

## BOARD MEETING 3-4-2020 TRANSCRIPTION

### [PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE BEGINNING OF THE REGULAR BOARD MEETING]

**Barke:** Good morning, everyone. We are going to move to closed session.

**Williams:** Call of order.

**Barke:** I'm sorry. Yes. We're going to call order. Sorry.

**Sisavath:** Trustee Sparks?

**Sparks:** Here.

**Sisavath:** Trustee Williams?

**Williams:** Present.

**Sisavath:** Trustee Barke?

**Barke:** Present.

**Sisavath:** Trustee Gomez?

**Gomez:** Present.

**Sisavath:** Trustee Bedell?

**Bedell:** Present.

**Williams:** I'm going to move for the agenda with the following changes. We are going to move the OCSA item, which is number nine, immediately after the charter submissions. The other change to the Agenda in my motion would be to move the approval of the minutes before item number 10.

**Gomez:** Could you repeat that? I don't know where we are.

**Williams:** Okay. Basically, we're going to be moving OCSA before the -

**Boyd:** Before the public hearing -

**Williams:** - Scholarship Prep.

**Boyd:** - for Scholarship Prep?

**Williams:** Yes. It will be after the charter submissions and before the Scholarship Prep Charter School discussion. Then the minutes -

**Bedell:** Ken, just for a second. Number nine becomes -

**Gomez:** You're exchanging eight and nine?

**Barke:** Exactly.

**Gomez:** Why are we doing that?

**Williams:** We should have done that in the Executive Committee meeting. It was an oversight. Because of what we call elections, we were a little overly focused on the elections rather than the agenda. It just makes sense to get that adopted.

**Bedell:** These people all know that this is being done today, Ken?

**Williams:** They are going to be in.

**Gomez:** How do they know that? How do they know to come at that time?

**Bedell:** I'm worried about number nine not being here in a timely manner if they think they're being moved up. Am I reading that right, Ken?

**Williams:** To begin with, there's no time certain. They were told to be here at what, 10 o'clock?

**Boyd:** No. They just were told that the board meeting started at nine. That you would go into closed session. Then the general items, you would come out at 10 o'clock to start the rest of the Agenda.

**Williams:** Right. They should be there. The intent is, Jack, if I interpret what you're saying, the

intention is not to -

**Bedell:** Oh, I know that.

**Williams:** - to keep anybody from being here.

**Boyd:** We tell them when they ask. We do a time based on where they're listed on the Agenda, how much time. We always let them know, also, that things can be moved at the pleasure of the board. That's as much information as we provide.

**Bedell:** Mr. Williams? Number nine goes before seven?

**Williams:** Number nine goes after seven.

**Gomez:** You're just exchanging eight and nine.

**Williams:** We're exchanging. We're flipping eight and nine.

**Bedell:** Okay.

**Gomez:** I don't know why we need to do that, but okay.

**Bedell:** Okay.

**Williams:** Then the minutes, we were going to be approving that before item number ten.

**Gomez:** I don't see the reason to do that, to change the minutes. The minutes are...that's pretty routine.

**Bedell:** They are before number ten already by definition.

**Gomez:** Yes.

**Williams:** With due respect, I disagree. That's what I'm making the motion for.

**Barke:** I'll second the motion.

**Bedell:** Madam President? On the consent calendar, I seek your advice. Items two through five as I read them, and I apologize, I may have missed something, do not say where these go.

**Boyd:** None of them say where they go, because the board developed a list over a year ago of where they wanted all resolutions to go.

**Bedell:** That's just automatic?

**Boyd:** It's automatic.

**Bedell:** Could we share that with the board again?

**Boyd:** Sure.

**Bedell:** Thank you. I just didn't want them to go into a black hole of resolutions.

**Barke:** We have a motion and a second. All those in favor?

**Sparks, Williams and Barke:** Aye.

**Gomez:** Oppose.

**Bedell:** Abstain,

**Barke:** All those opposed?

**Bedell:** Abstain.

**Barke:** Abstain.

**Gomez:** I oppose.

**Barke:** Okay. 3-1-1. Public comments, Nina, before closed session?

**Boyd:** There are no public comments on the closed session.

**Barke:** Okay. We will be moving to closed session now.

**[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO BEGIN THE CLOSED SESSION MEETING. UPON COMPLETION, PRESIDENT BARKE STRIKES THE GAVEL ONCE TO CONTINUE THE REGULAR PUBLIC MEETING]**

**Barke:** Welcome, everyone. Good morning. Thank you all for being here. We're going to start with a report out from our legal counsel, Mr. Brenner.

**Brenner:** Thank you, President Barke. On items one and two in closed session, the board received an update and had a discussion on the items that were the subjects of those two closed sessions. The board passed two resolutions. One, the board approved our invoices dated February 29, 2020, for both of the legal matters that were discussed. The vote was 3-1-1: Trustees Barke, Williams and Sparks voting in favor, Trustee Bedell abstaining, Trustee Gomez voting no. The second resolution was to approve and authorize the posting and reading here today in public session of the board's update on item number one's topic, the general counsel litigation. I'll read that now. Board update on general counsel litigation March 4, 2020.

Trial of the remaining claims and the general counsel litigation is currently scheduled for March 9, 2020. The claims pertain to the board's right to retain separate counsel during the pendency of this dispute over the superintendent's appointment of a general counsel without the co-approval of the board and Superintendent Mijares' refusal to allow payments to be processed for the board approved invoices for the services that counsel has rendered to the board. The court heard motions in limine on February 24, 2020. Originally, Dr. Mijares filed eight such motions seeking to exclude certain evidence. The board filed only three. After discussion between the parties, Dr. Mijares agreed to withdraw seven of his motions. The board agreed to withdraw two.

The motions in limine that remained, one from the board and one from Dr. Mijares, addressed the admissibility of purported expert testimony. Dr. Mijares originally designated a lawyer as an expert to testify in legal conclusions and opinions and the board, in its motion, argued that such subjects were within the province of the court and not proper for expert testimony. Nevertheless, because Dr. Mijares had designated an expert, the board had to designate a rebuttal expert and both experts had to be deposed. Similarly, the board had to fully brief and oppose all eight of Dr. Mijares' motions in limine, even though he ultimately withdrew seven of them. Dr. Mijares' expert had previously been excluded by the court in connection with the board's preliminary injunction motion that the court granted.

At the February 24 hearing on the remaining motions in limine, the court agreed with the board that expert opinions were not appropriate and ruled without prejudice to exclude the designated experts from the trial. Since then, the parties have been engaged in additional preparation for trial. The board believes strongly in its case, its legal position, and that its legal governance rights and authority should be respected and recognized. Nonetheless, the board unanimously remains amenable to reasonable compromise toward an informal resolution of the dispute. However, the superintendent has not moved from his most recent position in settlement for complete dismissal of all the board's claims. That will be provided to staff for posting on the website under the board's ledger. That is the report of the closed sessions.

**Barke:** Thank you. Next, I'd like to invite up Reverend Mark Lebsack. He's the Nazarene pastor of Grace Community Church in Placentia.

**Lebsack:** Will you join us, please, as we pray? May we stand together? Oh Lord, we come before you this day, the first for California to experience a Super Tuesday afterglow and for

some, a Super Tuesday morning after. Lord, we see here before us a new season. We have just heard that there's been progress made in some very important matters. We ask, Lord, that you would help for those matters to be fully, and in every way, made complete and that closure can happen before the next season of this board's business. Lord, there's an opportunity in this new season. An opportunity to say hello to some new people, ideas, and the capabilities and resources they bring to the new season.

An opportunity to say goodbye to those who have served well, for those who we wish just great favor in their future. An opportunity to say sorry and please forgive for things that have happened during the time of political battle, during the time when elections bring out the differences between us more than enhance the things that make us similar, the things that help us to have one purpose in serving our community, our children and our families. And Lord, an opportunity in this new season to say thank you for those who are here among us who continue to serve, serve on our board, serve, Lord, in the offices and amongst the various different people who work with, Lord, Orange County Department of Education.

Lord, as a representative of this community, I want to say thank you. Thank you. Thank you for the hard work that they've done, the hard work that they do and the burdens that they carry on their shoulders each and every day, ultimately on our behalf. Oh Lord, I pray that you would bless them, that you would protect them, that you would give them health in unity, each and every one, and their families and for the agenda of today. Grant them wisdom to do the people's business remembering that each of us are created in dignity and are as worthy of respect, one for another. In our Lord's name, we pray. Amen.

**Barke:** Thank you. Next, we'll have the pledge. Ken?

**Williams:** If you would like, we're going to be doing the Pledge of Allegiance.

**Audience:** [Laughter due to many of the audience members sitting back down after the conclusion of the invocation]

**Williams:** You may stand. No one's forcing you. And will you please join with me in a pledge to the representation of perhaps the greatest nation in mankind and civilization.

**Board and Audience:** 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.

**Barke:** Thank you. Public comment next. Do we have any introductions, Nina?

**Boyd:** We have no introductions at this meeting.

**Barke:** And do we have public comments?

**Boyd:** We have one public comment at this time and the rest of the public comments are requesting to speak when the item comes up.

**Barke:** Okay.

**Boyd:** The comment is from Tanya Rogers.

**Rogers:** Good morning, President Barke, members of the board, Superintendent Mijares. My name is Tanya Rogers and I'm the chief business official for Springs Charter Schools. I'm here today on behalf of Citrus Springs and wanted to invite you all out to our open house at the Santa Ana Learning Center on March 26 from 3:00 to 6:30 PM. Just come check out some of the amazing things in the lives that we're changing of those students.

**Barke:** Thank you. Can I have a motion?

**Williams:** I'll make a motion for the consent calendar.

**Barke:** A second?

**Sparks:** Second.

**Barke:** Okay. All those in favor?

**Board:** Aye.

**Barke:** Passes 5-0. Charter schools?

**Boyd:** We have no charter submissions at this meeting.

**Barke:** Okay. Then we will move to Aracely for OCSA.

**Boyd:** And just for the record and the benefit of the audience that weren't here when the meeting started, number nine on the agenda is being taken next. If you're following along, we're moving to OCSA, Orange County School of the Arts.

**Chastain:** Good morning, President Barke, trustees and Superintendent Mijares. Today the board will hold a hearing to consider public input regarding the request for multiple material revisions to the Scholarship Prep Charter School charter petition.

**Boyd:** No. Aracely, it's OCSA.

**Chastain:** It's OCSA first?

**Boyd:** We'll take OCSA first. I'm sorry.

**Chastain:** I apologize.

**Boyd:** You weren't here.

**Chastain:** Today the board will take action regarding the Orange County School of the Arts renewal petition submitted on appeal following the denial by Santa Ana Unified School District. Based on a comprehensive review of the charter petition; information presented during the public hearing; an in-person clarification meeting held with petitioners and charter school representatives on January 31; and correspondence received from the charter school that identifies preliminary plans for improvement, Orange County Department of Education staff recommend that the board approve with conditions the Orange County School of the Arts charter renewal petition.

You've been provided the Orange County Department of Education staff report and findings of fact. Overall, the charter school presented a comprehensive petition for renewal and the past performance of the school indicates likelihood of future success. The factual findings outlined in the staff report are condensed to the most significant areas and include the following: concerns with the school's stated admission policies and procedures. While OCSA has indicated revisions to those procedures, all changes still need to be approved by the OCSA board of directors. The manner in which the school solicits and collects parent contributions and fundraising is a concern identified by staff because of the use of a mandatory contribution agreement and the confidentiality of student information.

The governance structure of the school raises significant concerns as the OCSA foundation operates as the sole statutory member with significant influence and control over the charter school yet does not comply with transparency requirements. Any stated changes that the school has made to the current bylaws still require approval by the charter school board and the OCSA foundation board. OCDE staff appreciates the expressed willingness by OCSA leadership to address some of the significant areas of concern and it's our understanding that after the clarification meeting, the school began taking proactive steps.

Should the board approve the renewal petition request, staff recommend the board, OCDE, and the petitioners negotiate an agreement that includes charter-specific conditions to address all of the identified areas of concern that are identified in the staff report. Prior to board discussion and action, representatives from Orange County School of the Arts and Santa Ana Unified School District will each have 10 minutes to address the board. Associate Superintendent Boyd, are there any public comments on this agenda item?

**Boyd:** No comments.

**Chastain:** Okay. I now call Dr. Opacic and Mr. Wagner, lead positioners -

**Boyd:** I'm sorry. Aracely?

**Chastain:** Yes?

**Boyd:** I do.

**Chastain:** You do?

**Boyd:** Yes.

**Chastain:** Okay. You'll take those first?

**Boyd:** Yes. Kelly Townsend?

**Townsend:** Good morning. My name is Kelly Townsend. I am the PSO president representing all of the parents at OCSA. PSO is like your PTA at any other school. It means the Parents Support Organization. I'm joined here today with another past president as well. I wanted to make sure that I give you guys just two painted pictures of two important elements that I think happen at OCSA. First of all, with the parents, we are allowed and invited and welcomed to support the school in a number of ways. First of all, with our PSO, we get to work with the administration, we get to work with the students. It is a wonderful relationship in both ways and we are very fortunate to do that.

I am a drug prevention specialist in about 75 different schools and I am told on a regular basis when I'm lecturing to parents, that does not happen when you get to high school. It stops in elementary and middle school. We have the great fortune to have that relationship with this school. We also have something really interesting at our school, which is called the PAC, the Parent Arts Council. That's where in the individual conservatories, we have the opportunity to work with our conservatory directors and other parents as well as the students. In our school, we have quite a few performances as you've probably heard. During the course of the school year, those performances take a village to work those.

It takes a lot of people to work and the parents get to get involved. We have, in our conservatory, I am the parent of an 11<sup>th</sup> grader in the integrated arts conservatory. We have something called the Leadership Program where the students get to work with the parents and with the school. They have learned how to run an entire show on their own, which is transferable into real jobs in the real world. We are very, very proud of it. We have 60 students this year in our Leadership Program. The other picture that I would like to paint gives me a moment to brag about my own child. Right now, she's an 11<sup>th</sup> grader. She's in the IA program or in the Integrated Arts program, which has allowed her to do a wide range of programs.

Most people ask me all the time, what exactly is your child going to do with an arts education? That's a big question. My child chose this school in second grade. In second grade, another friend

ended up going to OCSA in the Integrated Arts program and she was devastated that this girl was leaving. She decided to follow her. By third grade, we started going to the preview days. By fifth grade, she was in the Saturday ballroom class and by seventh grade, she was admitted into the Integrated Arts program. She continued to do ballroom. She started with those programs and I'll wind up right in just one second. She ended up getting to take a wide range of programs including puppetry and Shakespeare and drawing. She was the kid who dreamed of being a princess at Disneyland –

**Boyd:** Your time is up.

**Townson:** - and she gets to do all of that with these classes. I'm going to also hand over a couple of pictures. Those pictures represent one of the classes that we take.

