By even the lowest standard no one could suggest EPIC is providing an education...

N. Boyd: Your time is up.

Matsuda: Just one second here....that leads to successful college and careers. If EPIC is allowed to grow without any transparency, accountability and oversight, the futures of students, families, and the greater community will be at stake. At Anaheim Union High School District, we know that education is a complex endeavor where our locally elected school board has created a culture of trust, accountability, and integrity.

Lindholm: Sorry, your time is up.

Matsuda: We trust that you do the same. Thank you so much.

Lindholm: Thank you, thank you for coming. Question to you, are you coming at the request of your school board or are you coming as an individual?

Matsuda: I’m coming, I have one of my trustees right here.

Lindholm: Are you coming on the motion of the entire board? Coming at the request of one individual board member? I’m trying to figure out...

Matsuda: We have, my board does realize that I’m here today.

Lindholm: But they didn’t...

N. Boyd: He is the superintendent.

Lindholm: I understand that, I’m just wondering if I send somebody out, then, usually you have a vote to have them go out and say, ok, please represent the board this way. So, I was curious, that’s not the case. You are the superintendent, which I totally understand. Thank you.

Matsuda: Thank you very much.

*(inaudible)*

Lindholm: We have?

Bedell: Yes, we have one more and that's Michelle Anderson.

Anderson: Good afternoon president Lindholm, honorable board members, and superintendent Mijares. I'm Michelle Anderson, I'm the southern California regional manager with the California Charter Schools Association. First, I'd really like to thank, and I'd really like to say I appreciate hearing from board member Boyd, that he wants charters and traditional public schools to be on the absolute same footing as each other and from the charter school world we love hearing that. So thank you. I think there's some things that the school itself and their attorney will address for you, that there is in regards to non-classroom based schools, there is a supplemental allowance that can be given to families to allow their students to purchase outside lessons, whether it's art classes, PE type classes, those types of things, so I think that's important that you all are aware that they are within their rights to allow that to happen. The other thing that we like to see and in particular we see good things happening with the Orange County staff, Board of Education staff. We like to see these things get settled at the staff level before they have to come and be elevated at a board meeting, so we really appreciate and I know that the school itself is very willing to work with staff. So we don't even have to elevate it at this point. So thank you very much.

D. Boyd: Michelle, I have a question if I may?

Lindholm: And I would like EPIC to come forward too. They haven't had a chance.....

D. Boyd: Ok, but this directly relates to....

Lindholm: Please.

D. Boyd: Does CCA, CCSA have any guidelines on how these reimbursements should be handled?

Anderson: All of it's addressed in Ed Code, you know, what they can go with. So, we feel it should probably be most likely in the board's, excuse me in the school's petition will state that and if not, then the school itself will create a policy for that.

D. Boyd: Ok, thank you.

Lindholm: Would the members of EPIC like to come forward and speak? We've heard the public comments and if you'll identify yourself that would be helpful. Especially for Trustee Williams, enjoying that sunny Washington weather.

McGregor: My name is Paul McGregor, I'm the executive director of EPIC Charter School in California. Ben Harris, lead petitioner. Michelle Lopez (*inaudible*).

Lindholm: You've heard the comments and the questions that were raised. Would you like to address any of those?

Harris: I guess with the accreditation issue. We are described as a network. This is actually our second school. So true, we are a network but this is the first replication of our school. Our prior experience in Oklahoma, there actually is a state accreditation. And before a school can receive public money they have to be accredited but that accreditation is essentially simultaneously done with authorization. So, the terminology that was largely done by our website team, substituted the word accreditation for authorization. Kelly pointed that out to Paul because California is a WASC accreditation state. We changed it, I believe the same day, and if it wasn't the same day it was the next day on the website. We did make a mistake on our website with regard to simply coming into a new operating environment but we changed it very quickly and I believe all the suggestions we've gotten from Kelly or even concerns, we've made changes to the website to accommodate those. Certainly that's been our effort and our intention in what we want to do.

Lindholm: Trustee Boyd, was that still showing on their website recently?

