REGULAR MEETING
August 7, 2018
1:00 p.m.
Board Room
200 Kalmus Drive, Costa Mesa, CA

ORANGE COUNTY BOARD OF EDUCATION
AGENDA

WELCOME

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

INVOCATION
Brenda Lebsack, Board Member, Orange Unified School District

PLEDGE OF ALLEGIANCE

ROLL CALL

INTRODUCTIONS

(*)AGENDA
Regular Meeting of August 7, 2018 - adoption

(*)MINUTES
Regular Meeting of July 11, 2018 – approval
Special Board Meeting of July 26, 2018 - approval

PUBLIC COMMENTS
(30 minutes)

CHARTER SUBMISSIONS

1. National University Academy – Teresa Johnson, Coordinator, Charter Schools will facilitate.

CONSENT CALENDAR

(*)
2. Nominate and approve board member assignments for the 2018-19 fiscal year.

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

STAFF RECOMMENDATIONS

5. Approve the material revision for Scholarship Prep Charter School.

6. Approve apportionment of Federal Forest Reserve receipts in the amount of $4,222.45.

BOARD RECOMMENDATIONS

7. Discuss and take action to retain outside counsel, the Law offices of Maggie Chidester, to provide legal advice and representation to the Board pending the appointment of a General Counsel to the Board in conformity with California Education Code Section 35014.5 (Williams)

8. The Executive Committee recommends that the Superintendent liaison serve as a facilitator for the board and except in circumstances where state statutes, laws, or board policies prevail, the liaison will assist in and follow instructions and decisions from the Executive Committee for developing the board agenda. (Williams)

9. The Executive Committee recommends that the Superintendent liaison serve as a facilitator for the Board and insert the July 26th statement on the listed url web page and to be read into the record at the current meeting. (Williams)

TIME CERTAIN

10. Inter-district Appeal Hearing (closed) – Student #080720180041 – Buena Park School District to Centralia School District.


13. Inter-district Appeal Hearing (closed) – Student #080720180031 – Orange Unified School District to Tustin Unified School District.
4:00 p.m. 14. **Public Hearing** – Textbooks and Instructional Materials, Renee Hendrick, Associate Superintendent, Administrative Services will facilitate

4:00 p.m. *(*) 15. Adopt Resolution #17-18 stating that each pupil of the county office has available textbooks and instructional materials in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board and in accordance with the procedures as established. Adopted resolution will be posted on the Orange County Department of Education website and will be distributed as requested

**CLOSED SESSION 1**

CONFERECE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Potential Initiation of litigation pursuant to (d) (4) of Government Code Section 54956.9 (One case)

**CLOSED SESSION 2**

CONFERECE WITH LEGAL COUNSEL-EXISTING LITIGATION
Anaheim Union High School District and Anaheim Elementary School District v. Orange County Board of Education and Orange County Department of Education, Case No. 30-2016-00891539-CU-PT-CJC
Government Code section 54956.9(a)

**INFORMATION ITEMS**

BOARD DISCUSSION
-Selection of media representative
-Community Forum on California Healthy Youth Act – September 26, 2018
-General role of the Superintendent liaison to the Board and specifically in creating the Board agenda

**ANNOUNCEMENTS**
-Superintendent
-Associate Superintendent

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

**BOARD MEMBER COMMENTS**

**EXECUTIVE COMMITTEE REPORT**

**PUBLIC COMMENTS** (15 minutes)
ADJOURNMENT

Nina Boyd
Assistant Secretary, Board of Education

Next Regular Board Meeting: Wednesday, September 12, 2018 at 9:00 a.m. The meeting will be in the Board Room at 200 Kalmus Drive, Costa Mesa, CA.

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

(*) Printed items included in materials mailed to Board Members
MINUTES
Regular Meeting
July 11, 2018

ORANGE COUNTY BOARD OF EDUCATION
MINUTES

CALL TO ORDER
The Regular Meeting of the Orange County Board of Education was called to order by President Bedell at 10:01 a.m., July 11, 2018 in the Board Room, 200 Kalmus Drive, Costa Mesa, California.

