

BOARD MEETING TRANSCRIPTION 8-14-19

Barke: Welcome everyone. We can get started because Jack probably doesn't need to hear this. We usually read you this long list of things, and I'm not going to do that because I think most of you know what it says. Basic rule is if you're polite, you get to stay. If you're not, the guy in the green in the back is going to take you out.

Audience: [Laughter]

Barke: It's a bottom line. If you want to say something, pull a card and give it to Nina and you can speak for three minutes. Welcome, and I think before we do the invocation, Ken would like to say a few words about a former board member. I've got to call it to order.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE]

Barke: Order. Before we get started with our invocation, Ken would like to say a few words about a former board member.

Williams: A good friend of this department who served with me when I first came on the board in 1996, Eric Woolery, passed away to the good Lord's hands last week of a myocardial infarction at the young age of 54 years of age, leaving two children behind, and one beautiful wife, and we just had his memorial service today. It was a blessing because we celebrated the life of an individual who has a great deal of influence here in Orange County. He was the former Orange County Auditor. He won election in 2015 and reelection in 2018. He was a good man. He loved the people and he loved to serve. He was a dear brother in Christ of deep faith and we'll miss him. In memoriam, we'll give just about 15 seconds to bow our heads and just thank God for people like him. 15 seconds of silence.

[THE AUDIENCE AND BOARD MEMBERS ARE SILENT FOR 15 SECONDS]

Williams: Thank you.

Barke: Next, I'd like to call up Lieutenant Colonel Leroy Mills to do our invocation.

Mills: Thank you so much.

Barke: If you'd like, you may stand. It's up to you.

Mills: God enormously blessed our nation with our founding fathers. What I would like to do is to reach back in time and just share what one of the founding fathers said. I will be reading a direct quote of Abraham Lincoln from the National Day of Humiliation, Fasting and Prayer proclamation. "It is the duty of nations, as well as of men, to their own dependence upon the overruling power of God, to confess their sins and transgressions and humble sorrow. Yet with the shared hope that genuine repentance would lead to mercy and pardon, and to recognize the sublime truth announced in the holy scriptures and proven by our history, that those nations only are blessed whose God is the Lord. We have forgotten God.

We have forgotten the gracious hand which presented us in peace and multiplied and enriched and strengthened us. We have vaguely imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us. It behooves us, then, to humble ourselves before the offended power to confess our national sins and to pray for clemency and

forgiveness.”

Barke: Next, I'd like to call up Jeff Barke, if he's in the house, to do the pledge.

Bedell: Love surprises.

Jeff Barke: I got all dressed up for the occasion.

Audience: [Laughter because Mr. Barke was wearing jeans and a striped shirt]

Jeff Barke: Thank you. It's my honor. Please join me as we honor the greatest symbol of liberty the world has ever known.

Audience and Board Members: 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.

Boyd: Trustee Barke? Can we get the name of who did the invocation for the record?

Barke: Yes. Lieutenant Colonel Leroy Mills.

Boyd: Mills?

Barke: Yes. Mills. M-I-L-L-S.

Boyd: Thank you.

Sisavath: Trustee Sparks?

Sparks: Here.

Sisavath: Trustee Williams?

Williams: Present.

Sisavath: Trustee Barke?

Barke: Present.

Sisavath: Trustee Gomez?

Boyd: She'll be arriving late.

Sisavath: Trustee Bedell?

Bedell: Here.

Barke: Do I have a motion to approve the agenda?

Williams: I so move.

Sparks: Second.

Barke: Any discussion? All those in favor?

Board Members: Aye.

Barke: Jack?

Bedell: Oh, yeah, favor.

Barke: 4-0; passes. A motion to approve the minutes?

Williams: I so approve. I make the motion.

Sparks: Second.

Barke: Any discussion? Hearing none, we'll call for a vote.

Board Members: Aye.

Barke: Passes, 4-0. Is there anybody to introduce? Any names?

Boyd: There are no introductions at this meeting.

Bedell: Madam President? I wonder, if you would be so kind, if I could introduce some scouts from my trustee area?

Barke: Absolutely.

Bedell: You can introduce yourselves, gentlemen. Who's with you? I've known the first one on the left when he was in diapers.

Audience: [Laughter because the young man showed embarrassment]

Bedell: He's a great young man.

Moore: I am Jimmy Moore, or James Moore, my legal name. I prefer to go by Jimmy.

Manning-Mongellanes: I'm Gabriel Manning-Mongellanes. I prefer going by GMM.

Barke: They are here to learn about what a county board is, and what a county board member does. Thank you for coming.

Barke: Welcome.

Moore: Thank you.

Manning-Mongellanes: Thank you.

Barke: I call for a motion to approve the consent calendars.

Boyd: Public comment.

Barke: Oh, sorry. Public comment.

Boyd: We have several.

Barke: Excellent.

