

## **BOARD MEETING 6-3-2020 TRANSCRIPTION**

**Barke:** Welcome. I'm going to call the meeting to order and we'll start with Dr. Williams.

**Williams:** Yes. Today's meeting on June 3<sup>rd</sup>, we would like to take a moment of silence to honor the life of Mr. George Floyd and to offer as a family here at the Orange County Department of Education, our condolences to his family and prayers for his family, for the tragedy that happened recently. If we can just take a moment of silence to open our meeting.

**[A MOMENT OF SILENCE IS TAKEN IN HONOR OF MR. GREG FLOYD]**

**Williams:** Thank you.

**Barke:** Okay. Nina for roll call.

**Boyd:** President Barke?

**Barke:** Present.

**Boyd:** Trustee Bedell?

**Bedell:** Here.

**Boyd:** Trustee Gomez?

**Gomez:** Present.

**Boyd:** Trustee Sparks?

**Sparks:** Here.

**Boyd:** Vice President Williams?

**Williams:** I am here.

**Barke:** Okay. Motion to adopt the Agenda?

**Williams:** I so move.

**Gomez:** Second.

**Barke:** All in favor?

**Board:** Aye.

**Barke:** Do we need a roll call for that?

**Boyd:** I'll do a roll call for that.

**Williams:** We probably should.

**Boyd:** President Barke?

**Barke:** Aye.

**Boyd:** Trustee Bedell?

**Bedell:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Vice President Williams?

**Williams:** Aye.

**Barke:** Do we have any public comments related to closed session?

**Boyd:** There are no public comments related to closed session.

**Barke:** Okay. Then we'll move to closed session.

**[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE BEGINNING OF CLOSED SESSION. WHEN CONCLUDED, PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE CONTINUATION OF THE REGULAR MEETING]**

**Barke:** We're going to start with a report out with Mr. Brenner.

**Brenner:** [MR. BRENNER'S MICROPHONE BEGINS WORKING TOWARDS THE ENDING OF HIS OPENING STATEMENT] Superintendent Mijares. This is the report out for closed sessions one and two. The Board had an update and discussion with council as to both items and no action was taken by the Board. That concludes the report out for the closed sessions. Thank you.

**Barke:** Thank you.

**Brenner:** Next meeting.

**Barke:** I'm going to introduce our next person who will be coming up and her name is Christina Selter. She has been an amazing angel and patriot to Orange County children. She could probably tell you how much food she has delivered. We so appreciate your kindness. You've been an absolute angel and we are honored to have you here to do invocation today. We have a certificate for you. I apologize. It's not ready today, but it will be forthcoming. Thank you so much for everything you've done for Orange County children. We welcome you up to tell us a little bit more about what you've done and to do our invocation, please.

**Selter:** My name is Christina Selter and I'm actually the senior care ministry leader at Saddleback Church, which also includes all vulnerable individuals. I also sit on Sheriff Don Barnes at the Orange County Sheriff's Interfaith Council. That's a big honor and being here today is a big honor. I do have to share. Today, we were doing a food pantry at Mile Square Park in District One. We had over 1,200 families come in for groceries. We fed everyone produce, meat, frozen, dairy, staple items, lots of tears, lots of cheers, and it was amazing. Our biggest yet. It's awesome. Thank you for having me.

**Barke:** So amazing.

**Selter:** If we can all bow our heads, I'd like to go over this prayer with you. I might get a little emotional. We've been serving a lot of children. Father God, what is there to do for those who are vulnerable and hurting? What can be done when life is so completely unfair, out of control and scary. We look to God for everlasting hope. Father God, we pray for all of the students who not only recently learned that they won't be returning to school this year, but now with the unrest and the violent riots in their communities have caused even more unrest and stress for them and their families. Father God, we pray for the families, the teachers, staff, and our Orange County Department of Education Board.

Today, we pray for all of the volunteers they're serving in the community with grocery distribution and many, many, much needed resources. We pray for the preschoolers who are too young to understand that they cannot see or play with their friends. We pray for the elementary students who depend upon the school meals, miss their friends, their teachers, their staff. We pray for every middle schooler who miss their friends, lost time to share the transformation from child to teenager. We pray for our high school students whose only answered to the daily struggles was the community of friends, teachers whom help them every day. We pray for the lost memories of joy, stories unread, unsung songs and games not played.

We pray for every locker not decorated, every dance that they missed, for every year book unsigned, for every volleyball and kickball that was left in the gym, for every seat on the school bus that's empty, the loss of the baseball games, band competitions, dance missed. We especially pray for the seniors who have been so excited for this moment to finally graduate and seeing it piece by piece taken away all because of the COVID virus and now the complete unrest in their communities. We pray for the school administrators and teachers whose hearts are breaking because of the lost connection with all of their students whom they dearly care about.

We especially pray for the vulnerable, the families who don't have childcare, the children and students dependent on the structure of the schools in an otherwise very difficult life that they have; for our children and their families with special education needs who may not be included in the broad stroke of electronic expectations; for our meal dependent children and their families who may not eat, for those without technology or internet that have continuously been given unequal opportunities being moved forward while also being left behind again. We pray for those who have lost their refuge, their champion, their squad, their family, their teachers, and their staff, who they love dearly.

God, you are bigger than our doubts. You are stronger than our fears. Today I say, God, I know you are present, but this is really hurting. Losing a school year hurts the ones who are already hurting the most. God, shelter the vulnerable like Jesus cared for the sick, the poor, the hungry and the widowed, the lost and the forgotten. Here and now, Lord, help those who are left without a chance to thrive. Help those who are broken by what is happening in their lives yet again. Help them with hope. Give them lots and lots of hope. Father God, help us to be that hope. Help us to be your answer. In the Father, the Son, the Holy Spirit, and all of his people said, amen. God bless you all. Thank you.

**Barke:** Thank you.

**Selter:** Thank you. It's a big weekend.

**[A DEVICE BEING USED IS MUTED]**

**Bedell:** I'm sorry. I can't hear what's going on.

**Gomez:** You need to unmute your device.

**Barke:** I can hear you now.

**Williams:** Linda's going to do the pledge?

**Boyd:** Renee wanted to bring her in to do the flag salute. Correct? Linda Cone is going to do the flag salute.

**Barke:** Next I'd like to introduce Linda Cone to do our Pledge of Allegiance. She announced at the last meeting that she has been to every meeting since 2014, except for one. I thought she should do our pledge today.

**Cone:** Everyone stand, please. In these extraordinarily difficult times, we turn to the symbols that we love most. Obviously, the number one symbol, and I'm getting a lot of feedback, is our flag. Please, after me.

**Board, Cone 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.

**Williams:** Do we have public comments?

**Barke:** Are there any introductions?

**Boyd:** There are no introductions at this meeting.

**Barke:** Okay. Do we have public comment?

**Boyd:** We do have public comments.

**Dundas:** I have to use this?

**Boyd:** Yes, use those and you have three minutes.

**Dundas:** Can you hear me? My name is Leigh Dundas. I am an attorney, a veteran litigation attorney who has practiced for nearly 30 years. I currently sit on the United States Congressional Committee that represents the eastern board section of peers as well as Fortune 500 companies. Currently, I fight human rights abuses and genocides in third world countries. I'd like to speak to the issue of school modifications in the time of COVID. There is no point in making any modifications to our schools unless we are solving a problem. In terms of that problem, what we now know is that Orange County is running at one quarter of our normal flu deaths in a normal flu season. We have lost about 143 people to COVID.

Normally, in a bad flu season two years ago, we had almost 600 flu deaths. Accordingly, there is no pandemic. There's not even an epidemic. More to the point, children are not carriers of COVID, and they have zero risk of fatality from exposure to COVID. Zero children under the age of 10 worldwide have died from COVID. That number is the same in the U.S. except it goes up to about age 18. Not only that, children are not the asymptomatic carriers, the little Johnny's going home to their grandparents that are going to give it to the grandparent and die that we are concerned that they might be. A study came out a couple of weeks ago in May. What it showed is that a woman who was exposed to nearly 500 other individuals when she had COVID, but she had no symptoms, had zero transmission. Asymptomatic carriers do not transmit.

Accordingly, there is little, if any reason to change our school protocols. If you are considering mask wearing, I want to let you know right now it is a no go. The CDC came out a couple of weeks ago. They did a study that looked at all other studies worldwide on mask wearing and what they concluded is they were, "Entirely ineffective at reducing the transmission of highly infectious respiratory diseases, such as COVID. Accordingly, the World Health Organization is recommending against it saying, "Universal community masking is ineffective at preventing infection from respiratory viruses, including COVID." If we are looking at social distancing, that is a euphemism for social isolation.

It was a technique that was developed 7 years ago by the CIA to deploy against enemies of state to break them. It is still used as the primary method to break down prisoners of war because it is more effective than physical torture. It causes accelerated cognitive decline, poor cardio function, poor sleep quality, depression, executive function, and every stage of life impaired immune function, it doubles the risk of death. It is twice as harmful to your physical and mental health as morbid obesity would be. It kills the part of the brain that is responsible for learning, known as the Ventral Striatum, which is why we send our children to school.

In terms of what the medical studies show, it is the equivalent of smoking 15 cigarettes a day and being an alcoholic. We would be better off giving our children a pack and a half of zigs and a fifth of whiskey going into homeroom. The final thing I would say is the UN prohibits the use of

social isolation and distancing. They consider it to be a war crime. We should not ever be using this on kindergarteners. Thank you.

**Boyd:** Thank you. I did receive some public comments online. I'll begin reading as many of those during this 30-minute session that I can. The first is from Darrlene Alquiza. "It is important to point out that the CDC's interim guidance for schools and day camps list the following: promote healthy hygiene practices, teach and reinforce washing hands and covering coughs and sneezes among children and staff. This is listed before mask wearing and states, 'Face covering should be worn by staff and encouraged in students, particularly older students. If feasible and are most essential in times when physical distancing is difficult.'

Document goes on to list examples of instances where masks are actually not recommended: 'intensifying, cleaning, disinfection and ventilation; clean and disinfect frequently touched surfaces within the school and on school buses at least daily, as well as shared objects between uses. It appears that hand washing provides little latitude whereas mask wearing offers a lot of latitude being at most encouraged if feasible. Hand washing and disinfecting are rooted in documented scientific research and parents can also agree that hand washing is extremely important to prevent bringing pathogens into the classroom. Teachers can adjust to allowing 15 minutes per 30 children to wash hands, providing hand sanitizer for classrooms without a sink is a practical solution for keeping classrooms safe.

The CDC has no evidence to support that social distancing works and mask wearing continues to be debatable with many instances where mask wearing can be problematic for children's health, safety, and developmental wellbeing. I urge schools to train school staff, stop any taunting, discrimination, and shaming regarding children wearing or not wearing masks. I applaud Placentia-Yorba Linda School District for choosing to open in a traditional fashion, emphasizing hand washing and disinfecting. This is improving the school environment in a way that is developmentally appropriate, has a positive impact on environment as a third teacher, and it is a decision that can carry over post COVID as a way to keep children safe at school. I urge all Orange County school districts to do the same.' Sincerely, Darrlene Alquiza."

**Boyd:** The next one is from Nicole Padayo. "I have three children currently enrolled in Capistrano Unified School District. They run the gamut of elementary, middle, and high school ages. I understand and supported the idea of distance learning at the beginning. I realized we needed to allow science and medical fields to learn more about the virus before we were business as usual again. I think we did a great job and made a difference in our communities. However, this cannot be the new normal. At a point, we have to take into account the mental health of our children. Watching my kids struggle with not seeing friends, losing sports, no graduations, cancelled proms and no social contact is heartbreaking, not to mention distance learning did not work.

We have great teachers in our district who truly tried to teach, but there were too many obstacles to overcome and it was a failure. Depression and suicide are on the rise. Without hesitation, I will pull my children from the district and move out of state if they are not allowed a normal education and school life. I have spoken with many friends and neighbors who feel the same. To live in fear of this virus that has such low fatality rates is an absolute catastrophe. Let these

children live and experience life as they should. If Orange County, California, cannot accomplish this for my children, then unfortunately we will have to leave and go somewhere that is more in line with our views.”

**Boyd:** The next one is from Alicia Beget. “Members of the Orange County Department of Education and school board, as a school psychologist and board certified behavior analyst who has worked with students in diverse settings for 10 years in Orange County, I write with perspective of concern of social, emotional and learning implications that we will experience from our current school closures and I urge you to consider reopening schools in the fall with scrutiny of CDC guidelines. I also write to you as a parent and a resident of Newport Beach who has empathy for other parents who are currently attempting to balance fulfilling their professional responsibilities while meeting the academic, social, emotional, and behavioral needs of their children.

It is, in fact, an impossible balance that places risks both short and long term to children's learning, social-emotional development and mental health. It will be a huge mistake to not send our children back to school under anything but normal circumstances. The problem we are currently experiencing not only includes a learning loss. Distance learning is not meeting the needs of most students, especially those with inequities due to income or special needs. Social interaction is detrimental to development. Your responsibility to children is beyond teaching academics. You have a legal and ethical obligation to foster students' development in their relationships, emotional skills, and overall wellbeing.

Children need to connect with other children in real time and space, whether it's for physical activity or structured play with diverse environments and individuals. A recent study of Chinese children revealed that restrictions to home and reduction of outdoor activities and social interaction was associated with an increase of children's symptoms of depression and anxiety. I implore you to carefully read the local data that shows that this virus is no more harmful than the influenza virus, yet we have never kept our children out of school for that, and that has greater effects on all ages. We have much evidence following highly flawed medical models that initiated school closures that allow districts to safely return to normality.

A systematic review of 47 publications indicates that children mainly have social contacts with peers and parents rather than with older people who face a risk of severe [inaudible]. It was revealed that even asymptomatic children can have viral loads that may be lower than adults, which further decreases disease transmission. Children with COVID-19 seldom initiated the spread of the infection within a household. While I support the end of the one size fits all factory model of public education, I know that there is proposals are being considered. Adherence to CDC guidelines is harmful. Please refer to your legal and ethical codes and professional standards to create a learning environment that nurtures fulfillment in all areas with quality and integrity. You have a duty to expect and facilitate achievement of expected learning outcomes, irrespective of student and family differences.”

**Boyd:** That’s the end of the time for that one. Next, I have one from...the next is from Dana Collins. “Good afternoon. My name is Dana and I live in Laguna Niguel. I have three kids in the Capistrano Unified School District. I am very concerned about the new CDC guidelines for

reopening schools. First, are we really expecting our children and teachers to wear masks all day? Not only are they uncomfortable to wear, but extremely unhealthy. Do you realize that once you touch or remove your mask, it becomes contaminated? Kids will be constantly touching and playing with them all day and then taking it off to eat and drink only to put it back on, which then becomes a breeding ground for germs and bacteria.

Do we want to make our kids sick? Wouldn't good old hand washing, and fresh air keep them healthy? There's plenty of research stating masks don't even block the virus. Even KN95 can only block about 90% of it and it is not meant to be worn all day. My husband is an essential worker and has come home feeling ill from lack of oxygen and just had a staph infection on his face from wearing a mask all day. The social distancing aspect, well, this is just psychologically damaging. All this is going to do is cause kids to feel even more anxious, isolated, and make for an extremely unhealthy environment. We're putting our neurotic fears onto them through this sick social experiment and it can only have a lasting effect.

Kids deserve to feel safe, nurtured, be able to play, sit next to friends and be able to stand next to their teacher when they need help. We are showing our kids that this world is a dangerous place over a virus that is no worse than a flu. Do you also know that not one person under the age of 18 has died from COVID? As a matter of fact, most of the population have very mild symptoms. Let's face it. It's not the plague we are expecting. Therefore, I will not subject my children to this. Our kids need to be back to normal school settings so they can learn and develop in a healthy social way. If the school board does not make this right, I will be withdrawing my children in the fall.”

**Boyd:** The next one is from Joanne Cook. “Superintendent and Board, thank you for being an important voice for the children in our district, especially in such a tumultuous time. I have three high achieving kids that are registered to be students at Vista Del Mar Elementary School next year, grades five, two and kindergarten. I have wanted to personally make sure that my opinions are heard. We, as families, have collectively done our part to mitigate the spread of COVID-19 and the detriments of isolation are now outweighing the threat of COVID-19. The science is clear. Children who contract the disease by and large are asymptomatic or experience very minor symptoms.

We have gotten to the point where the measures set just to mitigate this virus are hurting our children and society much more emotionally, socially than it can ever do physically. Recently, the state drafted guidelines for reopening schools. These guidelines are excessive, impractical and unimaginable. This does not describe an environment conducive to learning and confidence building. I believe that children in our community, district and state need to return to school in a full-time format next year. Recess, lunch and school functions need to be preserved. Masks should not be used or required for children. While distance learning can mostly address the academic portion of school, a large portion of childhood development is socially and emotionally based.