D. Boyd: It was not showing as of, I believe I looked last Wednesday. They claim it's been taken down and I'm not contesting that.

Lindholm: Ok, so you're in agreement that you will not use the accredited, the WASC accreditation language in your California site, or anything to do with that until that becomes accredited?

Harris: Correct. Not even the term accreditation. We do plan however to pursue WASC accreditation as soon we're eligible.

Lindholm: Alright, then you have another issue in question, the \$1,500 ...

D. Boyd: Yeah, actually we can follow up on that same thing, they still say I believe, that credits and coursework received are valid if transferred to another program and when applying for higher education. I'd hear your comment on that. Do you believe that to be true?

Harris: yes, I do believe that to be true. Again, our experience is as an authorized public school that our credits would be transferrable. I, if there's, I don't think we've gotten any staff feedback to change that language. If we have and we need to or there's some basis for a change, we're certainly open to that discussion. We're not trying to mislead anyone, we're trying to establish ourselves for what we are which is a public school.

McGregor: We also have a lot of students that come to a school like ours, with the anticipation that that's going to be a temporary situation because of a life event, etc., so it's important for us

to be able to convey, you know, if you do come and go to school with us that's not going to be a wasted year from the standpoint of, so that's our intention in that. If anybody wants to offer a correction to that we're certainly all ears.

Lindholm: Does our staff have a comment on that? Is there any issue with that, that we need to resolve?

Gaughran: Because my understanding is they're going to pursue accreditation, they don't have any seniors, I believe, right now. So, they'll be hopefully accredited next year, correct, so then that would be the case for next year.

Lindholm: Ok, that would solve that problem? I'm into solving problems as we go through the items.

Lopez: We see no problem with this, our office is obviously day by day big on the use of the learning fund and following all independent study laws. Use of learning funds as they're known as, across the state is almost, it's common if not used by every single independent study charter that we work with. It's a set of funds and it's really used by parents and students as a means to exercise their flexibility within the program. Exercising their choice to pick those electives and use those funds to pay for those electives. For whatever fits into the student's schedule or their goals or needs for their education.

Lindholm: Virtual non classroom based funding and that's why the reason is there, they're not at a traditional.....

Lopez: It's not a check that's handed over to parents, it's funds within the school's own budget and it's just allocated amongst however the parent or student chooses.

D. Boyd: Who is eligible to receive those monies?

Lopez: Every single student.

D. Boyd: What vendor? I mean you going to write a check to somebody.

Harris: We have a process on our website where a vendor, and I'm not sure where the information that the prior speaker said about our vendors being Oklahoma based because they're not. Perhaps he went to our Oklahoma website. We do have a ton of Oklahoma based vendors on there. Our list is shorter in California because we're building our vendor network but we have a process that includes fingerprinting, and things like that, signing a contract to provide assurances etc., that our vendors have to go through. Then they're an eligible vendor and then we're able to provide payment for services that they provide to our students.

D. Boyd: I didn't see that on your website. I saw a process for one had to obtain and provide a federal employer identification number. But, I didn't see anything beyond that. I didn't see anything that said a provider of services had any type of certification.

Harris: Yeah, there's the federal I.D. number form and there's also a, I think it's a W-4, is what...and there's a contract that outlines the Live Scan fingerprinting in addition ...and just one more clarification. We don't provide payments directly to parents. We don't even provide reimbursements. We simply allow families to make choices and we sometimes have to decline those choices because they fall outside the scope of education, perhaps they may be nonsecular requests, things like that. So we do deny those requests if they're inappropriate. For instance if a student says I want to take guitar, please buy me a guitar hero, we deny that. If they say we want to do guitar but I want to take guitar lessons, that's a permissible expense.

D. Boyd: Ok, just one comment and I'll be done with this.

Lindholm: And I just want to follow up on the WASC accreditation, will you please give us, as a courtesy, let us know when you start that process? And then give us, maybe quarterly updates on how that process is going? So that we know how that's proceeding. Would that, would staff enjoy having that information.