**Boyd:** Your time is up.

**Townson:** I'm going to hand those to you.

**Boyd:** Thank you. Ken Robertson? Thank you.

**Robertson:** My name is Ken Robertson. I live in the North Tustin area. My son is in the 11<sup>th</sup> grade at OCSA. In the third grade at Arroyo Elementary, it became painfully clear that my son did not have the academic ability to follow in a regular class setting. We started with a 504 and struggled with that. We finally ended with an IEP and going to Prentice private school so that he could have the accommodations that were absolutely necessary. While I held Tustin to be an excellent school district, the challenges of individual students who think differently, who function differently is challenging for any school district. I'm here to tell you that the blessing of being able to have a child who has high creative intelligence but struggles in academics has a place at OCSA.

It is with a deep sense of passion and care that I ask you to not change that structure. I understand that the state has a different perspective and it's trying to do as best it can with a broad brush stroke, but to the degree that you can accommodate the requests of the leadership, I would fully endorse that. As a side note, I'm one of those PAC members. I volunteer in the acting conservatory and it has enriched my personal life because I get a chance to see all these kids and a lot of them are extremely creative and extremely intelligent. Some of them come from very low-income families, families who cannot afford to be there on their own. And yet, they're there because OCSA has compassion for all. Thank you.

**Audience:** [Applause]

**Boyd:** Angela Grier?

**Grier:** Hello, again. Thank you so much and I want to thank the board for being so responsive and upbeat about all this. I really appreciate it. I was here the last time talking about my daughter who is now a sophomore. I, along with Kelly, I'm proud to serve on the PSO as a team member, along with PAC. Like I expressed the last time, OCSA was a godsend for my daughter. Although she didn't have academic issues, she did have medical issues, which was very difficult in Newport-Mesa Unified School District where she was bullied a lot, even to the point when her father was dying, she was bullied. I was very concerned about her going to junior high in Newport-Mesa Unified School District and also Harbor, even though that was her father's alumni.

I'm so grateful that she's been able to thrive. She's an honor student. She's in IA. She volunteers even though that is not necessary with OCSA because of the schedule. She is going to the scientific route where she wants to be a surgeon. She has figured out the schools that she wants to apply to for pre-med, and that's all thanks to OCSA. I want to quickly just touch on, because we're getting kind of the wrong stats going on here. The diversity score is 0.69%. OCSA is in the top 10%. This number, however, does not include the LGBTQA students in OCSA, which I think we probably can say we have the majority of all the different schools. OCSA has demonstrated the ability to ensure academic performance with children with disabilities.

There's a 100% graduation rate with the children with disabilities and that should be something that's acknowledged. There's been a skew of understanding of who we are and I really welcome people, not the board because I think you know, but other people, the media and so forth, to please come and check us out and see what we're really about, and the home that we give so many children that would not be able to function to their greatest aspect of excellence if it weren't for OCSA. I also already sent to all of you why our GPA was high. I think you kind of understand because it's a different culture and we have like seven different things in place that create that. Please don't stop something from being good.

I would love to see the rest of the district look at OCSA and go, "Hey, what are they doing that's different than what we're doing?", and possibly we can implement that to uplift other schools as opposed to, "Oh no, let's push OCSA down because it's so successful." Really quick, to get to the agreement, please know that is completely donation oriented. We are told constantly that no child is turned away for finances, but that donation allows children who would not be able to come to be able to afford to because the foundation is paying for them. That's what that's all about. Thank you so much, again. I appreciate everything that you're doing for us and please let us be under your wing. Thank you.

**Audience:** [Applause]

**Barke:** Douglas Freeman?

**Barke:** I love that everyone is so happy, but if we could just hold the applause maybe until the end to keep the session moving. We appreciate that you're very happy. Thank you.

**Audience:** [Laughter]

**Freeman:** Madam President, trustees, Superintendent Mijares. My name is Douglas Freeman. I am the chief executive officer of Orange County Music and Dance. We are a community nonprofit school. I have no direct affiliation with OCSA. I'm not a parent of any student in OCSA, but I have 450 students under my responsibility. I will tell you that a vast majority of those students are working hard after school every day to be ready to apply to OCSA. OCSA for them is the shining city in the sky. They see that as a model. Those kids come from all over Orange County. 70% of our 450 kids are scholarships. These are the kids for whom a school like OCSA would never exist.

They're working hard so that they can get to OCSA and even though most know they might not make it, the diligence, the persistency, the discipline that they are exercising to try to get there is what will change their lives. Whether they go to OCSA or they don't, the thought that they could try and get there is compelling to them and to their parents. I say to you on behalf of the many



kids, the majority of kids in Orange County that will never be able to attend OCSA, the fact that OCSA is here is the model they want to pursue.

Don't feel that the fact that only a few kids can get there, whether it's by talent or by lottery or just God's given gift. The fact that OCSA is here as one of the most remarkable institutions in our country and certainly in our county is enough for virtually all of our kids to say, "I want to be like that kid." Thank you for your consideration and for your thoughtfulness in this. Thank you very much.

**Audience:** [Applause]

**Boyd:** That concludes the public comments.

**Chastain:** I now call Dr. Opacic, lead petitioner for Orange County School of the Arts to the podium.

**Opacic:** Good morning. Thank you, Doug, and Angela, and Kelly, and Ken. I appreciate those comments. First of all, I'd like to start by saying thank you. I want to recognize the OCDE charter staff, Kelly and Aracely. It's so refreshing to work with educators that are professional, that are communicative, that are transparent, that are honest and that make decisions based on what's best for kids and not politically driven. As Aracely mentioned, staff has identified four items of concern. I want to address them very quickly. Regarding the management structure, we have dissolved the contract between SMG Management, which is a management group that was facilitating providing services between two charter schools, the Orange County School of the Arts and CSArts San Gabriel Valley.

Because of any perception or perceived conflict of interest, we've dissolved that, both OCSA board of trustees and the CSArts board, and they now have approved a contract of services that connects the schools directly with no intermediaries. We believe this resolves any concerns regarding that perceived or concern about conflict of interest. Regarding voluntary funding contributions, as somebody spoke, I think it was Angela, we believe we're very transparent that any donations are voluntary. We believe that we are very clear that we want to serve all students regardless of their ability to give. However, we've committed to staff that we will even be more transparent in terms of being communicating with families that all requested donations are completely voluntary and anonymous.

We have updated our board policy already that attending a presentation and turning in a pledge form is no longer mandatory. Again, to address the concerns of staff, we believe this resolves any concerns regarding fundraising practices. In regard to the relationship of the OCSA foundation, a nonprofit, unfortunately, we respectfully disagree with staff. The Orange County School of the Arts is a nonprofit foundation. It does not manage or operate OCSA. The only thing it does is appoints members of the OCSA board of trustees, which I think it's done three times in 20 years. OCSA's board of trustees is the only entity that manages and operates OCSA.

We respectfully disagree with the findings in the OCDE staff report. OCSA does not believe this relationship is limited as regard to Ed. Code 47604.1. We feel that either staff doesn't understand or, again, we respectfully disagree that relationship is in conflict. Lastly, our admission processes. OCSA voluntarily, as we renewed our charter, changed our admission practices to be

in alignment with new Ed. Code. We did that without any direction from our current Santa Ana Unified School District. We, again, respectfully have to disagree with staff that our admission process, asking for a placement activity, is in any way a barrier to students. Just to paint the picture, I want to make sure I give you the background.

Huntington Beach Academy of Performing Arts, which is sponsored by the Huntington Beach Union School District, is an audition-based program. Los Angeles County High School of the Arts, which is sponsored by the LA County, is an audition-based program. South Orange County School of the Arts, which is sponsored by Capó Unified School District, is an audition-based program. Troy Tech Magnet Program, which is sponsored by Fullerton Union School District, is an exam-based program. Oxford Academy, which is an Anaheim Union program, is an exam-based program. San Diego School of the Creative Performing Arts is an audition-based program.

All of these are publicly funded schools. All of these are public schools run by public entities. I'm unclear, in terms of the reach of staff, and no disrespect, you're fantastic, that the idea of providing a placement activity so we can make sure that every student is placed in the right conservatory to be successful is in any way a barrier. With that being said, again, in a spirit of collaboration, we want to work with OCDE staff, but we respectfully disagree with their finding that a placement activity is a barrier. As you heard many parents say at our public hearing, and as you've heard many parents say today, we serve all kids. As it relates to diversity, we're number six in the county in terms of diversity; number six.

Students that have a passion, and again, I want to thank Doug, students that have a passion for the arts, find their way to us, whether it be through Orange County Music and Dance, whether it be through the All Americans Boys Choir, whether it be through the Wooden Floor. There's pathways for all students to find a way to OCSA. When they get there, they're successful, they succeed, they're following their passion. I want to just close with this one short video that just again, profiles yet another student that found their way to the school and were successful.

#### **[A POWERPOINT PRESENTATION IS SHOWN]**

**Voice-over #1:** I was born in Guadalajara, Mexico and my family left Mexico so that we could have a better opportunity to live life to our fullest potential.

**Voice-over #2:** We decided to move in the United States because I heard so much about the schools and I thought I wanted that for my kids. I just want them to be someone who is doing what they love. I want them to have that freedom.

**Voice-over #1:** There were so many difficulties. My parents didn't know English and then the jobs they did get were usually lower wage jobs, and there were a lot of nights where it just kind of seemed a little too hard, but my parents are really hard workers. They never gave up and it made me realize that you have to fight for anything you want because no one's going to hand it to you. My parents really wanted me to go to OCSA because it was a way to get to where I wanted to be. When so much uncertainty surrounded me., OCSA was kind of a safe haven where I knew I could excel in academics. I knew I could be involved in the arts and I had this family around me.

Knowing that there are people who want you to succeed and who want to see what you can actually do, gives you that freedom to be who you are and to know that whatever you do is worthwhile. The environment that OCSA creates enables all students to be well-rounded individuals who not only excel in their art but also excel in their way of thinking. We have people going to Yale for developmental and molecular biology and we have people going to University of Michigan for musical theater. I'm going to Harvard on a full ride scholarship and I'm not going to focus on the arts, but with my experience, I know that I will tackle it with confidence.

**Voice-over #2:** 16 years ago when we decided to come here to the United States, Brandon was two years old and I had these dreams for my kids to have opportunities and live a better life. When he got accepted to Harvard, it was a dream come true and I did the right choice to come here.

**Voice-over #1:** I think it's just incredible that there are people out there that want kids like me to succeed, that want kids like me to have fair opportunities. There was a lot of financial balancing, and my parents made sacrifices in other things I needed to invest in and other basic necessities in order to be aware of what was going on at OCSA. The Artists Scholars Sponsorship Program is very important because it gives kids like me the opportunity to enjoy OCSA as anyone else would so that every kid has the same experience, so that everyone is able to participate without being held back by their financial situations. There's this genuine need to see others succeed.

There's this genuine need to help people and you have to take into consideration all the people who've helped you get to where you are, and you have to think of those people. In a way, whatever you do, it's a representation of all those people that helped you to get there. I know that whatever I do, I'm representing them because they allotted their time and they believed in me. My ultimate goal in life is to help people. The individuality, the resilience, the confidence I've gained at OCSA is fundamental to what I see for myself. I know that as long as I help at least like one person, it'll all be worth it.

**Audience:** [Applause]

**Opacic:** OCSA staff believes that the charter that we submitted to the county is in full compliance with Ed. Code and state law. We ask this board to be bold and give us an unconditional approval. Thank you so much.

**Barke:** Thank you.

**Audience:** [Applause]

**Chastain:** Next to the podium are representatives from Santa Ana Unified School District.

**Jimenez:** Good morning, thank you. Good morning, President Barke, members of the board, Superintendent Dr. Mijares. I'm Alfonso Jimenez, deputy superintendent of educational services for the Santa Ana Unified School District. Joining me today is Sarah Sutherland, who is our legal counsel from Dannis Woliver and Kelley, who will be talking in a few minutes on some key points. We are here today to express our support of the Orange County Department of Education staff report, which found various areas which were of concern, which many of those concerns were also outlined in our staff report. I just want to thank the OCDE staff for their diligence in

reviewing the charter petition and really pointing out and highlighting certain areas which the board needs to consider in your decision today.

These areas, which many of these were also found in our staff report, includes the admission requirements, the parent contributions and fundraising, the conflict of interest through related party transactions, the governance structure and transparency requirements. Also, although it was stated today that the academic achievement of the school is a very strong focus on the arts and students are achieving, we just want to make sure the board is aware that there's still some disparities with respect to the academic achievement of students meeting or exceeding standards in English language arts and mathematics for students who are English learners and students with disabilities.

Today, we also have a presentation which we want to share with you this morning so that some of those questions that were brought up when we were last here, with respect to our response are clarified and also some of the statements which were made by OCSA, we'd like to take that opportunity to also to be able to address some of those. Ms. Sarah Sutherland will proceed with the presentation. Thank you.

**Sutherland:** Thank you, Dr. Jimenez. Good morning, board members, Superintendent. We appreciate the opportunity to speak before you this morning.

**Boyd:** That microphone's working so you can stand there.

**Sutherland:** Okay, thank you. Just quickly, overview. There was a lot of, I think, misinformation and confusion at the last meeting in terms of why we're here. The district renewed OCSA's charter. I know your staff report started with appeal from denial from Santa Ana Unified, but Santa Ana Unified did not deny the charter. Your staff recommended conditions, as Dr. Jimenez said, the district recommended very similar conditions. They were rejected. I also just learned that apparently they're being made now pending appeal before this board, which is of course not proper, that you must consider the petition that the district considered, not the changed one your staff was able to negotiate after the petition was submitted to you.

OCSA must and should contribute to the cost of locally funded special ed. students with disabilities that reside in Santa Ana. I'm unclear why no one thinks that's very important or they think that's a political maneuver. Then, lastly, there are many pending complaints and legal violations and those are going to remain even if this board takes over authorization, and you will need to do the oversight that Santa Ana is attempting to do. The district initially renewed OCSA. It has never threatened closure. I've heard a lot about they're going to close if this board doesn't grant the appeal. There has never been a threat of closure. The district was very clear that OCSA did meet the minimum standards for renewal.

Additionally, there was a lot of mischaracterization of the conditions. The only condition was to address the findings in the staff report. Doesn't that sound a little like what your staff just recommended as well for the petitioners to address their concerns? Petitioners willingly sat down and did so with your staff. They refuse to do that with the district staff. This is the only condition. They could have sent an email that says we agree to address your concerns. Instead,

they took the position that it was in denial and appealed to this board. OCSA also refused to agree to address any of staff's concerns. They said they did not agree to the conditional renewal and they referred to a material revision being required.

