

## MODIFIED MEETING ON-LINE PROCEDURES FOR October 7, 2020:

Earlier via Executive Order N-29-20 from the California Governor, the Orange County Board of Education modified its board meetings to accommodate virtual/teleconferencing. The Governor's executive order also waived the requirement for a majority of board members to physically be present at a public board meeting at the same location.

The City of Costa Mesa on April 13, 2020, issued Regulations No. 2 & 3 pursuant to Proclamation No. 2020-01. This decree states that residents "...of, or visitor to, the City of Costa Mesa shall wear a face covering while outside their home or personal vehicle within the boundaries of the City of Costa Mesa..."; and that individuals "*practice Social Distancing and wear a cloth face covering while visiting Essential Businesses.*"

For the safety of staff and the public, all members of the public attending the board meeting in person are subject to all local county, and state laws requiring face covering unless exempted from wearing a face covering pursuant to the guidelines of the California Department of Public Health.

Individuals with disabilities requiring copies of the agenda and/or the agenda packet, or requiring reasonable modification or accommodations consistent with the Americans with Disability Act, should contact prior to the meeting and request assistance. Individuals may contact the Board Clerk, Darou Sisavath, at (714) 966-4012. Concerns regarding requests for reasonable modifications or accommodations will be promptly addressed.

To observe on-line the board meeting via YouTube Livestream, please use the following information:

- At the start time for the meeting, click on this link <https://youtu.be/9rnRSK4U0fg>.

During Covid-19 conditions, the board accommodates in person attendance to their meetings but seating is limited due to social distancing. As social distancing limits seating in the board room, the boards follows existing Board policy, Brown Act, and state laws for the public to give in person Public Comments at the board meetings.

The Orange County Board of Education conducts its business at its regular and special board meetings. The board encourages communication from constituents. Existing means and practices of communication by constituents to the board include email via [ocbe@ocde.us](mailto:ocbe@ocde.us), or US postal mail to 200 Kalmus, Costa Mesa, CA 92626.

Public Comments at board meetings follow board policy 100-5. The Orange County Board of Education welcomes input concerning any subject within its jurisdiction from members of the public at all of their board meetings.

The Board policy is as follows:

1. An individual wishing to address the board is requested to complete a 3" x 5" request form secured from the Recording Secretary prior to the board meeting or prior to Board consideration of an agenda item.
2. Each person shall be aware that comments to the board shall be limited to not more than three minutes. The total time allotted for public input will be 45 minutes. It is the intent of the board to provide for audience participation during the meeting to be at a time that is as convenient as possible to all concerned.
3. If the topic of discussion selected by a member of the public is a current agenda item, he/she may be asked to delay discussion until the subject is before the board at the regular agenda time.
4. Speakers may not relinquish/yield their time to others.

Due to Covid-19 conditions and social distancing, the board has made accommodations for the public to address the board with their public comments in person at the Orange County Department of Education board room, or on-line via tele-conferencing. Please be aware seating is limited at the board meeting due to social distancing. A queue, however, is established for those constituents who only want to deliver at the board meeting their in-person Public Comment, and who wish to subsequently not attend the public meeting.

Temporarily, due to Covid-19 conditions, members of the public who can't attend the board meeting may submit Public Comments online for the October 7, 2020 meeting. Please read the following instructions and general information:

1. Submit a speaker card attached with your communication to [ocbe@ocde.us](mailto:ocbe@ocde.us). Comments received by 4 p.m., October 6, 2020 may be read during the meeting based on time limitations and board policy. Board Policy 100-5 governs Public Comments and preference is given to those citizens who are physically present at the board meetings. If the statement is not read on-line due to time limitations, the comments will be provided to the board members.
2. The name of the person and topic that is submitted online will be noted in the public record in the board minutes per existing protocols. Comments received after 4:00 p.m. but prior to discussion of an item on the agenda, will not be read into the record.
3. The time limit for public comments is outlined in board policy to three minutes, and for a total of 45 minutes per meeting. The time limitation may be altered or waived by board majority vote or consensus.
4. The board agenda reflects the order and placement in the board meeting for Public Comments.
5. Speakers will fill in their name on the card and select from one of the three opportunities during the board meeting for Public Comments. The public may address the board prior to a specific agenda item, or during the two agendaized Public Comment periods at the beginning and end of the board meeting.



REGULAR MEETING

October 7, 2020

5:30 p.m.

Location:

*The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92880 and via YouTube Livestream at <https://youtu.be/9rnRSK4U0fg>.*

ORANGE COUNTY BOARD OF EDUCATION  
AGENDA

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.

ROLL CALL

(\*)AGENDA

Regular Meeting of October 7, 2020 – adoption

TIME CERTAIN

5:35 p.m.

1. Inter-district Appeal Hearing (open) – 10072020001I – Capistrano Unified School District to Laguna Beach Unified School District

(\*)MINUTES

Special Meeting of September 1, 2020 – approval  
Regular Meeting of September 2, 2020 – approval  
Special Meeting of September 22, 2020 – approval

**Recess to adopt the minutes of the Facilities Corporation Meeting of September 2, 2020 - approval**

WELCOME

INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

PUBLIC COMMENTS

(30 minutes)

Individuals watching the board meeting on the zoom line may submit public comments that will be included in the official transcript of the October 7, 2020 meeting. Public comments received by 4:00 p.m. Tuesday, October 6, 2020 will be read into the transcript during the 30-minute public comment period, time permitting.

CONSENT CALENDAR

- (\*) 2. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.

CHARTER SCHOOLS

- 3. Charter submissions
- (\*) 4. Charter School Public Hearing – Scholarship Prep Charter School Renewal – Aracely Chastain, Director, Charter Schools, will facilitate the public hearing.

Discussion Format:  
Scholarship Prep Charter School  
Santa Ana Unified School District  
Public Comments (30 minutes)  
Board Questions

- (\*) 5. Charter School Public Hearing – Oxford Preparatory Academy Renewal – Saddleback Valley – Aracely Chastain, Director, Charter Schools, will facilitate the public hearing.

Discussion Format:  
Oxford Preparatory Academy – Saddleback Valley  
Saddleback Valley Unified School District  
Public Comments (30 minutes)  
Board Questions

BOARD RECOMMENDATIONS

- (\*) 6. Approve Public Comment Submission process (Gomez & Shaw)
- (\*) 7. Action on resolution regarding retention of auditor (Williams)
- (\*) 8. Action on Administrative & Board Policy Invocation Policy (Williams)
- (\*) 9. Action on resolution regarding Proposition 15 (Williams)
- (\*) 10. Action on resolution regarding Proposition 16 (Williams)
- (\*) 11. Action on resolution regarding SB 145 (Williams)

STAFF RECOMMENDATIONS

INFORMATION ITEMS

BOARD DISCUSSIONS

ANNOUNCEMENTS

Superintendent

- County Office of Education Summary Report for Differentiated Assistance

Associate Superintendent

Legislative Updates

-CSBA Update

-CCBE Update

-NSBA Update

-Capitol News Update

-School Services Update

BOARD MEMBER COMMENTS

COMMITTEE REPORT

PUBLIC COMMENTS

Related to Closed Session Only

CLOSED SESSION 1

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Orange County Board of Education v. Orange County Superintendent of Schools, Case No. 30-2018-01023385-CU-MC-CJC

Government Code Section 54956.9(a) and (d)(1)

CLOSED SESSION 2

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Orange County Board of Education v. OC Superintendent of Schools, Al Mijares, and State Superintendent of Public Instruction, Tony Thurmond Case No 30-2019-01112665-CU-WM-CJC -Government Code §§ 54956.9(a) and

(d)(1)

CLOSED SESSION 3

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION


Potential litigation pursuant to (d) (4) of Government Code Section 54956.9  
Freedom from Religion Foundation

PUBLIC COMMENTS

(15 minutes)

Individuals watching the board meeting on the zoom line may submit public comments that will be included in the official transcript of the October 7, 2020 meeting. Public comments received by 4:00 p.m. Tuesday, October 6, 2020 will be read into the transcript during the 15-minute public comment period, time permitting.