It is impossible to address this without connection from other students, classmates and teachers. These skills are learned from classroom collaboration, in-class discussion and presentations, recess, and free socialization time. Any kind of alternative school schedule would put an already

large burden on working parents and parents of multiple children. There's almost no way for me to return to work in the fall if school was to be scheduled for shortened hours or alternative days. Please do not think that offering any type of paid childcare during normal school hours and days is any kind of consolation for this. I cannot and will not pay for what public education should already be providing much less can I afford this?

The use of cloth masks generally causes children to touch their face more and would likely increase any exposure to virus. They can cause breathing issues in children with asthma and be a danger on hot days. I respect the opinions of others that are concerned for their health and I respect their choice to stay at home. I would personally support any additional option for those that desire to use a distance learning format. I have, I'm a big supporter of California public school education. I would rather have my children there than anywhere else. However, if any of these above-mentioned measures are put in place, there's a strong chance I will put them up for another option.”

**Boyd:** Next one is from Thu Nguyen. “Dear Board. My name is Thu Nguyen, and I write as an ISSAC parent and board member to ask that you please see Newport-Mesa Unified School District’s continued objections against ISSAC for what it is; bullying. From the beginning, ISSAC parents have been fully aware of the issues regarding facilities. I have worked tirelessly along with other parents, board members and Ms. Padmini to improve safety and explore alternatives for ISSAC. There have been multiple safety incidents, one of which caused by Newport-Mesa itself and directly affected my own daughter as well as led to another child leaving ISSAC.

Newport-Mesa has done nothing to address our safety concerns yet here it is again, attacking our school before you. The fact is I have been involved in pursuing alternatives for ISSAC and began touring facilities as early as November-December 2019. While I am not in a position to discuss the details publicly, please know that we do have a solution for facilities and our parents are aware of the uncertainty and would be informed of the new location as soon as possible. I am proud of our ISSAC community. Padmini and our teachers work hard and are always focused on the right priorities, our children. As schools began announcing closures, ISSAC was already sending our children home with materials to continue distance learning and have continued to support our families in many ways. Thank you for taking the time to read my letter in support of this amazing school.”

**Boyd:** I have one more. “Dear Board members and Superintendent Mijares. I am a board member in Orange Unified. My name is Brenda Lebsack. Regarding the email sent out via the Orange County Department of Ed. on April 20<sup>th</sup>, 2020 from Ms. Daren Khatib to Orange County districts about implementing long distance comprehensive sex education during quarantine as requested by the CDE, I have a request. The CDE used advocates for youth and their three rights: respect, responsibility, curriculum as an example of convenient distance learning during COVID-19. The email also provided a link to request access of this free curriculum.

Due to Ms. Khatib’s passing of this suggestion from CDE, one may assume that OCDE also endorses and recommends this free online curriculum. Due to this endorsement for the sake of



public transparency, I'm requesting Orange County Department of Ed. please provide OC constituents samples from this state recommended curriculum on your website. Please include some of the AMAZE videos for 10 year-olds about the range of gender choices, the recommendation of puberty blockers for questioning prepubescent kids, the video cartoon about flavored condoms in case they're lucky enough to find someone who agrees to have sex with them, the porn video that shows having gay sex with a stranger pizza delivery, and the sexual orientation video for 10 year-olds that introduces ever expansive orientation, such as pansexual, asexual, demisexual, and then states there are many more.

Please also include the page from The three R's that teaches sixth graders that no risk activity for SDI's is debated together. I hope you will also include the political propaganda samples from the Advocates for Youth website. It tells kids the many ways Trump has harmed the young people. Provide sample articles about abortion that says there are many negative outcomes for requiring parental involvement and few positive ones. Include the articles targeting Muslim students, telling them how the Quran and their Islamic profits endorse gender variations and expansive sexual orientations. Let parents know Advocates for Youth will reach out to their kids via email if they provide their info, requesting they volunteer or apply for paid political activism starting at age 14.

Advocates for Youth recruits, trains, and even provides trips to DC so kids can become their political pawns. Thank you for your willingness to be transparent, honest and forthright. When it comes to instruction and activism opportunities being provided for our kids by the California Department of Education and with full support and endorsement of Ms. Khatib from the Orange County Department of Education.” That concludes the public comments at this time. I have some additional comments. Do you want take all of these now or at the end of the meeting? April Gallart?

**Gallart:** Sorry. Is that better? Okay. I'm supposed to start this video? Okay, good. That's good. Thanks. Thank you for the opportunity to come and speak to you today. I have some grave concerns about the direction public education in California is going. I'm sure you have noticed that many families have left California, and more are leaving every day. Businesses are leaving as well. Why is this? California policy is anti-family and anti-business. What part is Orange County playing in this? From what I know, it's playing a big part behind the scenes to radicalize public education in California. I'm part of multiple grassroots organizations here in California, as well as some nationwide efforts to expose the radicalization of public education.

We're doing massive information campaigns and they are working. Want to know what the main issue was that got our movement started? Comprehensive Sexuality Education, or CSE. Let me tell you why. I belong to another organization that lobbies for the family against CSE at the United Nations. CSE is a UN program. I am all too familiar with CSE and how it has ravaged countries the world over. I know how it got into those countries. Cash, just like it does here. CSE never gets accepted because teachers and families want it. It always gets in by mandate. Think about that. Think about what you're doing with CSE in Orange County. Families don't want it. Teachers don't want it. That's clear.

We have done much work to make that clear and families are listening nationwide. Because of our efforts, they're also paying attention to what's going on here in California like they never have before. Please don't do this to OC families. There is a way to obey the law and not sexualize children. I want to thank the board members who stood up against the indoctrination and radicalization in our public schools. Our grassroots efforts were instrumental and the recent reelection of Dr. Ken Williams, we won against a lot of money from Planned Parenthood. Think about that. With our networks, we are spreading information on how people vote on issues that affect families.

We are helping tens of thousands of California voters to understand what is at stake and who to vote for based entirely on whether that person is going to help families or hurt them. The last thing I want to address is the treachery of the OC Department of Education. Stop the double-dealing. Stop the secrecy. Our members now know that the Superintendent is acting without approval or involvement of the Board. Our members are informed, our members vote. Implement the appropriate checks and balances, or there will be consequences at the ballot box. We've done it before. We'll do it again. Thank you.

**Boyd:** Linda Cone.

**Cone:** Good evening. This is the eight-page document I sent to several of you yesterday. It was prepared by the ACLU to help educators defend CHYA. This document presents 13 examples of "common misinformation, what the actual evidence shows and the potential for additional harm." Read this document, read it carefully. It reveals the philosophy of CHYA. It purports to answer objections to CHYA. It provides evidence and finally, it explains why counter evidence is not reputable and should be rejected. I'm going to give you one example as presented on page two. Here's the misinformation statement that "fetuses can feel pain at 20 weeks". Not true.

Here's their supporting evidence. The actual evidence comes from the 2005 JAMA article, which concludes that "the fetus is only capable of a reflex reaction." This issue was settled 15 years ago, in other words, but then strangely the ACLU acknowledges in more recent studies that the neuro pathways necessary to perceive pain are developed in the third trimester of pregnancy. What is the harm of this misinformation about fetuses feeling pain at 20 weeks? It reinforces abortion stigma and promotes policies aimed at restricting abortion access. My debate students would have had a field day with this. These are the kinds of things they would have said. Have we learned nothing about fetal development in the last 15 years?

What about all the counter evidence? There is a wide body of counter evidence on this issue. What about people of faith who are rejected by the ACLU? Are people of faith automatically disqualified from scientific research? Aren't we supposed to have diversity, even diversity of ideas? Aren't we supposed to have a healthy, vibrant debate on an issue like abortion, clearly one of the most controversial issues in our culture? Finally, the killer. What about that third trimester where the fetus maybe can feel some pain? Read the document, all eight pages. I've just given you one of 13 examples and know that any student with small amount of critical training, like my debaters, could tear this document apart, Laurie, I think is going to be speaking next and she will have more to say about the specifics in this ACLU document. Thank you for your time.

**Boyd:** Lauri Kaylor.

**Kaylor:** My name is Lori Kaylor. I've been a teacher for 34 years. I earned a bachelor of arts degree in psychology from California State University Fullerton, and a master of arts degree in Education from Claremont Graduate University. I'm a mother of two sons, now married, and I have been a citizen of Orange County all of my life. I'm deeply concerned about the physical and emotional wellbeing of our young people in the schools and the great harm that the California Comprehensive Sexual Education Program will cause. I will be addressing the CSE medical accuracy fact sheet. There's so much to cover in that eight-page document. However, I will focus specifically on the first item. This has to do with abortion.

According to the California Healthy Youth Act implementation toolkit medical accuracy to comprehensive sexual health education, it states the following as misinformation. "Abortion causes future fertility problems and/or negative psychological consequences." It states the following as the actual evidence. "The safety of abortion is supported by a large body of scientific research. The physical risks associated with abortion are minimal and multiple studies demonstrate that pregnancy termination has no negative effects on subsequent fertility. While individual experiences vary widely, the most methodologically sound population global research shows that the relative risk of mental health problems following a first trimester abortion is no greater than the risk among adults who deliver an unwanted pregnancy and that the majority of adults who terminate a pregnancy do not experience mental health problems.

The term post abortion syndrome, a phrase commonly used to describe the alleged negative psychological consequences of abortion is not recognized by any professional psychology group." It also adds this about the so-called misinformation. "Additional harm reinforces abortion stigma and fear about abortion safety. It seems that this so-called fact sheet basis it's evidence on certain studies leaving out others, which indicate the opposite data and conclusions. For example, this information sheet completely ignores the 2011 British Journal of Psychiatry meta study on abortion's effects on mental health comprised of 22 published studies, 36 measures of effect and 877,181 participants.

This meta study presents a body of peer reviewed research showing that abortion increases the likelihood of depression, anxiety, alcoholism, drug use, and suicide. The conclusions of this study is as follows. "This review offers the largest quantitative estimate of mental health risks associated with abortion available in the world literature. Calling into question the conclusions from traditional reviews, the results revealed a moderate to highly increased risk of mental health problems after abortion. Consistent with the tenants of evidence-based medicine, this information should inform the delivery of abortion services.

In answering the question, "Could an abortion increase the risk of problems in a subsequent pregnancy?" the Mayo Clinic has this to say. "Studies suggest a possible link between pregnancy termination and an increased risk of premature birth and low birth weight. Dr. Roger..."

**Boyd:** Your time is up.

**[THERE ARE AUDIO DIFFICULTIES AT THIS POINT IN TIME]** I'm just clarifying with you all.

**Whitley:** Hello. My time start? No clock? Thank you. I'm David Whitley. I have three children in Irvine Unified School District. I've been here many times, spoken sometimes consistently for a couple of years at a time. I'm back because of the issue related to the California Healthy Youth Act and some of the things that are going on with our local schools and what I believe is the sexualization of our youngest children. I'm actually here today to read a letter on behalf of Orange Unified board member Brenda Lebsack. Her letter reads: "Regarding the email sent out via the Orange County Department of Education on April 20<sup>th</sup> from Ms. Daren Khatib. I apologize if I got that wrong to Orange County districts.

**Boyd:** David, I'm sorry. That was sent as an email to us and I read it into the record already.

**Whitley:** I'm not reading it into the record. I'm not reading the letter. I'm just referencing it.

**Boyd:** Okay, because you started with the same things I had already read. That's why I was -

**Whitley:** You've already read Brenda's email into the record? We'll then I guess I don't need to do that. I was not told that it was going to be read into the record. I just heard that it had been sent.

**Boyd:** I just read it. She was the last one before we closed...she was the last online one that I received.

**Whitley:** Well, then, let me add my own comments. In regards to this issue, I just want to say to the Board, like I said many times over the past several years, dating back to our Common Core days, and that is that we need transparency from not only the Board, but from the department in regards to what is being taught to our children. What I would like to see is full transparency by informing parents, not through other parents, but through the department, through the trustees, through those that have been elected to represent us to inform not only your district, but the other districts in Orange County of what is being taught to the children so that the parents are informed and can know what their children are ingesting while they're in the public school system.

The bottom line is if you're timid because you don't want this to blow up in your face, all you have to do is inform parents, let the parents be the ones outraged and they'll do the pushback for you. There's no harm. I think, that comes to anybody who's in a position of political office who's relying on votes from the public to worry about being transparent because either the parents are going to be with you or they're going to be against you. If they're against you and you oppose some of the stuff, they're going to do the job for you with the pushback, and then you can advocate back upstream to the state where this comes from on behalf of your constituents. I think it's a win-win situation. Thank you much for your time.

**Boyd:** Michelle New.

**Hendrick:** Let me disinfect these so you can put them in so people online can hear you. Okay?

**New:** Do I push anything?

**Boyd:** You don't need to push anything. You just talk.

**New:** I just talk. Okay. Thank you. Good afternoon. My name is Michelle New and I am a resident of Orange County and a mom of school age children. I also represent a grassroots group of over 200,000 members. They share the same opinion that I do as I'm standing here before you. I'm a resident of Orange County and I have some serious concerns about how Al Mijares and his staff are handling things here with transparency and the sexualization of our public school children. When I was listening to the Zoom or the recording of the meeting from last month, I

was alarmed at hearing some of the things mentioned about an email that went out. When I started, I already knew of these links, but I went ahead and pulled them up as well.

I have them here before me. I'm just going to name some of the links that were recommended by [inaudible]. Hopefully, I pronounce her name right. I apologize if I don't. Dureen Khatib, representing Orange County Board of Education. I wanted to point out in listening to this meeting, I continually heard Al Mijares and other people say these are just guidelines and they continue to say these are just guidelines. What I need to tell you is then these local districts, mine in particular, Brea, I also know in Yorba-Linda and many others in Orange County, when they receive something from this county, they feel it's the stamp of approval. They think it's been vetted by you.

When you stand here and say something is rolling down from the state, it's okay to push out to local districts and you're not doing your job vetting it, and you're hiding it from the Board and parents, you're not being transparent. I'm going to name a couple of links that were recommended: Planned Parenthood, Sex Et Cetera, Teen Health, Teen Source. I just want to point on Teen Source, by the way. This came right from the links. Teen Source. This afternoon, I received a text from Teen Source. They send these out to teach kids how to go out and get abortions. They sent links out and texts how to become an activist, whether you like our president, whether you don't, I really don't care. We're not here to discuss that.

When you're pushing on school age children to protest against the president or against our government, or to go out and do these things, it's not okay. You're not teaching kids how to be safe. You're teaching them how to be activists, to throw bottles through windows, how to fight against our public servants. That would include yourselves. Very, very dangerous. At Christmas time, and I will send all of you the texts that I got from Teen Source, it taught me how to make earrings out of old condoms. This is what we're sending our children. This is what Al Mijares and these other people are putting their stamp of approval on. I'm going to skip over to some other transparencies and why I have a huge problem. This taskforce that was put together.

When I heard the president of this Board ask to be a part of it to just listen, not to have a say, but to just listen, to hear what was going on. They were told from Al Mijares no. It would change the dynamics and that basically to trust this individual to be honest and forthcoming. Why? Why do we trust him? He hasn't been transparent, and you haven't been transparent. When I say you. I mean the staff members. Basically, the things that I have seen come out of this Orange County Board of Education, besides the actual Board members, and there's a few here. I'm not going to name names. If you want to be transparent, if you're going to send this to our local districts, send it to the residents of Orange County. I didn't get a letter. I'd sure like to see one. Thank you.

**Boyd:** You're muted.

**Barke:** Can you, can you hear me now? Okay. For the third time, I just want to thank everyone who came out today for public comment. We really appreciate your time. Moving along in the Agenda, I'd like a motion to approve the Minutes.

**Williams:** I make the motion.

**Sparks:** Second.

**Barke:** Roll call vote.

**Boyd:** President Barke?

**Barke:** Yes.

**Boyd:** Trustee Bedell? Trustee Bedell, are you unmuted?

**Williams:** Jack?

**Bedell:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Vice President Williams?

**Williams:** Yes.

**Barke:** Okay. Next, I would like to call Dr. Hittenberger to the podium please.

**Hittenberger:** Good afternoon, President Barke, members of the Board, Superintendent Mijares. ACCESS deeply appreciates the opportunity to participate in the sixth annual Jack Hammett Memorial Day essay contest. Students were invited to participate from across the ACCESS program and we had submissions from a number of different areas in the county. Students today are being recognized as first, second, and third place honorees, as well as an honorable mention. Trustees, you have been provided copies of the winning essays in your folders. We would typically have each student come up to read their essay and be recognized by the Board but this year we will read the students' names and then we will have the opportunity to share the winning essay on video read by the student author.