INVOCATION
Rebecca “Beckie” Gomez, Trustee Area 1

PLEDGE OF ALLEGIANCE
Carl Fong, Chief, Technology Officer

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

Absent:
  Ken Williams, D.O. arrived later

INTRODUCTION
None

AGENDA
Motion by Gomez, seconded by Barke, and carried by a vote of 4-0 (Williams absent), to approve the agenda of the July 11, 2018 Board meeting.

MINUTES
Motion by Gomez, seconded by Bedell, and carried by a vote of 4-0 (Williams absent), to approve the minutes from the June 20, 2018 Regular Board meeting.

Trustee Williams arrived at 10:06 a.m.

PUBLIC COMMENTS

- Dorothy Bell – CHYA
- Shanda Lobatos – CHYA
- Brenda Lebsack – CHYA
ORGANIZATIONAL MEETING

1. **Oath of Office** – Dr. Al Mijares, Orange County Superintendent of Schools, administered the oath of office to Dr. Lisa Sparks, Trustee Area 5.

   Oath of Office – Michelle Steel, Orange County Supervisor, 2nd District, administered the oath of office to Mari Barke, Trustee Area 2.

The Board took a recess from 10:29 a.m. to 10:44 a.m.

PUBLIC COMMENTS (continue)

- Kiko Ellsworth – CHYA
- Stephanie Yates – CHYA
- Bryanne Ngo – CHYA

ORGANIZATIONAL MEETING (continue)

2. **Election of Officers**
   
   Motion by Barke, seconded by Sparks, and carried by a vote of 4-1 (Gomez voted No) to elect Williams as Board President.

   Board President Williams presided over the election of a new Vice President of the Board.

   Motion by Williams, seconded by Sparks to elect Barke as Board Vice President

   Subsidiary motion by Bedell, seconded by Gomez to elect Gomez as Board Vice President

   The motion to elect Barke as Board Vice President passed by a vote of 3-1-1 (Williams, Sparks, and Barke voted Yes; Gomez voted No; and Bedell abstained).

3. **Nominate and approve board member assignments for the 2018-19 fiscal year.**

   Motion by Bedell, seconded by Barke, and carried by a vote of 5-0 to table item #3 to the August meeting.

4. **Motion by Bedell, seconded by Barke, and carried by a vote of 5-0 to confirm Board meeting dates for August 2018 through June 2019 with the following amendments:**

   -add January 16, 2019 to the list of Board meeting dates
   -change the August 15, 2018 start time from 1:00 p.m. to 2:00 p.m.
-poll the Board for a different Board date for October 2018

CONSENT CALENDAR

Motion by Bedell, seconded by Gomez, and carried by a vote of 5-0, to approve Consent Calendar items #5, #6, #7, #8, and #9.

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

6. Approve disbursement of funds for Orange County Board of Education professional organizations membership dues for 2018-19 fiscal year.

7. Approve travel for CCBE Executive Committee and Delegate Assembly member as requested by Board Member.

8. Approve registration and travel for Board Members to attend education related events/meetings sponsored by ACSA, CCBE, CCSA, CSBA, NSBA, OCSBA, CUBE, and National Alliance for Public Charter Schools, effective July 1, 2018 for the 2018-19 fiscal year.

9. Approve Board conference attendance cash advances in compliance with department policy for the 2018-19 fiscal year.

TIME CERTAIN

   - Jason Watts, Co-Founder

STAFF RECOMMENDATIONS

11. Motion by Williams, seconded by Bedell, and carried by a vote of 5-0 to approve the material revision for Legacy College Prep to relocate to a new facility and grant authority to Associate Superintendent Nina Boyd to negotiate an Agreement that will be presented to the Orange County Board of Education for approval.

PUBLIC COMMENTS (continue)

- Michelle Anderson, Legacy

STAFF RECOMMENDATIONS (continue)

12. Motion by Bedell, seconded by Barke, and carried by a vote of 5-0 to approve the material revisions and agreement for Vista Heritage Charter Middle School.
BOARD RECOMMENDATIONS

13. Motion by Williams, seconded by Barke to discuss Resolution #14-18: AB 329

Motion by Sparks, seconded by Barke to limit speaker time to one and a half minute each

Subsidiary motion by Gomez, seconded by Bedell, to take Public Comments for 30 minutes, allowing 3 minutes per speaker, passed by a vote of 2-1-2 (Gomez, Williams voted Yes; Bedell voted No; and Sparks and Barke abstained).