There was never a request for a material revision to be submitted to Santa Ana's board. Instead, within days, they appealed to this board. The law is on OCSA's side. They were automatically renewed after 60 days, but yet they are pursuing this appeal and indicating they will close if not approved. That is their choice. The district has repeatedly confirmed that it has not been denied and has not threatened to close OCSA.

This isn't the first time this year that OCSA has decided to litigate with the district instead of collaborate. They have professed a good relationship up until the district raised the question of contributing to special education. That good relationship only existed when the district wasn't asking for anything. As soon as there was a request, there was an immediate lawsuit and now we're leaving. There's lots of comments going on behind me and laughter and I don't know...

**Barke:** Please be considerate of the speaker.

**Sutherland:** At the last meeting, OCSA alleged district unlawfully demanded contribution to special education and said that they received an invoice in the dark for \$19 million. That's not accurate. This is the actual letter. There is not a demand for \$19 million. In this letter it says, "We will be contacting you to set a meeting to discuss it with you." That is not a \$19 million invoice that was dropped off overnight.

**Barke:** Please let her finish.

**Sutherland:** Back then, too, OCSA filed a lawsuit and did not meet with the district similar to where we are now. This appeal appears to be in an effort to avoid oversight and avoid contribution to special education that has been paid by the taxpayers in Santa Ana. The Education Code requires this. "The agency that granted the charter shall ensure each charter contributes." This agency would have to do the same thing, too. I don't understand why the effort to enforce this law has been attempted to be converted into a political battle. It is not what's going on at all from the district's perspective. Special education costs, as we shared with you all last time, is mostly locally funded. That changed in 2000.

Local school district special ed. costs have increased. Enrollment of students with disabilities has increased while enrollment of students overall has decreased. The Orange County Department of Education recognizes this and actually just recently studied it. All public schools are obligated to contribute to the cost of serving students with disabilities who are also entitled to attend public schools on the same basis and have their needs met. This is from the California Legislative Analyst's Office, a report that just came out last year regarding unrestricted funds covering the growing share of special education costs. As you can see, the light gray is what is paid for locally. The state and federal government pay for less than 40% of the costs of special ed.

The remainder of it is expected to be paid by local tax dollars. That is all Santa Ana is asking for, a contribution to. This is sliding with enrollment with the decreases and increases, but in

California, in the past 10 years, we have 34,000 fewer students and 20,000 more identified with IEP's. That's a substantial issue that needs to be addressed and should be shared across all public schools, not just regular school districts. This is your own staff's analysis of the contribution of special education. As you can see in year one, from 16 years, it went from almost nothing to over \$5.5 billion. There is clearly an increasing incentive to raise the issue. The issue wasn't raised because there was some underlying motive to shut down OSCA.

It is because this cost is real and the burden on this is real, and Santa Ana schools are suffering because they are bearing this burden alone. Your staff also did an analysis of the countywide contribution. There's been a representation that Santa Ana Unified serves too many kids with disabilities over-identifies, provides too much service. It is right in the middle of all of your districts. It is not at all an outlier by any means. It pays for over 50% of the costs of special ed. out of its own general fund, district-wide. Orange County School of the Arts contributes zero, and filed a lawsuit to contribute zero, and believes they owe zero to date. This is real and needs to be resolved and it will need to be resolved whether or not this board takes over authorization or not.

EdSource, the governor's office, everyone recognizes special education spending is paid for by school districts primarily and out of local tax dollars. This idea that someone else should pay for it or that certain schools shouldn't have to contribute even just because kids aren't choosing them, is not good policy. It's honestly kind of appalling that the idea is we're here because the district asked for contribution to special ed. I hope that's not lost on this board. Santa Ana's student demographics also match the state. They don't have a uniquely disabled population or a uniquely poor population. When you look at the state of California, these are statistics that closely match Santa Ana.

They do not closely match Orange County School of the Arts, no matter how you slice it. We don't choose who the state counts. We don't pick the diversity categories. We don't pick who gets identified and who needs services. The law obligates that to happen and compliance with the law, I don't know when that became a political or some sort of ill-intended mission. Charter schools are not serving kids with disabilities. This is in the January report to the federal government. 84% of kids with disabilities are in regular public schools. If you don't mind, I will just briefly conclude. The last three years of contribution alone is 7.9 million. This idea that we went back 19 years for 19 million, it's because of this drastic increase in costs and your office has validated the per person amount that Santa Ana spends on special education out of its local funds.

I will just end briefly with the recognition that this board will become liable for all debts and obligations if you don't conduct required oversight. That is what Santa Ana is trying to do. The board is also independently liable for decisions you make. There is no indemnity and to the extent, you stand behind a school that is engaged in discriminatory practices and not contributing to the local cost of special education that is very likely to create liability for this board. Those issues must be decided. That is particularly so to the extent this board is considering a materially revised proposal that attempted to address the conditions Santa Ana recommended in December that the charter refused to address. We are obviously available for questions and appreciate you listening this morning.

**Barke:** Thank you.

**Jimenez:** Thank you so much.

**Chastain:** At this time, the board will proceed with deliberations and vote on the charter school renewal petition. The board has traditionally had three options for action regarding a charter school petition on appeal. Option one approves the charter petition as submitted. Option two approves the charter petition with conditions. This action would result in approval of the charter and require the execution of an agreement to address the issues outlined in the staff report and establish appropriate timelines for the petitioners to meet the conditions as specified. Option three denies the charter school petition. President Barke, I now turn the meeting back over to you to facilitate deliberations and take action on the appeal.

**Barke:** Thank you.

**Williams:** President Barke, I'd like to make the motion to approve option one and to approve the charter petition as written.

**Sparks:** Second.

**Barke:** Any discussion?

**Bedell:** On the motion? You're assuming we're going to a vote right now?

**Barke:** Or, just discussion.

**Bedell:** Okay.

**Williams:** The motion's on the table and it's seconded, so it's a discussion on the motion, and then we vote on motion.

**Bedell:** You're saying there's no comment available other than directly to the motion?

**Williams:** No, I'm not saying that at all. You were discussing the motion -

**Bedell:** We can discuss anything?

**Barke:** Yes.

**Williams:** You can discuss anything.

**Bedell:** Excuse me. I have laryngitis.

**Barke:** Would you like to?

**Bedell:** I would like to, yes. I would like to have the people from Santa Ana District come up first, please. This is going to sound cheeky, which is not unusual for me. I'm sure -

**Jimenez:** All right, go ahead.

**Bedell:** It seems to me that the district has had issues over the years with this charter. Is that fair?

**Jimenez:** I would sense that most of the issues that we have were more recent issues. As I mentioned earlier, there is a fairly newer cabinet in Santa Ana. I've been there four years now and some of the other members of the cabinet have been there three years or less. In our operations oversight with all the charter schools, we are actually turning every rock upside down wanting to make sure that everything that we are doing is done according to the letter of the law.

Most of these issues that have come up recently have dealt with the whole issue with the special education contribution. With respect to the other issues around complaints, I might say those have probably been around for the last year or so with respect to the admission practices and policies. We are fully aware that some of these issues were raised by the organization, the ACLU, which called out many of these practices several years earlier.

**Bedell:** They were identified in an audit or audits that the district then corrected?

**Jimenez:** At that time when they were identified, actually, I became aware of some of those issues through our workings with the charter school oversight. The report, I don't recall, I'm not sure if Ms. Sutherland could share more information on the report or the year it was called out.

**Bedell:** I appreciate your answer. Excuse me. What I am concerned about is if these things were going on and our staff identified them as well, it's kind of a little funny now for me, just speaking for myself, for Santa Ana to say, "Oh my goodness, look what we have here."

**Jimenez:** That wasn't the case. With all due respect.

**Bedell:** That's fine.

**Jimenez:** Yes. With all due respect, when we noticed that there are issues, we go in there and try to resolve them. We actually have started a very progressive oversight process. As you are very fairly aware, there was some recent litigation down in San Diego County area where they're looking at the oversights that districts provide. It is our responsibility and due diligence to ensure that we are doing our best that we can to provide the oversight, the way the oversight was intended. That's something that this new cabinet is all about. We're all about transparency. We're all about ensuring that we are providing equity and access because that seems to be the area where I have even heard complaints about.

We've had employees whose children have attended the schools and just today, I got an email from a former employee who had three children go through OCSA and loved the school, but was really uncomfortable about the parental contributions because they seemed like they were being forced upon them. I understand everybody has a different experience. We've heard a lot of comments from the OCSA parents that indicated that hasn't been the case. I do understand that parents are put in very difficult situations where they may be forced through peer pressure. We know things like that occur.

**Audience:** [Laughter]

**Jimenez:** I would ask that the audience please remain from commenting.

**Barke:** Please be polite and allow the speaker.

**Jimenez:** I think we've been up here respectful each time, so we expect the same respect. Thank you so much. Any other questions?

**Sparks:** Are you done?

**Bedell:** With Santa Ana, I'm done, but I'm not done.

**Sparks:** Okay. Can I ask Santa Ana a question?

**Bedell:** Sure.

**Sparks:** Your first list on the serious concern is attending a preview day to learn about OCSA's academic programs. I'm having trouble understanding that when it's best practices at most universities to have a preview day so that parents and students can check out the university, check out the programming. That's a serious concern? I'm having trouble understanding that.

**Sutherland:** The concern is about the barriers to enrollment and that being one of them. That was one of the things highlighted in several of the complaints the district received was that if they didn't go to a certain meeting that they could not then apply. It's about -

**Sparks:** It's volunteers, is it not?

**Barke:** Please be polite.

**Sutherland:** We're identifying barriers to enrollment that appeared to create a school that has



entirely different demographics than the community it's located in.

**Sparks:** It says that parent / guardian attendance is voluntary for preview day, which most universities do and I guess many high schools do. I don't understand why that's a serious concern. It's to learn more about the school.

**Sutherland:** The barriers to admission was a serious concern.

**Sparks:** You have preview day.

**Sutherland:** I understand that.

**Sparks:** That's what I'm asking you about. I'm not asking about anything but preview day.

**Sutherland:** The preview day was one -

**Sparks:** How is that a serious concern?

**Sutherland:** The preview day was one of the things identified as a barrier to enrollment in complaints received.

**Sparks:** It doesn't make sense to me. I just wanted to clarify and hear your answer. Thank you.

**Sutherland:** Okay.

**Jimenez:** If I may add comment on that? Part of this is really ensuring that the school operates as a public school and I think that's the part that we are not to miss here. Charter schools are public schools and therefore should abide by public school law. Therefore, ensuring equity and access is a priority. Some of the elements that are incorporated into the school, one could argue that are elements of private schools. We have to be very careful here that we're ensuring that this is going to continue as a public school. Charter schools are public schools.

**Barke:** Any further questions for Santa Ana?

**Bedell:** Yes, please. Could you please describe what your view is...excuse me, of your relationship with the foundation per se, and what the foundation is supposed to do and who does it?

**Jimenez:** We have no interaction with the foundation. Most of our staff's interaction is with their staff, with respect to the oversight, whether it's with the material revisions or whether it's the oversight of special education. That's the extent of our relationship with the foundation. I think that's the reason why an OCDE staff report, they actually delved into that area a lot deeper than we actually did in our report. That's the extent to the way the relationship exists. We strictly deal with the oversight and some of the senior executive staff on a yearly basis.

I actually communicate on a yearly basis with them ensuring that all of their representatives are clearly identified for the purposes of the California Department of Education directory, ensuring that their representatives are clearly listed, ensuring that we have who is their CFO, who is their executive director. On an annual basis, I obtain that information from them in terms of my role. With the continual oversight, that's something that is ongoing. I mentioned earlier in our last conversation, our last comment here that we've incorporated a process of key performance indicator evaluation visits. We do those with our own schools three times a year. We go out with the district team, evaluate the program, listen to staff concerns, and develop and identify a plan to support the schools.

We began this process with all of our charter schools. It just wasn't with OCSA specifically. It was with all of our charter schools where we go in and provide them the overview and support,

and indicate areas that need to be addressed. That is something that is ongoing and it's never going to stop from us as a system because that is what we're required to do by law.

**Bedell:** You get annual reports and audits of the foundation?

**Jimenez:** Not the foundation. No. I was referencing specifically the school -

**Bedell:** That's a totally separate entity?

**Jimenez:** That's a totally separate entity.

**Bedell:** I'm going to be silly for a minute -

**Jimenez:** Yes.

**Bedell:** - which is not a first time.

**Jimenez:** That is correct.

**Bedell:** If they wanted to buy a 747 to take kids to art exhibits, you would not necessarily know it because the foundation did it. Is that correct?

**Jimenez:** Correct. We do have a new system called Epicenter, which we use with all of our charter schools. It's a software program that allows communication between the charter schools and the district where they upload evidence of their minutes, evidence of their charter petition, be it reviewed and discussed. That we've implemented within the last year-and-a-half as a way to ensure that there's some integrity and some transparency in the process. That's something that is ongoing.

**Bedell:** Have you had any problems through that new system with this foundation?

**Jimenez:** Not the foundation. We don't deal with the foundation.

**Bedell:** I apologize for this, Madam President. It's out there representing the quality of the school or the activities of the school and the needs of the students, and the authorizer has no tentacles into it. Is that correct?

**Jimenez:** That is correct.

**Sutherland:** It's only the corporation as identified in the charter that is supposed to be operating the charter that is reporting information to the district, not the foundation. That is a 501C3 separate corporation.

**Bedell:** Right. I'll come back on that. I want to go back to something that you said that I found very intriguing. I spoke to a parent in one of my districts two weeks ago who has an athlete, and that student is in a traveling club and plays for her high school. I said, "Do you have to give money to the traveling part?" "Of course." "What happens with the high school?" Literally she said, "Well...[**DR. BEDELL TWISTS HIS RIGHT HAND BACK AND FORTH**] I said, "Do you actually worry that she's not going to get playing time because you're not contributing?" She says, "Well...[**DR. BEDELL TWISTS HIS RIGHT HAND BACK AND FORTH AGAIN**] I'm not being funny with this. There's pressure, and then there's pressure.

**Jimenez:** Correct.

**Bedell:** I think we need to be really sure that there's not under the table pressure to have some kid have an uncomfortable environment on a team where he may or she may be very qualified.

**Jimenez:** Yes. I've heard. Yes, there are instances out there. I've been in education a long time and when you review board agenda items for field trips, for example. In our district we have a very transparent process where we actually indicate who's paying for the field trip. Whether it's a

combination of PTA, the PTO or ASB, the general fund. There are various ways where we actually outline how students are being funded to go on those types of trips so that they are not a burden or a barrier for any student.