ADJOURNMENT



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Nina Boyd  
Assistant Secretary, Board of Education

Next Regular Board Meeting: Wednesday, November 4, 2020 at 4:00 p.m. The meeting will be held via virtual/ teleconferencing environment.

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

(\*) Printed items included in materials mailed to Board Members

MINUTES  
Special Meeting  
September 1, 2020

ORANGE COUNTY BOARD OF EDUCATION  
MINUTES

WELCOME

CALL TO ORDER

The Special Meeting of the Orange County Board of Education was called to order by Board President Williams at 3:12 p.m., September 1, 2020 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via virtual meeting/ teleconference.

INVOCATION

Ken Williams, D.O., Board President

PLEDGE OF ALLEGIANCE

Tim Shaw, Trustee, Area 4

ROLL CALL

Present:

Rebecca "Beckie" Gomez  
Tim Shaw  
Mari Barke  
Ken L. Williams, D.O.

Absent:

Lisa Sparks, Ph.D.

INTRODUCTIONS

None

(\* )AGENDA

Motion by Williams, seconded by Barke, and carried by a roll call vote of 4-0 (Sparks Absent) to approve the agenda of the Special Meeting of September 1, 2020.

PUBLIC COMMENTS

None

The Board took a recess to conduct closed Inter-district hearings from 3:34 p.m. to 7:59 p.m.

TIME CERTAIN

1. Inter-district Appeal Hearing (closed) – Student 09012020001I – Anaheim Union High School District to Fullerton Joint Union High School District

Motion by Barke, seconded by Shaw, and carried by a roll call vote of 3-1 (Shaw, Barke, and Williams voted Yes; Gomez voted No; and Sparks Absent) to approve the appeal and allow the

student to attend the Fullerton Joint Union High School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

3. Inter-district Appeal Hearing (closed) – Student 09012020004I – Savannah School District to Cypress School District

Motion by Barke, seconded by Williams, and carried by a roll call vote of 3-1 (Shaw, Barke, and Williams voted Yes; Gomez voted No; and Sparks Absent) to approve the appeal and allow the student to attend the Cypress School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

2. Inter-district Appeal Hearing (closed) – Student 09012020003I – Placentia-Yorba Linda Unified School District to Brea Olinda Unified School District

Motion by Williams, seconded by Barke, and carried by a roll call vote of 3-1 (Shaw, Barke, and Williams voted Yes; Gomez voted No; and Sparks Absent) to approve the appeal and allow the student to attend the Brea Olinda Unified School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

4. Inter-district Appeal Hearing (closed) – Student 09012020005I – Anaheim Union High School District to Los Alamitos Unified School District

Motion by Williams, seconded by Barke, and carried by a roll call vote of 4-0 (Gomez, Shaw, Barke, and Williams voted Yes; Sparks Absent) to approve the appeal and allow the student to attend the Los Alamitos Unified School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

5. Inter-district Appeal Hearing (closed) – Student 09012020007I – Long Beach Unified School District to Huntington Beach City School District



Motion by Williams, seconded by Barke, and carried by a roll call vote of 4-0 (Gomez, Shaw, Barke, and Williams voted Yes; Sparks Absent) to approve the appeal and allow the student to attend the Huntington Beach City School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

6. Inter-district Appeal Hearing (closed) – Student 09012020008I – Ocean View School District to Huntington Beach City School District

Motion by Shaw, seconded by Barke, and carried by a roll call vote of 3-1 (Shaw, Barke, and Williams voted Yes; Gomez voted No; and Sparks Absent) to approve the appeal and allow the student to attend the Huntington Beach City School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

7. Inter-district Appeal Hearing (closed) – Student 09012020009I – Fountain Valley School District to Huntington Beach City School District

Motion by Williams, seconded by Barke, and carried by a roll call vote of 3-1 (Shaw, Barke, and Williams voted Yes; Gomez voted No; and Sparks Absent) to approve the appeal and allow the student to attend the Huntington Beach City School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

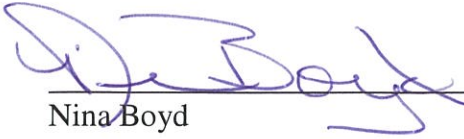
8. Inter-district Appeal Hearing (closed) – Student 090120200010I – Fountain Valley School District to Huntington Beach City School District

Motion by Williams, seconded by Barke, and carried by a roll call vote of 3-1 (Shaw, Barke, and Williams voted Yes; Gomez voted No; and Sparks Absent) to approve the appeal and allow the student to attend the Huntington Beach City School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

ADJOURNMENT

On a motion duly made, and seconded, the Special Board meeting of September 1, 2020 adjourned at 8:00 p.m.



Nina Boyd  
Assistant Secretary, Board of Education

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

Next Regular Board Meeting, Wednesday, September 2, 2020 at 4:00 p.m. - The meeting will be held via virtual conference.

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

MINUTES  
Regular Meeting  
September 2, 2020



ORANGE COUNTY BOARD OF EDUCATION  
MINUTES

CALL TO ORDER

The Regular Meeting of the Orange County Board of Education was called to order by Board President Williams at 4:05 p.m., September 2, 2020 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via virtual meeting/ teleconference.

ROLL CALL

Present:  
Tim Shaw  
Mari Barke  
Ken L. Williams, D.O.  
Rebecca "Beckie" Gomez arrived at 4:22 p.m.  
Lisa Sparks, Ph.D. arrived at 5:20 p.m.

INVOCATION

Pastor Mark Lebsack

PLEDGE OF ALLEGIANCE

Laurie

INTRODUCTION

None

(\*)AGENDA

Motion by Williams, seconded by Barke and carried by a roll call vote of 3-0 (Gomez and Sparks Absent) to approve the agenda of the Regular Meeting of September 2, 2020, removing Board Policy 100-12 from item #7 regarding updated and new board policies.

MINUTES

Motion by Barke, seconded by Shaw, and carried by a roll call vote of 3-0 (Gomez and Sparks Absent) to approve the minutes of the Special Meeting of July 28, 2020 and the Regular Meeting of August 5, 2020.

PUBLIC COMMENTS

- Linda, General
- Lynne, Lawsuit
- Brenda, General
- LJ, Oppose Invocation
- Sharon, Oppose Invocation
- Beryl, Oppose Invocation
- Robert, Oppose Invocation
- Joyce, Oppose Invocation
- Bev, Oppose Invocation
- Susan, Oppose Invocation

- Tom, Oppose Invocation
- Scott, Reopening Schools
- Bert, Oppose Invocation

CONSENT CALENDAR

Motion by Williams, seconded by Barke, and carried by a roll call vote of 4-0 (Sparks Absent) to approve Consent Calendar item #1 and item #2.

1. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
2. Adopt Resolution #16-20 in support of October 23-31, 2020, as Orange County’s Red Ribbon Week campaign, and encourage all community members to promote alcohol, tobacco, and other drug prevention education programs and activities, and send copies of this resolution to school districts in Orange County.

CHARTER SCHOOLS

3. Charter Schools Submissions
  - Oxford Prep
  - Scholarship Prep

BOARD RECOMMENDATIONS

6. Approve Public Comment Submission process (Gomez)

By consensus of the Board, item #6 was tabled to the October 7<sup>th</sup> meeting.

CHARTER SCHOOLS

4. Charter School Public Hearing – Orange County Academy of Sciences and Arts – Aracely Chastain, Director, Charter Schools, facilitated the public hearing.

PUBLIC COMMENTS (OCASA Only)

- Katherine Addiss, Lori Anderson, Brandt Anderson, Nayeon Bang, Eryn Bennett, Brian Brinson, Andrew Capener, Angeles Ceballos, Torrey Commisso, Kristine Darroch, John Decoste, Merrie Elliott, Maria Feoktistova, Lonie, Mahria & Ellie Fink, Evelynn Flowers, Sheila Frese, Ron Gray, Christina Ho, Dolores Jackson, Jaime L. Johnson, Janni Kimble, Kelley King, Shawn Larry, Myoung Lee, Chris Mattingly, Jessie Mattingly, The Morris Family, Megan Onstott, Jijnesh Patel, Stephanie Poli, Sarah Rector, Kevin Richards, Tina Richards, Hallie Rivera, Ravikant Sadasivuni, Gretchen Sanchez, Alan Sanserino, Morgan Sanserino, Brooke Seiver, Ronnie Torres,

- Jaclyn, Arsi Valenzuela, Vanessa Villarreal, Sepideh Yaghmaei - OCASA
- Miles Durfee, CCSA

5. Charter School Public Hearing – Citrus Springs Charter School – Aracely Chastain, Director, Charter Schools, facilitated the public hearing.

#### PUBLIC COMMENTS (Citrus Springs Only)

- Parent of Citrus Springs students
- Assistant Classroom Educator
- Parent of Citrus Springs students
- Assistant Classroom Educator
- Special Education Teacher
- Campus Coordinator
- Miles Durfee, CCSA

#### BOARD RECOMMENDATIONS

7. Motion by Williams, seconded by Shaw, to approve updated and new board policies except for Board Policy 100-12, which has been tabled to the next board meeting.

Subsidiary motion by Barke, seconded by Sparks, and carried by a vote of 4-1 to approve item #7 with the following amendments:  
-amend language to board policy 100-15, subparagraph #2, adding “counsel” following “in-house”  
-table board policy 100-12 to the next board meeting

#### STAFF RECOMMENDATIONS

8. Motion by Williams, seconded by Barke, and carried by a roll call vote of 5-0 to adopt Resolution #15-20 identifying the Gann actual appropriations limit for 2019-20 and the Gann estimated appropriations limit for 2020-21.
9. Motion by Sparks, seconded by Williams, and carried by a vote of 5-0 to Adopt the Orange County Department of Education 2020-21 Learning Continuity and Attendance Plan.
10. Motion by Williams, seconded by Sparks, and carried by a vote of 5-0 to Adopt the College and Career Preparatory Academy 2020-21 Learning Continuity and Attendance Plan.

**The Board recessed the Regular Board Meeting from 5:52 p.m. to 6:16 p.m. to conduct the Regular Meeting of the Facilities Corporation.**

INFORMATION ITEMS

ANNOUNCEMENTS

Superintendent

- Charter Schools Staff acknowledgement
- Orange County Covid 19 status

Associate Superintendent

- Renee- Community School #9 Groundbreaking scheduled for September 18<sup>th</sup>
- Next board meeting is October 7<sup>th</sup> – Submission deadline is September 23<sup>rd</sup>
- Seven appeals pending for next meeting – poll board for a special meeting

BOARD MEMBER COMMENTS

EXECUTIVE COMMITTEE

-Trustee Williams – subcommittees and board webpage updates

PUBLIC COMMENTS

None

PUBLIC COMMENTS

Related to Closed Session Only - None

The Board took a recess from 6:30 p.m. to 7:40 p.m. to conduct closed session.

CLOSED SESSION 1

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Orange County Board of Education v. Orange County Superintendent of Schools, Case No. 30-2018-01023385-CU-MC-CJC

Government Code Section 54956.9(a) and (d)(1)

CLOSED SESSION 2

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Orange County Board of Education v. OC Superintendent of Schools, Al Mijares, and State Superintendent of Public Instruction, Tony Thurmond Case No 30-2019-01112665-CU-WM-CJC -Government Code §§ 54956.9(a) and (d)(1)

CLOSED SESSION 3

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Potential litigation pursuant to (d) (4) of Government Code Section 54956.9 regarding a Freedom from Religion Foundation letter that was received by the Board.

CLOSED SESSION 4

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

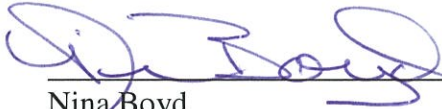
Litigation pursuant to (d)(4) of Government Code Section 54956.9 regarding state orders and restrictions against reopening schools.

Report Out

Mr. Brenner reported in closed sessions 1, 2, 3, and 4, the Board received an update. No action was taken with the exception of two items relating to approval of invoices. The Board approved the Epstein, Becker & Green invoices dated August 31, 2020 by a vote of 4-1 (Shaw, Barke, Williams and Sparks voted Yes; Gomez voted No). The Board also approved the Haight, Brown, and Bonesteel invoices in two different matters. The Board approved invoices from August 2019 through August 2020 by a vote of 4-1 (Shaw, Barke, Williams, and Sparks voted Yes; Gomez voted No). The Board also approved the Haight, Brown, and Bonesteel invoices dated July 17, 2020 and August 7, 2020 regarding the Freedom From Religion matter by a vote of 4-1 (Shaw, Barke, Williams, and Sparks voted Yes; Gomez voted No).

ADJOURNMENT

On a motion duly made, and seconded, the Board meeting of September 2, 2020 adjourned at 7:43 p.m.



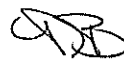
Nina Boyd  
Assistant Secretary, Board of Education

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

Next Regular Board Meeting, Wednesday, October 7, 2020 at 4:00 p.m. - The meeting will be in the Board Room at 200 Kalmus Drive, Costa Mesa, CA and via virtual conference.

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  
September 22, 2020



ORANGE COUNTY BOARD OF EDUCATION  
MINUTES

WELCOME

CALL TO ORDER

The Special Meeting of the Orange County Board of Education was called to order by Board President Williams at 5:10 p.m., September 22, 2020 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via virtual meeting/ teleconference.

INVOCATION

Moment of Silence in honor of Ruth Bader Ginsburg

PLEDGE OF ALLEGIANCE

Tim Shaw, Trustee, Area 4

ROLL CALL

Present:

Ken L. Williams, D.O.  
Mari Barke  
Tim Shaw  
Rebecca "Beckie" Gomez

Absent:

Lisa Sparks, Ph.D.