PUBLIC COMMENTS (continue)

• Jessica Hubbard, Board Agenda Item #13
• Jordan Brodie - Board Agenda Item #13
• Juli Stowers - Board Agenda Item #13
• Naz Hamid - Board Agenda Item #13
• Lisa Richardson - Board Agenda Item #13
• Jessica Corson - Board Agenda Item #13
• Laura Kanter - Board Agenda Item #13
• Susan Meyer - Board Agenda Item #13
• T Perreira - Board Agenda Item #13
• Michele McNutt - Board Agenda Item #13
• Pierce Livingston - Board Agenda Item #13

14. Motion by Williams, seconded by Sparks to approve item #14 and retain outside counsel to provide legal advice and representation in matters pertaining to the hiring of a new General Counsel.

Subsidiary motion by Bedell, seconded by Gomez to table item #14 to the August 15, 2018 meeting failed by a vote of 2-3 (Bedell and Gomez voted Yes; Williams, Sparks, and Barke voted No).

The original motion to retain outside counsel to provide legal advice and representation in matters pertaining to the hiring of a new General Counsel passed by a vote of 3-2 (Williams, Sparks, and Barke voted Yes; Bedell and Gomez voted No).

PUBLIC COMMENTS (continue)

• Linda Cone, Board Agenda Item #14
• John Fleischman - Board Agenda Item #14
PUBLIC COMMENTS (continue for item #13)

- Sheila Bates, Board Agenda Item #13
- Lynne Riddle - Board Agenda Item #13
- Juan Plascencia - Board Agenda Item #13
- Jill Halbert - Board Agenda Item #13
- Susi Khan - Board Agenda Item #13
- Libby Frolichman - Board Agenda Item #13
- David Whitley - Board Agenda Item #13
- Lucy Prather - Board Agenda Item #13
- Ruth Dawson - Board Agenda Item #13
- Sabrina Frydman - Board Agenda Item #13
- Buffie Channel - Board Agenda Item #13
- Michelle New - Board Agenda Item #13
- Dennis Bress - Board Agenda Item #13
- Lora Caldwell - Board Agenda Item #13
- Catherine Kozlowski - Board Agenda Item #13
- Joni Nichols - Board Agenda Item #13
- Eva Weisz - Board Agenda Item #13

Trustee Gomez departed the meeting at 1:40 p.m.

BOARD RECOMMENDATIONS (continue)

13. Motion by Williams, seconded by Barke, and carried by a vote of 3-1 (Williams, Barke, and Sparks voted Yes; Bedell voted No; Gomez absent) to approve Resolution #14-18: AB 329 (Williams).

CLOSED SESSION

CONFERENCES WITH LEGAL COUNSEL-EXISTING LITIGATION
Anaheim Union High School District and Anaheim Elementary School District v. Orange County Board of Education and Orange County Department of Education, Case No. 30-2016-00891539-CU-PT-CJC
Government Code section 54956.9(a)

The Board did not go into closed session.

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION
-Janus Decision (Agency Fee Payer) – Ron Wenkart, General Counsel updated the Board
ANNOUNCEMENT
Associate Superintendent

- Next board meeting- August 15, 2018 at 2:00 p.m.; submission deadline is August 1, 2018

ADJOURNMENT
On a motion duly made, and seconded, the Board meeting of July 11, 2018, adjourned at 2:36 p.m.

Nina Boyd
Assistant Secretary, Board of Education

Ken L. Williams, D.O.
President, Board of Education

Next Regular Board Meeting, Wednesday, August 15, 2018, 2:00 p.m. - The meeting will be held in the Board Room at 200 Kalmus Drive, Costa Mesa, CA.

Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting Darou Sisavath, Board Clerk at (714) 966-4012.
MINUTES
Special Meeting
July 26, 2018

ORANGE COUNTY BOARD OF EDUCATION
MINUTES

CALL TO ORDER
The Special Meeting of the Orange County Board of Education was called to order by President Williams at 6:04 p.m., July 26, 2018 in the Board Room, 200 Kalmus Drive, Costa Mesa, California.