Some of the students are joining us via Zoom for this segment. This year, the award winners for the annual Jack Hammett Memorial Day essay contest are the following: Honorable mention - Veronica Aparicio. Veronica's teacher is Leslie Adcock, and she is from the Santiago Creek site. Congratulations to Veronica. Our third-place winner is Johnathan Garzon. His teacher is Stacy Belnap. He's from our Magnolia site, and I believe Jonathan and his family are watching on Zoom. Congratulations, Jonathan, for your outstanding essay. Our second-place winner is Jillian Parker. Jillian's teacher is Amy Sydoruk. She is from Pacific Coast High School. Jillian and her family are watching on Zoom as well. Congratulations to Jillian on an outstanding essay.

Finally, our first-place honoree is Orion Flores. His teacher is Marcia Garten, and he is from our Wilshire site. I believe Orion and his family are also joining us on Zoom. Congratulations, Orion. Let me tell you a little bit more about our first-place winner. Orion Flores is a 17-year-old student in the ACCESS program at the Wilshire classroom site in area three. He has two younger brothers and is very supportive of other students in class. In addition to being a skilled writer, Orion enjoys listening to hip hop music and has an entrepreneurial interest in both art and fashion design. As an artist, he specializes in, listen carefully, modern psychedelic surreal visual art, and has sold several pieces. He is currently working on a new collection and hopes to have his first art show at a local gallery. Now let's hear Orion's winning essay, which he recorded at home.

**Flores:** Hello, my name is Orion Flores. I'll be reading my Memorial Day essay. Thank you for this opportunity. "The Ultimate Sacrifice: The legacy of heroes is the memory of a great name and the inheritance of a great example. Benjamin Disraeli" Memorial Day was originally known

as Declaration Day and was established in 1868, three years after the civil war to honor the men and women who died serving the U S military. It became an official federal holiday in 1971. The civil war had taken more lives than any conflict in the U.S. history and needed the country's first national memorial. To me, I believe that Memorial Day was meant to respect and appreciate the men and women who put their lives forth and made the decision to leave everything behind to protect their country.

I also believe it is to remember the efforts and commitment everyone had put into preserving the ground we stand on today. Memorial Day has a significantly personal meaning to me and my family because of my great grandfather, Bernard Friedman. He served in the U.S. armed forces during World War II and was stationed in the Philippines. During his tour of duty, he was a lieutenant and was promoted to captain. Sadly, he had left behind his parents, his friends, his job, his Eagle Scout troop, and the woman he would marry in order to not only protect his loved ones, but also defend the country they lived in. His patriotism and character were recognized in two Los Angeles newspaper articles for when he left his Eagle Scout troop and when he paid for war bonds with his military pay.

Served in the military, Bernard was an Eagle Scout troop leader known as the Scoutmaster and was [inaudible]. When he answered the call of his country, the scouts did not take it easily. To quote one article, "Summer looms upon us. Although our scout here tonight draws to a close, but not so much does the thought linger in the minds. The scouts said it was inevitable departure of our beloved leader and companion, Scoutmaster Bernie Friedman." He was a well-respected man and would be deeply missed. When he was in the military, he had used his checks he received to pay for war bonds. He asked the war department to send his paychecks home to his parents and instructed them to purchase war bonds.

He was acknowledged and appreciated for these noble acts. Even though he had passed away in 1980, before I was born, he remains an inspiration and a role model in my life. I honor him for his devotion and the legacy he left behind because he was willing to give the ultimate sacrifice for his country. In these times of crisis, we need to make our own sacrifices for the greater good. More importantly, we need to remember those who gave their lives for the freedom we cherish now. Thank you for the opportunity that was given to me. Much appreciated.

**Hittenberger:** Thank you, Orion, and once again, congratulations. I'd like to recognize our ACCESS team members who have supported these students. In particular, let me thank the teachers, a number of whom are on the call and listening to the awards their students are receiving. I also want to recognize our teachers on special assignment, Ryan Henkel and Gavin Gates, as well as ACCESS' executive assistant, Virginia Castillo, for organizing the contest. The students will be presented with their certificates and cash awards by their outstanding principals. Thank you, President Barke and members of the Board for your support for this wonderful initiative and special thanks to all those whom we honor today.

**Barke:** Next, I'd like to call Renee Hendrick to do the budget presentation, please.

**Hendrick:** You should have a copy of this in your folders also. I wanted to go over a little bit if we can go to the next slide. Kind of the economic effects of COVID-19. 11 years of economic

expansion came to a screeching halt this year as former governor, Jerry Brown, always warned us a recession was coming. No one could have foreseen this. No aspect of the national state economy seems to be unscathed by the virus and the path to recovery is unknown. There's no models of how the world recovers from a near total shutdown of economies around the globe and the initial recovery projections were optimistic, but along with the number of cases of COVID-19, have become more and more grim.

One of the concerns we have is that the actual economic impact of the shutdown isn't really known, and we won't know for quite a few months. If we go to the next slide, please. As the nation goes, so does California. California is the fifth largest economy among the world's largest economies, including the United States itself, China, Japan, and Germany. The one thing of note is when the nation gets a cold, California gets the flu because California drives a lot of the economy. If we go to the next slide, please. The impact is shifting the tax deadline. Part of the governor's concern is that we won't really know the impact because personal income tax was delayed until July 15<sup>th</sup>. Normally we would have seen those receipts on April 15<sup>th</sup>.

You can see in 2018, April 1<sup>st</sup> they had received a certain amount and by the end of April, another 22.9% came in. For 2019, it was 31.2%. This year they're waiting to see what that additional amount is between April 1<sup>st</sup> and July 15<sup>th</sup>. The other thing to keep in mind is that the income taxes that are being turned in are 2019 taxes, which is before COVID and won't really show the impact of those losses. The next slide, please. When the governor announced his May revision, he assumes the state will suffer from a \$41.2 billion loss in revenues compared to the January estimate in 2019-20 and in 2020 and 2021 combined. It's a \$9.1 billion loss for 19--20 and a 32.2 for 2021.

Revenue losses are compounded by the growing number of Californians who need access to state safety net services, bringing the state's total shortfall to 54 billion. The next slide please. The budget stabilization count. If you remember that we have for the state, there's currently \$16.2 billion in that. Under the guidelines for Proposition 2, it stipulates that a withdrawal may not exceed half of the BSA balance in the first year of a budget emergency. The May revision proposes to draw down the entirety of the 16.2 over a three-year period, and that includes 7.8 billion for 2021. While the May revision gives us an important anchor for state and local budgets that must be adopted by July 1<sup>st</sup>, there continues to be a gaping hole of information that we need in order to build a more accurate budget.

One is the employment rate changes, personal income tax revenue. Consumer confidence is shaken. It's taking a while for people to get out and spending. Small as well as large businesses may not be able to withstand the COVID 19. The state is saying they may revise their budget after July 15<sup>th</sup> when they get those tax receipts. If you look at this slide number seven, it shows you how they've re-benchmarked the Proposition 98 funding. They go back to 2018-19 when they reforecast. They increased the 18-19 by 3 billion. They've reduced the 19-20 to 77.4 billion. For 20-21 it still went from 84 billion to 70.5 billion. In his forecast specifically for schools, if you look at slide eight, originally in January, we were forecasted to have a 2.29% cost of living increase.



Statutorily it should be 2.31%. The governor is proposing to suspend the COLA for 20-21, not only in our local control funding formula, but some of these major programs also. Our Mandated Block Grant, Special Ed. Preschool, Child Nutrition, and Foster Youth, along with American Indian Education. The next slide. Another one of the items is going to due, and Dr. Williams should probably be the only person on the board that remembers deferrals, but, it's where basically what the state will do is our June money that we should receive in June, they will give it to us in July. Budget wise, it doesn't really affect us. It does affect us for cash purposes though. The state does count that as a shift in funds.

The accounting part of me will say, I'm not sure that's proper accounting procedures, but I'm not the state level. Local school agencies may need to implement local borrowing options to ensure to continue paying employees and vendors during these times. We have the June going into July, and then they're also saying \$5.3 billion, which will be April, May and June will be sometime in the next year. We have July, but we're not exactly sure what that will look like. It's not an issue for our office, but it may be for smaller school districts. The next slide says special education. This is one that the governor proposed to increase the rate to 645 per ADA. I will tell you that both the assembly and the senate gave different proposals.

I'm not actually sure what this will end up like in the final adopted budget. I believe we projected at the 645. We would have to re-forecast that lower; not much though. That will be through the budget negotiations. On slide number 11, it talks about the suspension of the local control accountability plan template that was adopted. We were supposed to have a new one this year for 20-21. The templates to be used for 20-21 and the 19-20 annual update require change. Those will be delayed until December 15<sup>th</sup>. We will expect a new template later in the summer in 20-21. The new deadline for the LCAP on slide 12 is delayed from July 1<sup>st</sup> to December 15<sup>th</sup>.

Deadline for charter school system with their LCAP to its authorizer and the county superintendent is extended until December 15<sup>th</sup> also. The deadline for county superintendent or the state superintendent of instruction to approve the LCAP is extended to January 14<sup>th</sup>. Now to talk about OCDE's budget on slide 13. We're preparing this budget. We actually are preparing two budgets at one time. We're preparing how we estimate we're going to end for 2019-20 and we're also preparing the 2020-21 budget. You'll see your budget but there's two budgets there, actually. I wanted to just make sure when I keep using the word excess, surplus and deficit, I wanted to show you where you can see that.

In your budget book on page B-34, it's line C. It says excess or deficiency of revenues over expenditures before there are other financing sources. I'm going to use that term quite a bit. I just want to make sure you can see where we find that. I'm sorry? B-34, line C. It's in between number 12 and 13 if you're looking at the numbers, if that helps. On the next slide, for 2019-20, we had an interesting development where we have one-time revenues that we do not think will occur in 2020-21. When the state used their Held Harmless for ADA, they changed the divisor factor we use. It increased our average daily attendance for this year by quite a bit. We don't believe that will happen in 20-21, but it did give us extra revenue for this current year.

We also have 8.4 million in program revenues received in 19-20, but the expenditures won't happen until 20-21. Then we had about 2.7 million of reduction in expenditure due to the

COVID-19 closure. Conferences that didn't happen, consultant agreements that we didn't use, those types of things. For the 2019-20, we actually have a surplus or excess of 26.9 million. If you go to the next slide, please. We've incorporated the majority of the governors May revise. We want to share some of our thoughts around the budget process that we've gone through. The governor's May revise has drastic reductions that are currently being debated by the legislature.

Some will say that the governor gave a worst-case scenario to try and ensure that we receive some federal aid. The assembly and the senate have not been agreeing to some of the same cuts that the governor had. There's still a lot of debate going through. The other piece is Governor Newsom doesn't have same. quite political power as Jerry Brown did. Jerry Brown, if he set where the budget was, it stayed where that was. There wasn't a lot of negotiating, at least for schools. Governor Newsom doesn't have quite that same power. We're really kind of unsure how things are going to go. The governor's May revise states that some reductions will be triggered off if the funding is received.

Since we don't know the outcome, we've been conservative and taken the full reductions in this budget. We are fortunate that we have enough reserves to allow us to continue to evaluate needs of our students, districts, and the community partners. We have developed a budget plan that will allow us to balance the structural budget by the end of the year without impacting our reserves. The next slide, please. In our assumptions, we assumed a full 10% cut in the local control funding formula, and also a 10% cut and minimum aid and state aid. Why that's important for us is you don't necessarily see our revenue changing for that minimum state aid. What you will see as a larger outgo in Object Code 7299, which is our transfer to the county courts.

It does not include new funding for the K12 Strong Workforce afterschool program. CTIG, we do have carry over funds that would be spent for those programs, but we didn't include any new funding since the governor had reduced that funding drastically. It does not include any federal COVID relief due to different proposals from the governor legislature. We have received notice that we'll receive 2.1 million from the Cares Act, which will be distributed based on our title line counts. Detailed information for revenue outside of LCFF is detailed in the budget summary, in addition to the listing of contracts, entitlements and grants worksheets at the end of your packet. And the next slide.

This is where you can kind of see the change in the Average Daily Attendance. In 2018-19, we had 5,201 students. For this year it looks like that jumps up to 6,455. That's really because of the divisor change. We didn't have more students. It's just the number we divide by went from 175 or 135 to 96. That was part of the state's Hold Harmless to guarantee districts didn't lose funding due to COVID. For 2020-21, we wanted to make sure we didn't budge assuming the same thing happened. We also had reduced our summer program because we weren't really sure what that would look like at that point. Next slide. Salaries and benefits with retirement incentives and reductions of positions through attrition due to declining enrollment over the last few years, we had made corresponding reductions in position.

Each time I've showed you the budget, you've seen those numbers decreasing. This results in reserves that will allow us more time and flexibility to adjust to reductions in the state budget. During past recessions, we did not give salary increases, but we're able to avoid furlough days

and salary reduction since we're able to retain a quality workforce. Projected in the budget is approximately \$5 million in vacant and new positions. We are currently evaluating those that we anticipate savings. We either may not fill the position depending on what it is or we may, just through normal methods, if we haven't hired somebody right now, they're probably not going to start by July 1<sup>st</sup>. We will have salary savings as we go through the budget process.

We did include an ongoing increase for STRS and PERS in the budget, though. Slide 18. Thank you. 3.5 million of one-time expenditures are included in the budget for capital improvements and furniture needs for our student programs as we continue to consolidate sites to improve efficiency of staffing and to improve services for students. Those wouldn't reoccur in the following year. Built into the budget is increase for increased custodial staff, contract services for deep cleaning, cleaning supplies, and personal protective equipment for both staff and students. We've also so increased expenditures for technology needs to ensure we have proper Chromebooks, laptops, internet connectivity, and devices for students and staff.

We've also increased some consultants in our student programs for professional learning to help with the staff with distance learning. Slide 20. Some of the areas that we reduced in this budget. The salaries, all vacant positions are being reviewed by the superintendent cabinet for possible reductions. The superintendent has required that travel budgets be evaluated and reduced for general administrative staff. Object Code 5220, which is local traveling was not local travel, which was not reduced since this is mostly for site, it's traveling between the mileage we pay them for traveling between sites. The one thing we're noticing is as we've reduced positions, some of our staff are traveling between sites more, which is increasing that cost.

We increased that by 2%. Object Code 5220 is for travel outside of the county. It's reduced by 20%. Object Code 5230 for conferences is reduced for general administrative staff by 14% and reduction to consultants for administrative needs, where possible. On slide 21, the budget currently shows a \$21.7 million deficit, but if you take out the 8.4 for one-time expenditures for funding that was received in the prior year, and 10.2 million for one-time projects and contingencies, that's about \$18 million over that right there. If we offset the 2.1 that we receive in Federal Cares Act, if we offset that expenditure, our actual deficit is less than a million dollars ongoing. With the Orange County Department of Ed., our philosophy is always conservative.

We strive for a budget that is structurally balanced. We believe that continual monitoring and with adequate reserves, we have the ability to continue balancing the budget without impacting services to students in the districts we serve. For good news, we actually got our state allocation board approved funding for community school united. We will actually build our school. We have 90 days substantial to perform activities, to withdraw funds, or we will be removed from the list and that will not happen. We have everything ready to go. We've interviewed and selected construction firms from the lease, back building of school and construction has way to begin in the fall with a 13 to 15 month build expected.

We've had preliminary conversations with the City of Anaheim and their economic development department. They are interested in partnering with us. I know Dr. Jeff Hittenberger will be meeting with them also to talk about opportunities for our students. These students are currently at lease sites all around that same area. In the long term, it will be where we do some of our lease

costs also plus having a safe learning environment that enriches the services for the students. That is the end of my formal presentation.

**Barke:** Okay. Open it up to questions.

**Hendrick:** Do you want to do the public hearing first or questions first?

**Barke:** What's that?

**Boyd:** Do you want to have the public hearing before the questions or do you want to do the public hearing after?

**Barke:** We can do the public hearing first if that's all right with everyone. Sure.

**Hendrick:** At this time, I'd like to open the public hearing into the 2020-21 budget for the Orange County Department of Education. I've not received any cards regarding the budget. At this time, I'd like to close the public hearing. Thank you for your time.

**Barke:** Thank you. We'll open it back up for questions. I'm going to start at the end. Dr. Sparks, any questions?

**Sparks:** Yes, I have a few questions. If we go to slide number 20, and you're talking about some of your strategies to reduce expenses, I'm wondering how you came to the particular percentages that you came to on Object Code 5220 and 5230 and 5210, number one. Number two, on the other bullet points there, why you were not able to come up with specific percentages?