INTRODUCTIONS

None

(\*)AGENDA

Motion by Williams, seconded by Barke, and carried by a roll call vote of 4-0 (Sparks Absent) to approve the agenda of the Special Meeting of September 22, 2020, amending the start time of the next board meeting to read 6:00 p.m.

PUBLIC COMMENTS

None

The Board took a recess to conduct closed Inter-district hearings from 5:14 p.m. to 7:29 p.m.

TIME CERTAIN

1. Inter-district Appeal Hearing (closed) – Student 09222020001I – Fountain Valley School District to Huntington Beach City School District

Motion by Barke, seconded by Williams, and carried by a roll call vote of 3-1 (Shaw, Barke, and Williams voted Yes; Gomez voted No; and Sparks Absent) to approve the appeal and allow



the student to attend the Huntington Beach City School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

2. Inter-district Appeal Hearing (closed) – Student 09222020002I – Garden Grove Unified School District to Huntington Beach City School District

Motion by Barke, seconded by Shaw, and carried by a roll call vote of 3-1 (Shaw, Barke, and Williams voted Yes; Gomez voted No; and Sparks Absent) to approve the appeal and allow the student to attend the Huntington Beach City School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

3. Inter-district Appeal Hearing (closed) – Student 09222020003I – Ocean View School District to Huntington Beach City School District

Motion by Barke, seconded by Shaw, and carried by a roll call vote of 4-0 (Sparks Absent) to approve the appeal and allow the student to attend the Huntington Beach City School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

4. Inter-district Appeal Hearing (closed) – Student 09222020005I – Ocean View School District to Huntington Beach City School District

Motion by Shaw, seconded by Barke, and carried by a roll call vote of 3-1 (Shaw, Barke, and Williams voted Yes; Gomez voted No; and Sparks Absent) to approve the appeal and allow the student to attend the Huntington Beach City School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

## BOARD RECOMMENDATIONS

5. Motion by Barke, seconded by Williams, and carried by a roll call vote of 3-1 (Shaw, Barke, and Williams voted Yes; Gomez voted No; and Sparks Absent) to adopt the online admonition for OCBE meetings.

The Board took a recess from 7:37 p.m. to 8:40 p.m. to go into closed session.

CLOSED SESSION 1

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Potential litigation pursuant to (d) (4) of Government Code Section 54956.9 regarding a Freedom from Religion Foundation letter that was received by the Board

CLOSED SESSION 2

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Litigation pursuant to (d)(4) of Government Code Section 54956.9 regarding state orders and restrictions against reopening schools.

Report Out

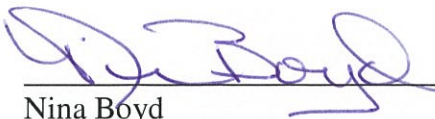
Robert Tyler reported for Closed Session 1, information was provided to the Board and invoice #9959826 for Tyler & Bursch was approved by a vote of 3-0 (Williams, Barke, and Shaw voted Yes; Gomez and Sparks Absent). For Closed Session 2, information was provided to the Board, no action was taken.

PUBLIC COMMENTS

None

ADJOURNMENT

On a motion duly made, and seconded, the Special Board meeting of September 22, 2020 adjourned at 8:42 p.m.



Nina Boyd  
Assistant Secretary, Board of Education

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

Next Regular Board Meeting, Wednesday, October 7, 2020 at 5:30 p.m. - The meeting will be held via virtual conference.

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REGULAR MEETING OF FACILITIES CORPORATIO



October 7, 2020  
Board Room  
200 Kalmus Drive  
Costa Mesa, California

ORANGE COUNTY BOARD OF EDUCATION  
FACILITIES CORPORATION  
AGENDA

CALL TO ORDER - STATEMENT OF PRESIDING OFFICER: "For the benefit of the record, this Regular Meeting of Facilities Corporation is called to order."

ROLL CALL

(\*) AGENDA      Regular Meeting of October 7, 2020 – adoption

(\*) MINUTES      Regular Meeting of September 2, 2020 – approval

PUBLIC COMMENTS

At this time, members of the public may address the Board of Education regarding any agenda and/or off-agenda items within the subject matter jurisdiction of the Board of Education provided that NO action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per person per meeting and thirty (30) minutes for all comments.

SPECIAL RECOMMENDATIONS

CLOSED SESSION

ADJOURNMENT



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Nina Boyd  
Assistant Secretary to the Facilities Corporation, Orange County

(\*) Printed items included in materials mailed to Board Members

MINUTES  
Regular Meeting  
Facilities Corporation  
September 2, 2020

ORANGE COUNTY DEPARTMENT OF EDUCATION  
FACILITIES CORPORATION  
MINUTES

CALL TO ORDER

The Regular Meeting of the Orange County Board of Education Facilities Corporation was called to order at 6:03 p.m. on September 2, 2020 in the Board Room, 200 Kalmus, Costa Mesa, California.

ROLL CALL

Present:  
Tim Shaw  
Mari Barke  
Ken Williams, D.O.  
Rebecca “Beckie” Gomez  
Lisa Sparks, Ph.D.

AGENDA

Motion by Sparks, seconded by Shaw, and carried by a vote of 5-0 to approve the September 2, 2020 agenda of the Facilities Corporation regular meeting.

MINUTES

Received – Approved on October 16, 2019

PUBLIC COMMENTS

None at this meeting

SPECIAL RECOMMENDATIONS

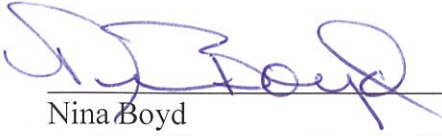
1. Motion by Williams, seconded by Barke, and carried by a vote of 5-0 to confirm the appointment of the officers of the Facilities Corporation for 2020-21.
  - Ken L. Williams – President
  - Mari Barke - Secretary
  - Rebecca “Beckie” Gomez - Treasurer
2. The Esplanade Project Operational Report for fiscal year 2019-2020 was received by the Board.
3. Motion by Williams, seconded by Barke, and carried by a vote of 5-0 to receive and approve the Esplanade Project Operational Budget for fiscal year 2020-2021.

CLOSED SESSION

None

ADJOURNMENT

On a motion duly made and seconded, the Regular Meeting of the Facilities Corporation of September 2, 2020 ended at 6:15 p.m.



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Nina Boyd  
Assistant Secretary, Board of Education

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Ken L. Williams  
President, Board of Education

**ORANGE COUNTY BOARD OF EDUCATION**

**BOARD AGENDA ITEM**

DATE: September 16, 2020  
TO: Nina Boyd, Associate Superintendent  
FROM: Jeff Hittenberger, Chief Academic Officer  
SUBJECT: Granting of Diplomas

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

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RECOMMENDATION:

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

LS:sl

Pages 21 removed (CONFIDENTIAL STUDENT INFORMATION)

**ORANGE COUNTY BOARD OF  
BOARD AGENDA IT**

Item: Charter Schools #4  
October 7, 2020  
 Mailed     Distributed at meeting



**DATE:** September 23, 2020  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Aracely Chastain, Director, Charter Schools  
**SUBJECT:** Public Hearing - Scholarship Prep Charter School

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**DESCRIPTION:**

On December 16, 2015, Orange County Board of Education approved Scholarship Prep Charter School, a countywide charter, for a five-year charter term, which expires on June 30, 2021. On September 2, 2020, Scholarship Prep Charter School submitted a renewal charter petition.