INVOCATION
Mari Barke, Trustee Area 2

PLEDGE OF ALLEGIANCE
Renee Hendrick, Associate Superintendent, Administrative Services

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

Absent:
Rebecca “Beckie” Gomez (Trustee Gomez was scheduled to be out of town prior to the scheduling of the Special meeting.)

INTRODUCTION
None

AGENDA
Motion by Barke, seconded by Sparks, and carried by a vote of 4-0 (Gomez absent), to approve the agenda of the July 26, 2018 Board meeting.

MINUTES
Minutes of the July 11, 2018 Regular meeting will be recommended for approval at the next Regular meeting on August 7, 2018.

PUBLIC COMMENTS
Craig Alexander, Closed Session item

CLOSED SESSION
1. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Potential Initiation of litigation pursuant to (d) (4) of Government Code Section 54956.9 (One case)
The Board went into closed session from 6:11 p.m. to 9:02 p.m.

Board Attorney Jonathan Epstein reported the following:

1) Motion by Williams, seconded by Barke, and carried by a vote of 3-0-1 (Williams, Barke, Sparks voted Yes; Bedell Abstained; Gomez absent) to request the following documents from the Superintendent relating to the recent purported appointment of the General Counsel. All records and documents of any kind whether stored electronically or in hard copy, including any emails, text messages, Instant Messages, faxes, correspondence, communications, internal notes and calendar entries pertaining in any way to the recruitment, hiring or employment of Jeffrey Riel, including, but not limited to, any contract of employment, offer letters, agreements, employment applications, resumes, conflicts waivers, communications with his former employer and employment references. Category Two: All records and documents of any kind whether stored electronically or in hard copy, including any emails, text messages, Instant Messages, faxes, correspondence, communications, internal notes and calendar entries pertaining in any way to the recruitment process and/or consideration of any other candidates for the General Counsel position, including but not limited to, the Statewide search for the General Counsel position, screening of 18 applicants for the position including review of responses to supplemental question, the first round of interviews undertaken by 2 District Superintendents and administrative staff for candidates who were successful in the first screening. And, such further review as was undertaken of the top two candidates who were referred to the Superintendent and Executive Committee. All of the above as specified in the memorandum from the office of the Superintendent dated, June 15, 2018.

2) Motion by Williams, seconded by Sparks, and carried by a vote of 3-1-0 (Williams, Barke, Sparks voted Yes; Bedell voted No; Gomez absent) to proceed with litigation in an appropriate forum adverse to the Superintendent and any other appropriate parties, sufficient to address the recent purported appointment of a General Counsel and the current and existing dispute between the Board and Superintendent regarding their respective authority to appoint the General Counsel. The Board authorizes it’s outside Counsel, Epstein Becker Green, to take appropriate action to effectuate this resolution and to make an appropriate demand on the Superintendent to remedy the purported actions regarding the appointment of a General
Counsel that formed the basis of the dispute in lieu of litigation.

BOARD RECOMMENDATIONS

2. Motion by Barke, seconded by Sparks, and carried by a vote of 3-0-1 (Williams, Sparks, Barke voted Yes; Bedell Abstained; Gomez absent) to change the August 2018 date from August 15th, 2:00 p.m. to August 7th at 1:00 p.m.

Motion by Bedell, seconded by Barke, and carried by a vote of 4-0 (Gomez absent) to change the October 2018 date from October 10th to October 3rd

Motion by Sparks, seconded by Bedell, and carried by a vote of 4-0 (Gomez absent) to change the start time for the November 7, 2018 meeting to 9:00 a.m.

3. Discussed special legal counsel cost estimates and cap to contract.

4. Discussed planning and cost estimates related to the September 26, 2018 Special Board meeting - CHYA Forum.

ADJOURNMENT

On a motion duly made, and seconded, the Special Board meeting of July 26, 2018, adjourned at 9:54 p.m.

Nina Boyd  
Assistant Secretary, Board of Education

Ken L. Williams, D.O.
President, Board of Education

Next Regular Board Meeting, Tuesday, August 7, 2018, 1:00 p.m. - The meeting will be held in the Board Room at 200 Kalmus Drive, Costa Mesa, CA.