**Hendrick:** The superintendent gave us direction to specifically look at those areas. That's how I got the percentages. I look at each budget. We actually reduced. We did not reduce site-based programs though. It was just general administration. Actually, in your summary sheet, there's a side by side for 5220 and 5230. It shows you the major additions. That's the only reason why that can be a percentage, but if I didn't look at it quite that granular.

**Sparks:** Are you planning on doing any traveling in the fall or just opening up in the spring? What is the strategy there?

**Hendrick:** It's really going to depend on how the economics are. There are still some dollars that's in there for travel. The one thing we are seeing is conferences. Even though we're not traveling to conferences, we do have a lot of people that are doing Webex's and things like that. There are costs tied to those. You've got the travel component, like the registrations. We don't plan on traveling in the fall as far as I'm aware at this point, unless there was some necessity. Somebody needed to testify at something or those types of things.

**Sparks:** Right. Just for comparison, we're reducing by much larger percentages at the university, 50% cuts, 75% cuts in travel. I was curious why it was a much smaller, 14%, 20%.

**Hendrick:** It could be more because the real directive is not to travel. For our first look at this, this is kind of what we looked at to start with. It could be much larger.

**Sparks:** Just the ones that don't have percentages next to them. I know it's kind of a moving target right now. I do understand that. The more -

**Hendrick:** We didn't do across the board cuts. We didn't want to cut a site visit, the school site programs. That's why you don't see across the board cuts. It's really more targeted to more specific things that are away from the classroom.

**Sparks:** Okay, thank you. That's all I have for now.

**Williams:** Take me back to the very beginning. Let's go to the genesis of this budget. What is the

timeline that you learned of the reduction by the governor? When was that about? Three weeks ago?

**Hendrick:** Yes. May 14<sup>th</sup>.

**Williams:** May 14<sup>th</sup>. He recommended how much reductions?

**Hendrick:** 10% cut in our revenue.

**Williams:** 10% cut. That's for all county boards and local school districts?

**Hendrick:** No. That's a good question, actually. Some of the districts are about 7.92% because you decline the COLA and then you just extend it. Their effective cut is 7.92%. It's a little less for the school districts. The other thing, when you read through his budget reports, it says that these are the cuts is they can be triggered off if federal aid is received.

**Williams:** Okay.

**Hendrick:** Okay. This is just a worst-case scenario, I guess, is what I'm trying to say. For this 2020 year, the legislative analyst and many experts believe that the amplified, the state budget deficit, so that we would hopefully receive more federal aid.

**Williams:** The federal aid would come in through this Cares Act?

**Hendrick:** There's multiples. They were actually thinking on the Heroes Act, which is not going to pass the federal legislation is my understanding. That was introduced by the house. The senate is not picking it up. They're still anticipating there'll be additional dollars. Currently, there's multiple packages at the state level. There's the Cares Act, which is using Title I. There's an Emergency Act that has funding that hasn't been distributed yet, either. There's multiple ones and the senate and the assembly are all getting different proposals from what the governor gave. We haven't included that funding because we really have no idea what we're going to receive. The Cares Act we received a notice that we will receive that.

**Williams:** How much will we receive?

**Hendrick:** \$2.1 million dollars.

**Williams:** \$2.1 million? We have a deficit of almost \$22 million? Okay. The governor, May 14<sup>th</sup>, said cut 10% to the county boards of education, a little bit less for the local school boards. Is that a correct summary?

**Hendrick:** Right. For county offices.

**Williams:** For county offices and he left to discretion how you reduce that budget up to the county department. Is that correct?

**Hendrick:** Yes.

**Williams:** Okay. Then when you took this information, what were the directions given to by the superintendent in how to make those allocations or reductions to so we can get out of this?

**Hendrick:** Right. The general one was to try and keep cuts away from the classroom. That's the last place he wanted to see the cuts and he felt like we wouldn't be doing traveling. We could make cuts there and to put a proposal together to look at the different items.

**Williams:** The classroom was a priority and it was something that the reductions would be the least in?

**Hendrick:** Right. It's always a priority for the superintendent to make sure that our programs and our students have what they need. That's not new for us. That's our ongoing philosophy.

**Williams:** Regarding the travel, that's going to be reduced just because of the nature of this COVID supposed epidemic and nothing's going to change?

**Hendrick:** No. Part of it is also we don't have a lot of out of state travel, but he basically said unless it's an absolute necessity and unless he approves it personally, there will be no out of state travel. What we've done in the past where we've had difficult financial times is instead of 10 people going to a conference, maybe only one or two get to go and then they'll bring information back. That was the same. That's how he was looking at things is that we will cut down on that where we can.

**Williams:** Okay. What is the Object Code for the lobbying again, and what page is that on in this?

**Hendrick:** The lobbying is under the 5800's. It is on page -

**Williams:** B-46.

**Hendrick:** Thank you.

**Williams:** For the lobbying on the Object Code 5800.

**Hendrick:** That's not just lobbying. That's all professional services.

**Williams:** The lobbying has a specific Object Code, too. Correct?

**Hendrick:** It does not.

**Williams:** It doesn't. It's under this broader 5800 Object Code?

**Hendrick:** Right. They're actually combined with other services under 5851.

**Williams:** Because last time that was something that this Board we would cut back in conference, travel and lobbying. We didn't think there was a need for as much lobbying as there was. That's how we ended up in the pickle that we're in with this litigation. We wanted that. Where in this budget is the actual lobbying numbers? That was hard for me to find.

**Hendrick:** It's under 5851.

**Williams:** What page is that?

**Hendrick:** It rolls up for the reports you see under 5800. You can see that that's reduced from 19.6 million to 17.3 million.

**Williams:** 5800 is consulting services is everything.

**Hendrick:** It's everything. Right.

**Williams:** I'm talking very specifically about the lobbying contract. Who's the lobbying contract with?

**Hendrick:** We have multiple firms that we use.

**Williams:** What is the purpose of these lobbying entities?

**Hendrick:** I could tell you, like one of the examples, it was one of them has worked very hard because some of the proposals by the governor's office was, for some of the federal money, would only go to school districts that received the Concentration Grants, which is equal to about 55%, which would have meant that we would receive very little. Also, the majority of our school districts would receive nothing. Part of that lobbying is to help them understand that every school district needs money, not just this handful of districts receive concentration. That's the type of things we use our lobbyists to help us with. Under this COVID guideline and all the new restrictions, trying to get our legislators to understand the impact on schools has been really important to have people who are in Sacramento, letting their voices be heard, getting data going back and forth. That's part of the reason we use lobbyists and it's countywide.

**Williams:** How much are the lobbying contracts?

**Hendrick:** Off the top of my head, I don't know that. I'm sorry.

**Williams:** Estimate. One million, two million, five million. What are we talking about?

**Hendrick:** I honestly, Ken, I don't want to give you a wrong number. Honestly, you can say there's a lot of numbers that I've gone through.

**Sparks:** Maybe it would be helpful -

**Hendrik:** If you give me a second -

**Sparks:** Maybe it would be helpful for us to have line item of all those categories in 5800 so we can actually see line by line, how those are broken out and have it in front of us.

**Mijares:** Let me make a comment if I may, Renee. Dr. Williams, on the lobbyists, they are firms that do more than just lobby. They provide professional services. School Services of California, for example, could do lobbying on a particular area that any one of our 27 districts or potentially our community colleges we have. They also provide professional development on the budget, how to compare budgets, any issue that a district may have that's related to budget and/or instruction, instructional minutes. There's a number of things they do but one of the functions they do is to lobby. I think it's important to show the breadth of the work that they do.

**Williams:** I agree. It's important to be able to see that. We just don't see it. We don't know the numbers. Yes, I am concerned when Sacramento says we're not going to give money to Orange County, but I'm not sure how that even began because that seems so unfair.

**Hendrick:** They didn't say that. They said only for districts above the 55% concentration. There's only a handful of districts in our Orange County: Santa Ana and Anaheim that actually have that concentration. You would get like a Los Alamitos or Capistrano, none of them would receive any funding if it was based on that Concentration Grant only. Their thought, the governor's thought, not that I could probably think like he does all the time, but he was saying that their neediest students are most at risk are the ones who should receive money.

That was his thought of how those funds would be distributed. That obviously got a lot of pushback from the school community, because we're saying that doesn't seem fair. Those are the types of things that the lobbyists really help us with is going to the legislators and staff members and saying this is what we're hearing, and this is the impact to Orange County schools. We can then actually calculate how much money would our schools lose if that happened.

**Williams:** Is the lobbyist that we pay for a lobbyist for all of Orange County schools?

**Hendrick:** They do work on behalf of all of Orange County schools. Yes.

**Williams:** Do the other districts help subsidize or pay for that lobbying?

**Hendrick:** No.

**Williams:** No. The total cost for lobbying for all the school districts and community colleges is borne by this department. Is that correct?

**Hendrick:** Districts may have their own lobbyists also. They're working on more of county issues that are relative to all districts in Orange County, not to a specific district.

**Williams:** If the Board were to request, or if I were to specifically request a breakdown of this 5800 Object Code with all the lobbyists and how much they got, would you be able to do that or provide that documentation?

**Hendrick:** If you would like to know how much the lobbyists that are in the budget are, yes, I could give you that.

**Sparks:** I'd like to know every single line in that category because you've got almost \$20 million in the 2019-20 budget and then you've got almost \$18 million in 2021. For us to really understand and be transparent about that category, we need to see a line item of everything in that category in 5800 and a description of how those funds are being spent.

**Hendrick:** You actually did receive that. That's what I sent you today. You have Object Code 5800 and you have five departments with different guidelines in there. That was what you had requested and I emailed that to you today.

**Barke:** You did? At what time? I don't think I got it.

**Hendrick:** This afternoon.

**Barke:** I must have already been here.

**Boyd:** Renee sent it today and I was going to forward it to you all. [inaudible]

**Hendrick:** It will not list out specific companies because as you're doing it, he may say, "Okay, Renee, you can have \$20,000 to pay for consultants, but at this point, I'm not exactly sure how to use those funds. I just know I have a dollar amount that I can't exceed. If you want specifics on how much we spent this last year in those things, I could give you that.

**Sparks:** We would like to see everything as transparent as possible, including every company, including every line, every dollar amount from last year, what you learned this year as you do issue those checks.

**Hendrick:** I could do that for you. I'm just going to let you know this right here is 5865 and it is 140 pages. I gave you all the 5800's. I can definitely do that with detail for this current year, but it'll probably be thousands of thousand pages of stuff, but I'll do that. That's fine.

**Sparks:** We would like that.

**Williams:** I would ask you to repeat that because I'm hearing a significant echoing. I heard nothing. I'm going take my earphones off and you can repeat what you just said.

**Hendrick:** I can give you the detail for 2019-20 for all the 5800 categories. It'll give you details of what was spent for each program by Object Code. I'm just saying it's going to be thousands of pages. If you would like me to have specific questions, I can highlight those for you. Or I can just give you all the data and let you look at it. It's up to you. What I was sharing, Ken, is this is just 5865 and it's 140 pages.

**Sparks:** We would like all the data and if you'd rather do it in a PDF form, but as long as we have all the data, if you wanted to save a tree, that's fine.

**Williams:** The real bone of contention that I am having is we have discussed -

**Hendrick:** I'm sorry. I can't hear you.

**Barke:** Why are we automatically muted? We keep getting automatically muted and we have to unmute ourselves?

**Boyd:** We're trying to reduce the amount of feedback.

**Barke:** Okay. Got it.

**Williams:** Isn't one ear better?

**Barke:** Yes, it is.

**Hendrick:** Ken, you're still muted.

**Williams:** The biggest bone of contention that we had last year in the budget that the Board wanted to make changes in when we had a lot of money was the travel that the conferences of the Board and the executive staff, as well as the lobbyists. I just went through an election period



where these were the biggest concerns that were expressed by my constituents is the waste of administration. I couldn't tell them, "Well, the lobbyists did this or that. We don't see that. We don't see that in the setting here yet we're the ones that has to pass to approve this budget.

At least for me, I cannot speak for my colleagues and the Board, I'd like to know what we are spending money on for lobbying. I'd like to know the exact amount, who it's going to, who are our lobbyists? We see no reports. We see no general description of what they're doing. For the taxpayer, they want to know what's the bang for their buck. I think by having that information, being able to articulate that to them would be very important. By the way, do you have the SAC S.DAT file?

**Hendrick:** Yes, and I'm sorry. That was on the email I had sent was giving you those.

**Boyd:** I just sent it.

**Williams:** You just sent it? Okay.

**Hendrick:** You have the .DAT file. Actually, Ken, I think I sent yours separately.

**Boyd:** It was sent separate.

**Hendrick:** I sent yours separately to you.

**Williams:** What time was that?

**Hendrick:** Probably -

**Boyd:** About 12:30.

**Williams:** I left my office at 12. That's at my account that's at my office. I didn't get to see that. I'll look at it tomorrow.

**Hendrick:** You have the .DAT file and I answered your other question on there also.

**Williams:** Okay. Very good. Getting to a few things, other issues here on page B 23. We have the legal fees here and we have a new table here and I just wanted to ask you a few questions from that page B-23. Is this a table of all of our legal fees, including the ones that are not associated with the litigation of OSERS and the Board against the superintendent? Is this everything that we do legally?

**Hendrick:** It's everything including the OSERS in there.

**Williams:** Okay. Like the student programs?

**Hendrick:** Right. Due process hearings, any type of legal fees attributed to the student program. It could be a special ed. related. Maybe having an attorney look at a form we're going to use, those types of things. Any of the costs related to that. General administration is going to be more than likely going to be HR or risk management pieces.

**Williams:** Getting back to the student programs, do we outsource contracts with outside legal firms for these student programs? Is that all the in-house attorneys? I don't know the answer to that.

**Hendrick:** That's if it's outside costs. A lot of our student programs, which is why the number is so low, is going to be done by in-house attorneys. We had budgeted a larger amount for 20-21, because due to the COVID-19, we anticipate more due process hearings because of special ed. If it wasn't a litigation, it may go to another attorney or sometimes we're partnering with a district. We may use their attorney and help share that cost instead of having two sets of attorneys working on it.

**Williams:** Okay. If you could just continue on down how you itemize this.

**Hendrick:** Project Glad is one we had talked about a while ago. It was a project where it's guided language acquisition, and we had a trademark lawsuit basically where people were stealing our materials and then having their own programs with them. We had sued them. That was a lengthy thing. We've had to trademark everything in regard to that. We did prevail on that. Then the county board and the county superintendent, those are your two current litigations. They're there. The OSERS I split out for attorneys. It should be JKL. It's unrectified accrued actuarial liabilities.

That's the reason for the lawsuit. [inaudible] no longer employees in our department that their unrealized liability of life and their dependents said we owe more money for that. We disagreed with their philosophy in that. There was a debate over that. We did not prevail in that, so we are paying that amount. We were showing legal fees because I have to record unrecognized liability in our financial statements for auditors requiring [inaudible] which is in the 5900's instead of the lease fees. These are your county board reserve also because that was one of your questions. That's why they're in the table because you see there's \$60,000 is budgeted as an expense in that area.

**Williams:** The OSERS, is that an ongoing litigation?

**Hendrick:** My understanding is they have notified us and then they're doing some conversation now because they want us to pay their legal fees. The \$60,000 is anticipated legal costs if we go forward with that.

**Williams:** Okay. The one thing that we do know is in January 2019, the court of appeals favored the OSERS and this is where things are fuzzy because we don't know any of the details of this. Those fees that they wanted for the legal fees that the loser pays for, they will not pay for? Is that correct?

**Hendrick:** They're not because I am not an attorney. I will do my best to try and explain this. They never asked for those attorney's fees to be covered. Normally under public agencies, you don't get to cover each other's like legal fees. That's not our normal staff statute of what that works. We feel that there's guiding legal opinion that says that we don't have to pay those. That's why we've had the disagreement. That being said, at some point there'll be a decision made of it may cost us more money to continue to litigate than to just pay the fees.

**Williams:** Okay. The thought is that because it's two government entities fighting out between their legal outcomes, that...Al, maybe you can help me out here. Your legal understanding is that the legal fees of the person or the entity that won does not apply because it's government entities. Is that correct?

**Hendrick:** That is true and there's also a time limit where they have -

**Mijares:** Can you hear me now?

**Williams:** I can hear you.

**Mijares:** For those of you that don't understand the OSERS lawsuit, years ago we had employees that were working for the County of Orange. When the Orange County Department of Education became autonomous, we had some employees come and they kept their retirement

plan. The rest of us have different retirement plans. The theory is that as these employees live their lives out and their dependents live their lives like their spouse, then they drop off the list. We have a handful and Dean West, I think, is in the room or in his office. I don't know the exact number, but there's a handful of employees or their spouses that are alive. They're well in age, I would say in their late seventies, maybe older, and we got a demand for payment of several million dollars. Just the letter that came and said, "You owe more money. You need to put more money into the retirement plan."