Harris: Sure.

Lindholm: Thank you, I appreciate that. Excuse me, Trustee Boyd.

D. Boyd: Now, a final comment and perhaps there are greater details in your student handbook that would make me feel more comfortable about this, but to obtain a federal employer identification number and a W-9 form, I could do that in 10 minutes. I mean it doesn't require anything other than to go online to the IRS and boom, they give you a number. With that, that's the only questions I have for EPIC. I was hoping that Ron could brief us on the second part of this...

Lindholm: We only have this listed as a discussion, oh, the notice of violation?

D. Boyd: Right. You know, what's this all about? What do we have to do? What are our obligations as a charter school authorizer? If issues come up?

Lindholm: I think that would be a long and lengthy discussion, and I'd kind of like to have that at a different meeting.

D. Boyd: Can we put that on the next meeting?

*(background noise from teleconference line)*

Lindholm: Let's try and describe that in a way what the staff has now and what other school do. I'd like to have some research on what other schools do. Let's say you have the WASC accreditation and we don't, you don't have it here in the state of California. You need to take it down. So, we need to know what kind of letters you can send and what kind of compliance you can get, that's reasonable. I would put that on another

Mijares: With respect to the accreditation process, if they're going to go (*background noise from teleconference line*) if they're going to go through the Western Association of Schools and Colleges, WASC, it's not going to happen.....it's going to take

N. Boyd: Excuse me, Ken, we can hear some backdrop from your....

Lindholm: Put it on mute.

Mijares: Anyway, I think in fairness to the Orange County Department of Education and EPIC, it's going to take some time. And normally what happens here in California when you open a new high school it can take 3, 4, 5 years to be WASC, fully WASC accredited. But they take the accreditation of a local high school and they use that to cover that school during that period of time. Just didn't want you to think that by next year they're going to have it.

Lindholm: And they do need it. I think that's a relevant question.

Mijares: They need it, absolutely.

Lindholm: If they're going to college, those transfers have to transfer. So, we need some further information, maybe you can...(many voices)

Lopez: For new charters you get like a provisional accreditation. You apply essentially right now after you've been approved. You get a letter after either you get a visit, you get the provisional approval, then they do the full walk through accreditation visit. That's my understanding.

Harris: It is a rigorous, lengthy process and a year is about the fastest, that's kind of the best case scenario for approval. It can extend into multiple years, just like what you're saying is accurate. Just because I think perceptions are important, I just want to clarify one other matter 'cause it was based on dated information, but there's a belief I think stated in some of the prior comments that the learning fund somehow was unfair to lower income families. Actually, one of the conditions for approval just to remind the board members was that the provision of internet access and computer hardware would be provided outside of the learning funds to specifically prevent that situation and that is what we are executing. Just so everyone knows and it actually, from a student recruitment standpoint it puts us at a bit of a disadvantage only because there are other schools in the area that are advertising learning funds of \$2,500 - \$3,000 per student, which we're not able to do from a budget standpoint because we have the internet service and the hardware capability baked into every student. So, but I did want to tell you that that consideration was addressed by the board and is something our school is adhering to and taken care of.

Lindholm: What is your enrollment?

McGregor: I told Kelly I'm not going to leave, I'm going to work from this office every day 'cause since we've been here today we've gotten 5 new enrollments. We're currently at 68

enrollments and that's all from August and beyond. So, I don't know if the board knows but we got off to a really late start because we were supposed to be in our building as of April 1<sup>st</sup> and we actually didn't get to take possession of it until July 1<sup>st</sup>. So those 3 months were critical in student recruitment and outreach and by not having a place to meet families and do open houses and info nights, it was really a disadvantage to us. So, once we were able to really meet families and start doing community outreach, we've seen a dramatic increase in enrollments and, so, after 6 weeks to have 68 families is pretty, I'm pretty impressed with that.

Lindholm: Thank you very much. I think with your other issue if you'd be so willing that we bring it back in a different format to discuss.