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## ORANGE COUNTY BOARD OF EDUCATION

**2018-19**

**BOARD MEMBER ASSIGNMENTS**

<table>
<thead>
<tr>
<th>Assignment</th>
<th>2017-18 Fiscal Year</th>
<th>2018-19 Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Committee <em>(monthly)</em></td>
<td>Bedell Boyd</td>
<td>Williams Barke</td>
</tr>
<tr>
<td>CCBE Board of Directors <em>(3 meetings, term expires 2019)</em></td>
<td>Bedell</td>
<td>Bedell</td>
</tr>
<tr>
<td>CSBA Delegate Assembly *(2 year term/elected by OCDE for CCBE/Bedell—term expires 2019) <em>(2 meetings)</em></td>
<td>Bedell</td>
<td>Bedell</td>
</tr>
<tr>
<td>Political Action Group Effort (PAGE)/Legislative <em>(3 meetings)</em></td>
<td>Williams</td>
<td></td>
</tr>
<tr>
<td>OCSBA <em>(3 ACSA/OCSBA dinner meetings; 4 Board of Directors Meetings; 3 Fiscal Seminars)</em></td>
<td>Boyd</td>
<td></td>
</tr>
<tr>
<td>PTA Liaison <em>(4 meetings)</em></td>
<td>Gomez</td>
<td></td>
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**RECOMMENDATION:**

Nominate and approve Board member assignments for the 2018-19 fiscal year.
ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: July 30, 2018

TO: Nina Boyd, Associate Superintendent

FROM: Laura Strachan, Assistant Superintendent Alternative Education
Byron Fairchild, Director Alternative Education

SUBJECT: Granting of Diplomas

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

RECOMMENDATION:

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

LS:sl
ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: August 15, 2018

TO: Nina Boyd, Associate Superintendent

FROM: Stacy Deeble-Reynolds, Director
Community and Student Support Services

SUBJECT: Acceptance of 4th Quarter Report on Williams Uniform Complaints for the Period of April 1 – June 30, 2018 for OCDE Student Programs

California Education Code section 35186(d) requires that school districts and county operated programs report summarized data on the nature and resolution of all Williams Uniform Complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district.

The enclosed report indicates no complaints were filed for the Orange County Department of Education student programs in the Divisions of Alternative Education and Special Education Services for the period of April 1 – June 30, 2018.

RECOMMENDATION:

Accept the 4th Quarter Report on Williams Uniform Complaints for OCDE student programs for the period of April 1 – June 30, 2018.

SDR:ag
Education Code section 35186(d) requires that school districts and county operated programs report summarized data on the nature and resolution of all Williams Uniform complaints on a quarterly basis to the County Superintendent of Schools and their governing board. This report includes the number of complaints filed, if any, by general subject area and identifies the number of resolved and unresolved complaints.

### Division of Alternative Education

<table>
<thead>
<tr>
<th>General Subject Area</th>
<th>Total # of Complaints</th>
<th># Resolved</th>
<th># Unresolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Textbooks and Instructional Materials</td>
<td>0</td>
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<tr>
<td>Teacher Vacancies or Misassignments</td>
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<td></td>
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<tr>
<td>Facilities Conditions</td>
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<tr>
<td><strong>TOTALS</strong></td>
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### Division of Special Education Services

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<th>General Subject Area</th>
<th>Total # of Complaints</th>
<th># Resolved</th>
<th># Unresolved</th>
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</thead>
<tbody>
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<tr>
<td><strong>TOTALS</strong></td>
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</table>
DATE: July 31, 2018

TO: Nina Boyd, Associate Superintendent

FROM: Aracely Chastain, Coordinator, Charter Schools

SUBJECT: Scholarship Prep Charter School – Material Revision Board Vote

DESCRIPTION:

On June 25, 2018, the administration of Scholarship Prep Charter School requested material revisions to the school's charter regarding the following:

1. Revision to the instructional program concerning art classes

2. Revision to comply with Education Code 47605(d)(2)(B) regarding admission preferences when the number of pupils who wish to attend the school exceeds the school’s capacity

3. Revision to comply with Education Code 47605(b)(5)(J) regarding suspension and expulsion due process measures

In accordance with Education Code section 47607, the charter must be updated to include reasonably comprehensive descriptions of any new requirements enacted into law after the charter was originally granted or last renewed, and if those changes are material, may be made only with the approval of the authority that granted the charter.

BACKGROUND:

Scholarship Prep Charter School is a countywide charter that began operation in 2016.