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**RECOMMENDATION:**

Per California Education Code, Orange County Board of Education shall hold a public hearing on the provisions of the Scholarship Prep Charter School petition and consider the level of support for the charter school at the October 7, 2020 board meeting.



ORANGE COUNTY BOARD OF  
BOARD AGENDA ITEM

Item: Charter Schools #5  
October 7, 2020  
 Mailed  Distributed at meeting

**DATE:** September 23, 2020  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Aracely Chastain, Director, Charter Schools  
**SUBJECT:** Public Hearing - Oxford Preparatory Academy – Saddleback Valley

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**DESCRIPTION:**

On October 14, 2015, Orange County Board of Education approved Oxford Preparatory Academy – Saddleback Valley for a five-year charter term, which expires on June 30, 2021. On September 2, 2020, Oxford Preparatory Academy – Saddleback Valley submitted a renewal charter petition.

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**RECOMMENDATION:**

Per California Education Code, Orange County Board of Education shall hold a public hearing on the provisions of the Oxford Preparatory Academy – Saddleback Valley charter petition and consider the level of support for the school at the October 7, 2020 board meeting.

*JB*

ORANGE COUNTY BOARD OF EDUCATION  
BOARD AGENDA ITEM

**DATE:** September 29, 2020  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Rebecca Gomez, Trustee Area 1  
Tim Shaw, Trustee Area 4  
**SUBJECT:** Public Comment Submissions

**BACKGROUND:**

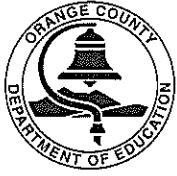
The Board has received large numbers of public comments submitted electronically since COVID-19 zoom meetings began in April 2020. Since it is not feasible to read all comments into the record, the Board has developed a procedure to address electronic submissions.

- Public Comments that are to be included as a part of the official minutes cannot exceed 400 words.
- Public Comment that includes any inappropriate or profane language will be redacted.
- Public Comments submitted electronically by the end of a scheduled board meeting will be included in the minutes as an attachment. The attachment will be linked to the official minutes and posted on the board website.

To ensure equity in public comment submissions either electronically or in-person, the Board will alternate by reading into the transcript an electronic submission (read as received in date and time order) followed by an in-person delivery of their public comment. This process will continue until the 30-minute time allowance is reached or the Board by unanimous decision, allows additional time.

**RECOMMENDATION:**

Approve Public Comment Submission process.



# REQUEST TO ADDRESS THE ORANGE COUNTY BOARD OF EDUCATION Speaker Card

**Submit**

Date: \_\_\_\_\_

Agenda Item # \_\_\_\_\_ or General Topic: \_\_\_\_\_

Name: \_\_\_\_\_ (Optional)

School District(s) of Residence: \_\_\_\_\_

Do you have school age children?       Yes       No

Do your children attend public schools?       Yes       No

Comments (maximum of 400 words):

*Members of the public may address the Board of Education regarding any agenda and/or off-agenda items within the subject matter jurisdiction of the Board of Education provided that NO action may be taken on off-agenda items unless authorized by law. Comments shall be limited to 3 minutes per person per meeting. Thirty minutes of Public Comments will be heard prior to Board Business. This 30-minutes period may be extended per Board consensus. Another 15 minutes of Public Comments will be heard prior to adjournment. If comments exceed the time allowed by Board consensus, any remaining comments will be placed in the record.*

Please complete and click on the 'Submit' button at the top of this form to submit this card. In addition, please submit any handouts to the Recording Secretary prior to speaking. Thank you.



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

**DATE:** September 29, 2020  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Ken L. Williams, D.O., Board President  
**SUBJECT:** Resolution regarding retention of auditor

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**RECOMMENDATION:**

Action on resolution regarding retention of auditor.

Resolution on  
**Retention of Forensic Auditor Pursuant to Education Code §1042**

**ORANGE COUNTY BOARD OF EDUCATION**

OCTOBER 7, 2020

*WHEREAS*, the Orange County Board of Education (“Board”) has the statutory and fiduciary duty to oversee the fiscal accountability, sustainability and transparency of the Orange County Department of Education (“Department”) budget as set forth below; and

*WHEREAS*, the California Education Code §1040 provides, “*County Boards of Education shall: (a) Adopt rules and regulations not inconsistent with the laws of this state, for their own government. (b) Approve the annual budget of the county superintendent of schools*”; and

*WHEREAS*, the California Education Code §1042 provides, “*County Boards of Education may do all of the following: (c) Contract with and employ any persons to advise and provide special services needed to properly guide the County Board of Education on financial, economic, accounting, engineering, legal, and/or administrative matters, particularly if these persons have specific expertise and competence to perform the special services required. The County Board of Education may compensate these experts from any available funds as appropriate for the services rendered*”; and

*WHEREAS*, the Board has specific statutory authority to approve budgetary items, contracts and expenditures (See California Education Codes §§1081, 1250, 1251, 1259, 1260, 1271, 1273, 1275; and 1277.) ; and

*WHEREAS*, the Board has exclusive authority over the Department budget approval (see California Education Codes §§1620-1622; and

*WHEREAS*, California Education Code §1621 (c) provides that the annual budget, “*may contain a fund balance designed for any specific purpose as determined by the County Board of Education. Those funds shall be available for appropriation by majority vote by members of the County Board of Education*”; and

*WHEREAS*, California Education Code §36501 provides, “*On and after January 1, 1976, the governing board of any school district may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established.*”; and

*WHEREAS*, during the 2019-2020 and 2020-2021 budget cycles the Board actively exercised its fiscal oversight right and responsibility; and

*WHEREAS*, during the 2019-2020 and 2020-2021 budget cycles the Board raised significant concerns to include but not limited to budgetary discrepancies, fund balances, object code transfers, appropriate reserves/designations of reserves, workflow and fiscal transparency; and

Resolution on  
**Retention of Forensic Auditor Pursuant to Education Code §1042**

*WHEREAS*, at the May 13, 2020, Board meeting the Board made inquiries about a potential “conflict of interest,” concerning Orange County Department of Education disbursement of funds without public discussion, Board oversight and approval; and

*WHEREAS*, on or about the May 13, 2020 Board meeting, Trustee Lisa Sparks (“Trustee Sparks”) requested a legal opinion concerning the potential “conflict of interest.” To date, Trustee Sparks has not received this legal opinion; and

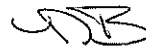
*WHEREAS*, the efficient, lawful, and transparent operations of the Department budget are of paramount concern not only to the Board, but also to the citizens of Orange County; and

*WHEREAS*, the Department’s previous annual financial accounting practice audits were designed and performed to evaluate the Department’s financial statements and to provide reasonable assurance that those financial statements are accurate and complete. In contrast, a forensic engagement (or assignment) is designed to analyze and evaluate in detail, specific information and transactions for numerous purposes, to include but not limited to a legal factfinder; and

*WHEREAS*, historically a forensic audit has not been performed for the Department to determine whether: 1) Department funds have been properly expended for their intended purpose; 2) Department funds have been properly dispersed with Board oversight and ratification; 3) Perceived Budget inconsistencies are appropriate or inappropriate; 4) Appropriate Board oversight and Departmental transparency, to include but not limited to vendor contracts, budget disbursements, grant income, and grant outlay is demonstrated; 5) Appropriate separation of duties and oversight between the Board and Department; 6) Appropriate separation of duties within the Department are in place; 7) Current processes, procedures, and controls implemented by the Department are appropriate and/or transparent; and 8) The current processes, procedures and controls implemented by the Department can be improved and made more transparent.