Boyd: For those of you who are not familiar, we have a timer. Once I call your name, if you'll go up to the podium and state your name for the record. Darou will click on the timer. It will register for three minutes. It starts at green and ends up red. If it gets to the buzzer, we just ask that you finish your sentence. If you don't, I will ask you to please stop talking.

Audience: [Laughter]

Boyd: First up will be Steve Blount.

Blount: This is a new experience. I feel I should talk out of the corner of my mouth this way instead of this way. I'm Steve Blount. I'm a trustee with the North Orange County Community College district, and I'm here to enlist the board's support in stopping the construction of an inadequate and embarrassingly small football stadium at Fullerton college that is so small that they're only spending \$6 million, while next door at Fullerton High School, they spent \$10 million just renovating the stadium. That's one of the options they could go to for Cal State University Fullerton, and use the Titan Stadium that was only used once for their football team before it disbanded. There's alternatives. There's more pressing needs for \$6 million.

There's homelessness. There's Veterans Resource Center, and a career technical education. The athletic department has put forward a plethora of trivial, minor, unimportant things as why they need a stadium when I have 14, 15 pages here to prove them wrong, and the alternatives, and why their logic is wrong for my athletic career, wrestling across country, and then being a fan of sports. I have one hard copy, or as they say, receive and file. Then I have a binder clip copy with eight business cards to make copies for everybody that's interested in it. I apologize and hope you indulge because of that, because I'm going to make the same presentation to the California Community College and Board of Governors, and they require 50. Thank you.

Boyd: I'll be happy to take those copies from you. Dr. John Winkelman?

Winkelman: I'm John Winkelman, M.D. Good afternoon, trustees, superintendent. My name is Dr. Winkelman. I'm a pediatrician at St. Joseph Heritage Medical Group. I also attended a residency at CHOC hospital many years ago. I've been serving children ever since in Orange County since the 1990s; last century. I'm concerned about the Healthy Youth Act and the curriculum that's going to be going around our schools. I've looked over several of the new sex ed. curriculum choices recommended by the state and as a pediatrician, and as a father, I'm

alarmed about the safety of our children. I'm concerned about their safety. Schools are teaching anal sex to teens without telling them the truth about high risks.

They're talking about condoms that provide a barrier method, but they say that there were reduced risks of contracting HIV. However, there's no FDA approved indication for condoms with anal sex. FDA classifies devices according to risks to receive FDA approval. These devices, manufacturers must demonstrate sufficient valid scientific evidence that there is a reasonable assurance the devices are safe and effective for their intended uses. Generally, FDA clears low-to-moderate risk medical devices. Therefore, something that's not approved by the FDA means that it may not fall in the category of low-to-moderate risk.

There's a reason the law state standards, parents all state that HIV prevention must be taught using FDA approved methods. HIV is an incurable disease. Students should not be put at risk with misleading information about that. There was a PREP with a medication called Truvada that did become FDA approved recently to prevent HIV. It's actually a pretreatment for anybody at higher risk for developing HIV. If anal sex is to be taught in school, this would be an unapproved method to prevent HIV, but not condoms alone. State curriculum also teaches students or will teach students that oral sex or anal sex is safe when using a dental dam. We teach our children to wash their hands. We teach them to not put their hands in their mouth.

We're definitely concerned that there's higher risk of infection with anal intercourse. High risk of placing ones' mouth, lips or tongue on the orifice is high risk for infection. There's a lack of warning in the curriculum for this and we're concerned. As our educational county leaders, I ask that you challenge our state of their recommendations. Thank you.

Boyd: Thank you. Kathi Winters?

Winters: Good afternoon. My name is Kathi Winters and I'm HIV positive. I have been for 25 years. I currently am an educator for prevention with AIDS Service Foundation, now called Radiant, the U.S. Red Cross, and I speak internationally overseas all over Africa. I'm shocked at the new recommended sex curriculum because it promotes anal sex to girls in a way to reduce the likelihood of pregnancy. Anal sex places girls at the highest risk for HIV. Receptive anal sex is much riskier for contracting HIV. Girls can only be receptive bottom partners of anal sex. The bottom receptive partner is 10 times more likely to get infected with HIV than the top insertive partner.

This teaching empowers boys who are presuming that pressuring girls to have sex by telling them pregnancy is not a worry. Girls with low confidence or low self-esteem are especially vulnerable. The CDC states that being a receptive partner during anal sex is the highest risk sexual activity for getting HIV. CDC also stated that HIV is at least 10 times more easily transmitted via anal than vaginal sex and condoms may be more likely to fail during anal sex. The state curriculum also downplays the reality of having HIV and no, it's no longer a death sentence, and for that I'm very grateful. However, I have to take multiple pills every day and if I miss a daily regime, my immune system can be compromised and I run the risk of getting AIDS.