RECOMMENDATION:

1. Approve the material revision request from Scholarship Prep Charter School regarding Element 1: Description of Educational Program in the school's charter concerning art classes.

2. Approve the changes to Element 8: Admission Requirements in the school’s charter to comply with changes in Education Code section 47605(d)(2)(B).

3. Approve the changes to Element 10: Student Suspensions and Expulsions in the school’s charter to comply with changes in Education Code section 47605(b)(5)(J).
ORANGE COUNTY DEPARTMENT OF EDUCATION

BOARD AGENDA ITEM

DATE: August 7, 2018
TO: Al Mijres, Ph.D., Superintendent
FROM: Renee Hendrick, Associate Superintendent
SUBJECT: Apportionment of Federal Forest Reserve Receipts

Funds are received each year from the United States Government from forest reserves to be used by school districts of the County within or adjacent to a United States Forest Reserve. Section 2300 of the Education Code indicates that upon approval of the County Board of Education, the County Superintendent of Schools may retain 15% of the funds and shall apportion 85% of these funds to such school districts.

The following apportionment of additional funds is based on the same proportion of land of the Cleveland National Forest that exists in the component district:

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<thead>
<tr>
<th>District</th>
<th>Percentage</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Capistrano Unified</td>
<td>2.80%</td>
<td>$ 118.23</td>
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<tr>
<td>Orange Unified</td>
<td>31.52%</td>
<td>1,330.92</td>
</tr>
<tr>
<td>Rancho Santiago Community College</td>
<td>15.77%</td>
<td>665.88</td>
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<td>South OC Community College</td>
<td>12.57%</td>
<td>530.76</td>
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<tr>
<td>Saddleback Valley Unified</td>
<td>22.34%</td>
<td>943.30</td>
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<tr>
<td>Orange County Department of Education</td>
<td>15.00%</td>
<td>633.36</td>
</tr>
<tr>
<td>Total</td>
<td>100.00%</td>
<td>$ 4,222.45</td>
</tr>
</tbody>
</table>

RECOMMENDATION:

Approve apportionment of Federal Forest Reserve receipts in the amount of $4,222.45
ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: August 1, 2018

TO: Nina Boyd, Associate Superintendent

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

SUBJECT: July 26th Statement on the Board’s webpage

DESCRIPTION:

On this url web page: http://www.ocde.us/Board/Pages/News-and-Information.aspx

The following statement will be placed:

At a special meeting Thursday July 26, the Orange County Board of Education (OCBE) made a decision to take several steps to remedy a unilateral action by the Orange County Superintendent of Education (OCSE) to appoint a General Counsel without the co-approval of the OCBE.

By law the General Counsel advises both the OCBE and OCSE, and the California education code 35041.5 expressly stipulates that the OCBE and OCSE “shall appoint the same” in-house counsel.

The OCBE believes that the OCSE’s unilateral action violates state law as well as basic notions of agency collaboration and shared governance. Given the importance of the General Counsel position to the OCBE’s work and its ability to serve the members of this community, the OCBE concluded decisive action was necessary to fully understand, address, and resolve this potentially conflictual and unjust situation.

Accordingly, at Thursday’s meeting, the OCBE resolved to make a formal demand that the OCSE remedy its legally unauthorized action and, in the event it fails to do so, to subsequently seek the intervention of the judiciary by filing an appropriate action in court requesting an order determining the parties’ respective rights, remediating the violation, and awarding other suitable assistance and support. The OCBE also formally authorized an earlier request for information from the OSCE made approximately one month ago regarding the OSCE’s action.

The OCBE prefers to avoid litigation if that can be accomplished, and it will attempt to do so in good faith. However, if the OCSE will not agree to remedy its unilateral action and acknowledge and cooperatively implement the co-equal right of both agencies under state law to appoint the General Counsel, then the OCBE is equally as committed to correcting this action and will seek to protect its governing authority and the right of any client to choose its legal counsel.
The OCBE takes very seriously its duty to serve in guiding the education and well-being of Orange County citizens. Appropriate, ethical, and suitable in-house counsel representation is a crucial role for the OCBE to be able to effectively conduct informed policy and decision making for Orange County citizens. It is our aim to obtain a just and swift resolution of this disagreement between the two governing entities of the OCDE.