*THEREFORE*, the Board hereby resolves as follows:

1. Pursuant to its authority under California Education Code §1042 (d) the Board seeks to employ a person with special expertise in, accounting and forensic auditing; and
2. The Board will retain the services Hemming Morse LLP Forensic and Financial Consultants for the purpose of conducting a forensic audit of the Department’s budget and fiscal practices; and
3. Passage of this Resolution shall constitute and “appropriation by majority vote” of the necessary funds to pay Hemming Morse LLP from Department funds; and
4. The Board expects the full cooperation of the Department staff and Superintendent of Schools in conducting the aforementioned forensic audit.



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

**DATE:** September 29, 2020  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Ken L. Williams, D.O., Board President  
**SUBJECT:** Administrative & Board Policy Invocation Policy

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**RECOMMENDATION:**

Action on Administrative & Board Policy Invocation Policy.

**Invocations or Inspirational Words**  
Administrative Policy 100-12  
AR 100-12

**CONSTITUTIONAL GUIDELINES**

The Orange County Board of Education (“Board”) recognizes that in *Marsh v. Chambers*, 463 U.S. 73 (1983), the United States Supreme Court (“Supreme Court”) held, “The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times to the founding of the Republic and ever since, and practice of legislative prayer has coexisted principal of disestablishment and religious freedom.” *Id.*, at 786. The Supreme Court further held, “To invoke divine guidance on a public body ... is not, in the circumstances, an establishment of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country.” *Id.*, at 792.

The Board further recognizes that in *Town of Greece v. Galloway*, 572 U.S. 565 (2014), the Supreme Court approved County Council opening prayers concluding that, “legislative prayer to lend gravity to public business, reminds lawmakers to transcend pay differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society.” *Id.*, at 1818. Regarding invocations, the Supreme Court explained that opening invocations are intended “to lend gravity to the occasion and reflect that values long part of the Nation’s heritage” and should “denigrate nonbelievers or religious minorities, threaten damnation or preach conversion.” *Id.*, at 1823.

The Board seeks to adopt the above referenced guidelines concerning the validity of opening invocations or inspirational words. The reference to these cases should not be construed to indicate that this Board has a preference between invocations and inspirational words.

**PURPOSE**

The Board therefore adopts this Administrative Regulation (“AR”) to explain, execute and implement Board Policy (“BP”) 100-12. Consistent with BP 100-12, the Board intends to allow persons, including but not limited to members of the clergy, members of religious denominations, and members of civic organizations (“Presenters”), to address the Board with invocations and/or inspirational words. Invocations and inspirational words shall be serious, solemn, unifying, respectful, and lend gravity to the occasion in order to allow Board Members to reflect upon shared ideals and common ends before they embark on the fractious business of governing. BP/AR 100-12 shall not be implemented to affiliate the Board with, or express the Board’s preference for any faith, religion, denomination or organization. Instead, BP/AR 100-12 are intended to recognize the important purpose of legislative prayer and/or inspirational words and in so doing express the Board’s respect for diverse viewpoints, religious denominations and faiths represented and practiced in Orange County. Furthermore, neither BP/AR 100-12 are intended to demonstrate purposeful preference of one organization, religion or faith of the Presenter offering the invocation or inspirational words.



## **PUBLIC/STUDENTS**

BP/AR 100-12 are not intended to require any person, particularly students, to observe, witness, or participate in any legislative prayer, invocation, inspirational words, moment of silence (“invocation or inspirational words”) and any such presentation by a Presenter shall not impact their ability to participate in the Board meeting. To that end:

1. Before the invocation or inspirational words, the Board shall announce that the invocation or inspirational words are forthcoming and to suspend the meeting briefly in order to give those who wish to absent themselves an opportunity to leave.
2. At the beginning of the Board Meeting, the Board President shall introduce the Presenter and the individual selected to recite the Pledge of Allegiance. The Board President shall state that the invocation and Pledge of Allegiance are voluntary. The latest Pledge of Allegiance shall follow the invocation or inspirational words.
3. The Board shall not state, comment, communicate or respond in any manner to express either approval or disapproval of the content of a Presenters invocation or inspirational words.
4. Neither the Board, Board Members or employees of the Orange County Department of Education (“Department”) shall direct the public to pray, stand, bow, or in any way participate in the invocation or inspirational words.
5. Any student observing, performing, or participating in the Board meeting need not be present during the invocation or inspirational words.
6. Any student engaging the Board concerning a scheduled agenda item need not be present in the board room in advance of the agenda item that applies to that student.
7. The Board and Department may participate in the invocation and inspirational words. However, Board members and Department employees cannot deliver an invocation or inspirational words and shall not compose, lead, or support, or otherwise indicate agreement or disagreement for or with any invocation or inspirational words.

## **INVITATION PROCESS**

The Board intends to give all clergy, members of religious denominations, and members of civic organizations an equal opportunity to voluntarily deliver invocations or inspirational words. To that end:

1. A designee of the Board or Department shall compile and maintain a database of religious congregations, chaplains, and civic organizations within Orange County. (“Organizations list”.)

2. The Organizations list shall be compiled by requesting a list of “churches,” “congregations,” “synagogues,” “temples,” “mosques,” or other religious assemblies or civic organizations from all Orange County Chambers of Commerce. A list of chaplains shall be obtained from, local hospitals, law enforcement agencies and the County Fire Department.
3. The Organizations list shall be updated yearly by the Board or Department’s designee.
4. On or about December 1 of each calendar year the Board//Department’ s designee shall send invitations to each entity on the Organizations list to be an invitational speaker.
5. The invitational speaker(s) shall be selected and scheduled randomly on a “first-come first-serve” basis.
6. No Organization or individual shall be permitted to be the Presenter more than one time during each calendar year unless no other person has sought to be a Presenter or is available to be a Presenter for any particular Board Meeting.

*(Marsh v. Chambers, 463 U. S. 73 (1983))*  
*(Greece v. Galloway, 572 U.S. 565 (2014))*

ORANGE COUNTY DEPARTMENT OF EDUCATION Costa Mesa, California  
BOARD POLICY

**100-12**

**Invocations at Board Meetings**

The Orange County Board of Education believes that authorizing invocations at board meetings is consistent with the board's values and has long been a part of our nation's heritage. Prayers and invocations that are solemn and respectful in tone, that invite board members to reflect upon the shared ideals and common ends of the difficult business of governing serve to set a serious tone in which the members of the board may conduct the people's business. The opportunity to provide an invocation at a board meeting shall be open to all religions and the board shall maintain a policy of nondiscrimination.

Prayers or invocations shall not denigrate nonbelievers or religious minorities, proselytize, advance or disparage any religion or belief, promote harm to people, or threaten damnation or preach conversion. In all other respects, the board will not regulate the content of the prayers or invocations presented at board meetings.