The associate superintendent of business services, Wendy Benkert, I think you remember Wendy, and our attorney reviewed everything and said this is not a proper demand. We shouldn't pay it. The other thing that complicated it was that there was no sunset to this. They said they could raise the money higher than that. We were hoping that at least if we didn't prevail on what we owed them, we wanted a cap. As you know, most of the judges in this county are in OSERS. However, in this case, we agreed to try the case in Los Angeles to make it more objective. The same thing occurs there. All judges have retirement plans, too. It's not OSERS, but it's another retirement plan. We did not prevail. We appealed and still didn't prevail. We're paying for it.

The premise here was that everybody's talking about these benefit plans and these retirement plans that are bankrupting the system. Our point of view was to do something to not allow OSERS to add to that problem, frankly. The gist of it now is that after the money had been paid, they now presented a bill, if you will, for all of their legal fees. Again, our attorneys are saying that when these two public agencies fight normally, there is no legal bill. You don't have to pick up their lawyer's expenses. We pay our own and that's it. That's what is currently being contended. We're discussing it right now.

**Williams:** Okay. That was the litigation that was filed in August of 2019 that's ongoing. Is that true?

**Mijares:** The litigation itself is over with respect to the initial lawsuit. We are now contesting the legal fees. We believe they're exorbitant.

**Williams:** That was August of 2019. Is that litigation still ongoing?

**Hendrick:** There's no litigation.

**Mijares:** We do have our general counsel, Dr. Williams, if you want him to speak. He can. Jeff, why don't you weigh in at this time?

**Williams:** Just to be clear, he's not the Board's general counsel.

**Mijares:** Okay.

**Riel:** Yes, there is ongoing litigation. I don't know the exact date, but that sounds about right in terms of the request for attorney's fees. That case is still pending.

**Williams:** Okay. That's what this case is all about. They just want their attorney fees.

**Riel:** Correct. There's an American rule that indicates unless a statute specifically allows the recovery of attorney's fees, then each party is responsible for their own attorney's fees. There is no statute from our legal perspective that would allow them to recover their attorney's fees. That's what's being contested.

**Williams:** I see. The law firm, is it the same law firm that you used for the original litigation, and that's one out of Washington, D.C.? Mufflin, or something like that?

**Riel:** Sheppard Mullin.

**Williams:** Sheppard Mullin. Okay.

**Riel:** They're local here out of Costa Mesa.

**Williams:** They have an office here locally. Okay. Sheppard Mullin is still submitting bills. Is that what that figure is for the estimated 20-21 budget? \$60,000? Is that what that's for?

**Hendrick:** Yes.

**Williams:** Okay. The two categories above that, the county board and the county superintendent. Is that for the litigation that's occurring or ongoing right now?

**Hendrick:** Yes.

**Williams:** We'll throw out the peace flag. If you want to settle that we'll be more than happy to settle that. I'll make that as a serious offer. I know the Board is anxious to settle all of this so we don't continue in litigation. It's a waste of taxpayer's money in my opinion. Okay. Thank you, Renee. I have no more questions.

**Barke:** Just while we're there, can I ask you about the projection as far as the county board versus the county superintendent? Why are you projecting the board expenses to be more than the superintendent when this past year they were about 130,000 less? Why are you predicting ours would be more?

**Hendrick:** They're not that much less. It's because the ones for the board are lagging behind of when they're being paid. It's not that they're actually less. They took like how many months divided? I'm not exactly sure. I'm sorry. I don't know how they got to those exact numbers, but it was based on the actual bills. What I was trying to figure out what the difference was. I was kind of confused by that, but I believe like maybe the Superintendent's has paid through say, April, and then the other one was going through March. It's just the lag behind on that.

**Barke:** Okay.

**Williams:** Are any of these figures in here, Renee, include those outstanding that are for our special interim counsel, Greg Rolen?

**Hendrick:** I'm sorry. I only heard part of that, sorry.

**Williams:** Okay. None of these figures include the attorney's fees for Mr. Greg Rolen? Am I muted? How do I fix this?

**Hendrick:** Nina's going to go and try to fix it.

**Williams:** None of these fees include outstanding legal fees for Mr. Greg Rolen?

**Hendrick:** No.

**Williams:** Is there anything budgeted in here? She has it?

**Hendrick:** For next year? You have your reserve for 350,000. Whatever that was for.

**Barke:** Can I speak to that as well? My understanding is the language of the statute for that should actually be called a Specific Purpose Fund rather than a Board Reserve Fund?

**Hendrick:** This goes back to the question I asked at the last Board meeting. Under the reserve of the funds you mentioned budget expense in our budget. It would just be litigation at the end of the time. Dr. Williams was concerned that he was in the budget.

**Barke:** I think I'd like to still see it in the budget. My understanding is that it should be called a Specific Purpose Fund versus a Board Reserve Fund. Just a changing of the name because of the statute.

**Hendrick:** We can do that.

**Barke:** Okay.

**Hendrick:** Would you repeat that again, please?

**Barke:** Yes. I'd like it to be called the Specific Purpose Fund, please.

**Hendrick:** Can I say Board Specific? I don't want it to get mixed up with something else.

**Barke:** I think so. I'll get back to if that's a problem. Let me look into that Board Specific. Okay. Are you finished?

**Williams:** No.

**Barke:** Oh, go ahead. Sorry, I didn't mean to interrupt you. I just thought since we were there I'd rather -

**Williams:** No, you're all good. Am I unmuted? Yes, I am. Can you hear me all? Okay, very good. Getting back to slide number 21 for the deficit here. We've been through this before, probably a couple of times, actually. You've seen it, Renee. You started here in '94, I believe. I started a couple of years later after you, so we've seen this terrible, terrible times and we've been able to get out of this. Is this the worst that you've seen of the economic downside?

**Hendrick:** It's the fastest.

**Williams:** The fastest?

**Hendrick:** It's the fastest, but I'm not going to...I guess the difference is when I look at where we were in 2008. That was the longest time we've had a recession, right? We didn't come out of it as quickly, and we weren't as financially stable then as we are today. If that makes sense.

**Williams:** This obviously happened very quickly.

**Hendrick:** It did.

**Williams:** We weren't prepared for this in any sort of way.

**Hendrick:** We didn't see it coming, I guess, is the other issue.

**Williams:** We're going to have a couple million from the Cares Act. In the end, we're going to have a deficit of one million dollars. Is that what you're projecting here?

**Hendrick:** What my projection is that we will pick up other savings in the budget, just like we do every other year as we move through. I can pull end up being balanced once you take out the one-time expenditures.

**Williams:** Okay. Was there any consideration to reducing costs in administrative staff, executive staff or middle management? Can we do that?

**Hendrick:** We are bargaining with our two groups right now. We are looking at salaries. That would probably be a question for the superintendent, but I guess my question to you would be, if we're showing that we have a balanced budget, what would be the incentive to do that? Also remember we probably aren't going to get salary increases either.

**Williams:** If we can operate with \$21 million less this year, why couldn't we have done that last year when we had the money?

**Hendrick:** Also remember in 2019-20, we had a \$26 million surplus.

**Williams:** We're using that surplus to help pay for this deficit?

**Hendrick:** Part of it, yes.

**Williams:** How much?

**Hendrick:** 8.9 was carried over from one year to the next, and then I show another \$10 million in one-time expenditures in 2020 that won't reoccur.

**Williams:** Okay. That one time \$10 million is that from the court thing where the state is taking -

**Hendrick:** It's revenue. They have \$10 million in one-time expenditures that we're showing in 20-21 that won't reoccur. I showed you some of them. 3.5 for capital outlay. There's a lot of one-time expenditures that are in there that aren't going to reoccur.

**Williams:** The capital outlays would be items like furniture and -

**Hendrick:** Furniture -

**Hendrick:** What other type of things?

**Hendrick:** We have the Argosy building that we've talked to you about a few months ago, I believe, in Orange that we're consolidating sites into that. It needs some tenant improvements in order to make it more feasible to fit our program. That's going to cost some funds. We've been buying for the alternative education, special ed. We have been buying new furniture for almost every classroom at this point. We've budgeted some of that. We had budgeted for some new furniture for our sites. It is left in the budget right now, but it could be removed.

**Williams:** It's new furniture that you budgeted for?

**Hendrick:** Yes.

**Williams:** How much less if you get it used?

**Hendrick:** The last furniture we bought lasted over 30 years. We're going to make sure we buy high quality things and really what a lot of it is to make the furniture adaptable for staff and desks is really what our biggest issue is. We have a lot of staff asking for that. Currently, we make them require a doctor's note to receive that. Part of that is trying to get it more ergonomically correct, and to fit our space more.

**Williams:** I'll ask the same question as last year. Is there any room for further reduction in this budget?

**Hendrick:** There's always room for further reductions.

**Williams:** Okay. Thank you.

**Sparks:** I have a couple of additional questions and comments. On slide four, you're talking about how the state revision assumes that the state's going to suffer from \$41.2 billion loss in revenues compared to January estimates. You break down the \$9.1 billion for 2019-20 and the \$32.2 billion for 20-21. And yet in education, there are no cuts. We're going to be a balanced budget. That just seems really

**Hendrick:** That's not true. We took 10% revenue.

**Sparks:** If the state has this \$41.2 billion loss, I think where are those losses coming from relative to education? It just doesn't seem like it would match up.

**Hendrick:** Under Proposition 98, we're actually guaranteed a certain amount of revenue. They can't cut below that. Actually, education has taken a larger share than a lot of the other programs throughout the state, which is always what happens when we have a state financial crisis. Education takes the largest cut. If you look at your budget packet, you will see a 10% cut, what that equals for us. It's substantial. It's a lot of money. I think a school district taking a 10% or 7.92% is very drastic. That probably won't be cutting courts or health programs or things like that.

**Sparks:** I just wanted to throw that out there because numbers that I've seen in other contexts really are much more drastic than what I'm seeing here. Mr. Superintendent, I have a couple of questions related to the budget process that I wanted to ask you about. First, it's our understanding that the California code, Education Code not only authorizes us as a Board, but also requires us to approve department contracts and state grants. I was wondering if you could obtain a legal opinion clarifying each of the parties' respective rights, our roles and responsibilities so we could really have clarification on that. Secondly, many of my constituents and probably a lot of yours as well, express concern about the department conveying money to the United Way and other entities.

Particularly, we learned about that at our last meeting where we saw 100,000 in two separate checks of 50,000 and 50,000. Although, today, I see a \$200,000 number on that line. The point is, can you obtain a legal opinion clarifying whether this 100,000 conveyance and/or if the 200,000 constitutes a gift of public funds? If possible, I'd like that in advance of the next meeting. That would be helpful.

**Mijares:** Okay. To answer your first question on grants and other things that you mentioned, other appropriations, that's what this lawsuit is predicated upon because we both have had legal opinions that state that I do have the authority to seek grants without approval.

**Sparks:** Sure. I was going to ask if you were counseled to give us a legal opinion clarifying each of the parties' respective rights, roles and responsibilities. I think that would be helpful, and then the second question as well.

**Mijares:** Sure. The second question in terms of gift of public funds. Just for the record, services were rendered by the United Way. I think Dr. Hittenberger mentioned last time, the Strong Workforce Grants that we receive. We needed to have a partnership with community-based organizations. When we went out and sought the money, we indicated that we would have these partnerships, which was part of the grant itself. Perhaps one of the reasons why it was funded. We not only had nine community colleges and our districts, almost all of our districts in one way or another, were part of this. We also had some higher ed., four-year institutions in there. Dr. Hittenberger's here, I think. Jeff, how many CBO's did we have in there? Community-based organizations? Do you have a number in your head that pops up?

**Mijares:** Okay. Dozens of them. We can still look at the United Way item and get a legal opinion for you.

**Sparks:** Sure. I think that would be helpful. Thank you.

**Williams:** I need to say something just for the record. I don't believe our litigation is regarding whether the Board has to approve these grants or contracts. I think the second litigation was about the Board's authority on the budget.

**Mijares:** Yes, that's what I meant.

**William:** I don't think the grant issue...we did have several second opinions over the last five years on that issue. We're still at great divide regarding that understanding of that. I just wanted to make that point because you said that's what the litigation is about, and it really isn't.

**Mijares:** The litigation is predicated upon who has the authority to do what and grants could be one example of that. Do I have the independent authority to seek a grant without the Board's approval?

**Williams:** You feel you have that?

**Mijares:** From the legal opinions I have been given, yes, I do.

**Williams:** Okay.

**Mijares:** That's why I'm saying that the second litigation, not the one on the general counsel that we're currently in, but the second one on the authority of the establishment of the budget. I think this question will probably get answered one way or the other. Don't you think so, as we go through it?

**Williams:** I'm not an attorney. I don't know the answer to that.

**Mijares:** Yes.

**Williams:** We'll see. Last month, Renee said that the Board does not approve grants. I went through the actual Minutes for the last 26 years since 1994. I believe historically when you look back at that, this Board was requiring the superintendent, who was John Dean at that time, to have approval from the Board to even receive funds. As you know, that's the way some school districts operate. There's been quite a significant change from those years when I first came on the Board to the last four years where we really don't even see anything come across as grants, whether it's federal or state. Even the code that is mentioned talks about federal grants from congress that the superintendent can apply for.

Again, we may agree to disagree on this, but it just makes sense from the principal of the checks and balances of government that one looks at the other. One governing entity, in this particular instance, it's the Board and it's you, we co-govern this department. Yet as I think I've said numerous occasions, we're not being a part of that process. We're being marginalized and you're bypassing the Board. I think there's a great liability on your part because you're unilaterally making these decisions without the Board's knowledge, public debate. It's without transparency. I have some great concerns how it's being done. We'll talk about that much later.

**Mijares:** If I may, Dr. Williams, I wanted to indicate that with a local school district, they have an appointed superintendent. The Board has full authority on almost all matters of the instruction or program and business, et cetera. In this job, it's different because I'm elected as you are elected. Again, that, I think, is what we're trying to decipher in these lawsuits. You have one opinion of my authority, and I have one opinion of your authority, but please understand there's never an effort to exclude the Board. When some of these things could be labeled a grant, some are appropriations where the California Department of Education asks us to assume a responsibility because it's trying to do its job via the county office.

This is one of the functions of the county office, to provide professional development. That's a little different than a grant per se. That's another reason why there is some ambiguity here and perhaps exasperation, but we are not intending to omit or eliminate public input or public opinion. We know that we have to move on with these grants, if they are grants. We don't have to go through a layered process like a normal district would. Thank you.

**Williams:** Sometimes that layered process is important because it assures the constituents, the taxpayers, that there's no malfeasance or maladministration, no trickery of the books. To have it transparent where there's public debate and there's public knowledge, and it goes on record. It's just good government. The checks and balances, that's why our founding fathers, they wanted to get away from the King of England and how they governed and how they made decisions unilaterally. Again, I think it's a real problem. We talked about the United Way thing. It was couched in a way and explained by you that it was a part of a bigger program.

We do have a bigger program for these career pathways, but these funds from the United Way went specific for an initiative for Garden Grove and Anaheim Union School District students. That's where the money went. I don't believe that we have any OCDE students in Anaheim and Garden Grove programs. Again, unless it's vetted in public and it's not talked about beforehand and in the proper manner, it can look as though there's somehow a maladministration going on.



**Mijares:** If that's the perception people have, it's an unfortunate one, because for example, in the two districts you mentioned, when we applied for this or got this money, it was intended not solely for ACCESS, but across the county. It's a \$15 million grant to be used across the county in K-14 education largely. With respect to the United Way, the \$50,000, if that went into those two districts, it's probably because that's where the greatest need was at the time. I can't answer that question because Dr. Hittenberger is the administrator of that program, he can answer better than I can, but those are students in this county, and they're entitled to this money from the state. This relationship that we have with United Way was based on these two grants that we were managing.

**Williams:** Just for clarification, wasn't there a grant that we gave to United Way? Was it these two payments of \$50,000 made over two years? Was it a grant that we gave to the United Way?

**Mijares:** Let me hear from Dr. Hittenberger because he is the administrator of the program.

**Hittenberger:** Dr. Williams, yes. I believe as we discussed at the last Board meeting, these were funds that came to us from grants, the K12 Strong Workforce Fund, California Career Pathway Trust grant that serve districts, all the districts and community colleges across the county. United Way is one of the partners in that [inaudible] pathways initiative. These funds went to support the United Way Youth Career Connections Program, which provides work-based learning opportunities and internship programs as you saw last time we discussed it to over 1,500 students in Orange County.