RECOMMENDATION:

The Executive Committee recommends that the Superintendent liaison serve as a facilitator for the Board and insert the July 26th statement below on the listed url web page and to be read into the record at the current meeting.
ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: August 7, 2018

TO: Nina Boyd, Associate Superintendent

FROM: Renee Hendrick, Associate Superintendent, Administrative Services

SUBJECT: Instructional Materials
Resolution #17-18

Education Code Section 60119 requires the governing board of any school district or county office of education receiving instructional material funds from any source to hold a public hearing annually and to encourage participation by parents, teachers, members of the community and bargaining unit leaders. Education Code Sections 60605 and 33126 require that the governing board make the determination that each pupil of the county office of education has available textbooks and instructional materials in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board and adopted by this Board in accordance with the procedures as established.

The Board will hear input on August 7, 2018 at 4:00 PM at the Orange County Department of Education, 200 Kalmus Drive, Costa Mesa, CA 92626.

RECOMMENDATION:

Adopt Resolution #17-18 stating that each pupil of the county office has available textbooks and instructional materials in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board and in accordance with the procedures as established. Adopted resolution will be posted on the Orange County Department of Education website and will be distributed as requested.
RESOLUTION OF THE ORANGE COUNTY BOARD OF EDUCATION

DETERMINING STEPS TO ENSURE AVAILABILITY OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS FOR 2018-19

WHEREAS, Education Code Section 60119 establishes steps and procedures to ensure the availability of textbooks and instructional materials in order to be eligible to receive funds for that purpose, and;

WHEREAS, the procedures require that school districts take appropriate action to ensure the availability of textbooks and instructional materials on a yearly basis, and;

WHEREAS, pursuant to Education Code Sections 60119, the Board is required to hold a public hearing to encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and;

WHEREAS, the Board is required to provide 10 days’ notice of the public hearing or hearings, and;

WHEREAS, the notice shall contain the time, place, and purpose of the hearing and be posted in three public places within the school district, and;

WHEREAS, the hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the district and shall not take place during or immediately following school hours, and;

WHEREAS, the governing Board of a school district, as part of the required hearing, shall also make a written determination as to whether each pupil enrolled in a foreign language or health has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects, and;

WHEREAS, the governing Board shall also determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive, and;

WHEREAS, a public hearing was held on August 7, 2018, at 4:00 o’clock, which is on or before the eighth week of school and;

WHEREAS, the Board is required to make a determination, through a resolution, as to whether each pupil in each school in the district has, sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Education Code Section 60605 and Education Code 33126 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the State Board:

(i) Mathematics,

(ii) Science,
(iii) History-social science,

(iv) English/language arts, including the English language development component of an adopted program,

(v) Visual and performing arts. (Not listed in 60605 or 33126)

NOW, THEREFORE BE IT RESOLVED, that the governing Board makes the determination that each pupil of the district, has available sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Education Code Section 60605 and Education Code Section 33126 in each subject listed above, consistent with the content and cycles of the curriculum framework adopted by the State Board and adopted by county superintendent in accordance with the procedures as established.

BE IT FURTHER RESOLVED, that for the 2018-19 school year, the Orange County Department of Education has provided each pupil with sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Education Code Section 60605 and Education Code Section 33126 in each subject listed above, consistent with the content and consistent with the cycles and content of the curriculum framework adopted by the State Board for those subjects.

BE IT FURTHER RESOLVED, that for the 2018-19 school year, the Orange County Department of Education has provided sufficient textbooks or instructional materials, or both, that are consistent with the content and cycles of the curriculum frameworks adopted by the state board, to each pupil enrolled in a foreign language or health course, and that sufficient laboratory science equipment applicable to science laboratory courses offered in grades 9 to 12, inclusive, is available to pupils.

AYES: Members:

NOES: Members:

ABSENT: Members:

STATE OF CALIFORNIA )

COUNTY OF ORANGE )

I hereby certify that the foregoing Resolution was duly and regularly adopted by the __________________________ at a regular meeting of the said board held at _______________, California on the ______ day of __________, 2018.

ATTEST:

_________________________  ___________________________
Ken L. Williams, D.O., President       Al Mijares, Ph.D., Secretary

Resolution #17-18