D. Boyd: It doesn't necessarily have anything to do with EPIC, it's just from a process standpoint.

Lindholm: What is that process to say hey, you have to do this, take it down, or else. (*laughter*). We're going to work on that. So, this is a discussion so there's no action needed. Anything further? Thank you for coming, and...

Harris: We just want to extend an invitation, we're love for each board member or all board members or some, or whoever wants to come, we'd love for you to come see our offices. They're at 100 S. Anaheim, right next to Anaheim City Hall. Everything is done now, we're moved in and we'd love to host you and tell you about our school and really get about as granular and detailed about our school and our model as you want to get.

McGregor: Kelly knows that I like to get granular details on it. We've been very transparent, I think and we have a great working relationship.

Lindholm: We appreciate your time. Thank you. I think that leaves us with one item besides announcements.

Williams: Linda, Ken here.

Lindholm: Yes sir. Yes Ken?

Williams: Yeah, thank you. I've been listening to the dialogue here and maybe I can list some issues and concerns I see with the item that's on our agenda. Rather, when agendizing the concerns which, it appears not to be as serious as what was originally intended, maybe we can work it with these (*inaudible*) issues at a lower level before agendizing them. It seems like everything that Trustee Boyd was concerned about is resolved. What ended up happening in the last, I think the last 20-30 minutes of this debate is we end up having a political attack by a superintendent from an outside school district. Which in my 20 plus years on this board I have never seen the political attack rhetoric. (*inaudible*) With the words that were said by him, were insult inflicting, filled with malice, misinformation, and pure fiction. So, I'm very concerned about this disappointing physical attack based on this particular superintendent's opposition to

charter schools. They cost the tax payers money because now EPIC will use the taxpayers' money to get a lawyer to be present. Back to these potentially political charges that were put on our agenda so I would ask that again, if we be cognizant of these things and we don't allow the politics to enter into the dialogue here.

Lindholm: Thank you, Trustee Williams. I do think it's kind of interesting that we have people from other boards and speaking before us and we don't go and speak before them. I just think that's really interesting.

D. Boyd: I agree. Let me go on record and say I don't agree with everything superintendent said, I believe an online environment is a workable environment. You have one in your neighborhood, Capo Connections that has been operating for a number of years and I understand operating very well. I do feel though, that these types of issues need to be brought forth, I think there needs to be a record of concerns that if a board member discovers concerns regarding a charter that are as important as these are. As I said, if I'd done the same thing in my private life, the attorney general would be knocking on my door. I don't consider that to be insignificant. Now, given the benefit of the doubt and let's move forward now. I hope they do well.

Lindholm: I think there has to...

Williams: David, my point is that rather than putting it on an agenda, a public document, did you go to Mr. Harris or to any of the staff and address your concerns before putting it on our agenda?

D. Boyd: I spoke to staff about it, yes.

Williams: No, did you talk with Mr. Harris?

D. Boyd: No.

Williams: And that's what I'm suggesting is rather than raising it to a public awareness, if it's a critical problem, we need to have discussions with the individual, then with staff and then if it remains unresolved I think it is reasonable to put it on our agenda. I will agree with that.

D. Boyd: So noted.

Lindholm: Ok, thank you both. I think some of the language in this to me was a little discouraging. I think there probably needs to be levels of workmanship of, ok, here we found you did a minor, in some cases, a minor thing that needs to be fixed. Here's a notice you need to fix it. You need to send me back a letter that you've remedied it. We need to send you back a letter and say, OK, we've noticed you've remedied it, you're done. Ok, so you have that in your records and it's remedied. Right now we've heard you say it, you've looked at it but I think we need to have remedies on file so that when you go up for a, when you want a 5-year extension that you have all those remedies in place. And we know that you have your remedies in place, so perhaps to Trustee Williams, we have an ad hoc committee before bringing it to the board, where

you look at other school districts like L.A. Unified and see what their process is and what their notification is. I would suggest perhaps an ad hoc so we don't have people flying down, to say, ok, we're going to take it off. But, I appreciate your concerns and for the parents attending the school. Let's try an ad hoc perhaps, maybe put something together to establish an ad hoc to look into review of things for mild infractions, and to have a record of remedy.