That's a lot of daily pressure to not make a mistake. My monthly copay is very, very high and I

must take a blood test every three months for the rest of my life. Some states, like in California help with a copay, but who knows how long this will last? Living with HIV is challenging. I don't want young girls to contract HIV because they are using anal sex as birth control due to flawed information from their health class. Please challenge the state about the curriculum. Consider your own daughters, your granddaughters, your great granddaughters. Do you think crucial facts should be withheld when educating youth about this incurable disease? Girls are worth being protected, and I know you agree. Don't wait. Let's right this wrong now. Thank you.

Boyd: Darrell Williams?

Williams: How are you? You already introduced me. I have a tape to play for you. **[MR. WILLIAMS HOLDS UP A DIGITAL RECORDER TO THE MICROPHONE]** "I'm Josh Robbins, a nationally recognized HIV activist, publisher of imstilljosh.com, an award winning digital HIV publication, and professional consultant to the pharmaceutical industry on social media with expertise in communications that require regulatory approval under the FDA scrutiny. My publication is also accredited as health accurate by Health on Net, a third-party global accreditation body that issues the same accreditation to websites like Healthline.com and WebMD. I appreciate your time in listening and considering before voting tonight.

State law in California requires that sex education taught to the kids in California public schools only teach FDA approved medical devices and indications. As it currently stands, condoms are approved for vaginal intercourse only. Condoms are not approved for use during anal or oral sex by the FDA. It is considered an off-label indication of this medical device in the real world and by the standards of labeling by the Food and Drug Administration. Pre-exposure prophylaxis is approved for the prevention of HIV by the FDA. It's known as PREP, and treatment is approved for those living with HIV by the FDA. It's known as treatment as prevention. I'm not going to mention any additional data about efficacy or effectiveness of any option as that is not the mandate of California state laws.

The mandate is clearly only FDA approved indication and methods. If your vote is to approve based on these guidelines and state law and FDA approval only, then your vote on the proposed HIV prevention methods and techniques would be voting against state law, and you would be knowingly choosing to break the law if you approve them. The kids in California should be protected. We all agree on that. Tonight the kids in your school district are looking to this board with an expectation that you will not knowingly break state law based on your own perceived or assumed knowledge of a highly regulated medical device by the FDA.

My position is not to debate the effectiveness or efficacy of condoms with you tonight. Nobody on this board or myself have the qualifications to approve a medical device for a specific indication. The FDA has that authority and they have it alone. I implore you to follow the state law. The standard for approving this guidance is clearly written by the California legislature. Your job tonight is to follow the law." I was waiting for the sentence to end.

Boyd: Mark Schneider?

Schneider: Good afternoon, Dr. Mijares, President Barke, and Orange County trustees. My name is Mark Schneider. I am the founder of Protect Our Kids, a coalition of parents, pastoral, medical, educational and legal professionals united in the cause to minimize the damage of the ill-named California Healthy Youth Act to our state's most fragile and impressionable citizens, our children. I'm also a practicing attorney licensed here in California and in federal court. In section 51934A of the CHYA, it states that students will receive subsection four information about the effectiveness and safety of all federal FDA approved methods that prevent or reduce the risk of contracting HIV.

The health education content standards of California public schools similarly states, in regards to grade level assignments on page 48, that students are to access valid information and compare the success and failure of FDA approved condoms and other contraceptives. The law is clear. Only FDA approved methods and products are to be endorsed with regards to their instructional effectiveness for preventing diseases like HIV. According to the health education framework, the CDE's guiding document for implementing the CHYA, in chapter five, grade seven and eight, beginning on line 879, it is stated that condoms are the only form of birth control that also protects against STI's, including HIV.

On line 902, the framework says that a condom and dental dam are to be shown to students as examples, ostensibly to teach them how to prevent such STD's, including life threatening ones like HIV. The same language is used in the framework for grades nine through twelve. However, neither existing condoms nor dental dams are FDA approved for anal or oral sex, sexual prep practices vividly described and arguably endorsed by the California Healthy Youth Act framework and its recommended curriculum. Indeed, as stated on the FDA's own informational website, condoms may be more likely to break during anal intercourse than during other types of sex because of greater amount of friction and other stresses involved.

The same FDA site declares the typical condom failure rates are 18% and this is when they are used as intended for male-female intercourse. The clear implication being that these failure rates increase when condoms are not used as intended as when occurs through anal or oral sex. How can students compare the success or failure rate of FDA approved condoms for anal sex when there is no, as yet, FDA approved condoms for anal sex? How can schools recommend the children use condoms and dental dams to prevent STD's and HIV during oral and anal sex when they are not approved for that purpose? Which means that if the framework endorsed curricular or taught this department and its subordinate school districts would do so in clear violation of the statute. Thank you.

Boyd: Brenda Lebsack?

Lebsack: Greetings, Dr. Mijares and trustees. I attended the MTSS conference put on by the Orange County Department of Ed. in Long Beach. It was exquisite in every way. Thank you. The conference stressed social justice and equity. However, for a state department that emphasizes justice and equity, why would they refuse equitable access for all non-English speakers in the state by not providing framework in their language? Isn't this hypocritical? When many Orange County Hispanics and Asians brought this to the attention of you, Dr. Mijares, your response was silence, not advocacy.