**Williams:** It was not a grant that we gave to the United Way. It was funds to support their initiative to create internship programs for Garden Grove and Anaheim Union School District kids and students?

**Hittenberger:** And for services rendered. Yes.

**Williams:** Services were rendered. That seems to be a recurring theme, which we don't know what services were rendered. What did that \$100,000 pay for? What services?

**Hittenberger:** Trustee Williams, at our meeting last month, we provided you with an annual report that gave detailed description of what services were rendered, the students who were served, the nature of the opportunities that those students were afforded as a result to the work of the Youth Career Connections Program.

**Williams:** Right. For the record, though, Jeff, I think you didn't spell out the other part of it here with all due respect. I think you're an awesome person, but the fact is there was no paperwork. There was no documentation. There was nothing when I asked for information as to where did these funds go? Why were they going to a United Way initiative? There was nothing on file, and that's just real sloppy administration. If you're going to give money to a program, at least have documentation, the reason, need and a purpose and the description about what it's going to be used for. That's the most reasonable request and the fact that it was not done in public, that no one knew about. There's a lot of questions that are raised by this entire episode here.

It goes to a deeper level, is there other issues and other similar type of patterns of administration that we're not aware of? As you know, this Board really doesn't know the details of what happens here in this department, because we don't approve grants and we don't get involved in it. I think

I've articulated that we've been marginalized and put off to the side in the decision-making process, even though we're a co-governing entity. That's just my remarks. I think we've beat this mule to death. I'm ready to move on.

**Hendrick:** I'm sorry. Dr. Williams, please. I'd like to make a reminder that when we do receive new revenue, it is input into the budget and it is listed in multiple places in either the annual budget or in your first or second interim. When you saw it in your assumptions, in your narrative, and I've given you that. This time I've expanded the grant, the contracts entitlements list to show you the purpose for the funds and who receives the funds. We're trying to give you as much information. In the past, you have asked for specific types of grants, and we've given you copies of those. The Board always does have the option to approve or disapprove our budget. That is the ultimate authority. I just wanted to clarify that we do put as much information as we can, and we're always willing to give you more information if you ask for it.

**Williams:** Lisa, I know we've talked a year ago about a request for grants that were under those at \$100,000. Did you ever get that list?

**Sparks:** It wasn't in our packet today.

**Hendrick:** I'm sorry but you've gotten a list at every budget cycle that shows every grant contractor entitlement. It's in the back of every single packet that you've received for the last year. Most of them are also listed in the budget summary with a multi-time detail.

**Sparks:** Now we're asking, as I asked before, we're asking for the line items of that particular code, 5800, I think it was.

**Hendrick:** I would be happy to give you that. I believe as far as information that I've received, anytime you've asked for information, I've been more than happy to provide that to you.

**Gomez:** First of all, I want to thank everybody for doing their due diligence, because I think this is where we got caught up a year ago. I appreciate that. I would just first like to make a comment that I also went through the reelection process in this past, seems like a very long time ago, and that was only March. Nothing came up in any of my conversations with the public about transparency. Maybe it was because I could explain it better or the constituents had a little bit more trust in what we were doing. I'm looking at page 22, again, back on travel and conferences. It indicates that for 20-21, the superintendent has restricted all travel to local or in-state travel. I want to be sure that if we're looking at this travel budget, that we also, we as a Board, also restrict our travel to in-state and not go out of state as well.

I know some Board members have traveled out of state this past year. I think we need to kind of follow that same guidance. The lobbying, I'd like to just make a comment on. I believe that we're all invited to those. When we're asking about how we pay for that and what sort of services we get. I know that there are regular Wednesday afternoon seminars that are put on, and I think those are mostly by some of our lobbying firms. Correct?

**Hendrick:** Yes.

**Gomez:** Okay. I don't know how many of you have taken advantage of those, but this room was pretty full when we have those seminars from our local boards of trustees throughout the county, and I get a lot of feedback that those are very helpful to them as well. It's not just up in

Sacramento. They are providing services as far as professional development. I know that they usually do things on the budget. I think normally they do something for the May revise and of course that's been a challenge as well. As far as furniture, because that was another thing that came up. We were talking about how old some of the furniture is.

I know that if you look at furniture from 30 years ago in our classrooms versus what furniture is nowadays, we all think about those classrooms where it's a one-seater and you have a little desk, a little wrap around desk. That's not the way classrooms are today. They have furniture that's all mobile where the students can get in small groups and do different kinds of projects. Even if we were to get used furniture, it's probably going to be the old stuff and not what we need. Ken, I'm with you. I probably would've thought of that too but knowing what I know about classrooms and how I like to see that.

The capital outlay we've talked about, I'm on page 25, budgeting of \$3 million for new equipment in the 20-21 year. Again, that refers to the updated furniture and some of the changing needs, the maintenance vehicles, those kinds of things. I'm assuming that, when we say \$3 million for new equipment, is that replacement equipment or truly new equipment, or does that include furniture?

**Hendrick:** In this area, this is going to be more building specific or larger items, sorry. Larger items over \$5,000.

**Gomez:** Okay. Then talking about the refurbishing of the buildings and that kind of thing.

**Hendrick:** Yes.

**Gomez:** Okay. Alright. I think I just have one other question. I think I may have lost it. Okay. I can't find it. I'm good. I'm good with all my comments and questions.

**Barke:** As far as my questions, I think once I see the email from Nina, they'll mostly be answered and then I may have some questions as result of those answer because that was the bulk of my questions. One thing I would love, if it's something simple and I don't think I put that in there, is just a quick summary, and we've covered it a little bit, of what our lobbying dollars were used for this past cycle. What was spent and what they were used for, and then what we've budgeted, probably in my breakdown for next year.

And again, what we see as the targets to be using those dollars on for the lobbying. If you'd rather provide that to me after that, that's fine. That's what I would like to just know. What we spent this year, what we accomplished and what our goals are for the coming year and what we plan to spend to do that? I don't have anything else unless –

**Boyd:** You forgot Jack.

**Barke:** Oh, sorry. Jack? Out of sight, out of mind, Jack. Hello? Anything to comment?

**Bedell:** Yes, I'd just like to...can you hear me okay?

**Barke:** Yes.

**Bedell:** Okay. I'd just like to be careful here. Orange County Department of Education, for the last 15 years, has been at the forefront of getting help with special education. IDEA. We put all those together, all those charts. I know all of you have seen them regarding how much each

district has gotten shafted because they have to eat IDEA money. Secondly, I want to emphasize that in the lobbying piece, who would think that we get our forestry money? We had to go back to Washington. We had to make a special trip to save a lousy \$29,000. That's a lot of money. The people thought we don't need lobbying money. We don't need money for forestry, which takes revenue away from our districts. I just ask for caution.

I really, Mari, I'm happy you're asking, but the detail on lobbying, going back to Washington on a moment's notice to make a presentation, even did one in the executive office building a couple of years ago because Orange County has...we won an award for lobbying from CTBE. I understand that looks like...lobbying is advocacy. For me, I think we need to be careful here. Just as when you look at which organizations to belong, that's also a form of advocacy. Throw the baby out with the bath water when you're looking at this because it does have a huge impact.

If for nothing else, you may not get a bill, but you've heightened awareness that they don't go after you. That's sometimes as good. I also was wondering about the furniture. Seems to me if you could collapse sites, you can move some old furniture. If the furniture is 30 years old, it's not too good. I just really appreciate Renee's responsiveness tonight and my colleagues' questions because I think they all were good. Thank you.

**Barke:** You're welcome. Thank you. Okay. Are we ready to move on onto consent calendar?

**Williams:** I make the Motion.

**Barke:** Do we have a Second?

**Gomez:** Second.

**Barke:** Okay.

**Boyd:** Who was the Second?

**Barke:** Beckie.

**Gomez:** I was.

**Barke:** Do we need a roll call?

**Gomez:** Yes.

**Boyd:** President Barke?

**Barke:** Aye.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Bedell?

**Bedell:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** And Vice President Williams?

**Williams:** Aye.

**Barke:** Okay. Next, charter schools.

**Boyd:** The board has received a withdrawal of the new petition from Vista Global that you received last month, and they sent a letter of a submission for a material revision for the charter petition.

**Barke:** Okay.

**Williams:** This is a material submission. Is that the same packet that -

**Barke:** I think you're muted.

**Williams:** Am I muted?

**Boyd:** We can't -

**Barke:** Okay, good.

**Williams:** This particular information we don't have yet. Is that correct?

**Boyd:** No, actually the materials that you were sent, in terms of the binder that they prepared is the full program that they are planning to start if approved for the high school. There are a couple of budget documents that need to be changed. There are a couple of things that you'll get in addition to what you have, but the curriculum program and the full materials are the same.

**Williams:** Is it correct to say that the paperwork and the administrators' efforts are being worked out right now? When it comes again to the 17<sup>th</sup>, we'll have the full material to look at and evaluate, and to make a decision on?

**Boyd:** You'll be sent the materials in your Friday update either this week or next week. We won't wait for the next board meeting to send you the additional materials because you'll need to review that, especially if you're going to hear that today, then you'd want to have the information to make sure that as you're reviewing the materials and formulating whatever questions you have before you take action on July 1<sup>st</sup>.

**Williams:** Question, Nina, and Mari, help me out here. We talked about this with the executive committee for Vista. Originally, it was to be a charter in the Santa Ana unified School District. If I can just get you up here, so you can probably best answer these questions. If you don't mind going to the mic, introduce yourself, get you into the record because I think this is important information.

**Wilson:** Thank you for the opportunity to stand up.

**Williams:** Again, for the record, just put your name, who you're representing your position, all of that.

**Wilson:** You got it. Thank you again for having us tonight. My name is Dr. Don Wilson. I'm the superintendent for Vista charter public schools. Would you like me to answer the question that you were asking?

**Williams:** Absolutely.

**Wilson:** Great. We initially tried to submit a petition to Santa Ana. They've denied us the opportunity to submit that as a new charter. We contemplated what our steps were. We are here tonight as a material revision, lacking any other opportunity to have a new charter.

**Williams:** For the record, just so we can understand this, this is very important. You originally submitted your petition to the Santa Ana Unified School District to have a high school component to Vista?

**Wilson:** That's correct. There are a couple of ways to do this. One is to have, like we've done in the past with you, is to go to Santa Ana, show them a petition. They've denied us in the past. We've come to you and we have an amazing working relationship with the county. That would be a standalone high school or a standalone middle school. In this case, we're not able to. They've prevented us from just doing that basic turning into the charter and having to go through the process.

**Williams:** Could you be more specific? What did they do?

**Wilson:** I had it prepared for our later, but I'm happy to go through it right now. Unbelievably, Santa Ana has ignored the - there's an echo. I'm sorry. I'm trying to...

**Barke:** Pull one year out.

**Boyd:** Don, you have to keep one because you're recording. That's how we record.

**Wilson:** Okay.

**Barke:** Sorry about that.

**Wilson:** They've ignored charter law with a letter from the superintendent they sent us to say that they will not accept a charter petition at this time. We have that letter. That is not acceptable. That's not even part of the law. They denied us basic services provided by California law for petitions to be heard even while their board continues to meet and all of their employees continue to receive a full salary, including the charter office, if they have. They actually broke the Brown Act when they did not allow us, they did not read our comments that we provided in a timely manner at their board meeting, where we actually submitted the charter.

They just ignored it and didn't read it at that time. They've even had the audacity to fight us on our building project, where they have canceled their regularly scheduled board meetings so that the board could come down to a city council to speak against us. We have had a systematic abuse of a power from Santa Ana the whole time.

**Williams:** If I talk into this, this should be okay. Correct? Okay. This whole way of doing meetings with Zoom is so difficult. You went to them originally and you wanted to open up a seven through 12<sup>th</sup> grade program?

**Wilson:** Ninth through 12<sup>th</sup>.

**Williams:** Ninth through 12<sup>th</sup>. They said you had some obvious conversations and dialogue and they seemed receptive, I assume. Is that correct?

**Wilson:** No.

**Williams:** Oh, they weren't?

**Wilson:** Not at all. No. In fact, my original emails to Marjorie were never returned. Eventually a month and a half after that, after reaching out to try to do it through their proper channels, we got a letter from the superintendent stating that they are not taking our petition at this time until further notice. Charter law is very clear on this. You turn in a petition, you have 30 days before the hearing, and they have another 30 minutes. They just said, they're not doing it right now. They decided that this was not an essential activity during COVID and that's not their prerogative. That's the governor's prerogative to tell us what an essential activity is or isn't.

**Williams:** And their board still met, Don, and they still had meetings –

**Wilson:** Their board has continued to meet Santa Ana, like all schools across California have continued to receive full funding this year. In fact, all of our employees, and this is great news, all of our employees at Vista have continued to work and receive full salaries this whole time. That's true for Santa Ana. There's no sense. Yes, we understand that the hearing would have been done in some odd setting that we're doing now, but there was never any idea that you wouldn't continue to do the work that we've been called to do.

**Williams:** Why didn't you just come to us for material revisions rather than go to Santa Ana and do it de novo?

**Wilson:** That's a great question and the reason is a little bit tricky. The reason is that to be able to finish our building project, to even get it off the ground, they forced us to sign an agreement. Part of it was that we wouldn't do a material revision; gave up our Prop 39 rights in addition to some other things so they wouldn't drop a lawsuit. They actually were illegal that they used to get that. We were happy to make that arrangement. It allows us to move forward with our building. Our families are now going to be in an amazing, beautiful building that's being built currently. We're happy about that.

The problem is that we have an agreement. Now, we go to them in accordance with the agreement. We take the high school to them in accordance with the agreement. We say, "Here it is." They say, "No." Not only have they denied us the right to have our petition, they have expected that we shouldn't be able to do a material revision. Having consulted with our legal team, we've determined that it's okay for us to move forward with a material revision at this time with you, which is a safe and for you, it's a very legal pathway for us.

**Williams:** So just so I can understand the details here.

**Wilson:** This is going to make the hearing much faster. My four minutes will now be two minutes when we talk. One of the problems with this is also that with a material revision, which, to be honest, we love working with you. We always have loved, and this is for us an ideal situation, but we do lose out on nearly a half of a million dollars on PCSGP grant through a material revision. This is a situation where being forced not to be able to do a new charter, we can't access those funds, which we have done for all four of our other charters. In addition, doing it this way, I think that is one of the bigger points.

**Williams:** You thought then, Don, that you're going to get half a million dollars extra in your budget to finish off the school and to create it, and you entered into an agreement with the devil and the devil didn't treat you well and kind of took you for all your money and ran, and didn't support you at the city council for your hearing. Is that a good synopsis?

**Wilson:** You run board meetings. I'm in board meetings once a month. It seems so odd to publicize a board meeting, your regular board meeting, and to cancel it just to go fight against families in Santa Ana getting in a building that they really deserve; that they desire.

**Williams:** Where is this building, by the way?

**Wilson:** It's currently where we're at. We have all three bays now and we're building. It'll be a gorgeous 96,000 square foot building. It's being built right now. Our families are ecstatic.

**Williams:** Great. The goal, and help me out here, Nina. This is where it's more administrative. They're going to come back and present to us a more formal presentation. Is it going to be on the 17<sup>th</sup>?

**Wilson:** It's going to be tonight. This is actually easier to answer the questions this way.

**Williams:** Help me understand. Normally, don't we receive everything the meeting before and then we make the decision at the second meet? Did we receive it last time?

**Boyd:** Yes, you did.

**Barke:** Yes, we received it at the last meeting.

**Boyd:** That did not change. You received this [inaudible]. You're doing a public hearing tonight.

**Williams:** Okay. The overview is that it was a different reason why we received it last month. It was going to be a new petition. Correct?

**Boyd:** Correct.

**Williams:** Then it was in the last week, I think, that you decided to make a material revision. Less than a week.

**Wilson:** It just seemed that this is the better...we have every step of the way, since I started in this position three years ago, done our very best to follow the law, to be a good player, to work with Santa Ana. We've gone to them. I feel like I have good relationships with some of the people on their staff as well. Unfortunately, the board has not played along. This is one of those situations where legally speaking, this is the correct way to move forward.

**Williams:** Again, it's one of those new situations when the ball's been punted and it's a whole different -

**Wilson:** You may not have noticed this addition last month, just because currently we're not attending meetings. We were not at the meeting. You don't see us. It just gets slighted. That might be why it's less noticeable than the normal submission that we would all be here; family.

**Williams:** We're okay receiving all the documents keeping in mind everything is appropriate to receive all the documents that we did last month then kind of change the reason and the purpose behind it and get the approval tonight?