D. Boyd: That's fine. I don't consider this to be a mild infraction.

Lindholm: They were following I think their standard operating procedures from Oklahoma.

D. Boyd: Yeah, that's what scares me.

Lindholm: Well...It's our job to help people as much as we can, and do corrections. That concludes that and brings us to conference with legal counsel. Would you like to announce that one? Mr. Wenkart? Thank you.

Wenkart: The item that we were going to meet on in closed session is anticipated litigation. An outside organization has sent a letter to the board requesting that, demanding that the board 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.

Lindholm: Thank you. So, for Trustee Williams here on the phone if you will hang up this phone we're going to take you back into the closed session. For those of you who might be departing at this time I thank you for all your time and attention. Have a fabulous day. But we will be coming back. (*Meeting adjourns*).

Lindholm: Are we ready? (*Sound of gavel*). Thank you. Ok, we are back from closed session and our attorney will report out.

Wenkart: We held a closed session, we had a discussion regarding potential litigation, and no action was taken.

Lindholm: Thank you. And looking at the time of the day, I'm looking at communications and discussion and I hope it's very minimal.

N. Boyd: October 5<sup>th</sup> is the next board meeting. Submission deadline is very rapidly approaching, next week, September 21<sup>st</sup>. So, just as a reminder. We have the Orange County School Boards Association Fiscal Services workshop here at OCDE. Kevin Gordon is going to be speaking and it will be in Building D, September 21<sup>st</sup>, 4:00 PM. We also have Orange County School Boards Association and ACSA Joint Dinner Meeting scheduled October 5<sup>th</sup> at 5:30 PM. And, if you are interested in attending, please RSVP to Darou by September 28<sup>th</sup>. We'll also send you a reminder with regards to both of those dates. And Teacher of the Year invitations will be

in your Friday folder this week. It's Tuesday, October 25<sup>th</sup> at 6:00 PM at the Disneyland Hotel Grand Ballroom. So if you are able to attend and you've never been before we encourage your participation. It's a wonderful evening of honoring all of the teachers across Orange County. With that, Renee.

Hendrick: Good afternoon, I just wanted to give you an update. We have concluded our negotiations with CSEA, they ratified their agreement on the 7<sup>th</sup> and so they received a 1% increase on schedule and 2% off, and a reformatting of our benefits. So, they will receive that increase retroactive to July 1<sup>st</sup> and then the superintendent had allowed our managers to follow the same agreement.

N. Boyd: And just as an added note to the board members, we are working on doing some modifications to our security here at the department. We have had some active shooter trainings and workshops with staff, we've had some focus group conversations with them and we are going to be moving to secure the facility in a different fashion in future. So, as a result of that, we have a couple of options with regards to parking for board meeting and so I'll be dialoging with you is that what we would encourage is that on board meeting days that you will enter through these doors (indicating the doors behind her) and we'll have parking in the middle of the facility and/or you could certainly park out front and come through the front doors in the past that was better, so I just wanted to point that out and I'll have some conversations with you offline but I wanted to bring that to your attention. Not sure if that will be applicable by the October 5<sup>th</sup> board meeting but they are working on those changes as we speak. So, I'll be having more dialogue with you.

Lindholm: Do you have anything on the September 30<sup>th</sup> meeting that you're going to, maybe we could come and see what you're going to talk to the charter schools about? I think that's the right date?

N. Boyd: It is the September 30<sup>th</sup> date. The board would need to tell us how, in the past what you all have indicated was that was staff's meeting with the charter association to give them the parameters in terms of how we'll do oversight and their accountability and so forth, and they are working on the agenda right now. So we have a number of things that we'll be covering with them and also services that would be available to them, should the wish to participate. Then, in the afternoon, the Charter Association is going to have a conversation with the charters that have been authorized by the board. We weren't thinking, based on past conversations, that the board wanted to participate in a staff meeting with them. But, certainly we'll send you the agenda information. If my understanding is different then let me know.