**Bedell:** Okay. I'm done right now.

**Barke:** Okay. No one has questions for the district?

**Bedell:** Not for the district, for me.

**Barke:** Beckie?

**Gomez:** Not for the district right now.

**Barke:** Would you like to call up OCSA?

**Jimenez:** Thank you.

**Barke:** Thank you.

**Gomez:** Yes, I'd like have OCSA.

**Barke:** I know everybody is very emotional about this, but please, if you could just give respect to the speaker, I'd appreciate it. Thank you.

**Gomez:** Hi. I was a bit concerned when I went through the petition as well as the staff report. It's my practice, I try to look at the petition thoroughly before I look at the staff report. I don't want to be swayed by the staff report before I have an opportunity to look. When I looked at some of the documentation about the admissions where they said the students had to perform a dance routine or had to prepare a video. I became a little bit concerned about those students who may not have that opportunity to prepare in order to do a well-performed audition because they maybe don't have the means to do so. Then we had a gentleman speak a few minutes ago talking about his hundreds of students that are getting prepared for your auditions.

My concern is those that may not have the means to prepare. When I looked at this, I thought, well, isn't this a way your school should be teaching that? To create sort of a litmus test for those students to be admitted concerned me a little bit. Now, somebody used the term placement activity. Understandable. Placement, but not admission. Maybe you could elaborate on that just a little bit for me as to how that works?

**Opacic:** I'd be happy to. Yes. For the last 20 years, our charter that's been approved by Santa Ana Unified School District, and for the last 20 years, it's had language in it that you're describing that references an audition to get into the school, just like all of the other schools I pointed out -

**Gomez:** I'm talking about your school. I don't want to talk about the other ones. I want to talk about yours.

**Opacic:** When we wrote our charter renewal, due to current Ed. Code, we did away with an audition. We're now doing a placement activity for the very reason that you said so that we can identify students and where they would be best placed to be successful. The audition, the videotape, all of those things have gone away due to the new Ed. Code and new legislation. Now what we're disagreeing with staff, and again, they're fantastic, no disrespect, is we're wanting to make sure that we have a student go through a placement activity so we can place them in the best conservatory for them to be successful.

Every student that comes to the placement activity will be in a lottery for some conservatory where there'll be successful. I understand what you're saying. We've acknowledged that the audition may be perceived as a barrier for some, but we, in our current petition, are not doing an audition anymore. We're simply doing a placement activity to make sure students are successful in the art area that they're interested in.

**Gomez:** Is that placement done after they're admitted or before?

**Opacic:** It's done before. The reason it's done before is from a scheduling program. What staff would like us to do is put the 2,200 names in a hat and pull out the first 400 that come out of the hat. If those first 400 are dancers, I only have 14 dance rooms. I only can have 280 dancers. If all 400 showed up and were dancers, we couldn't provide a sound educational program for them. We're trying to identify students in the right conservatory to make sure that we have...it's just programmatic.

**Gomez:** Yes, I understand that. I'll just share with you and I brought this with me. **[TRUSTEE GOMEZ HOLDS UP A HIGH SCHOOL PLAY FLYER]** Over the weekend, I went to a production of Beauty and the Beast at a public school, Beckman High School in Tustin Unified School District, that was absolutely phenomenal. Phenomenal. I'll admit, I'm no fine arts expert, but I do love going to New York, and I went to New York over the summer and saw probably six plays in five days. This actually was...I can't even describe. I was sitting next to a gentleman who was a former pro athlete who was in tears watching this. He goes, "This was a high school play. I just need to get over it." That's how good it was.

Of course, I took him on for most of the performance every time he cried. This is a product of a public schools as well. I don't want things to get lost in translation here that your parents are very passionate, and I appreciate all of you that are here and I personally know a lot of families that have gone through your program. Those were also parents of means who could have their child have extra voice lessons and extra music lessons. I know several of them went on to music conservatories and other things. If we're trying to serve the Santa Ana population, I am very concerned that we are not meeting the needs of that particular area. I've never been a singer. I've never been a dancer. I've never played an instrument that I would do in public.

I know that there are children out there that have those dreams and I would just hate to see that we're limiting those dreams for those kids by creating some sort of audition process. I'm a former high school coach, so sports, okay, you can talk to me about that. To try to create that parent commitment. I remember doing that many, many years ago. My kids were in high school. We had a parent commitment for uniforms and travel and so on and so forth. I am concerned a bit about this donation process and as soon as you use the word scholarship, when you say scholarship that means that we're paying for something that somebody couldn't afford as opposed to supporting this kind of thing where we have the Tustin Fine Arts Council and the Tustin Public School Foundation contributing to this.

There are advertisements and I know that came up in some of the documentation. There are advertisements where parents put little ads in to support the program. In talking with them, it wasn't a commitment. It wasn't a hard solid number. I want to be sure and I don't understand why

when Santa Ana expressed some concerns about these things, why they weren't addressed then instead of coming here. I would just really like to understand a little bit about the comment that was made about if there are parent donations and fundraising commitments that are dramatically less than budgeted, those conservatory programs may have the number of instructional days. As soon as I heard instructional days, my ears perked up, reduced to compensate for the lack of funding. Can you address that?

**Opacic:** I sure can. The academic part of the day at the Orange County School of the Arts is funded just like any traditional public school through ADA funding. That ends at two o'clock. The conservatory part of the day, which is the arts part of the day from two to five o'clock, is funded through donations and through the foundation that Dr. Bedell was referring to. We have 185 days of academic instruction to meet all of the required minutes, to meet all the required graduation requirements. We have about 130 days of conservatory days. You mentioned athletics could be seen as the extracurricular, the co-curricular after traditional hours' time period. That program is purely based on fundraising.

The foundation is the entity that does that fundraising, just like you mentioned the Tustin Council Foundation, to provide those opportunities. We ask the parents to voluntarily participate to fund that afterschool program to the degree that they're able. We are very clear, we're very transparent that those donations, if they should give, are voluntary. Our foundation is focused. We're just finishing up a \$3 million campaign that we're spending \$500,000 a year to make sure that any student that attends OCSA has every opportunity that the affluent families have, whether it be a computer at home, whether it be a WiFi hotspot, whether it be dance clothes or supplies or field trips or any of those things. There is just the opposite is what would occur if our foundation wasn't raising the money like it's raising.

**Gomez:** What are some of your typical foundation fundraising activities?

**Opacic:** We do an annual gala that raises about a million dollars. We have a campaign that's called the Artist Scholar campaign that is specifically for those donors that want to support students that are at need. We have a Master Artist series. We have donors give to sponsor artists coming into the school. We have a Hearts for the Arts program where a donor can give specifically to an art area they're passionate about. It's a pretty comprehensive fundraising effort.

**Gomez:** How much does the foundation raise annually?

**Opacic:** About \$9 million.

**Gomez:** What's the delta between that and what parents have to contribute in order to have your full program? What's the gap?

**Opacic:** I don't understand. \$9 million.

**Gomez:** If the foundation raises \$9 million, then the parents should not have to contribute anything?

**Opacic:** The parent campaign is part of that \$9 million. It's a parent annual giving campaign. Part of that \$9 million is what parents contribute.

**Gomez:** Okay. I guess I can't articulate my question correctly, so I'll come back to you.

**Opacic:** Thank you.

**Gomez:** I'm done for now.

**Barke:** Any further questions?

**Williams:** I do. By the way, Ralph, thank you for being bold. Thank you for taking the leadership to promote and talk about these things. I think you have done a great job. Is Maggie here today, by the way?

**Opacic:** Yes.

**Williams:** If I can get Maggie up here? My questions will be more legal.

**Opacic:** Okay. Then, I'll sit down.

**Chidester:** Good morning, members of the board, Mr. Superintendent.

**Williams:** Good morning, Maggie. The four items that Mr. Opacic went through, the management contract, that's resolved. That is no longer ongoing. The voluntary contributions, I think that's been adequately addressed. I think it's pretty transparent. The other issue is that there was disagreement with our staff report that was with the one Education Code regarding the foundation. If you could give me some input and understanding of OCSA's perspective on that.

Of course, the last one will be the admissions process. Mr. Opacic said that is in alignment with the other Education Codes and is also done in other academy of arts, such as Huntington Beach, LA County, the South Orange County, Troy Tech, which has an exam-based admissions process, and Oxford, which has an exam-based, and, of course, the San Diego school mentioned. What are the differences in the admission process from those schools and yours? If you can, help us understand why you disagree with our staff regarding the foundation.

**Chidester:** As Dr. Opacic said, it's a respectful disagreement and I think many members of your board, and certainly many members of the audience know that my office typically represents school districts. We're quite selective about the charter schools that we represent. We're very often in the position of doing oversight. Over the years, we, unfortunately, on behalf of our school district clients, have had to assist with that oversight to a degree as found by FCMAT in a recent example that we litigated all the way to the California Supreme Court last summer before it was resolved. FCMAT found that there was the opportunity and the motive for fraud in that charter school, which will go unnamed, to the tune of over \$4 million.

I definitely understand why staff is being cautious. The two things that are most important to the taxpayers in this world are their children and their tax dollars. Charter schools are trusted with both. The California legislature, and I'll try to stay away from the politics, especially on the departure of our former governor, completely overhauled the Charter Schools Act of 1992, extensively. One of the changes that they made was to add a new Education Code section 47604.1 and that has to be read together with 47604, and 47604 was also amended. If I can presume to speak to the legislative intent, the whole issue is a charter school going to be authorized and then create a number of, pardon me, private shell corporations that are owned or managed by relatives or cronies who are going to then sell their services to the charter school?

The unnamed charter school that I spoke with you about, that FCMAT found the opportunity for fraud of over \$4 million did precisely that. We get it. OCSA is not that. OCSA is operated solely by its board of trustees of its corporation. It is not operated by the foundation. The foundation is not a for profit entity. There is neither the opportunity nor the will to siphon off money for your relatives or your cronies by selling services to OCSA the way that the petition and bylaws are

written. I won't be so bold as to predict how a court might interpret the application of 47604 and 47604.1 to a situation such as ours, which is very different from the bad boys and girls that use your tax dollars to siphon off money from charter schools and make their fortune.

I venture to say reasonable minds can differ. As Dr. Opacic said, no disrespect to staff. OCSA is not the situation contemplated by these two code sections. It is not operated by the foundation. The foundation has, in fact, created the stability for OCSA to be independent and operate on its own by, as was pointed out earlier, appointing over a period of 20 years, approximately three members to the OCSA board of directors. Other than that, it's hands off except to raise the money. Sorry for the long discourse.

**Sparks:** Can I ask a related question around that? Can you explain the difference in what you just explained and the foundations that are out there in, for example, the Irvine Public Schools Foundation in relation to the IUSD or the Tustin Public School Foundation and relationship with TUSD?

**Chidester:** Thank you, Dr. Sparks, for that challenging question. I'm not familiar with the bylaws of either of those organizations, but my office does represent about 40 school districts in addition to the few charters we represent. Typically, we're working on one right now as we speak. Typically, those are five 501C3 nonprofit public benefit corporations. They are independent, if you will, from the school board of the school district. Typically, those organizations are for the purpose of raising money for specific projects of the school district.

**Sparks:** Often related to the arts from what I understand.

**Chidester:** Quite possibly. Yes ma'am.

**Sparks:** Thank you.

**Chidester:** I will try to briefly address the placement issue. Again, the legislature, I think, meant well. It completely amended Education Code section 47605, which deals, among many other things, with admissions. I won't go over the ground that Dr. Opacic explained so well with respect to the rationale for the placement activity. The issue with 47605, and I do, to a limited extent, concur with some of the remarks from Santa Ana. The intent is that there not be a barrier to admission of students who want to come either by their lack of financial resources, or their lack of experience, or their lack of exposure or familiarity. I think as educators we have to be all about, as Mrs. Gomez said earlier, not allowing barriers to be erected that would prevent students from access to their dreams in accomplishing them.

47605 doesn't say anything about a placement activity. It ensures the important things. Charter schools must be very mindful and allow access and encourage access to underrepresented groups, whether by income, by race, by special education status, or by English learner status. We appreciate that and OCSA respects that very much. I think you heard at the last meeting, over the years OCSA has continued to implement more and more and more activities to welcome children from the greater Santa Ana community to expose them to the arts and a number of opportunities, and to suggest to them the idea that you don't have to be a scholar. You don't have to have private lessons to attend OCSA.

OCSA did a number of things in its present charter petition that I know as, Mrs. Gomez said, I'm sure you all read quite thoroughly. It specifically looked at those issues and those barriers. It specifically said, we're not going to do an audition anymore. The placement is for the purpose of identifying a conservatory where a student can be successful and have the opportunity to be successful. I'll probably get this wrong, so I welcome Dr. Opacic to correct me and I'm not a musician either. If, for example, you had a student who wanted to study the wind instruments and a student who had had many years of private training and was quite accomplished, that student would not be best placed in his or her interest in the beginning or emerging, I believe is the correct term, that category.

That student would be best placed in a more advanced category. A student who maybe always wanted to be a flutist but had never picked up the instrument, but who was very committed to learn and to work hard would likely be placed in the emerging category. It's not to do with whether they're admitted, it's to do with whether what's the good place for that student to be supported and learn? That was the effort and that was the emphasis. I will say 47605 does not say that you may not have a pre-admission placement activity. I know the thinking is that any pre-placement admission activity is a barrier and I hope we don't ever have to litigate that. Again, reasonable minds differ. It's a brand new statute. There's no case law on that. Other questions?

**Barke:** Any further questions?

**Gomez:** Actually I do. Thank you. You mentioned something that I wanted to clarify. You said that the foundation has appointed three board members over 20 years. Was that an accurate statement? Did I hear that correctly?

**Chidester:** I believe it's three and I would defer to Dr. Opacic if he wants to address that.

**Opacic:** When OCSA was established in the year 2000, the charter language was that the OCSA Foundation would appoint three board members and Santa Ana Unified School District would appoint two. That occurred. We've had board members that have been serving as board members of the OCSA board of trustees for those 20 years. In the last 20 years, we've had three board members step down and those three board members when they stepped down were replaced by the OCSA Foundation. Yes, I believe three is the correct number.

**Gomez:** Okay. Your bylaws, then, how do they address your board members? Do they have terms? Do they have term limits? Do they -

**Opacic:** The OCSA Foundation board of trustees has no term limits. No.

**Gomez:** Okay. Do they serve for a certain period of time and get reappointed, or they just sit there?

**Opacic:** They serve for as long as they're willing to serve and provide that leadership.

**Gomez:** Okay. That's kind of unusual for many boards that there usually are terms that people serve then they may get reappointed or re-elected, whatever the board is. I'm talking about nonprofit boards. By that very action, it seems as though the foundation does exercise some control over, or some management, whatever term you want to us, over the school.