Is this the way our leaders exemplify justice and equity? On top of that, the decision to implement the framework through OCDE was made without board knowledge and without board vote. Elected board members were denied the opportunity to represent their constituents in this decision because their authority was disregarded and usurped apparently by the superintendent. Is this how leadership exemplifies justice and equity? The OCDE and the CDE stress that the framework is an optional suggestion. However, when AB493 soon passes, professional development of the same overlapping subjects may become mandatory. Is this an example of ethical transparency?

Dr. Mijares, all teachers I know want safe, welcoming school climates for their students. However, the framework you are enthusiastically implementing recommends sex ed. and HIV prevention be taught to kindergarten through third grade. It tells students they can be both genders, or neither gender; that teachers should use gender neutral pronouns such as they, them and theirs. It says seventh graders should be taught non-monogamous, multiple romantic partners, that it's safe and inclusive. There were books recommended in the framework, before the parents stormed Sacramento with opposition, recommending a school-wide read, grades nine through twelve, instructing them on bondage, sadomasochism, fisting, restraint, blood play.

Is this what you consider inclusive and good for kids, Dr. Mijares? You accused Dr. Williams in the Orange County Register for misleading the public on health policies, yet Dr. Williams created an open public forum for academic discussion to bring light on the issue. He responded to his constituents with action. The public response was so great that people had to sit outside with loudspeakers. Thank you, Dr. Williams, for your hard work to make that happen. He did not mislead. He tried to inform in a fair way with respect. Varied viewpoints were invited, but not everyone accepted the invitation.

No, misleading is when someone hears thousands of constituents' grievances, both vocal and written, and in spite of this unilaterally enters into a \$5 million contract to implement the very document he said was optional. Obviously, these parents wasted their time and breath. They did not know their elected county superintendent had already made a deal with the state in February of 2018 to roll out the framework. This, Dr. Mijares, is misleading.

Boyd: That's all.

Barke: Thank you for everybody who came and spoke. Next, we will move on to a motion to approve the consent calendars.

Williams: So moved.

Barke: Second?

Sparks: Second.

Barke: Second. All those in favor?

Board Members: Aye.

Barke: Opposed? Beckie isn't here, so I guess we'll delay that question about OCSBA.

Boyd: I dialogued with her and she's willing to do it.

Barke: She'll continue that, got it. Moving on, we are now going to go into closed session. How long do you think we'll be in there?

Williams: 30 minutes?

Barke: I think we'll be gone for about 15 to 30 minutes. Hopefully, we won't be gone too long.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO INDICATE THE CONTINUATION OF THE REGULAR MEETING AFTER THE CLOSED SESSION HAS CONCLUDED]

Barke: I call up Mr. Brenner to report out from our closed session, please.

Brenner: Thank you, Trustee Barke, Superintendent Mijares. The board conducted a closed session regarding the existing litigation between the board and the superintendent. The only action taken was with respect to the invoice dated August 12 of Mr. Rolan and Haight Brown and Bonesteel. That invoice in unredacted form was reviewed and approved by the board on a 4-0 vote in favor. That is the report out from the closed session.

Barke: Thank you. Kelly?

Gaughran: Good afternoon, President Barke, members of the board and Superintendent Mijares. Today the board is accepting two submission. Achievers Global Academy, which is submitting a charter school petition on appeal following denial by Garden Grove Unified School district, and Vista Heritage Global Academy, which is submitting their first charter renewal with us. After acceptance at today's board meeting, public hearings for both submissions will take place at the next board meeting on September 11th.

The regularly scheduled board meeting for October, however, exceeds the 60-day requirement for review and decision of charter petitions, but Education Code allows up to 30 days for extension. Both petitioners have agreed in writing to a three-day extension beyond the 60 days allotted in the Education Code, so the board shall render a decision at the October 16th board meeting, I now call representatives from Achievers Global Academy to the podium to introduce their charter appeal submission following denial by Garden Grove Unified.

Carrillo: Good afternoon, President Barke, board members, and Superintendent Mijares. My name is Virginia Carrillo, and I'm here to present our charter school appeal for Achievers Global Academy. Our attorneys reviewed the district's findings and determined that their findings were not valid reasons to deny our charter. We are looking forward to sharing more about our planned educational program for Orange County students and their families at the next board meeting. Thank you for your time.

Barke: Thank you.

Gaughran: Thank you, Ms. Carrillo. Next, representatives from Vista Heritage Global Academy will introduce their charter renewal submission.

Wilson: I think I should cut my speech in half, now. Good afternoon, honorable board and President Barke, Superintendent Mijares. It's a pleasure to be here. My name is Dr. Don Wilson. I'm the superintendent for Vista charter public schools. We currently have two schools authorized by you at Vista Heritage Global Academy and Vista Condor Global Academy. We've had the honor and privilege of working with the OCDE and all of you for the last five years establishing Vista Heritage Global Academy. It's a privilege to present to you our renewal for the next five years today.