Invocations shall not last more than three minutes and it is expected that the invocation focus on Orange County's children with a special emphasis on the children whom the Orange County Board of Education and the Orange County Superintendent of Schools serve. Presenters should be sensitive to the issues on the agenda for the particular meeting and the emotional concerns of those in attendance.

Each December employees of the Orange County Superintendent of Schools will post a notice on the OCDE website to solicit the names of volunteers to deliver the invocation for the next calendar year. Persons interested in delivering an invocation must send a letter of interest in writing or email to OCDE by the specified date. The names will be chosen at random and those accepted will receive written confirmation by email from the Board Clerk. Confirmations will identify the date and time for their invocation. If the person who was selected to deliver the invocation is unable to attend or is a no show, the chairman of the meeting may request a volunteer from the audience.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-12

**Invocations or Inspirational Words at Board Meetings**

The Orange County Board of Education (“Board”) values receiving invocations at Board meetings to be an integral part of our nation’s heritage and the intent of the founding fathers. In furtherance of the Board’s intention of solemnizing these occasions, unifying the Board in its purpose, the Board allows presenters to provide invocations and/or inspirational words directed to the Board. Furthermore, both invocations and inspirational words allow for a broadening of ideas and involvement of community leaders. Invocations and inspirational words shall be serious, solemn, respectful, and lend gravity to the occasion. Invocations and inspirational words shall be directed to the Board and invite Board members to reflect on their shared ideals, common ends, and united purpose as they embark on the difficult and necessary task of governance. The opportunity to provide an invocation or inspirational words at a Board meeting shall be open to all religious denominations, interests and organizations and the Board shall maintain and enforce the nondiscrimination policy.

Invocations and inspirational words shall be directed at the Board and focus on the Board’s service to the community. Invocations and inspirational words shall not exceed 3 minutes. They shall not denigrate believers, nonbelievers, agnostics, religious majorities and/or religious minorities or subgroups. Invocations shall not, proselytize, and/or advance, promote, criticize or disparage any religion or belief. They shall not promote hate, violence, or any physical or emotional harm whatsoever. The invocations and inspirational words shall not threaten damnation, preach conversion or seek to indoctrinate. In all other respects, the Board will not regulate, prejudge or approve invocation content.

The Board is mindful that some individuals either may not want to participate, or feel compelled to be present during invocations or while inspirational words are being stated. To that end, the Board will provide the public with an opportunity to excuse themselves prior to an invocation or the delivery of inspirational words. To every extent possible, students will not be present in the Board meeting during invocations or the delivery of inspirational words. If necessary, the Board agenda shall be configured in a manner to separate invocations and inspirational words from matters that may impact a student’s educational experience. (i.e. awards/performances).

Individuals who present invocations or inspirational words (“presenters”) should be sensitive to issues to be addressed at the Board meeting and the particular concerns and/or sensitivities of those in attendance. The Board seeks to allow presenters representative of a diverse cross-section of religious and cultural viewpoints to deliver invocations or inspirational words. Neither Board Members, nor members of the Orange County Department of Education (“Department”) staff shall deliver invocations or inspirational words. Each December, Department staff shall invite presenters for the calendar year. Interested persons may contact either the Department or Board Executive Committee to place their names on the list of Presenters. Presenters shall be randomly selected and received confirmation from the Department or Board Executive Committee. Confirmations shall identify the date and time for the invocation. If the presenter is unable to attend the Board President may request a volunteer from the audience.

Reference: *Town of Greece v. Galloway*, 134 S.Ct. 1811 (2014); *March v. Chambers*, 463 US 783 (1983); *American Legion v. American Humanist Association*, 139 S.Ct. 2067(2019)

Adopted:

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

(redline version)

100-12

**Invocations or Inspirational Words at Board Meetings**

The Orange County Board of Education (“Board”) values receiving invocations at Board meetings to be an integral part of our nation’s heritage and the intent of the founding fathers. In furtherance of the Board’s intention of solemnizing these occasions, unifying the Board in its purpose, the Board allows presenters to provide invocations and/or inspirational words directed to the Board. Furthermore, both invocations and inspirational words allow for a broadening of ideas and involvement of community leaders. Invocations and inspirational words shall be serious, solemn, respectful, and lend gravity to the occasion. Invocations and inspirational words shall be directed to the Board and invite Board members to reflect on their shared ideals, common ends, and united purpose as they embark on the difficult and necessary task of governance. The opportunity to provide an invocation or inspirational words at a Board meeting shall be open to all religious denominations, interests and organizations and the Board shall maintain and enforce the nondiscrimination policy.

Invocations and inspirational words shall be directed at the Board and focus on the Board’s service to Orange County’s students the community. Invocations and inspirational words shall not exceed 3 minutes. They shall not denigrate believers, nonbelievers, agnostics, religious majorities and/or religious minorities or subgroups. Invocations shall not, proselytize, and/or advance, promote, criticize or disparage any religion or belief. They shall not promote hate, violence, or any physical or emotional harm whatsoever. The invocations and inspirational words shall not threaten damnation, preach conversion or seek to indoctrinate. In all other respects, the Board will not regulate, prejudge or approve invocation content.

The Board is mindful that some individuals either may not want to participate, or feel compelled to be present during invocations or while inspirational words are being read stated. To that end, the Board will provide the public with an opportunity to excuse themselves prior to an invocation or the delivery of inspirational words. To every extent possible, students will not be present in the Board meeting during invocations or the delivery of inspirational words. If necessary, the Board agenda shall be configured in a manner to separate invocations and inspirational words from matters that may impact a student’s educational experience. (i.e. awards/performances).

Individuals who present invocations or inspirational words (“presenters”) should be sensitive to issues to be addressed at the Board meeting and the particular concerns and/or sensitivities of those in attendance. The Board seeks to allow presenters representative of a diverse cross-section of religious and cultural viewpoints to deliver invocations or inspirational words. Neither Board Members, nor members of the Orange County Department of Education (“Department”) staff shall deliver invocations or inspirational words. Each December, Department staff shall invite presenters for the calendar year. Interested persons may contact either the Department or Board Executive Committee to express interest place their names on the list of Presenters. Presenters shall be randomly selected and received confirmation from the Department or Board Executive Committee. Confirmations shall identify the date and time for the invocation. If the presenter is unable to attend the Board President may request a volunteer from the audience.

Reference: *Town of Greece v. Galloway*, 134 S.Ct. 1811 (2014); *March v. Chambers*, 463 US 783 (1983);  
*American Legion v. American Humanist Association*, 139 S.Ct. 2067(2019)

Adopted:



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

**DATE:** September 28, 2020  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Ken L. Williams, D.O., Board President  
**SUBJECT:** Resolution regarding Proposition 15

---

**RECOMMENDATION:**

Action on resolution regarding Proposition 15.