**Opacic:** I would not use the word management. As a sole statutory member of the foundation, serves one function as it relates to the board of trustees. That's appointing the three board members.

**Gomez:** Again, coming from a longtime board member, and I'll address the Tustin Public



Schools Foundation question in a moment, it would seem your bylaws should reflect terms so that again, you have some fresh ideas and fresh people that would come onto your board. I'm a little bit concerned about these people that are on the board.

**Opacic:** Either that, or you have strong leadership that's deeply committed to the organization, has institutional history and is passionate and committed to making decisions on what space for kids best serve for kids.

**Gomez:** One could argue that one way or another. I agree. Trustee Sparks, to your question about the role of the foundations and maybe this will kind of tie it up a little bit. I'm the former president of Tustin Public Schools Foundation many years ago. Our relationship was at arms' length. Yes, we raised money for the schools and we listened to what the school needed. We had Banking for Books. That was a fund we had to fund our libraries. That's how long ago this was. We also did other programs. Most recently, I don't sit on the foundation board anymore because of potential conflict of interest when I sat on the city council.

We, I always say we because I still feel a part of that, but the foundation would raise money, say for a robotics program when robotics was first starting up, just to see what the interest was. They did summer programs. It was always...maybe in loose consultation, but the foundation didn't direct the school nor did the school direct what the foundation was doing. It was always at arms' length and I don't see that here. Again, that's my lens in serving on that board as to how we interacted. I'm struggling a little bit with that.

**Opacic:** The relationship between the school and the OCSA Foundation is exactly as you just described. The school leadership determines priorities in terms of what it wants to accomplish and what it needs. Then it goes to the foundation and says, "In terms of fundraising, here are our priorities. Here are the things we'd like you to fundraise for." That's what the foundation fundraisers for.

**Gomez:** The school district never appointed foundation board members nor the opposite. When you're saying it operates exactly the same way, it does not.

**Opacic:** It does.

**Gomez:** No.

**Opacic:** The board -

**Gomez:** It doesn't.

**Opacic:** We'll respectfully disagree. Thank you.

**Gomez:** Yeah, no, it does not. I really am struggling with those board members being appointed by the foundation.

**Williams:** On that point the good Trustee Gomez makes, going forward the board appointment would be by, instead of Santa Ana Unified, it would be by this board?

**Opacic:** Correct.

**Williams:** Then the other three members would be by your foundation?

**Opacic:** Correct.

**Williams:** I see. It's a seven member -

**Opacic:** Five.

**Williams:** - five member board? It's not paid?

**Opacic:** It's not paid.

**Audience and Board:** [Laughter]

**Williams:** It's a lot of time.

**Gomez:** Yes, stick around on that board a while.

**Williams:** They must love what they do. I tip my hat to them. It's a lot of work. I have no more questions.

**Barke:** Any more questions?

**Bedell:** Yes. I would just like to hear from the maker of the motion what he sees. There's a downside. I typically approve. I want to support this, but when there are conditions that raise questions that might in fact have negative impacts on this organization, at least the addressing the conditions in the motion to approve protects this board and protects this institution. As I see what your motion is was just flat out approve without any recognition that there may be some issues that need to be discussed and reconciled. That's what I personally would feel more comfortable with, conditions, which you know I normally would do that.

**Sparks:** Why don't we hear from Dr. Opacic?

**Williams:** Can I answer that first? That's a great question. Thank you, Jack, for asking that. There was four issues that was brought up in the report. This is not the first time that we've talked about these issues. Our last meeting in February, we went over them again. We have a very specific letter that was given to us dated January 8<sup>th</sup>, by Maggie. The issues that were brought up were the management contract, the voluntary funding contributions, the OCSA Foundation, and, of course, the placement. I think all of those issues have been adequately addressed that the staff may not agree with everything, but we don't go by staff. We sometimes have to make independent decisions as people who are elected as trustees to this department. I don't think those are really barriers to me making that motion for option number one.

**Gomez:** If I could make a comment here? Again, this is my lens, and I'm coming fresh off an accreditation visit yesterday. When you have an accrediting board come in and take a look at your operation and they find something, you could say, "Well, I'm going to fix that." They don't say, "Okay." They say, "We'll be back. We'll be back to see if you actually did fix it." What you've said here is that you've changed a lot of policies and a lot of different things, which I think is wonderful. It's responsive to our charter school folks.

Yet at the same time, I come from someplace where you've got to show me what you've done and you've got to put it into practice. If you say you changed, say, the mandatory preview, which is what Trustee Sparks was asking about. If you are going to change the parent donation policy, it's great to say that we've changed it, but I'd like to see it in practice. When is your next enrollment period for the school for fall?

**Opacic:** We will be accepting students in late March, early April.

**Gomez:** When are you having these parent meetings, these preview days that are not mandatory anymore, according to you, right?

**Opacic:** You mean the parent funding campaigns? The parent funding meetings?

**Gomez:** The preview days.

**Opacic:** It'll be in May. Sorry. For returning parents, we do them in January and February. For new parents, we do them in May and June.

**Gomez:** What would be wrong with us to approve this with conditions to demonstrate that you, in fact, made those changes when you did your preview days? That you did not require donations? You're changing your policies, but my point is that I want to see those in action as opposed to a piece of paper. Again, you have to understand the lens that I'm looking at. For you to say, "Yes, I'll do that differently." but not see it in action is what –

**Opacic:** Again, with no disrespect, OCDE staff has never come to one of those meetings. They don't know what we say in those meetings. They don't know that we say it's voluntary. They've seen the new form that we've developed that says voluntary parent donation. This is voluntary, but Santa Ana Unified School District nor OCDE has ever come to one of those meetings to know that we're transparent about it. I welcome you to attend. I welcome staff to attend.

**Sparks:** I've been to those meetings, by the way, and have heard it for myself.

**Gomez:** Heard what?

**Sparks:** What you said.

**Gomez:** That it was voluntary?

**Sparks:** Yes.

**Audience:** [Applause]

**Gomez:** Again, I don't see what the harm would be in approving the petition with those conditions to assure that some of these changes have in fact been made.

**Opacic:** Are there any more questions?

**Barke:** Any more questions?

**Williams:** No questions.

**Barke:** No more questions? I'd like to call for the vote. All those in favor?

**Sparks, Williams and Barke:** Aye.

**Gomez:** Let's be clear about what we're voting on because this is the discussion we've had in the past. Maybe you could restate your motion, Trustee Williams?

**Williams:** Absolutely, my dear colleague. I am making boldly, as an option, number one to approve the charter petition as written. That was seconded by, I believe, Dr. Sparks.

**Barke:** I will now call for the vote. All those in favor?

**Sparks, Williams and Barke:** Aye.

**Barke:** Those opposed?

**Gomez:** Opposed.

**Bedell:** Abstain.

**Barke:** It passes 3-1-1. Thank you very much.

**Audience:** [Applause]

**Barke:** Thank you very much. We appreciate everybody being here today. We're going to take a short five minute break.

**[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE BEGINNING OF THE 5-MINUTE BREAK. ONCE CONCLUDED, PRESIDENT BARKE STRIKES THE GAVEL ONCE MORE TO SIGNAL THE CONTINUATION OF THE MEETING]**

**Barke:** Welcome back everybody. We're going to be moving next to Scholarship Prep.

**Chastain:** Today, the board will hold a hearing to consider public input regarding the request for multiple material revisions to the Scholarship Prep Charter School charter petition, which was submitted on February 5<sup>th</sup>. Scholarship Prep is requesting the following material changes to the school's charter: 1) Changes to the educational program to add grades nine through 12; 2) Expansion of the school's countywide status to add youth experiencing homelessness as a target population; and 3) Changes to the enrollment preferences to provide youth experiencing homelessness exemption from the lottery. Prior to public comments, representatives from Scholarship Prep are allotted 10 minutes to address the board. Then the hearing will open for 30 minutes of public comment. I now call representatives from Scholarship Prep Charter School to the podium.

**Romero:** Good morning. Thank you, Aracely. Good morning, board. Before I began, of course, I'm Gloria Romero. I'm the executive director of Scholarship Prep. Let me just extend my congratulations to Dr. Williams, Ms. Gomez on your successes yesterday, and to Ms. Sparks, if I may say, that we are grateful that you will be with us for a longer period of time. Thank you very much. Today, we are very proud to ask you to consider for approval of our material revision, which basically has two main parts as mentioned. The first, of course, is to create a prioritization for homeless youth to augment the prioritization that we already have for foster youth.

We believe that we have been very prescient in predicting the need to envision and to create a high quality TK through eighth grade school, prioritizing the needs of homeless children even as Governor Newsom just recently delivered a more intensive focus at the state level in terms of dealing with homelessness. Homelessness also has to be addressed as an education issue. The second major issue you'll find is the creation of our first nine through 12<sup>th</sup> grade high school pipeline to continue serving underserved youth in Orange County in a high quality educational opportunity.

I'm going to say that even we are amazed at the success that we have achieved in a really rapid period of time. Just last year, we received a \$12 million innovation grant from the US Department of Education, which actually has enabled us to envision and propose this new high school. Just last month, we celebrated our Santa Ana campus being named and honored as a California Distinguished School. Superintendent Mijares, you were the convener here in Orange County and we were there in that big room sitting with thousands of other people celebrating their recognitions as well. Also, just last month, we celebrated at our Santa Ana campus, our winning of WASC accreditation.

With your affirmation, as you review this, we are ready to move forward with the bold no excuses leadership philosophy, which facilitates our continued closing of academic achievement gaps and accelerating growth for all of our scholars. Joining us in the room today are our principal, Ms. Dennise Allotey, who has successfully led this campus. We have several of our parent leaders representing the pep squad, the school site council. Some of them also have children in the schools. I'd like for them just to stand to be recognized as well. Now, I will turn this over to our chief academic officer, Mr. Andrew Crowe, who will highlight our strong academic record, which underscores our belief and rationale in a new high school pipeline. Mr. Crowe.

**Crowe:** Good morning, President Barke, board members, Superintendent Mijares, staff. Just want to share some of our successes that Senator Romero alluded to. When comparing us to the surrounding school district, Santa Ana Unified, when you look at the CASP, our students perform 23 percentage points better in English language arts and 36 percentage points better mathematics. We are rapidly closing the achievement gap. We're really proud of the work that we're doing for our most vulnerable youth. For our students with IEPs, there's a 22% gap for ELA and 14% mathematics. For our English learners, there's a 27 point gap in ELA and a 33 point gap in mathematics. We're, again, very, very proud of the work that we're doing.

We didn't cream our students. Over the past three years that we have data, the Santa Ana Unified School District has grown 4% in ELA, or we have grown 34%. The Santa Ana School District in three years has grown 2% in mathematics and we have grown 43%. We're very excited about the great things that we have on our campus. When we talk to our parents, our students current and on loans, they all come back and say, one thing. "We want this program in high school." We want this actual program because they're not being serviced at the high school options. The Santa Ana Unified where the vast majority of our students go to their graduation rates are declining for their foster youth, their homeless youth, and English learners, which is something that our parents are feeling.

Only one out of three of their students are proficient in ELA and one out of five in math. It's tough for us to send our students and pick two out of three and say you're not going to meet state standards and the four out of five in math and knowing that they're going to be failed. The biggest issue that our parents are coming to us with is this college and career readiness pathway. We are Scholarship Prep because we want to put kids on that pathway. At the local school district, only 35% of homeless youth are college and career ready, 21% of foster, 15% of English learners and only 8% of special education students in the school district are college and career ready.

That's what we are looking to combat with our high school through our family focus groups, along with our students. We've identified a rigorous academic program that includes 12 AP classes, continue our arts and athletics pathways in a holistic support as well as a small school environment. The average Santa Ana comprehensive high school has over 2,100 students. We are excited that our program would offer a small school environment so students can continue to be known. We finally wanted to mention that we already have a great team in place to ramp up our K-eight to nine-12.

Myself, I was a former high school teacher and site administrator. Our director of student services was a high school counselor and worked in financial aid and admissions at a local university. Our director of special education was a high school special education director and our director of curriculum instruction was a high school site administrator. We have the K program, we have the parent and student demand, we have the success, we have the verified need in the community and we have the team. We're very thankful for you considering us.

**Watson:** Good morning, President Barke, members of the board, Superintendent Mijares. My name is Jason Watson. I'm the co-founder and COO of Scholarship Prep. In addition to the content shared by Sandra Romero and Mr. Crowe, I want to touch on a few additional items to

further our cause for the material revision approval. Again, to piggyback on what Senator Romero said, our organization was one of only 15 charter school networks nationwide to receive this \$12 million grant from the federal government. That grant's purpose is to expand and replicate high quality charter schools throughout the nation. We received this grant due to our successful efforts, as Mr. Crowe indicated, in moving the academic needle for underserved youth, particularly English learners and socioeconomically disadvantaged students.

Our academic outcomes over the last three years for K through eighth students have gone unmatched, as we've just heard. Our expectation is that we'll continue two and through 12<sup>th</sup> grade and into college. According to the grant parameters, this growth imperative can only be achieved by opening new schools or adding grade levels to existing schools. Based on this grant, the longitudinal data shared by Mr. Crowe, as well as through numerous discussions with Scholarship Prep families as we have here today, since our inception, we feel compelled to expand our K through eighth school to add grades nine through 12.

These grade level additions would allow us to access the vital funds from the grant which would be used to support a number of things including a site full-time school counselor, student instructional technology, which includes Chromebooks, and furniture and equipment. It's nearly to the tune of \$1 million in that first year of the expanded school. Those are vital funds, as you can imagine. As a countywide charter, which we are, we have options when it comes to locations and facilities. Of course, we understand the importance of staying close to our existing school site to maximize the ability for families to stay together and to limit their logistical challenges for getting to school each day.

Thus, we are looking for permanent sites not only in Santa Ana but in surrounding school districts. Though there are other school options we know for families within our region, we believe we must listen to the requests of our families. We've empowered them to have a voice in their child's educational pathway and they have, in turn, asked us, as we've heard already, to create a high school for their children. One that is founded in rigorous college preparatory instruction, maximizes outcomes to lead to high school graduation, to and through college, and continues to provide the unique and high quality educational program that they had been used to at Scholarship Prep. Thus, we ask that you consider kindly our material revision submission for approval so that our students and families can remain Scholarship Prep scholars on their pathway towards college. Thank you.

**Barke:** Thank you.

**Chastain:** The hearing is now open for public comments from individuals who have submitted a comment card. Each individual will have three minutes to speak with a total of 30 minutes allotted for public comments. For those speaking today, the board clerk will time each speaker, a red light will flash and a buzzer will sound when time is up. Associate Superintendent Boyd, please call for the first speaker.