We started with the premise that kids of color and kids of poverty, we could close the achievement gap if they were given the same opportunities for educational opportunities, an environment of respect and high expectations that kids in wealthy areas regularly receive. I'm happy to report that after five years, we have successfully raised student achievement above our local surrounding schools. Our families are ecstatic about their experience and we are at capacity for both schools with a waiting list.

We are grateful to all of you, the board and Superintendent Mijares, and especially the OCDE staff who has been incredible in your support and in your belief for our schools. We're looking forward to the next five years and with the promise that we're going to make you proud to have supported us and to continue to support us. Thank you, very much. I'd like to introduce our principal, who is the man on the ground who does work. Dr. Felch.

Felch: Good afternoon, honorable board, Superintendent Mijares. I'll just take a few seconds. I just want to brag about our school for a second.

Audience: [Laughter]

Felch: As Dr. Wilson stated, we have been at full enrollment for the last three years since I've been there. Our elementary school is also in full enrollment with a waiting list, and that is our feeder school for the next foreseeable future. We've also seen a huge growth in academic achievement in the last two years that I've been principal. We have almost doubled our scores in both ELA and in math. We have also introduced a number of new programs that have contributed to that growth, and will continue to contribute to growth, including Readers and Writers Workshop. We have also partnered with the Orange County Department of Education through its MTSS initiative.

Through the feedback that we've received, we've received very high reviews in terms of how we support all students through our multi-tiered systems of support. We also received the only grant from the state department for a Mandarin teacher to start a Mandarin program. We were the only school in the state of California to receive that grant this past year. Plus, as a partner of the International Studies Schools Network, we are the first school within that network that is a global STEAM academy. We're also very proud of that. I just want to finish with just saying I've never worked at a school that is so close and so close knit as a family as Vista Heritage Global Academy. Thank you very much. I look forward to the next five years working with all of you.

Gaughran: Thank you, Dr. Wilson and Dr. Fetch. The board will receive supporting documentation for the submissions following today's board meeting. Thank you.

Barke: Next is Unity. We're going to call Unity next.

Boyd: You just need to speak up so the microphone picks you up.

Barke: Sorry, thank you. We're calling up Erin from Unity.

Craig: Good afternoon, President Barke, members of the board, Superintendent Mijares. My name is Erin Craig and I'm the founder and executive director of Unity Middle College. I stand in front of you today, today's the first day of school in year three, in my Unity t-shirt – not professional – to represent the boots on the ground of really what our team is in solidarity today.

Today, for us, is not only the first day of school, it was really a celebration. It was the first day of school that we did not have to build classrooms out of partitions or put up lights in a sanctuary.

Audience: [Laughter]

Craig: It's not funny.

Audience: [Laughter]

Craig: It was the first day of school that we did not have to run field trips hoping and praying our construction project would come to a close. We budgeted for 125 students, and on the first day of school, 114 showed up, and we have been actively calling the remainder of the families on the list so we can get to our 125 students live each day. We have new students. We have an expanded space with three classrooms. We have new teachers and we have new programs including computer science classes, music, guitar classes, string orchestra, musical theater, soccer, and our very first offering of a senior seminar class where our first graduating class of 2020 are experiencing a place during the day where they get the ongoing support, identification, and able to identify not only what they're doing this year, but they can fill out their college applications, their FAFSA.

When they exit Unity and they transition into their postsecondary plans, there's no gap and then there's no fall. I'd like to take the time, with Mr. Roy Kim from ICON School Management, to go through each of the items on the list that when I was in front of you last month, I gave you my word I would handle, and I would take care of by the time we came back. I'm going to go through one by one and I'll hand it over to Roy as appropriate. The first item, a complete list of outstanding invoices, loans and vendor payments with amounts and contact information. As far as invoices, Unity is up to date on accounts payable completely, with the exception of our legal fees for the last year, which we've worked out a payment plan with Young, Minney and Corr. I submitted all loan information and details to Orange County Department of Education staff. I'm going to let Roy Kim talk about items two and three on the list.

Kim: Good afternoon, honorable board members, superintendent. I gave you a brief overview at the last meeting about the Unity's financials, but I would like to give you an update because we have better numbers, closer numbers of what we're looking at for the next two years. About a year ago from where we are today, we started the year with a debt of \$1.749 million. It had to do with a lien on property tax overpayments, CAM loans, state aid overpayments, OCCS loans, just a lot of loans and overpayments. As we stand now with the construction debt paid off, we're just waiting for signatures, which Erin will go over, we're just waiting for signatures to send them the payment because we already have the money.