Lindholm: No, I was just looking forward, I think we would all enjoy having the agenda and seeing what's going to be covered and if....

D. Boyd: I would be interested in attending but if we have more than 2, don't we have a Brown Act issue?

Lindholm: Not if we don't talk about anything. You could go to a lunch meeting and...

D. Boyd: And sit on opposite sides of the room.

Lindholm: Yeah, we could do that. If there's something, if there's a part of the meeting that would be useful for us to learn something I would like to attend if...

N. Boyd: I don't think there's anything on the agenda, the things you are hearing at CCBE and CSBA and so forth in terms of general oversight and so forth but in terms of timelines and in terms of understanding when we contact them and we request information, reaffirming that we're asking them for information to be submitted. We're not trying to be a hammer. We're trying to develop relationships with all of the charters that have been authorized. And then, in terms of the budget what are we looking for in the budget so that they can be prepared and it's not a matter if they've sent us something and then they're feeling like well why didn't you tell me. So we're trying to provide information to all of them at the same time. With regards to what oversight looks like. When we're doing site visits what would be included in that site visit, what we're looking for what types of permits that we and they should be aware of that are required in terms of operating and looking at opening additional resource centers and that type of thing. Additional to that there's some services that if they wanted to participate BTSA, which is Teacher Induction Program, we have had charters around the county not authorized by the board asking if they could participate in that and so, we did reach out to get information on that program. So during the lunch, they may have a presentation on that, we're not sure. So there are a number of things that people have asked about that we're looking at. Printing. Our print shop here on site currently does printing externally for a fee. If they were interested in using our print shop and buying services, we want them to be aware of that so there will be information provided. So those are the kinds of things in addition to the oversight that we're going to go through with them.

Lindholm: I'm just really grateful. Because I think it's a collaboration and this gives you a chance instead of getting to the end of the year and hey, you didn't do this, this gives you a chance to say, here's a budget, I need this in, don't forget. I'd just love to see the agenda and maybe if there's an hour or something we might find interesting, I don't want to be here all day, I think I've already done that.

N. Boyd: And the only thing that we'd ask is that if you are planning to attend, once we get the agenda, if you'd confirm with me so that we can one, make sure that we recognize that you're there and/or if we need to do something and adjust the agenda and so forth.

Lindholm: No, I don't want to speak, I just want to learn and listen, listen and learn.

N. Boyd: You know, your presence there will send a very different message and so in terms of and whether or not people want access to you during the meeting as opposed to us being able to deliver, so those are always things that we have to navigate. Not necessarily from the standpoint of what you're trying to do but I know that when I go to meetings that I'm not a part of, then

suddenly people are trying to lobby me or trying to get me to do things, and it interferes with what the staff is trying to develop with them.

Lindholm: Ok. Are we good? Anything else? Adjourned.

N. Boyd: Do you have report out for federal?

Bedell: We can hold.

N. Boyd: And Ken, are you still there? We have some handouts from the workshops at CCBE, so we'll make those available, we're getting copies made so that all the board members will have copies of all the materials that and if any of you were at some of the workshops, picked up extra, between Renee and I we tried to pick up some of the things as well, but we couldn't get to everything.

Lindholm: We were always required by our attorney to say we attended a conference, so I'm saying I attended the conference, it was very useful and I learned a lot about charters and other stuff.

D. Boyd: Ditto.

Bedell: Just Perkins reauthorization, we did a resolution on Perkins reauthorization which means thanks to the good folks here they got us information in 15-16 it was 3.3 million. Thank you Renee and whoever. And with that CCBE passed that resolution that we drafted unanimously. And we shipped it right off to Erica who is going to be sharing it with the congressional delegation.

N. Boyd: And I think it should be noted also that Dr. Bedell was a part of the charter task force for CCBE and they had a very good document that they presented to the membership as a whole and also had some very good conversation with the CSBA representatives as a result of that. So, compliments to you and the team.

Bedell: Thank you.

Lindholm: Ok, adjourned. (*Sound of gavel*).