**Boyd:** Miles Durfee.

**Durfee:** I've got to check my watch. Okay. Good afternoon. Miles Durfee with CCSA. Members of the board, Superintendent, and staff. We speak strongly in support of this material revision. I have been out to the site in Santa Ana and have seen the work that they're doing with the students. I know a number of you probably have also, but I'm very encouraged to see the program and the depth and quality of what the Scholarship Prep team has been able to put together, not only in Orange County but Orange County in Santa Ana is an example of that. I look forward to them providing another option in Santa Ana for a great school for high school students as well. Thank you.

**Boyd:** That concludes the public comments.

**Chastain:** This concludes the public hearing. The board will take action at the April 15<sup>th</sup> board meeting. President Barke, I now turn the meeting back over to you to facilitate any questions that the board may have.

**Barke:** Thank you. Do you have questions?

**Gomez:** Yes. If I could have Scholarship Prep come on back up? First of all, now I can see the parents who asked to stand up because I had two tall gentlemen in my way. I couldn't see who they were.

**Audience and Board:** [Laughter]

**Gomez:** Senator Romero, you could probably answer these for me. I'm looking at page 29 and looking about the demographic profiles. The numbers cited in the report was from 2013. I went ahead and I pulled up the PIT count, which again, you probably wrote the report before the PIT count was done. For those of you who don't know what a PIT count is, it's the Point in Time count. What I saw, and again, this is from the county report. We're looking at 244 unsheltered children, 163 were school-aged. I don't like to see a number of one.

You're obviously finding a gap here that really needs to be addressed in the county. I really appreciate you looking at this. I know you're looking at partnerships with Orangewood and Samueli. Samueli has also said that's what their focus is as well. How do you propose to work with them to address some of these issues? I don't like to use the word recruit, but how do you identify those students that you're looking at?

**Romero:** Again, as a charter school, we open the door to everybody. Whoever comes in is who is served. Specifically, looking at homeless youth for example, which is where we want to have this new prioritization. It begins, first of all, with following McKinney Vento and basically doing our own surveys with our families. That's actually what first prompted us to begin to say we have a whole essentially hidden population. It's an iceberg of our almost 500 students. There's a whole subset of students who sometimes from shame, from stigma have never identified. Actually when we brought on Ms. Crowe, we began to task her with saying, "Let's begin to identify. We know that we have real issues just looking at Santa Ana, Orange County in terms of homelessness."

We were actually quite surprised when we got back large numbers of our own students that we, ourselves, really had not tapped and identified as being in need of shelter. That's what really moved us forward to do this continuing, of course, with almost the same issue with our foster youth. We have the prioritization. Many foster youth will not step forward to readily identify for

also a number of issues. With respect to Samueli, we continue to partner. We were very happy when we first originally decided to open the charter to move forward. Yet, we continue to collaborate. We annually run what has become a very successful annual Orange County Foster and Homeless Youth Summit. You'll all be getting invitations.

We regularly invite Samueli, the Orangewood Foundation so that we can continue to collaborate. Really, at the end of the day, every school, every district must address the needs of both homeless and foster youth. We would be collaborating with everybody, all districts here in Orange County. We think, given the expertise of Samueli, and given our expertise, we think that we would stand out under you as a countywide strong educational institution that can continue to serve this. Mr. Crowe, do you want to add anything?

**Crowe:** Just a point of clarification that your Point In Time count is very vital. It doesn't kind of follow McKinney Vento. The actual number of homeless students per McKinney Vento is over 10,000 in Orange County. It differs in the Point in Time.

**Gomez:** Absolutely.

**Crowe:** I just wanted to talk through that. The partnerships that we have, the Orange County Housing Authority, Saddleback Church, those are partnerships through which we're really leveraging, in addition to the Samueli situation and Senator Romero talked about that. Those have come up recently as we are doing this outreach. We're talking about recruiting, finding these students. That's where we're really finding them. We're finding them through these partnerships where through the religious communities and through, actually, social services and your own staff who have been tremendous for us because we've been getting a lot of referrals because of the resource that we provide that you've seen in the charter petition, such as the mobile pantry, the clothing, et cetera.

**Gomez:** You raised another point I was going to ask about the mobile pantry and the clothing and things like that. That's phenomenal that that's really going to be an option for those students. How do you propose to fund that? Is that part of the grant that you got or –

**Crowe:** No. We fund that through our own healthy reserves. Mr. Watson can speak to that, but I believe at the end of the year we're going to end with \$1.2 million in reserves. We fund that through our own ADA, the monies that we have. The federal grant actually doesn't apply to the Santa Ana campus yet. It would if we open a high school. There will be funds that we could fund other sources, other positions and then use that money to keep funding it. We found that even with the numbers of homeless and foster we have now hasn't had a dent in our budget to be able to provide the clothing, the food, the backpacks, the laundry service, et cetera.

**Gomez:** I could just see the clothing at the beginning of the school year, the uniforms fit the students or the clothing, but two months later, their pants are this short, and that kind of thing.

**Crowe:** Our director of student services is a frequent shopper of Walmart, Target, Costco because we are always going just getting bundles and random sizes. Yes, absolutely.

**Gomez:** I would just make a suggestion about the food pantry because this has come up in some of my dealings with some of the schools where there is a food pantry and maybe you get



something from Second Harvest and they're already in the boxes that maybe we give the kids. They don't want to take those Second Harvest boxes on the bus or on public transport because they don't want to be identified as being needy of some sort. Maybe we give them some tote bags or something where they can take it out of the box and put it in there so they would feel a little bit better about taking food from the pantry. That's just a suggestion I would make so that the students don't feel –

**Romero:** Maybe we'll go to that Tustin Foundation you spoke about and maybe seek a partnership. Absolutely, we agree with you.

**Gomez:** That's all the questions I have.

**Barke:** Any other questions? Okay, sounds great.

**Crowe:** Okay.

**Romero:** Thank you. We'll see you next month.

**Barke:** We're moving to the minutes now. Is that where we are?

**Williams:** It's the approval of the board minutes.

**Barke:** Yes. Do we want to take a short lunch, or no? Okay, we are now moving to item that was moved to the approval of the minutes. Do you want to start with a discussion?

**Sparks:** I'd like to make a motion to amend the draft minutes of the February 5, 2020 board meeting to the following: Motion by Bedell, seconded by Gomez to approve the 2019-2020 first interim report. Motion failed by a vote of 2-3: Bedell and Gomez voted yes; Sparks, Williams and Barke voted no. Substitute motion by Sparks, seconded by Barke to approve the expenditure increases of 25,000 or more that are reflected in the variances noted in Ms. Hendrick's report provided to the board in connection with the first interim report for the February 5, 2020 board meeting.

The motion does not approve any increase in spending for object codes 5851, 5220 and 5230 that would reduce or eliminate the spending reductions adopted and approved by the board for those object codes on June 26, 2019 and August 1, 2019, thus maintaining those reductions. The motion was carried by a vote of 3-2: Barke, Sparks and Williams voted yes; Gomez and Bedell voted no. I can provide this, too.

**Williams:** I'll second it.

**Barke:** Any discussion? Hearing none -

**Gomez:** I have questions, but I would ask that maybe we defer this approval of the minutes until next month. Dr. Bedell is not here, he had to leave. Since this seems to be a significant motion for us, I think that I'd like to have a little more time to look at what was originally written because I don't think that this all reflects it correctly. I would defer and ask that we table this until next month.

**Williams:** We have a motion and a second. I call for the vote.

**Barke:** Okay. All those in favor of approving the minutes as -

**Sparks, Williams, and Barke:** Aye.

**Barke:** All those opposed?

**Gomez:** Oppose.

**Barke:** It carries 3-1. We are now moving on to number 10. Do I have a motion? Do we want to have a discussion?

**Williams:** I'll make the motion that we continue with the process of approving the second interim report. There may be lots of questions, but I'll make that motion.

**Gomez:** You're making the motion to do what? To defer to next month?

**Williams:** To continue with the discussion. No, I'm not laying it on the table. I just want to get questions and ask questions.

**Gomez:** Okay.

**Williams:** For the purpose of discussion, I'm just making this up.

**Gomez:** I'll second it for purposes of discussion.

**Barke:** Okay. Renee?

**Williams:** Good afternoon, Renee.

**Hendrick:** Good afternoon.

**Williams:** Thank you for getting us the variances. Just for the record, these variances are in addition to the first interim report branch. Is that correct?

**Hendrick:** Yes. When you approve the variance, that makes it the new standard, right?

**Williams:** Correct.

**Hendrick:** This is the variance from that standard forward. Does that make sense?

**Williams:** Is this the variance off the first interim?

**Hendrick:** Correct, the variances that you approved for first interim.

**Williams:** These are different?

**Hendrick:** Yes.

**Williams:** Okay. Help me out here. The first interim we originally began discussing, was it in January?

**Hendrick:** Right. No, it was actually in December.

**Williams:** December.

**Hendrick:** Maybe if this helps clarify it. The first interim is actuals throughout October 31<sup>st</sup>, right? Then the budget for the rest of year. The second interim is actuals through January 31<sup>st</sup> and our projections for the rest of the year. We started the discussion in December but we didn't complete it until February.

**Williams:** Last month. Okay. These variances are from basically November and December?

**Hendrick:** Yes.

**Williams:** And projecting out for the remainder of the year?

**Hendrick:** Right. It's looking at where our actuals are falling and what they look at through January 31<sup>st</sup>, and then a projection forward.

**Williams:** Okay. From the discussion in the subsequent months from December, this is all based upon the proposed budget by the good superintendent. Is that correct? In other words -

**Hendrick:** I'm not really sure how to answer this.

**Williams:** - it was not the budget that the board approved on June 26<sup>th</sup> and again on August 1<sup>st</sup>, 2019?

**Hendrick:** I'm not sure how to answer that question honestly because you're talking about a broad category. You're looking at three very specific issues that were part of the difference between the board and the superintendent. These may not be some of those same issues. That's why I'm not sure how to answer it. We're looking at each account to say, "Has there been an increase of \$25,000 or more?"

**Williams:** Okay. On some of these items, could you help give more detail, or it's Object Code 4310? TUPE. Could you explain and help us understand that?

**Hendrick:** Tobacco Use Prevention. That was part of the new funding that you had seen. When we say new it's because it wasn't included in the budget at all last time. This is a new item. Below that would be an increase of \$25,000. That would mean that we're increasing that expenditure more than 25,000. Does that help?

**Williams:** Yes. This is a great program. These are new funds that have occurred since January?

**Hendrick:** Right. We received a statewide, so we actually have received three different pieces. We had the existing ones that we've had plus we received a new one from the Department of Justice. We also got a statewide technical assistance contract.

**Williams:** These contracts, did they come before the board in the form of a vote?

**Hendrick:** Contracts normally don't come to the board for a vote. You do see them listed in new revenue, which are in your...starting on page six. You've normally seen them with the grants and you normally get a list of all the grants and contracts and things like that with every budget.

**Williams:** The next line item under that same object code, the CTE Incentive Grant. Could you help us understand that?

**Hendrick:** The CTE Incentive Grant is the strong workforce and it's not really a grant because it's a state entitlement. We receive those funds as a consortium. It's us, Santa Ana, Orange and Garden Grove School District. We are the administrative unit for that. It used to be our ROP program and now it's called a CTE program. The state gave money out to the different programs. This one's a little bit different though, strong workforce, because it came through community colleges and then as granted to the different CTE consortium's. We had this last year also, just so you know, but there was new dollars in this year and expenditure this year is, even though we received some of the funds last year, we hadn't made a decision on how exactly how those funds would be spent. Now we're buying the materials for that.

**Williams:** These funds, is it a grant that you had to apply for to get this?

**Hendrick:** No, it's an entitlement from the state.

**Williams:** It's an entitlement. It automatically comes.

**Hendrick:** It's coming through the community college and then the community college is going to get information from each one of the consortium to send it out.

**Williams:** What community colleges are –

**Hendrick:** This one comes through Rancho Santiago Community College. It's part of the whole career pathways consortium piece that we have. There's a lot of discussion between whether the state continues on the strong workforce or whether they switch back to the CTEIG, which is money that'll flow from the state to the local districts. For some reason last year, they went to community colleges and districts and left out the directly to districts. It's part of that same conversation, same purpose for the funding, though. It's for career tech for students. This specifically is we're doing specific spider machines, which is for 3D modeling. We'll be putting those in multiple districts. It's a huge component where they do 3D modeling, not only just for students. These funds also include teaching the teachers how to use the products also.

**Mijares:** I just wanted to comment if I may, Madam President? The money was given to the chancellor of the community colleges and the chancellor, and there's what, over 100 community

colleges across California? It's the largest in the country.

**Gomez:** 114.

**Mijares:** 114. They then disperse the money and career tech historically has been largely driven by community colleges and the K-12 system.

**Barke:** Thank you.

**Gomez:** Career tech, just for clarification, might be the health sciences, auto tech, aviation, those kinds of things where people can get a two-year degree and get a license and a job.

**Williams:** Moving on with the questions on Object Code 5310.

**Gomez:** Ken, what page are you on?

**Williams:** B3. I flipped the page. There's mentioned here are 78 programs that we're supporting. Love Them All Foundation, Boys Foundation, United Way for Youth. All of these community partners, is there a payment that we're making?

**Hendrick:** Yes. This is like if they have the Boy Scouts Breakfast, right? We may buy a table. Multiple representatives are supporting it. This is the area they're showing up in. As I was going through this, I was trying to figure out why it was actually in this category, honestly. I'm not sure it shouldn't be in registrations or something instead. When trying to look at what that increase was, that's what I was seeing is a lot of it was a sponsorship. Love Them All, we do a function with them for the special education program. I will say the majority of those funds actually come back to OCDE for our students.

**Williams:** There's 78 programs and you listed about three or four. Can we get the list of the other organizations for our education?

**Hendrick:** When I say programs, I mean our internal programs. That's what I'm saying because when I'm looking at it I'm saying, "Who's increasing?" Say my budget would increase by \$1,000. When I'm saying 78 programs across the organization, we're showing increases in this area. Does that make sense?

**Williams:** About \$1,000 but collectively, they're over 25,000?

**Hendrick:** Collectively they increased. Yes. Up to that 86,000. It's a little bit from every single program we have. There wasn't one specific program that I could say, "Oh, this is it." They were broken out all over the place. We can give you a listing of everything in there if you'd like.

**Williams:** Sure.

**Hendrick:** Okay.

**Williams:** That's it for now.

**Sparks:** While you're up there, since you couldn't really answer the question of the interim, which budget it was, I'd like to call on Mr. Brenner to maybe explain that.

**Brenner:** I won't presume to speak for Ms. Hendrick and the reports that she and staff have prepared, but my understanding is that the second interim report has a component of it that is a listing of expenditure comparisons between actuals and original budget numbers. The original budget number is not the board adopted budget for the fiscal year 2019-2020. That's obviously the subject of a dispute. What it means with respect to the first interim report that you considered is that the variances that are reported should in fact only be variances above the numbers from the superintendent's original proposed budget. That would be amounts that exceed those original amounts.