With that out of our way, we will be having \$625,000 in loans that we will be paying in the next two years. That's about \$1.125 million that Unity has taken care of within a little bit less than a year. I think that speaks to volumes about what everyone has been able to do and the community support that she's been receiving. The \$625,000 consists of an existing \$150,000 OCCF loan that was given to Unity in the beginning of school year. We also received a recent \$250,000 loan at 4% interest rate. We have a \$100,000 private investor loan and an existing CDE revolving loan, which the school has received in the beginning of the school year. That amounts to \$625,000.

You might be wondering, how are we going to pay that off in the next two years, which is our plan? A lot of that, most of that, about 81% of that is going to come from the school's operating revenues. We have the ADA-driven revenues, which Erin is close to getting to the ADA position that we have. Over the next two years, that's going to generate net income. About 80% of the \$625,000 will be paid off using the ADA-generated, committed revenues. About 19% of that, we're looking to pay that off using grants, donations and fundraising. She has a very high track record in terms of receiving grants and donations from various foundations. We're only counting on about 19% of \$625,000 to pay that off.

We feel that's a very conservative projection. I'm sure she'll do a lot better in terms of fundraising and maybe even higher enrollment projections that what we have currently anticipated. Having said that, after the two-year mark, after the debt has been paid off, we will have an ending fund balance of positive \$260,000. We have no debt. We have money in the bank. I believe Unity would be fine after the two-year mark. That's what we're looking forward to.

Craig: The fourth item is documentation of the final settlement amount with the construction contractor. Unity has settled with the contractor for \$502,500 – forgive me, it's been a long day for the first day of school – all of which are comprised of donations. Unity is not incurring any more debt because of the construction settlement. We're really proud of that. In fact, this week, we raised an additional \$55,000 of unrestricted money to also help us pay the debt that Roy just mentioned. Number five, disclosure of legal filings is the contractor and the construction, which we sent a legal letter to the staff outlining that we had settled, and this week, signatures with all the subcontractors are being circulated around.

Then, we can just do a wire transfer with the money. Number six is fully executed contracts for current loans, both private and public, including, but not limited to, and I'll skip the names. That was submitted to the staff with documentation. I'd like to note know that the last time I was in front of you, one loan for \$30,000 has been paid in full. That is mentioned in item six. Number seven is an intent to lend letter from all sources that will provide money to the school moving forward. Unity is not going to take more loans, we do not anticipate, besides the money that Roy mentioned in support of the cash flow this year. Number eight, contact information for our Custodian of Records and backup Custodian of Records. That's been provided to staff.

Number nine, contact information for the building contractor. That had been provided to staff. Number 10, full access to the student information system, and we seek to understand the reasoning behind staff wanting full access to the student information system, but we're able and willing to send any student information system reports to staff if requested under the Ed. Code guidelines and requirements for student confidentiality. Number 11 is backup documentation for all donations received from July 2018 to present, which has been submitted to staff. Number 12, documentation showing amount owed of unpaid salary for all employees including, but not limited to, myself, the principal and others.

The furloughed salary were for two pay periods for myself and the principal. Those have been paid in full, with documentation sent to staff. The last remaining item number 13 is that we would comply with the OCDE contracted independent audit during this academic school year. We respectfully pushed back on this item and provided evidence that the auditor that we have

contracted with, VTD, has now merged with a new company – forgive me if I pronounce this wrong – Eide Bailly LLP, which currently serves 128 charter schools, 166 school districts, 29 colleges and 10 county offices of education throughout the county.

Moreover, of the 33 charter schools in Orange County, this company prepares audits for 11 of these charter schools, including Vista Global Academies, which are in this room. That's the comprehensive list. I should say, for us as an organization, the last three weeks have been a lot of work getting a lot of things done. On my end, I was glad to get them done and glad to get everything resolved. I can proudly say that now, in the beginning of year three, we're able to focus on school and children, and only focus on school and children, as compared to construction and finance. Thank you.

Barke: Thank you for that very comprehensive update. We appreciate it. We appreciate your time and I know you have had a very hectic time putting this all together, and a very hectic couple of years, so appreciate everything you've been able to do.

Craig: Thank you.

Barke: Open it up to questions of the board.

Sparks: I just say kudos.

Barke: Anyone else? Ken?

Williams: You're particularly a special person. You're an admirable woman. A woman of courage, a woman who has worked so diligently to create an entity that impacts positively, kids. Erin, I just hold the highest regards to you for what you've been through. A lot of what's happened, it's been by circumstances beyond anyone's control, but you have come back and have answered every question. You've dotted your i's and crossed the t's and thank you so much for what you've done.

Craig: Thank you, Ken, for helping us get through October 2018, and today.

Barke: Any comments? Beckie? Jack? Jack?

Gomez: Go ahead, I'm starting on my notes.

Bedell: When I originally read the staff report, I was concerned, Erin, about you not agreeing with the need of an OCDE contracted independent audit. My question is to staff. Has any other charter refused to comply with that request?