**RESOLUTION OF  
THE ORANGE COUNTY BOARD OF EDUCATION**

**Resolution in Opposition of Proposition 15**

WHEREAS, California voters in 1978 passed the Howard Jarvis Proposition 13- a permanent tax cut for homeowners and property owners; and

WHEREAS, Proposition 15 is on the November 3, 2020 ballot, to reverse this 1978 tax cut for property owners and businesses; and

WHEREAS, Proposition 15 is supported by public employee and teacher unions, and would raise property taxes for many property owners by \$7-12 billion annually; and

WHEREAS, a “yes” vote on Proposition 15 will result in higher property taxes on most commercial and business properties, resulting in increases to the consumer; and

WHEREAS, Proposition 15 is an \$11.5-billion-dollar year tax increase on businesses in a recession caused by a pandemic; and

WHEREAS, if Proposition 15 passes, struggling small businesses in California will be the hardest hit by one of the largest property tax hike in history; and

WHEREAS, there is no independent oversight for how the new tax money will be spent; and

WHEREAS, about 70 percent of Proposition 15 revenue goes to state and local governments and not to education.

THEREFORE, the Orange County Board of Education opposes Proposition 15.





ORANGE COUNTY BOARD OF EDUCATION  
BOARD AGENDA ITEM

**DATE:** September 28, 2020  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Ken L. Williams, D.O., Board President  
**SUBJECT:** Resolution regarding Proposition 16

---

**RECOMMENDATION:**

Action on resolution regarding Proposition 16.

**RESOLUTION OF THE BOARD OF EDUCATION  
ORANGE COUNTY, CALIFORNIA**

**Resolution Opposing Proposition 16  
November 3, 2020 Ballot**

**WHEREAS**, all Californians, including residents of Orange County, have constitutionally protected rights to equality and freedom from racial and sex discrimination under Proposition 209 initiated and passed by the voters in 1996; and

**WHEREAS**, Proposition 209 added Article 1, Section 31 to the California Constitution as follows: "*The state shall not discriminate against or grant preferential to, any individual or group, on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education, or public contracting*"; and

**WHEREAS**, the California Supreme Court has interpreted the California Constitution to require that California school children have a constitutional right to substantially equal opportunities for learning; and

**WHEREAS**, the Orange County Board of Education (OCBE) has a broad responsibility to ensure basic educational equality for its students; and

**WHEREAS**, the vision of the Orange County Department of Education (OCDE) is that "Orange County students will lead the nation in college and career readiness and success"; and

**WHEREAS**, under current Proposition 209, the OCDE employment practices shall be free from discrimination based on actual or perceived race, color, national origin, ethnic group identification and gender, among other actual or perceived characteristics; and

**WHEREAS**, if Proposition 16 is approved by voters, it would deprive each California resident of their existing constitutional right of equality and existing right to be free from racial, gender, skin color, ethnicity or national origin discrimination; and

**WHEREAS**, if Proposition 16 is approved, it will legalize politicians and government entities to discriminate against its own citizens through the use of race, sex, color, ethnicity or national origin in public employment, public education and public contracting; and

**WHEREAS**, under Proposition 209, there have been and continue to be increases in underrepresented minority student graduates, employees and contractors. The Attorney General's ballot label, title and summary of Prop 16 is false and misleading. It summarizes and states the purpose of Proposition 16 is "*to address diversity,*" *but in fact* it is a ruse and factual incorrect; and

**WHEREAS**, the OCBE supports federal and state constitutional rights of its citizens for equality and freedom from racial and sex discrimination; and

**WHEREAS**, Proposition 16 is on the November 3, 2020 ballot, and a **yes** vote supporting this constitutional amendment repeals Proposition 209 (1996), which guarantees that government and public institutions cannot discriminate against or grant preferential treatment to persons on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, and public contracting.

**RESOLUTION OF THE BOARD OF EDUCATION  
ORANGE COUNTY, CALIFORNIA**

**Resolution Opposing Proposition 16  
November 3, 2020 Ballot**

**NOW, THEREFORE BE IT RESOLVED THAT THE ORANGE COUNTY BOARD OF EDUCATION:**

1. Affirms its support for Article 1 Section 31 of the California Constitution in its current language, also known as Proposition 209; and
2. Opposes Proposition 16 on the November 3, 2020 ballot because if passed would have a negative impact on communities and repeal Article 1, Section 31 of the California Constitution.

**AYES:**

**NOES:**

**ABSENT:**

**STATE OF CALIFORNIA )**

**COUNTY OF ORANGE )**

**I, Lisa Sparks, Ph.D.**, Clerk to the Board of Education of Orange County, California, hereby certify that the

foregoing Resolution was duly and regularly adopted by the said Board at a \_\_\_\_\_ meeting

thereof held at Costa Mesa, California on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 and passed by a vote of

said Board Members present.

**IN WITNESS THEREOF**, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Lisa Sparks, Ph.D., Clerk  
Orange County Board of Education

Resolution \_\_\_\_\_



ORANGE COUNTY BOARD OF EDUCATION  
BOARD AGENDA ITEM

**DATE:** September 28, 2020  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Ken L. Williams, D.O., Board President  
**SUBJECT:** Resolution regarding SB 145

---

**RECOMMENDATION:**

Action on resolution regarding SB 145.

Resolution Denouncing SB 145

**“Resolution to Defend the  
Innocence of Children”**

*WHEREAS*, existing law known as the Sex Offender Registration Act (ACT), requires a person convicted of certain crimes, as specified, to register with law enforcement as a sex offender while residing in California, or while attending school or working in California. A willful failure to register, as required by the act, is a misdemeanor or felony, depending on the underlying offense; and

*WHEREAS*, SB 145, authored by Scott Wiener (D-San Francisco), exempts from mandatory registration under the ACT, a person convicted of certain offenses involving minors if the person is not more than 10 years older than the minor, and if that offense is the only one requiring the person to register; and

*WHEREAS*, under the former ACT adults who are convicted of having oral or anal sex with a minor are automatically added to the California’s sex offender registry. SB 145 eliminates automatic sex offender registration in those cases and give judges discretion to make that decision; and

*WHEREAS*, Assemblywoman Lorena Gonzalez (D-San Diego) iterated during debate of the bill on the state Assembly floor, Aug. 31, 2020, “ *I cannot, in my mind, as a mother, understand how sex between a 24-year-old and a 14-year-old could ever be consensual, how it could ever not be a registerable offense.... Give me a situation where a 24-year-old had sex with a 14-year-old, any kind of sex, and it wasn’t predatory*”; and

*WHEREAS*, SB passed the state senate on August 30, 2020; and

*WHEREAS*, California Governor Gavin Newsom recently signed into law SB 145 that amends the ACT and allows judges to decide whether an adult convicted of having sexual contact with a minor should register as a sex offender, in cases in which the minor is 14 years or older and the adult is not more than 10 years older than the minor; and

*WHEREAS*, this new legislation and law in California has once again brought the issue of human sex trafficking to the center of conversation. Human sex trafficking is a major issue across the country, and this law recently signed into law by Newsom advances human sexual predators; and

*WHEREAS*, the Orange County Board of Education (Board), elected representatives, public officials and government administrators are placed in positions of influence and authority to protect the innocence of vulnerable children, teenagers and families in our communities. SB 145 and the ensuing law signed by Governor Newsom exposes our society to greater incidences and risks of sexual aggression, violence and pedophilia. It allows sexual predators to harm these at-risk and vulnerable groups of society under the artful ruse of politically correct language.

THEREFORE, the Board hereby resolves as follows:

1. SB 145 normalizes adult sex with children, and
2. SB 145 advances pedophilia in a society, and
3. SB 145 constrains a valuable deterrent for reducing sex crimes that negatively impacts communities, and
4. The Orange County Board of Education denounces the signing of this bill into law by Governor Newsom.