Those variances should not include any separate increase of amounts that were reduced from the three object codes that the board approved on June 26 and August 1, 2019. Probably a process like the one you went through before, which is perhaps to table the variances for today, certainly ask any questions the board would like of staff to get answers to any variances you see, then to come back after looking over things further, and maybe even perhaps having a report provided by Ms. Hendrick similar to the one that you got with your first interim report where she very helpfully listed those \$25,000 plus variances all collectively together rather than in the report now, which is integrated, in which some of you may nonetheless find helpful as well.

Then come back a month from now and vote to approve or not approve those variances with the same qualification and proviso as before, which is that you're not changing your prior decision on adopting the original budget and you're not approving any increase in the reductions that you approved before, should that be the boards will.

**Sparks:** Thank you.

**Barke:** Thank you.

**Hendrick:** Can I just clarify? Do you have that list of revisions?

**Barke:** I'm just looking at B and it says board approved operating budget. I'm not sure what that means.

**Hendrick:** Board approved is going to be the second interim that you approved last month.

**Barke:** Okay. That second interim -

**Hendrick:** That's -

**Barke:** - those variances -

**Hendrick:** - it's that second interim. It's the variances between what the board, the revisions they approved for second interim -

**Williams:** No, it was the first interim.

**Barke:** That was the first interim.

**Hendrick:** First interim. Sorry, first interim. Yes. Right. The second interim would be the projected year totals, so, D.

**Barke:** Okay.

**Hendrick:** Then C is the actuals to date.

**Barke:** Okay.

**Hendrick:** I think the listing that Mr. Brenner was talking about similar to last month is what I did do in the beginning of this report. It's just the revisions over 25,000. That's B2 through B5.

**Barke:** Just to make sure I've got it, board-approved operating budget B is the variances that we approved last month?

**Hendrick:** Correct.

**Barke:** Okay. That's what D, the second interim, is built off of?

**Hendrick:** D is the second interim that you're seeing here. Yes.

**Barke:** It's built off of B?

**Hendrick:** Correct.

**Barke:** Okay.

**Sparks:** The second interim is not the board approved numbers. It's the superintendent approved numbers. What I would like to ask is for you to provide the same information that we asked you to provide last time on the first -

**Hendrick:** That is what you have on pages B2 through -

**Barke:** That's not what I understand from Mr. Brenner.

**Hendrick:** He just hasn't seen the report.

**Brenner:** Yes. I didn't receive the package so I can't comment on what's there. It sounds like what was done before may be here now. I think the point -

**Barke:** It's blended.

**Sparks:** It's blended but we'd like to further understand it in the same way that we've understood the first interim report.

**Brenner:** You'd like to have the variances broken out separately as a separately listed set of items?

**Boyd:** Yes.

**Brenner:** Okay.

**Boyd:** The executive committee asked for that. That's what you have. If you look at what Renee is trying to say is have you look at B2 through B5, the second interim is just the difference between, because you didn't want the same information you received last time is what President Barke had indicated in our conference call. That's what Renee did in detail on these three pages. It's the exact same thing. That's how you were able or why, my assumption, of what you approved last month because you have the detail. That's what this is in those three pages,

**Brenner:** Looking at this, B2, 3, 4 and forward does appear to be the separately listed variances. Obviously, if there's something else you want, you can certainly ask for it. This probably gives you a breakdown of the variances that your approval is being sought. Just to be clear, we went through this the last time, irrespective of what the agenda may say or what is being proposed, the board was careful not to approve the first interim report because the first interim report included a base budget that was not the budget the board adopted. It included a budget that did not include those spending reductions that the board approved and adopted on June 26 and August 1 of 2019.

What the board did do, though, was specifically approve the variances, the increase in expenditures over 25,000 above and beyond the budget that it adopted and the board can, and probably should, do that again with respect to the variances now with respect to and being reported as part of the second interim report. I don't think the board can approve, unless it wants to, the second interim report as presented in and of itself in total because it is based off of a budget the board never approved and adopted.

**Sparks:** Exactly. That's the point of clarification I wanted.

**Barke:** I think what we can approve is B2 through B5 because that is showing the variance from -

**Hendrick:** Just the revisions. Correct.

**Barke:** Yes. We can take time to look at that. We don't have to do that today.

**Sparks:** We should take time.

**Barke:** That's fine. I'm okay with taking time.

**Williams:** Do you want to table it?

**Sparks:** Yes.

**Williams:** Can I just ask a few more questions? On B10, the original budget A, that's the superintendent's budget?

**Hendrick:** I'm sorry, let me get to there. In A? Yes, that would be what the state superintendent

of instruction approved.

**Williams:** Okay. Then B, the board approved operating budget, is that the one we approved on June 26?

**Hendrick:** No. That would be the one that you approved last month.

**Barke:** Those are the variances that we approved last month.

**Williams:** That's the second interim?

**Hendrick:** Right.

**Williams:** Got it.

**Hendrick:** The first interim. Right.

**Williams:** Got it.

**Barke:** Yes.

**Hendrick:** Once you approve the revisions that becomes our new operating budget. Does that make sense? For an example, if you were to approve the revisions today, that would become our new board operating budget. The next time you see a budget, that would be the board approved budget. Does that makes sense?

**Williams:** Yes. It's becoming more clear. On Page B4, Object Code 5810, the California Complete Census. Normally, we start getting updates. Nina, if I can ask you to interject. Are we going to be getting updates on what we're doing with the census here in these funds?

**Boyd:** I'm not aware that we're doing anything.

**Hendrick:** Dr. Hittenberger, I think, is actually the one who has been responsible for this project. He may be able to answer that question.

**Williams:** Okay. Jeff, if I can just get you up here, if you can answer that question? What is the California Complete Census? The funds that are there and the variance. It went up over \$100,000.

**Hittenberger:** Thank you, Dr. Williams. We are part of a consortium in Orange County that is working to be sure that every person counts in the 2020 census. This is part of the larger California Census effort. We have one of our team members, Dr. Marika Manos, is providing training to teachers across the county on how to teach about the census as a part of your history / social studies curriculum. The census, of course, is a critical part of our history curriculum, and how to use this sort of teachable moment to integrate census instruction into your history / social studies curriculum.

We are also partnering with our school districts to support the census, if you will, public relations that they're doing in terms of flyers to families, letting them know the census is coming, here's how you participate, that sort of thing. This funding from the California Census helps to fund those various efforts.

**Williams:** I see. Has the board seen any of these documents or approved any of these documents or contracts?

**Hittenberger:** We can certainly provide you with some of the materials that are provided by the California Census that are being shared with our district partners.

**Williams:** The other issue that I need to make is that this board has traditionally, in my 24 years, we've done our own census and we participated intimately in that. I just want to make it perfectly clear and put it on the record that this board should continue to carry that out as we make our

decisions on the boundaries. I just think because of past irregularities, because of past events, I'm just making that clear right now to everybody,

**Hendrick:** Can I just clarify, Dr. Williams, because I don't think Dr. Hittenberger was here during that time.

**Boyd:** Renee, we can't hear anything you're saying.

**Hendrick:** I'm sorry. You're talking about the results of the census. Once a census is completed, the demographic studies and stuff.

**Williams:** Exactly.

**Hendrick:** Yes. That will be different than what Dr. Hittenberger's talking about.

**Williams:** Who's going to be taking care of that?

**Hendrick:** That's a really good question. It's probably going to be myself and Rosalee Hormuth who were involved last time with Ellen Sheraton. Unless Dr. Mijares decides something different, there's very few of us who went through that process 10 years ago. We hire a demographer, that's what you remember and we do the alignment and stuff like that.

**Williams:** Right.

**Hendrick:** That's a little bit different process than this. This is just getting people out to make sure they participate in a census.

**Williams:** Sure. It's making a -

**Gomez:** More of an outreach.

**Hendrick:** More of an outreach, yeah.

**Williams:** Outreach historical timeline.

**Hittenberger:** It's a great distinction that Renee draws because what I've been talking about is really more of the curricular side rather than the count side that Renee's talking about.

**Williams:** Without seeing any of these documents, we don't know. That's why we ask questions. I do have a commitment from the staff and from the superintendent that the board will be involved in making the boundaries and involved intimately in that process, just like we've done in the past.

**Hendrick:** What'll happen is it's usually almost like a year after the census is taken. They look at that demographics and we hire demographer to say, "Should our trustee boundaries change because of the demography?" The board has always been pretty involved in that process.

**Williams:** Exactly. Just as long as we're involved. I'm not done. On the same page B4, Object Code 5851, the MTSS. That went up by approximately 400,000. Could you kind of explain by what you mean by payments for students in schools participating in the program?

**Hendrick:** We give a sub-agreement to, say, school A, and they're going to get \$300,000 but they have to provide receipts for what they've done with those dollars before we pay them. Looking at our actuals, they've turned in more of their receipts. Even though we've allocated those funds to them, we don't just give them their funds. They have to actually show receipts for that or attend certain trainings or whatever it may be. In looking at our actuals, we've had more districts actually participating and turning in their receipts. We have a lag time between when the services are provided and when they actually turn the receipts in. The money had probably already been allocated. It's sitting in our fund balance. We just hadn't allocated it to be spent out yet. We don't do all of that until we have a good idea of what they're going to spend.



**Williams:** These funds are helping promote the multi-tier systems. Is that correct?

**Hendrick:** Correct. We have the statewide grant so this would be dollars that came down that said you're going to provide 15 trainees to seven regional ones. I don't know the details. I'm sure somebody else could speak to that. This is just saying that of those dollars we set aside for that more districts are now starting to use the funds that we allocated them.

**Sparks:** Who does those trainings for the districts?

**Hendrick:** It's going to depend on what model it is because I know some are done by other county offices. There's regional programs and then a large majority for locally is done by our staff here.

**Sparks:** Do we have a list of those trainings from the receipts?

**Hendrick:** I think you've received that in the past, but I think from the receipts it would say what trainees they participate or how many students they sent to a training.

**Sparks:** And who they're contracting with?

**Hendrick:** The contract is normally with us, I'm looking at Dr. Olmstead. She does that program. They're contracting with us and we're either providing the service. It could be, say, county office sent four people. Now we're reimbursing them for their travel for attending that training. It's going to be different based on where they are in the different models because there's multiple models with this program.

**Sparks:** Right. We'd like to see what those multiple models are.

**Hendrick:** I think you've used that in the past, but I think we could give that to you again if you'd like.

**Sparks:** Yes.

**Mijares:** What we can't give you is what the districts are doing because if that money passes through and goes to them and then they hire consultants, that's between them and their board. Maybe you could ask them.

**Sparks:** Why wouldn't we have access to that?

**Mijares:** You would not have it.

**Sparks:** Why not?

**Mijares:** Well, you could but you'd have to get it from them.

**Gomez:** Isn't this more of a pass through?

**Mijares:** Yes.

**Hendrick:** If it's a pass through then we're giving it to them. They're going to spend it, whatever their contract says, if they're going to provide a training. We don't see that piece of it. We only see that they're providing their training and we reimburse them for that.

**Mijares:** It would be on their board agenda, I'm sure, on their consent calendar, because like you, they have the same responsibility to sunshine all those expenditures. If that's something you really want, we can make a request by the districts.

**Boyd:** We're only audited on showing that money was provided to them. Then they're audited related to whether they met the parameters and so forth, which is totally separate from us.

**Sparks:** You'd think it would be important to know who's doing those trainings and what their qualifications are and so forth. Even if it's a pass through.

**Boyd:** It's up to those legal entities to make those requirements. They may require different things of those consultants. Any pass through money that comes through us, we don't have that type of control in terms of what you're asking or identifying -

**Sparks:** Who oversees those?

**Boyd:** The state.

**Sparks:** Who's held accountable for those?

**Boyd:** Whoever provides that funding and then who provides that service. Let's just say it's Imperial County Office of Education. We're passing through money to them to provide service, then Imperial County governing board and the department would be responsible to answering those questions to the state related to the funds and the contractors and so forth.

**Gomez:** To clarify, we're basically the lead agency.

**Hendrick:** We're the lead agency, statewide.

**Gomez:** Okay.

**Williams:** Are we requiring the boards to know that, and accept these funds when we pass through? Because the board never really voted on the MTSS.

**Hendrick:** Again, it wasn't a grant. It was an entitlement from the state. It's up to each district. Some districts may have their board approve them, some districts may designate that to the superintendent or another staff member. It's up to each district and what their policies are.

**Williams:** Can we put a requirement that it goes through the board?

**Hendrick:** For a district?

**Williams:** The monies given out. Just make a requirement that the board -

**Hendrick:** We can't tell another legal entity how they perform their business.

**Williams:** The state doesn't tell us what to do? The state gives us some money, but they tell us what to do with it. Right?

**Hendrick:** They're not particular in saying you have to go through these legal entities. They will say you must provide these services and they give us a guideline, I guess, of the services we're supposed to provide.

**Williams:** Not reading the original contract, the state makes no mention of requiring a board to adopt or pass the grants that they officially are accepting it, whether it's on the consent calendar, whether it's on the action calendar?

**Hendrick:** It could be specific to each individual grant. It could be different for each individual program we have. It can't say blanketly. They don't do that. It really depends how they've designed that one. Normally, they will say you have to have an agreement and then it's up to that district. If the board had approved that they don't want to see those things they're going to designate to a superintendent, then that's what that district does. Some districts boards want to see everything. It really depends on the dynamics of that individual district. Our goal, or what we're supposed to do, is pass the funds through other agencies to get the training that is needed.

**Gomez:** Maybe I can help in clarifying something.

**Mijares:** We also couple that with Butte County Office of Ed.

**Hendrick:** Right.

**Mijares:** The Butte County Office Ed., the Orange County Office of Education that are the lead agencies with respect to MTSS. MTSS is part of the state framework of a system of support it's called, in terms of the interventions that are provided to every student in this state.

**Gomez:** How do we allocate the funds then? Do different school districts, or whatever, do they ask for money, or as part of their program?

**Hendrick:** I'm going to have to call Dr. Olmstead on this because you are way past my technical level at this point.

**Mijares:** Dr. Olmstead is our lead associate superintendent of instruction.

**Olmstead:** Our first entitlement we received was 20 million? 20 million. In that entitlement, we had 18 months to roll out the framework for the state around MTSS to as many districts as we could. They did that through an application process where they just told us how they planned to spend the allotted dollars that were allocated. Districts could apply for up to \$25,000 to help roll out their MTSS work or they could go into a consortium for \$50,000. All of that money was allocated last year. Final reports are due to us this year. They've been tracking progress over time. They report to us every year their status of how they've spent the funds and what they've done with the money. We received another \$15 million entitlement last...two?