**Barke:** It's the hearing tonight. We'll vote next month; our next meeting

**Boyd:** All you're doing is getting a presentation.

**Williams:** We're not deciding tonight, then?

**Boyd:** No action until July 1.

**Williams:** We're doing what we normally do, then?

**Barke:** Yes.

**Wilson:** The law is provided to give districts relief from having to make decisions too quickly. This is as long as you can hold it, but you can hold it anytime sooner than that before. The law is to protect districts to not have to make a quick decision and to give them the proper time. Any district has the legal right to say, "Hey, here's your petition and we'd like to have the hearing right away."

**Williams:** This contract that you have with Santa Ana, it's probably not valid or it's voided out because of inaction?

**Wilson:** This part of it, yes, but we intend to be in good faith to keep the other parts of it that we said we would. This is the one part that they've backed us into a corner that we don't feel that we can continue to -

**Williams:** Is that document, that contract. Do you have it that we can see it?

**Wilson:** I'll have to ask the lawyers if we can share that document and if we can, if it's legal, I'm happy to do so.

**Williams:** The question comes, is there liability on this Board?

**Wilson:** Yes. We've looked at that very, very clearly, and that is also the reason to go with a material revision. It relieves the Board of any liability. There is no liability for you on this. This relies just on us 100%.

**Williams:** Right. That's where we'll be asking these questions of Mr. Greg Rolen, who's special interim counsel.



**Barke:** We also had a nice opinion from the CCSA attorney that was sent to all of us, which sounded like we were on pretty legal ground to move forward.

**Boyd:** The legal opinion received from CCSA was with regards to the original submission, not with regards to a material revision. That was not relevant. They wrote that prior to knowing that they were going to convert to a material revision.

**Barke:** Really? I thought it was after.

**Wilson:** The arguments would be basically the same, but I will say that we actually chose this pathway to protect your Board, to protect Orange County and our relationships.

**Barke:** Thank you.

**Wilson:** This is the legal way forward. There is no liability for you to look at one of your existing charters and to add a material revision to it.

**Barke:** Right.

**Wilson:** That's completely in your legal rights to do so.

**Barke:** Right. The other way, there would have been some question, but yes.

**Wilson:** The other way, there was not a clear pathway forward. There was not precedent. We decided that we didn't want to put you in that situation.

**Barke:** Thank you. I appreciate that.

**Wilson:** Quite frankly, we're not here to fight Santa Ana. We'd love to work with them.

Whatever we can do to ease up any of that tension is what we're here to do as well.

**Barke:** We appreciate you joining the way that we feel comfortable. We know it's an expense to you, the better half of that a million dollars, so we appreciate that.

**Wilson:** We're going to figure it out.

**Barke:** Yes.

**Wilson:** The budget does not, by the way, budgets never includes the PCSGP grant because it's not money you can count on. We had just gotten that for the charter.

**Barke:** Sure. Great.

**Wilson:** Any other questions before I sit down?

**Williams:** Thank you, Don.

**Barke:** Thank you very much.

**Boyd:** We're at item 6?

**Barke:** Yes, Item 6. Is Aracely here?

**Boyd:** Yes, she's on the line waiting for you.

**Barke:** Okay, great. Welcome.

**Chastain:** Thank you. I'm here. Good evening, President Barke, trustees and Superintendent Mijares. Today, the Board will take action on the College and Career Preparatory Academy renewal charter petition. In 2015, this Board approved CCPA, a county charter school for a five-year term, which expires on June 30<sup>th</sup>, 2020. On April 15<sup>th</sup>, CCPA submitted a charter renewal petition that included a material revision to the school's charter regarding facility changes. On May 13<sup>th</sup>, this board held a hearing to consider public input regarding the renewal and the material revision request. Associate Superintendent Boyd, are there any public comments on this agenda item?

**Boyd:** There are no public comments on this agenda item.

**Chastain:** Okay. You've been provided the Orange County Department of Education staff report. Based on a comprehensive review, staff determined that the charter petition for renewal meets the requirements of the Charter Schools Act and recommends that the Orange County Board of Education approve the College and Career Preparatory Academy charter for the period from July 1, 2020 to June 30, 2025. This Board has traditionally had three options for action regarding a charter school renewal.

Option one: grant the renewal and approval of the charter petition as it was written. Option two: grant the renewal with conditions. This action would result in approval of the charter and require the charter school to address concerns raised by the Board. Option three: deny the renewal and deny the charter petition. At this time, the Board will proceed with deliberations and questions and then vote on the charter school renewal petition. President Barke, I now turn the meeting back over to you.

**Barke:** Thank you. Okay. I'll start on this side this time. Beckie, do you have any questions and discussion?

**Gomez:** No, I don't have any questions. Thank you.

**Barke:** Okay. Dr. Williams?

**Williams:** No questions.

**Barke:** Okay. So, are we ready to vote?

**Bedell:** I have no questions either.

**Barke:** Oh, I'm sorry. I am so sorry.

**Bedell:** That's twice. That's two strikes, Madam President.

**Barke:** I need to put an empty chair here to remind me. I'm sorry.

**Gomez:** Way to keep us honest, Jack.

**Bedell:** Thank you.

**Barke:** Okay.

**Boyd:** Is there a Motion?

**Williams:** I'll make the Motion -

**Bedell:** I'll Second.

**Williams:** - to number one, to grant the renewal approval of the petition as written.

**Barke:** You Seconded before you heard it.

**Bedell:** I know because I knew where it was going to be.

**Barke:** Okay. We have a Motion and a Second. Roll call vote?

**Boyd:** President Barke?

**Barke:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Bedell?

**Bedell:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** And Vice President Williams?

**Williams:** Aye.

**Barke:** Okay. Passes 5-0. Excellent. Okay. Aracely?

**Chastain:** Hi. I'm ready. Can you guys hear me?

**Barke:** Yes. Thank you.

**Chastain:** Today, the Board will take action regarding the International School for Science and Culture material revision request regarding the school's bylaws and articles of incorporation, which was submitted on April 15<sup>th</sup>. This Board held a public hearing on May 13<sup>th</sup>. You've been provided the Orange County Department of Education staff report. Prior to Board action as requested by this Board, I will provide information on behalf of the charter schools unit regarding ISSAC, then representatives from ISSAC are allotted 10 minutes to address the Board. As stated in my last update to the Board, we have been consistently working with the charter school to provide technical assistance and address concerns regarding Brown Act violations, conflict of interests, school policies, health and safety, teacher credential, special education, and the fiscal stability of the school.

As you will recall, my last update focused on special education and the school's finances regarding special education. After the last Board update on November 6<sup>th</sup>, ISSAC hired a vendor, Vision Corp, Inc., to manage its special education program and provide necessary services to students with disabilities. However, in February of 2020, we learned from Los Angeles County SELPA that ISSAC no longer had a special education provider because of nonpayment for services rendered. ISSAC was past due \$17,000 to Vision Corp, Inc. Our office issued a Notice of Concern to ISSAC on February 6<sup>th</sup> for failing to provide special education services according to student IEPs.

ISSAC's response was incomplete and a second Notice of Concern was sent from our office on March 16<sup>th</sup>. On April 15<sup>th</sup>, ISSAC submitted information for a new special education provider and submitted a verification of payment to Vision Corp, Inc. Due to the closure of the school facility, the remaining compensatory minutes due to students are being conducted online. Regarding school finances, we continue to be concerned with ISSAC's poor fiscal condition. Review of the second interim budget showed that ISSAC is projecting an operating deficit and ending net assets of approximately -\$62,000 for this year and -\$24,000 for next fiscal year. The school does not have adequate cash reserves and its payables are increasing.

Timely and appropriate action is critical in addressing and mitigating the serious decline in ISSAC's fiscal health. On April 21<sup>st</sup>, we issued a notice to Dr. Srinivasan delineating our concerns and requesting the school submit a fiscal stabilization plan to ensure financial solvency by the end of next fiscal year. Responsive documents were submitted to our office on June 1 and OCDE staff will reevaluate ISSAC's fiscal position once it's submitted documents have been reviewed. Now I want to move on to the most recent concerns brought to this boy by Newport-Mesa Unified School District. The issues presented by Newport-Mesa at the May Board meeting are valid and we have been working with ISSAC since inception to provide technical assistance and oversight in attempt to mitigate future issues.

Regarding the public records request, the charter schools unit does not typically know of Public Records Acts requests that are made directly to the school unless we receive a copy of the PRA or a complaint from the requester. While this issue needs to be resolved between the PRA requester and the school, we can assist with monitoring that ISSAC follows their Public Records

Act policy. As of today, we have not received a copy of any PRA request from Newport-Mesa to ISSAC. Regarding Brown Act violations: the charter schools unit monitors every board meeting conducted by schools authorized by this Board to provide technical assistance and oversight of the governance practices of the school.

From May 2019 to January of 2020, charter school staff discussed Brown Act violations via phone and in person meetings with ISSAC school leadership, including the prior principals, Patricia Gould and Renee Williams, ISSAC board president Sally Cho as well as the current executive director, Dr. Srinivasan. Discussions have included timely agenda postings, proper citing of closed session items, access to board meetings, backup documentation, procedures for roll call voting when necessary, quorum requirements and the lack of board training. Many schools struggle with the complexities of the Brown Act, particularly in their first year.

After learning that Newport-Mesa Unified was having trouble retrieving board documents and meeting information, our staff confirmed that there were once again issues accessing prior ISSAC board documentation on their website, including agendas and minutes. We have asked Dr. Srinivasan to correct those accessibility issues. Regarding their new school facility, OCDE staff annually monitors the status of Prop 39 requests and lease end dates for schools on private facilities and requests updates from the charter schools. On February 28<sup>th</sup>, we learned from Newport-Mesa that ISSAC had not met the required deadlines to request Prop 39 facilities and as a result, Newport-Mesa was denying the Prop 39 request.

Currently, we have weekly contact with all OCDE authorized charter schools to assess needs, receive updates, provide support, and garner feedback. The conversations with Dr. Srinivasan include status updates on the search for a new facility. We are aware that the ISSAC board can be committed to work on acquiring a new school site. On May 19<sup>th</sup>, Dr. Srinivasan shared that ISSAC was about two weeks away from signing a lease on a new facility. We encouraged Dr. Srinivasan to communicate to the families and students enrolled in ISSAC regarding the status of facilities for the school. We are cognizant of the difficulties in procuring facilities during these unprecedented times, coupled with the unknowns of what types of accommodations schools will need to make to open facilities in the Fall.

Following normal protocol, we have requested information regarding the new facility via our document collection system. The information is due to our office on June 5<sup>th</sup>. The loans from Dr. Srinivasan to Isaac: on October 29, 2019, our office convened a meeting with Dr. Srinivasan, the newly appointed executive director for ISSAC to provide technical assistance regarding Brown Act and review the fiscal stability of the school. At this meeting, Dr. Srinivasan disclosed that she had loaned money to the school to cover payroll. We counseled Dr. Srinivasan on disclosures required for personal loans to the school, the need for board approval, and maintaining proper documentation for all loans.

As a result of information gathered during this meeting, we issued the school letter on November 1, 2019, asking that ISSAC remedy the lack of documentation regarding the loans given to the school by Dr. Srinivasan as well as for asking for other pending documents. At the November 13<sup>th</sup>, 2019, ISSAC Board meeting, which is the meeting that was referenced by Newport-Mesa Unified School District, the ISSAC Board ratified a resolution and promissory note for loans

made by Dr. Srinivasan to the school. It was listed as item J on the ISSAC Board meeting Agenda regarding Pia Sage Inc. In March 2020, OCDE charter school staff reviewed a list of aging receivables on ISSAC's governing board documents from the meeting held on February 12. The documents showed an outstanding payment owed to Pia Sage Inc. for \$29,820.

We researched the corporation and discovered via records from the Secretary of State that the entity was formed in 2012 as Contributive Lives Inc. and changed its name to Pia Sage Inc. in 2015. We know from our own prior records that Contributive Lives Inc. had originally been established by Dr. Srinivasan to operate Adrian Hands Academy. On March 12, we spoke to Dr. Srinivasan who confirmed that she is chief executor, of Pia Sage Inc. We notified Dr. Srinivasan that public records show that the Franchise Tax Board had suspended the corporation. She stated that she, at that time, was unaware of that fact. We requested documentation including copies of the invoices for services rendered.

On March 30, we received an email from Dr. Srinivasan stating that the ISSAC Board would ratify the contract with Pia Sage Inc. at the April 8 Board Meeting and requested permission to submit the documents after that meeting. This is the ISSAC board meeting, once again, referenced by Newport-Mesa Unified School District. On April 28, ISSAC submitted a contract and invoice. A review of the metadata of these documents revealed that they were created in April of 2020. Additionally, the office administrator for ISSAC created the invoice for Pia Sage, Inc. An employee of the school should never create an invoice for a vendor of the school. Dr. Srinivasan has admitted that the documents submitted to us had been newly created to respond to our notice and were not the documents that have been submitted for payment to ISSAC's back office provider - Charter Impact.

On May 19, we requested and received the originally submitted documents directly from Charter Impact verifying the payment request for Pia Sage Inc. The perceived conflict of interest arises for a number of reasons. In June 2019, during a phone conversation with Dr. Srinivasan stated that she expected the ISSAC Board to finalize her role as executive director that month. In July of 2019, the Principal Renee Williams told us that the board had not hired an executive director, but that Dr. Srinivasan was acting as the volunteer executive director. This information caused us concern. We sent a letter delineating our concerns regarding assigning the responsibilities of a leadership position at the school to a volunteer including access to student records, personnel records, and the risk of a possible future wage claim.

We received a response from Renee Williams in August stating that we had misunderstood; and that Dr. Srinivasan had been assisting the board as a volunteer from the inception of the charter petition, but had never been assigned an official role. Never during the many communications we had with Dr. Srinivasan, the principal, or Lead Petitioner Patricia Gould from March 2019 through October of 2019, despite asking many times, on the role of Dr. Srinivasan with the school were we informed that a company created by Dr. Srinivasan was providing billable services to the school. Dr. Srinivasan, as CEO of Pia Sage Inc., did not submit documentation for payment of services rendered from March to July 2019, until December 17 of 2019, after Dr. Srinivasan became executive director for ISSAC.

It remains unclear who hired Pia Sage Inc. Regardless of that, as Dr. Srinivasan was acting to assist and advise the ISSACI Board, this relationship should have been disclosed in a public board meeting regardless of the amount of the contract. We continue to encourage school leadership to reach out with any questions, disclose information, and provide requested documents in a timely matter so that we may be better able to provide support, guidance, and oversight to ISSAC. This concludes the update from the Charter Schools Unit. Prior to the Board taking action on the material revision request. The Board will hear your public comments, and then representatives from ISSAC and Newport-Mesa Unified School District are allotted 10 minutes each to address the Board. Associate Superintendent Boyd, are there any public comments on this agenda item?

**Boyd:** Yes, I do have public comments on this item. The first is from Janelle Ruley.

**Boyd:** “Good evening, Board members and Superintendent Mijares. My name is Janelle Ruley, and I'm an attorney with the law office of Young, Minney and Corr. We are in support of ISSAC's charter petition, material revision request. We urge the Board to vote in favor of OCDE's recommendation to approve with the condition identified. This material revision request is for the limited reason of updating the corporation's bylaws, conflict of interest code, and the manner expected by OCDE staff. ISSAC is not requesting any change to its charter petition. The only changes to the charter are required updates to the laws that apply to charter schools - that is it. This material revision is requested in order to be permitted to update the bylaws and conflict of interest code. We are not opening up the hood on the charter document.”

OCDE staff are recommending approval of this item. Staff identified one further change they would like ISSAC to make to its bylaws. This change is shown in the agenda item as a condition, and ISSAC is agreeable to the condition. The district has used this opportunity to publicly express its concerns about ISSAC. The charter school has studied those concerns and reflected on its practices. ISSAC provided a detailed response to the concerns to OCDE in consultation with counsel. Our office is engaged and ready to provide assistance. Again, we ask you to vote in favor of staff's recommendation to approve the material revision. Thank you for your time. Aracely, I have one other comment, but I'm not sure if it is to be read for public comment or as the district response. Did you have an indicator?

**Chastain:** I believe it can be read either at either time.

**Boyd:** This is a comment from Newport-Mesa. It is from Russell Lee-Sung, deputy superintendent, chief academic officer of Newport-Mesa, on behalf of the Newport-Mesa Unified School District. “Thank you again for the opportunity to respond to ISSAC's request for material revision. The district wants to ensure that this board is aware that despite Dr. Srinivasan's representations at your May 13, 2020 meeting, this district has not received a single document from ISSAC in the intervening three weeks including items distributed to the ISSAC Board that would be readily available and clearly disclosable. We also note that during the May 13, 2020 meeting, Dr. Srinivasan did not address the serious conflict of interest issues the district raised.