Boyd: We haven't requested that previously. The reason for that request was based on the lack of clarity at the point that we did not have all the information that we've now received. That item was because we didn't have the information previously.

Bedell: You're saying now, staff is withdrawing those two bullets?

Boyd: We're saying that, at this point in time, there's not a need for that information because the other items have been met. We have a better understanding of the financials that we didn't previously. Before, we had numbers that were plugged in, and as we indicated, we didn't know where the source of the income was coming from. In some cases, we didn't know how much debt was out there. Since the board gave the extension of time, there's been a lot more conversation and that information has come through as we've indicated in the document.

Bedell: Okay. The first bullet was, declined to give staff access. Was the concern, Erin, there, and I think this is where you're going. I am supportive of where you might be. The more people who have access to specific data, the greater the potential for mischief. I'm assuming this does not mean you refused to provide summary of test scores, not asking Joe Jones' test scores, but the sixth grade, whatever. I can tell you when I first read these two bullets, Erin, that smelled of insubordination to me. Now, the explanations are helpful. I can see why you wouldn't want access to student files to go outside of...is that what it was about?

Craig: Yes. I don't want the perception to be that I don't trust staff, or I think they'll be searching around and digging. As an organization, we respectfully push back on that because that's not common practice. I believe and know, wholeheartedly, that whatever the staff asks for, we are happy to provide as far as student information, without giving them full access to our student information data system. I just want to be super clear. I'm not accusing the staff or anything of trying to sift through our information. I'm grateful for the due diligence and I'm eager to move forward.

Boyd: Again, on that item, the reason why that was put in there, and Erin is correct, that's not something that you typically see. The reason was the lack of clarity. We had grave concerns that they might be fiscally insolvent, and we wanted to make sure that there was a protection for students and families. In the past where charters have gone under and they've had to close their doors, there wasn't a means to get to the student information. When families were trying to reregister their kids -

Bedell: Transcripts.

Boyd: - we couldn't get to the data. We still have had district charters where they're calling us and it's been five, seven years, and the lack of ability to provide that information. Now that they have provided the information that we requested and so forth, there's not a need for that. That was the only reason that was requested. It was a safety net. If we didn't get the clarity or they didn't get the settlement agreement and some of the other financials, then that concern was there. Then we wanted to make sure that families and students were protected if they had the need to go elsewhere.

Bedell: Thank you.

Craig: Nina, thank you for saying that eloquently. I'm so tired right now from the first day of school. I understood that was the reason behind it. I did not believe it was to do investigative work. Thank you.

Bedell: Thank you. Thank you, Madam Chair.

Barke: Beckie?

Gomez: I apologize for not hearing the entire explanation of everything. The questions I had were very similar to Dr. Bedell's, but I do want to go back to the 19%-20% difference. I think I missed a number there. There was a recent donation of how much?

Craig: \$55,000.

Gomez: \$55,000. That's \$55,000 of \$125,000, right? That is the difference, the delta on the \$625,000, right? From the operating expenses that you're going to pay back?

Kim: We currently have a loan of \$625,000.

Gomez: Right.

Kim: Each have different schedules of payments and when it's supposed to be paid in full. The \$250,000 of the \$625,000 is to be paid back in July 2020. \$150,000, OCCF loan number two: June 2021. A private investor \$100,000 loan: December 2020. CDE revolving loan: we make monthly payments on that, but it's scheduled to end March 2021. That amounts to \$625,000, which we're stating that roughly 80%-81% will be paid through the net income that the school is going to be generating over the course of the next two years.

Gomez: We feel pretty confident that we're going to be able to maintain that enrollment in order to get those funds to meet that?

Craig: I have never been so confident in the ability to enroll students now that we are in our long-term home. In previous years at the beginning, whether it was because we were in that church space with partitions, or because the construction wasn't completed, those are challenges and significant challenges and real challenges. I'm not a parent, but I can imagine if I was enrolling my imaginary child at a school, you would want a construction project done. Now that those things are resolved, and we don't have that instability of facility, we're very confident. We enrolled another student at one o'clock today and we have three more coming in tomorrow, and we're excited to continue to enroll. Our enrollment projections are conservative. We're not enrolling 100 students every year. They're very conservative.

Gomez: I apologize, I was coming in right as you were talking about enrollment. Your target is what?

Craig: For this year, 125.

Gomez: You are at?

Craig: The first day of school today? 114 students showed up.

Gomez: You're close.

Craig: This is the best first day we've ever had.

Gomez: You're close to your projections, anyway. Right?

Craig: Right.

Gomez: I know we talked about the 20%, trying to get grants, and fundraising, and donations. What's the plan for that?

Craig: Sure. I have long-term relationships with the philanthropic community that have been with me since summer 2014, that have believed in me. If you look at how much money that we have been able to raise since July 2018, I want to say it's about \$750,000 in 13 months. To raise \$200,000, or \$300,000, or \$400,000 for me, in the next two years, I never thought of myself as someone that that was something that I was good at, but I feel like it's a little knack I have. Our students speak for themselves as well. I'm very confident that we can bridge that gap between now and before charter renewal.