Two fiscal years ago to further the work specific to school level implementation. The first round was to do district level leadership awareness and building their capacity around MTSS. The 15 million was specific to run a pilot program. They added UCLA as a partner on that to do school-based implementation of a multi-tiered system of support in order to better serve students in increased conditions and climate. Currently, we have 14 school sites in the seven regional areas across the state that are getting intensive coaching and technical assistance based on results on the school dashboard that qualified them to get intensive support. This is all under directions from the state on how we have to go about doing this. That's what we're providing currently.

**Gomez:** I have two questions, if I may?

**Barke:** Sure.

**Gomez:** Renee? Now I've lost my page numbers here. Hold on one second. One of the things in the report, I'm looking at B43, about the ADA. It looks as though we've got some percentage changes there. Does this have an impact based on some of our consolidations of our homeschooling programs, or is there any other than just lower enrollment? Is there anything we can attribute to that?

**Hendrick:** Actually, part of what we're off is we're actually a little stabilized and I think that's what's throwing it off. We've had this steep decline and now we're kind of stable. We did see a very slight decline in the Community Home Education program. I think it was 26 students. We are seeing growth in some of our community based programs, mostly in the Santa Ana, Garden Grove, Anaheim area. When you look at a trend analysis though, it makes it look odd because we have this steep decline, now we're kind of flat, but we're still in our out years projecting declines because we've had those for so long. As we get closer to the end of the year, we keep revising those. That's why the numbers look odd.

**Gomez:** Right.

**Hendrick:** It just doesn't meet their trend analysis.

**Gomez:** Well, yes, when you're looking at a 2% change up or down.

**Hendrick:** Right.

**Gomez:** With those smaller numbers -

**Hendrick:** The good news is this is the first time in probably five years that we've actually seen some growth in our community schools. Our charter is helping that also.

**Gomez:** All right. Thank you.

**Sparks:** I'd like to make a motion to -

**Williams:** I have -

**Sparks:** Sorry.

**Williams:** Before you make any motion, I have more questions. On page B41 under Supplemental Information, S1 Contingent Liabilities. That is marked as no. Why is that no and not yes? Because we're involved in litigation and we have the OCERS litigation that's still ongoing. Shouldn't we mark that yes?

**Hendrick:** It says just that's new that occurred since first interim. Since these are ongoing, we had already listed them in prior, but that's a good thing. We can note that if you'd like, but it just says that's new. That's occurred since first interim is what it's asking.

**Williams:** I think it would probably be yes. We haven't gotten any update on the OCERS situation.

**Hendrick:** The OCERS litigation's been over for quite awhile.

**Williams:** Are you sure?

**Hendrick:** Yes.

**Williams:** There wasn't litigation initiated against the superintendent in August of 2019?

**Hendrick:** That was all completed over a year ago, I believe. The only new litigation would be between the superintendent and the board.

**Riel:** It's for the attorney's fees.

**Hendrick:** That I was not aware of.

**Boyd:** Maybe you could repeat what he said for the record.

**Hendrick:** He was saying there was litigation on the attorney's fees. I hadn't realized they had filed litigation on that. Maybe we should put yes. I'm not sure it would impact the budget but we can note that for them.

**Sparks:** I'd like to make a motion to table any approval of the second interim budget for the next month so we can get a few additional clarifications.

**Barke:** I would second that.

**Boyd:** That's a subsidiary motion because you already have a motion on the floor.

**Williams:** Right. I'll withdraw my original motion then.

**Sparks:** It's a substitute motion.

**Williams:** This will be the substitute motion.

**Sparks:** Substitute, not subsidiary.

**Gomez:** Okay. I seconded it so I will agree to withdraw so that we can have a primary motion on the floor.

**Williams:** We have a first and second.

**Barke:** A first and a second. All those in favor?

**Board:** Aye.

**Barke:** Passes 4-0.

**Hendrick:** Can I get some clarification please though? The only note that I have that more information is in that 5810 area, I believe? Not 5810 but in the workshops. I'm not sure what other information you're asking for, if that's what's needed for you to move on, I guess is the question.

**Sparks:** We just tabled it so we'll table it to the next month.

**Hendrick:** Okay.

**Boyd:** This item will be on the April agenda and prior to board deadline for the agenda, the board will let us know if there are additional questions for Renee. Correct? Okay.

**Barke:** We are moving on to informational items. Yes? If I missed anything? No? Okay.

**Boyd:** I can make a comment on the discussion items. Executive committee had asked me to check with Dr. Bedell on these items pursuant to some of the committee work that was being done and holding these over to whatever new board took office in July, since these things would be governance changes, were expected. Dr. Bedell was agreeable to that. He's not here today, but I will confirm that between this meeting and the April meeting. I'm just stating that for the record so that if they disappear, people will know why they are no longer on the agenda.

**Barke:** Thank you.

**Gomez:** Could I make one comment to that? Dr. Williams and I were on the term limits committee and before I heard that this might get tabled, I did reach out to the county school board association to ask them if they had any information on term limits. Maybe we'll have some other information ready to go when it comes back. I didn't have a chance to talk to you about that because that just happened.

**Williams:** We're busy.

**Gomez:** That just happened the other day so I hadn't had a chance to talk to you about that.

**Boyd:** Also, I should add that the agreement was this would be tabled until the August board meeting because July is the organizational meeting.

**Barke:** Sure.

**Boyd:** You will see it appear, those of you who are here, will see it appear on the August agenda.

**Gomez:** That gives opportunity for the new board member to get seated and at least have some background on that.

**Barke:** Absolutely.

**Gomez:** Rather than doing it in July.

**Barke:** Yes, that makes sense.

**Gomez:** You okay with that, Dr. Williams? My comment?

**Williams:** Oh, yes.

**Barke:** Okay. Dr. Mijares?

**Mijares:** Yes. Thank you, Madam President. Boy, we're getting through this meeting quickly. I neglected the last time we met to salute Christine's Sun Kim. If you watched the Super Bowl, there was an individual, very skilled, talented, beautiful individual who was doing American Sign Language. Did you see that? That was one of our former students. She was a graduate of Irvine's University High School Deaf and Hard of Hearing program. She's now a respected Berlin-based artist. She's actually performed all over the world and it's really transforming, I think, the whole notion of American Sign Language and the need for inclusivity. It's shocking to me to see the challenges that the deaf and hard of hearing have because that is not really related to any cognitive capacity or perception issues, things of that nature.

Many of them drop out of school. I think we are the exception in this county. I'm now talking more statewide, nationally. Many of them drop out of school. They don't get admitted into universities that they should. They clearly have the talent. Many of our special need students have so much to offer us. We're finding this down, for example, with autistic kids. They have amazing abilities and the capacity to perceive, in some, cases more so than the general population. There's some great studies coming out of Harvard University where autistic

individuals are solving very complex problems. We have to celebrate that, right? Not disparage, not segregate, but to put them right into the forum of the classroom, which is what we do here in this great country.

In this case, she's just doing a fabulous job and we actually had her sister come, as well as the principal of the school, to our last leadership meeting, and they just did an amazing job. Okay, wanted to salute her. Then, let me just quickly just tell you that, with respect to the Coronavirus, which I'm sure you've had this ad infinitum and you're probably at the point of saturation, but just to let you know that the Orange County Department of Education we're closely with the health department here in our county, the health care agency. We've worked with the county health officer, Dr. Quick, as well as Richard Sanchez, who is the CEO of the healthcare agency.

We have put out an advisory, our legal department and others helped to put out an advisory that was broadcast across the county, K-12, community colleges as well received it. We've also had language to assist districts and schools and sharing information with parents on the Coronavirus and what steps to take to make sure your children were safe. Even for example, in the case of excluding a student from school, despite the fact that the county office may want that. There is a due process, right, that needs to be offered to students before we just summarily tell them you can't come here anymore, unless they voluntarily do it themselves. We were advising our districts on that.

I just want to salute our people in this department, not only people that work with Dr. Hittenberger and Dr. Olmstead in terms of Pam Kahn, who is in charge of health services here for the department. Her team, our public information officer who's back there somewhere, Ian Hannigan, Jeff Riel and his team, amazing job to get this information out timely, because we were getting calls very quickly, especially with the situation that occurred with regards to Costa Mesa and the idea that the state was contemplating bringing people here under quarantine. That just generated more fervor in terms of a misunderstanding of the Coronavirus and what can districts do and principals do at the local level to provide certainty and assurance to our parents and students. That's it.

**Barke:** Is there a uniform message they're all doing?

**Mijares:** Yes. There's obviously a lot of customization but that's based on the district. Yes, we did give them some big boulders and precepts that they could write their narrative from that information.

**Barke:** Thank you.

**Mijares:** Yes.

**Gomez:** Could that information be shared with the board just so that we have that information?

**Mijares:** Absolutely.

**Gomez:** I think for all of us.

**Mijares:** That's it.

**Boyd:** Make sure I get the note. Associate Superintendent's report. Wednesday, April 15<sup>th</sup> is the next board meeting at 9:00 AM for your closed session. Submission deadline is Wednesday, April 1<sup>st</sup> for any board members wishing to put something on the agenda. National History Day, you were provided a date of March 14<sup>th</sup>. We're having National History Day here on site. Just

need to confirm if any of the board members are planning to attend. If you are, please follow up with Darou by this Friday so that we can make sure that we have the appropriate accommodations in terms of parking and so forth for you. The Charter Schools Conference statewide is being held in Long Beach, March 16<sup>th</sup> through 19<sup>th</sup>.

We have some of you registered for that. The National School Boards Associations Annual Conference is being held in Chicago April 4<sup>th</sup> through 6<sup>th</sup>. The National Charter Schools Conference information went out. That's being held in June. If you haven't responded to any of those and there's interest, please let us know as soon as possible to ensure we can get registration as well as whatever travel accommodations that might be necessary. That's all I have.

**Barke:** Anyone else? Okay. I ask just one quick question before we get that. Actually, when I have time, I read these and I noticed that CCBE new officers were announced. How come we didn't have an opportunity to vote? It's funny when I saw this, I remembered a board member reaching out to me months ago saying, "Please vote for me." I never found that opportunity. Where did I miss it?

**Boyd:** Typically, that information is sent to the delegate, which would be Jack, and then he forwards the information. I have not seen anything on that, so I don't know -

**Barke:** It happened.

**Boyd:** Right. I'm saying it goes to him and then we send it. I don't know if it was missed. Then, also because of the fact that they know that he's not going to be continuing, I don't know if there was a breakdown in communication. We'll follow up with CCBE with regards to that.

**Barke:** He would normally get something and then let us know and then we'd have the opportunity to vote?

**Boyd:** He would get something. He'd forward it to Darou or myself to share with the board or they get information to him and then we go ahead and send it on.

**Barke:** I didn't miss it. It never -

**Boyd:** No. We didn't see anything either.

**Barke:** Okay.

**Boyd:** I'm sorry. I want to pass this to you because I think if you get it in your Friday update, you won't know what it is. When the lady spoke earlier, it was a handout. It's depicting what she explained to us was how they have a program to do makeup artistry at OCSA. **[ASSOCIATE SUPERINTENDENT BOYD PASSES OUT A PICTURE GIVEN TO HER BY MS.**

**TOWNSEND]** Unfortunately, they depicted something that if you got that in the mail, you'd think somebody was hurt. I wanted to make sure -

**Barke:** Thank you.

**Boyd:** - I just passed it around and explained it to you. Then, we've done our due diligence.

**Barke:** I saw her hand it to you and I was kind of looking at it going, "What?"

**Boyd:** Yes, and I didn't want to pass it in the meeting. You'd be like, what happened here?

**Barke:** Okay, thank you.

**Williams:** These are not real people. This is the result of intentional efforts to put makeup and cosmetic.

**Boyd:** Right. We will shred those so that people don't get -

**Gomez:** Thanks for explaining.

**Audience and Board:** [Laughter]

**Williams:** They look like the type of wounds that would be found in the coroner's report.

**Boyd:** Yes.

**Williams:** Pretty lethal.

**Barke:** You have something?

**Williams:** Yes, I do have something. There was a little snafu in the decision for the board minutes. I'm going to be putting something on as far as clarification to our board policy, whether it occurs next month or in July or August. There were some concern who had final authority on the agenda and what was put on there. This is just something to help clarify for the staff, so that doesn't happen again. That's it.

**Barke:** Oh, I thought you were going to go into details.

**Gomez:** I just have a couple of quick comments.

**Barke:** Sure.

**Gomez:** I did want to talk about Beauty and the Beast, but it did come up in my other comments. This was really a phenomenal performance and I want to give kudos to Beckman High School for their performance. Talking with Nina, we actually were at the same performance. We just didn't see each other. The young people that put on this performance were just outstanding. I will, full disclosure, I was close to tears too with the guy sitting next to me. I managed to maintain. He did not. It is just a tribute to really our public schools and what they can do with some creativity. Beckman High School has a phenomenal performing arts center where they've actually got an orchestra pit as well.

They had an orchestra in there and a good friend of mine is the orchestra director who I've known for many, many years. Kudos to Beckman High School. I also want to make a comment about what you did about the deaf and hard of hearing. We were just at Cypress College and we were talking about some of our resources and our student resources. They cited a statistic that I was really kind of shocked about. They were talking about our special populations and they were talking about the deaf and hard of hearing, which had a very small population, but they took up 20% of our resources. I've had deaf and hard of hearing students in my classes. It's really challenging to make sure that you work with the interpreters and note takers and so on.

It really does challenge an instructor as well. I think that that's one of the things that we need to be mindful of not just what we do for the student, but also how we assist the instructors in working with those students to assure that they're getting the full educational benefit. I'm going to tag on, too, it is flu season. People, wash your hands. I was talking to people in the restroom earlier. Wash your hands, stay away from people that are sick and if you're sick, stay home and that includes students.

Please get good sleep, which I think on this dais, some of us need more sleep than others at this point, and exercise; just good health habits right now, especially just to stay healthy. I think rather than inciting a panic, we just need to focus on this is the time of year where it's flu season and we can just all manage to do better and stay healthy. That's why I'd like to get some of that information and share with the board as well.



**Barke:** Yes.

**Mijares:** Absolutely.

**Barke:** I hear the key is don't touch your face.

**Gomez:** Yes.

**Barke:** No matter how much it itches, don't touch it until you wash your hands for 20 seconds.

**Gomez:** Sing Happy Birthday. That's adequate.

**Barke:** There you go. Anything else?

**Gomez:** Don't sing it out loud because you have to pay some sort of a fee or something.

**Barke:** Anyone else?

**Gomez:** No, I'm good.

**Barke:** Thank you.

**Williams:** Call to adjourn.

**Barke:** Adjourn.

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