Gomez: You have a lot of targets in 2020, which isn't that far away as far as the other 80% of your loan goes. That's pretty aggressive in order to do that.

Craig: That information is built into the cash-flow that we've submitted to the staff with our

enrollment. It's all aligned right now.

Gomez: Okay, thank you.

Craig: Thank you.

Barke: Anything else? Thank you very much.

Craig: Thank you.

Kim: Thank you.

Barke: Do we want to talk about item number six?

Williams: I think, President, if I can be acknowledged. In lieu of the excellent updates and information given to us by Dr. Craig., I don't feel there's any need for a Letter of Noncompliance.

Barke: I would agree with that. Does that require a motion? Is that just discussion? Does anybody want to add to that discussion?

Boyd: That was a staff recommendation so there's no action that's necessary. We just brought it forward. We would've folded completely, but because it was a carryover item, it needed to be on the agenda. Our recommendation was there was not a need for that notice at this point in time.

Barke: Great, wonderful. That makes it simple. I think we're ready to clear the room for our closed hearing.

Boyd: Recess for five minutes while we clear the room?

Barke: Sure. Again, thank you to anyone who's not going to come back. Thank you for coming.

Boyd: We have an inter-district appeal, and we need everyone to exit. We're going to close the doors. It's a closed hearing.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE CONTINUATION OF THE REGULAR MEETING AFTER THE CONCLUSION OF THE CLOSED SESSION]

Barke: I apologize for our long, closed session. We are now back in session.

Boyd: Back in session.

Barke: Mr. Bedell, I believe you wanted to be recognized?

Bedell: Yes. If it's okay with you, Madam Chair, I'd like to postpone until September my motion, my item on trustees' salary and benefits. I know people have other places to be, so I'd like to, rather than have it on the table, have it go, with consent of the body, go to September.

Boyd: As a carryover item?

Bedell: Yes, as a carryover item. It's five o'clock now and I understand the pressures.

Barke: Does that require a vote?

Boyd: No. We just move it as a carryover. We still need item #8 and 9, though.

Barke: I'd like to call the staff up to do our public hearing.

Rolen: Good evening, President Barke, members of the board, and Dr. Mijares. This is a public hearing, so I'd like to open the public hearing and invite any members of the public to comment on the sufficiency of instructional materials for the Orange County Department of Education. I'd like to open with the public hearing.

Boyd: I have no cards.

Rolen: No cards. In that case, then, we can close the public hearing.

Barke: I need a motion, now.

Williams: I so move item number nine, resolution #13-19.

Barke: Do we have a second?

Sparks: Second.

Boyd: Ken did the motion and Lisa did the second. Discussion?

Barke: Any discussion? Hearing none. Vote? Roll call?

Sisavath: Trustee Sparks?

Sparks: Yes.

Sisavath: Trustee Williams?

Williams: Yes.

Sisavath: Trustee Barke?

Barke: Yes.

Sisavath: Trustee Gomez?

Gomez: Yes.

Sisavath: Trustee Bedell?

Bedell: Yes.

Boyd: Resolution passes, 5-0.

Barke: Excellent. We are postponing the board discussion, so I think we'll move to announcements, unless somebody has something else.

Sparks: I just have one thing. It's not an announcement. I don't know if this is the right time to consider the November 6th meeting, to consider being able to move that meeting to another date and time? I'm not going to be able to attend that meeting.

Bedell: We need to poll the board.

Sparks: Is there time to be able to do that?

Boyd: We'll poll the board on another date for November. We'll bring that in September.

Sparks: Yes, thank you.

Barke: Superintendent?

Mijares: Madam Chair, I think we're caught up. Thank you for asking.

Barke: My pleasure.

Boyd: Just a reminder: the next board meeting is September 11th at 10:00 AM. The submission deadline is August 28th, and the Board has upcoming County Board of Education Annual Conference Statewide in Monterey on September 13th through the 15th. The CSBA Annual Conference is December 5th through 7th in San Diego. Some of you have already RSVP'd for CSBA, but if you haven't, and you're thinking you're going to go, please let us know hopefully by the end of this week, so that we can ensure that we can get you accommodations.

Barke: I think I am. Let me just confirm that.

Boyd: We have you down.

Barke: I did information?

Boyd: You did confirm. We have you and Jack.

Barke: I did confirm for Monterey?

Boyd: Yes.

Barke: Excellent.

Boyd: I have Jack, Ken, Mari, and Beckie for Monterey. Just as a reminder, our office will be closed on Monday, September 2nd, for Labor Day. That's all I have for you.

Barke: Anybody else? Dr. Williams? Beckie? Dr. Bedell?

Bedell: Pass.

Barke: I think we are officially adjourned.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE CONCLUSION OF THE REGULAR MEETING]