At that meeting, members of the Board expressed concern about the issues I raised. They gave direction to ISSAC to provide substantive written responses to those concerns, as well as the Orange County Department of Education's prior inquiries about these issues. They directed that the OCDE staff report-back relative to these concerns. However, the district was informed by OCDE staff that as a Friday, May 29, ISSAC had not submitted to OCDE any additional documents or information addressing these violations. The district is disappointed, that despite the expressed request by this board, these concerns are not included in this item or elsewhere on today's Agenda.

The district requests this board, not to allow ISSAC to continue disregarding the public accountability, transparency laws, to take these ongoing violations, and ISSAC's failure to take reasonable steps to cure them into account in both its action and on this request for material revision and more importantly, in its overall oversight of this charter school.”

**Boyd:** That concludes the comments for item seven.

**Chastain:** The Board now recognizes Dr. Padmini Srinivasan, executive director of International School for Science and Culture. Dr. Srinivasan, you have the floor.

**Srinivasan:** President Barke, Trustees of Orange County Board of Education, thank you for this opportunity to address you on series of important issues that have been raised. As our legal councils represented, we are not in issue with anything about the material revision itself. However, I would like to address the concerns that have been raised surrounding it. I want to just say ahead of time that our legal councils are working very hard to make sure that we have a clear response that covers everything altogether. That is the reason why we didn't submit another series of documents of which, I should mention, I brought a list. We've submitted about 40 documents so far to Newport-Mesa. We can obviously submit more, but it's a different legal counsel. We are working to make sure we cover everything on whatever is the next submission.

I just went through the eight comments that were raised by a Newport-Mesa in the last discussion, I would just read through if that's okay. A response to concerns raised by Newport-Mesa Unified School District at the May 15 O.C. Board of Education Meeting. Topic raised - material revision was submitted in December, withdrawn, and resubmitted in April. In the meanwhile, ISSAC has been operating as if the revision were approved. Response -the material revision while legally necessary, did not involve any change in the educational program or day-to-day operations of ISSAC. Rather, it was a clarification of the corporation's specific purpose, an addition of assurances, and the articles and bylaws.

OCDE required the changes to our corporate documents. Therefore, our operations were not affected by the timing of approval of the material revision. Next steps -we are not aware of any next steps for this item and considered this result. Number two - the updated petition submitted with the material revision submission is incomplete, because it did not include facility information or a budget. Response - a material revision is a targeted, precise change to a charter petition and not a wide-ranging update to all language in the charter petition. The district's concern carries no legal merit. The charter petition was updated to reflect all current laws as is legally required.

Facility information for the upcoming year will be shared with OCDE in a timely fashion and in accordance with OCDE's procedures. Budget information is regularly updated with OCDE. We are not aware of any necessary next steps and consider this resolved. Third topic raised - in its November 13, 2019, Meeting the ISSAC Board ratified a loan from Dr. Padmini Srinivasan to ISSAC. The loan contract response - the loan contract was ratified by the board and it is visible in minutes and audio recording. These corrective actions have been taken. In inclusion, the ratification of the loan by the ISSAC Board of Directors has occurred, legally validating these actions.

Fourth topic raised - the district has made a Public Records Act request to ISSAC for loan documents and has not received them. I addressed this along with the various Public Records Act requests concerns in them in item seven. Number five topic raised - contract with Pia Sage, Item on agenda is not clear, not specifying time fee period, type of services provided, et cetera, which is a Brown Act issue. Pia Sage Inc. is owned and operated by Padmini Srinivasan, Pia Sage Inc. is now FTB suspended. Response - ISSAC is developing an improved standards and procedures, for preparing agenda item descriptions for board of directors meetings. We recognize the Brown Acts target of 20 words or so for each description.

In the past many items have been minimal and explanation, which is not uncommon for entities complying with the Brown Act. Indeed the Orange County Board of Education has a number of very short item descriptions on its Agenda, including ones that simply state, "charter submissions." ISSAC is committed to improvement in this arena. As explained in topic number three, the early stage of ISSAC's existence, just as for all new startup charter schools, required a number of immediate expenditures of funds at a point where there was no budget to cover these except the reimbursement based PCSGP grant budget. This meant that the expenditures had to be incurred and subsequently reimbursed.

The board president was part of the decision making team regarding all such expenditures. Since payroll had to be run and since payroll was already set up for Pia Sage Inc. we used this as an expedience way to accomplish the required accounting actions. In just a few short months, all of ISSAC's back-office services and procedures have been implemented. It is accurate that Pia Sage Inc. was FTB suspended. I was unaware of the situation. I have since been in contact with the Franchise Tax Board and learned what my responsibilities are to reestablish active state status for that corporation. I've taken those actions. I was assured by FTB personnel that corporations are able to continue operations, make contracts, et cetera during a suspended status.

In fact, the FTB offered contract insurance in case that a contract had been made in the interim, but then unfriend the entity, which might call the contract into question. Pia Sage Inc. has submitted an application for reviver. Next steps - corrective action is in process. Number six topic raised - access to some agendas, minutes, and audio are not available without requesting permission through the website. This has been corrected so that all agenda, minutes, and audio files are open to the public. Next steps with this correction, the current status meets legal requirements. No further action is required. Seven, topic raised - PRA response is missing or incomplete.



Response - ISSAC has submitted over 40 documents in response to NMUSD PRA requests including reports, emails, contracts, et cetera. ISSAC will continue to produce appropriate documents to respond to PRA requests as appropriate while maintaining our priority to focus on student instruction. ISSAC will allocate additional personnel time, as well as engage legal counsel, exclusively to manage compliance processes and responding to PRA requests, as well as other requests for information. Next steps - corrective action is being implemented, we are committed to being in full compliance with PRA law and continue to refine our process to make these requests less time consuming for staff and faster for the public.

Number eight topic raised - information about new facility not provided to public, and possibly, not provided to ISSAC Board. Response - the public and OCDE will be informed of what facility decision as early as possible and in keeping with OCDE timelines. I should have added there, that the ISSAC Board has been deeply involved in the facilities process since the fall, when we had the safety issues. Next steps - we are not aware of any necessary next steps and consider this resolved. I'm not sure I heard all of the questions that were raised by Aracely in her discussion, but I'm happy to speak to anything that is of interest. We have no desire to be less than fully transparent. I know that, for example, since January 29<sup>th</sup>, things have been different in the world.

They've had family members that were stuck outside on business trips and not able to make it home, trying to figure out, you know, planning for the, what seems like a certain eventuality of going to remote learning. I'm proud to say we hit the ground running on that before it was even announced. We sent the kids home with everything they needed on Friday, and started online on Monday. There was no gap whatsoever. I think we've just continually improved our engagement and results with the online teaching through these three-week blocks that we're implementing. I would also say that we definitely need to keep our eye on the ball on these regulatory requirements.

We're learning how to do that though. The one place that I didn't even think there was an issue was in the initial work with curriculum development, acquiring, and doing outreach work. Those were the two main things we did starting from the day that we were approved. We really got into that and did some payroll actions, which I had no idea there was anything inappropriate about that. Our back-office helped us to do all the paperwork to have that be submitted to PCSGP appropriately with all the documentation, pay stubs and this and this. At that time, I was a concerned party, but I was volunteering. Clearly, I had founded this idea of the charter, but I didn't have a position there.

I was really just in a place of support. Aside from this, there were lots of things that were just donated, because it needed to be done. We were just trying to get this charter school started. I know in between we had changes of personnel, so wherever there was a need to support, I was like, I can volunteer, I can do something. That was really the attitude. Now looking back on it, it was not an appropriate way to handle what needed to be done. Everything had to go through procedure and process. The good thing, I think, is that the board was engaged all the time. I kept the board president, you know, informed no matter what was going on. That provided some clarity for me. I thought it was sufficient. I think we're now on track to having the i's dotted and t's crossed. Thank you.

**Barke:** Thank you for coming today. I appreciate you being here. I think there's something about being here in person that is helpful to me, to hear all of what you're doing, your desire to be in compliance, and your transparency about what is going on. The report that we have from the staff, I would make a motion, unless there's further discussion to go with their recommendation for approval with the condition, unless there is further discussion. Okay. All right. Go ahead.

**Gomez:** I spent some time looking at your response here. One of the things that concerns me in this response is that there's no timetable. There are no dates that show that you got a request and that you responded to, or when your board approved things other than on item number three. To quote one of my colleagues today, it's sloppy administrative processes here. That really concerns me that you have done a lot of work to try to make the curriculum work, but this concerns me. We don't have the backup, the budget, and the infrastructure there. You can't have a school, I mean, it just won't work. I really have some concerns, because this is not the first time we've raised concerns. Newport-Mesa has raised concerns. Our own Charter Schools Unit has raised concerns. To just say that you consider the matter resolved doesn't really cut it. You have to demonstrate to us that it really is resolved. Just saying it is resolved, doesn't make it.

**Srinivasan:** Correct, I fully agree. In fact, I put together all of the dates, what PRA's we received, what we did to respond to them, what all the board actions were and so on. It is being vetted by our legal to make sure everything is exactly right before we hand it off, because I don't want to hand off something that has a mistake in it. I did bring a few things that have the list of actions, the list of documents, and the list of communication. I'm just waiting on an okay from legal before I can hand it off.

**Gomez:** Can you tell me how many students you have right now?

**Srinivasan:** We are at 105 for next year. For this year, it is 72.

**Gomez:** Was that within your budget? I don't recall what your budget was. What did you anticipate for your budget for this year?

**Srinivasan:** We started with an unrealistically high initial budget. For this year, we are ending with about \$23,000 in the negative. For next year's budget, we budgeted at 100 and we are able to cover everything. We're able to cover this year's deficit as well.

**Gomez:** For your budget purposes, how many students did you budget for in your initial budget?

**Srinivasan:** Way back then?

**Gomez:** Yes

**Srinivasan:** Three-hundred and something. We had a large number of intent to enroll, which just did not materialize.

**Gomez:** You originally budgeted for approximately 300, but you only ended up with what, what did you say - 70?

**Srinivasan:** Seventy-two, yeah.

**Gomez:** You anticipate you're going to have 100 plus?

**Srinivasan:** Intent to enroll-wise we have over 200, but I'm counting people who have registered and turned in all the documentation. That's people who have and we are in contact with them regularly.

**Gomez:** Thank you

**Williams:** It is always a challenge to create and start a charter school. The historical roots of ISSAC - a few years ago, there was a great amount of outcry from the Newport-Mesa Unified School District. They continue to deride you. I [03:24:30] think very close to the word harass. There's a lot of information that I have heard that they have that is very intimate to the operation of the school and the question is how did they get all that information? Of those PRA requests, how many were from Newport-Mesa Unified School District? How many were none - Newport-Mesa Unified School District?

**Srinivasan:** They're all.

**Williams:** They're all from Newport-Mesa Unified School District. Newport-Mesa Unified School District, the individuals there, are still trying to fight your school. It appears to me, undermining your school by asking for all these PRA requests. We know that these public records requests take up time, administrative time, and they have legal implications. For all our PRA requests, we have an attorney review them. It's costing you money. It doesn't look good for Newport-Mesa to continue this harassment. I am very disappointed in the leadership and in their administration for doing such. [inaudible] these responsibilities, and I'm concerned for your school. I really am. I want you to succeed and be successful.

I've been to your school when it first started. I don't think you were on staff at the time. Your school, your Prop 39 school funds, you're in a district where that's not where your families live. You're attracting from the community you're structured poor. That is a huge concern. You're being undermined by Newport-Mesa Unified School District. It's getting tiresome that I am seeing. You're not getting support. Your schools is outside of the area where your kids come from. That leads me to the next question, where will your new school facility be?

**Srinivasan:** I'm waiting for one more signature for us to announce this publicly, but it's within blocks of our old facility. We were not able to find something on the other side of Costa Mesa. We tried so hard to do - to get on the West side, which is where our families mostly are. We found something on this side, but it's beautiful, it's modern, and it's safe. It's got a clear entry point where everybody has to come in one spot. It's not open to a public park that anybody can just wander in. It's got a lot of things that our board and our parents have really been looking for. Our board has voted and we have a signed contract. We're waiting for one other board approval from [inaudible].

**Williams:** Just as a comment, it would be very helpful if your board president could come with you.

**Srinivasan:** She's actually available online on Zoom today. She's kind of farther away and there's a curfew, so she wouldn't be able to get back in time. There was some issues.

**Williams:** These are unparalleled and unprecedented times.

**Srinivasan:** She is available online. Sally Chou, Dr. Sally Chou, and she will be happy to.

**Williams:** What is the material, the conditions that you would [inaudible]?

**Srinivasan:** If you have committees within the board, the committees do not have authority to make decisions. All decisions have to go to the board. That's the condition that OCDE is recommending. We don't really have committees, but we often do operate where, for example, if

two board members who look at finance, two look at facility. They're not even a committee, and they have no decision making power. The legal language to be added makes sense, that if someday we have committees, we want to make sure that the authority still rests with the full board.

**Barke:** Are we ready to take it to a vote? Yes or no? Oh, Jack, Jack, Jack.

**Bedell:** I'll make a comment afterwards.

**Barke:** After we vote?

**Bedell:** Yes, it's not directly related to the material revision.

**Barke:** Okay. We'll proceed to vote then you're fine with that?

**Bedell:** Yes.

**Barke:** Okay. I think I made a motion to accept the recommendations of the staff with a condition. Did anybody want to second that motion?

**Williams:** I'll second.

**Barke:** We have a motion, a second. Okay a roll vote, and don't forget, Jack, please?

**Boyd:** President Barke?

**Barke:** Yes.

**Boyd:** Trustee Bedell?

**Bedell:** No.

**Boyd:** Trustee Gomez?

**Gomez:** No.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Vice President Williams?

**Williams:** Yes.

**Barke:** Passes 3 to 2. We've passed that 3 to 2.

**Boyd:** Jack wanted to make a comment.

**Barke:** Yes, Dr. Bedell?

**Bedell:** Thank you very much. I think tonight, Aracely's report was one of the best reports in the organization that I have seen in my 15 years on the Board. She's new to this job. She went through ad seriatim. She took point-by-point, and I want to be fair. From the beginning, I've been concerned about this school. I have gotten more comments about this school from any people in my own district about any subject. There are good people who have some concerns about it. I just want to be sure that Aracely does not get lost, because her points were salient. They were not a made up from what I hear. Thank you.

**Barke:** You're welcome. Okay. Moving on to Board recommendations

**Williams:** Thank you, Padmini.

**Barke:** Thank you for your time tonight.

**Williams:** We are moving on to Board recommendations. The Executive Committee, Ms. Barke and myself, we talked about what we learned at the last meeting about opening schools. There has been a lot of discussion about opening schools. There is a lot of information out there. What we thought about, in contrast to any closed type of situation or environment, to make it very transparent and to have a public forum just like we did for the [inaudible] the common core, and CHYA on how to open schools properly. We recreated these documents, we created the mission,

goals, and principles. I would like to make a motion to adopt item number eight to create a public forum an opening of public schools to be held June 24, 2020.

**Barke:** I would second that motion. Do we have discussion? Beckie?

**Gomez:** I think this is a good idea, because this is something that I've been asked him a lot about as to how we open schools and open them safely. I want to be sure that we do have appropriate experts. One of the things that we suffered a little bit last time is that when we had our last one, we had people that backed out at the last minute. We didn't have what we thought we were going to have last time. I don't know what the plan is for as far as what kind of experts you are going to get, but today is the third of June. To try to get this together in a few weeks, I'm not sure that we could do it and get the right compliment of people to do that. That would be my one concern about trying to do it. I think it's a good idea, but, I'd like to be sure we have the right people in place.

**Barke:** I think that's a great concern. I do feel confident that we can pull these people together. We have the ability as we see today to be here in person, as well as to Zoom-in. I think with that flexibility, I don't think we'll have a problem gathering the people that we need to provide the expert knowledge that we're looking for. One of the things I did ask Dr. Mijares for was who is on his team just to kind of get a feel for who's on his team. As we're putting together our team, but I have yet to receive that information. We've actually just thought about putting together various physicians from different fields, infectious disease specialists, pediatricians, people working with the type of children that would be attending, lawyers as far as legal ramification, public policy people. Those are the thoughts, and I don't think it be a problem to pull this together in three weeks, three weeks from today.

**Williams:** If I can just sort of give some helpful information for Beckie. Beckie, to answer your questions. The exact number is going to be around eight or nine individuals. I can tell you a few people who have confirmed. A few of them are from Pepperdine School of Public Policy. Help me out. Is he the department chairman from the public policy?

**Barke:** Dean.

**Williams:** He's a Dean. He has been around and he understands public policy. We have a hospital intensivist.

**Barke:** Just to let you know that same department at Pepperdine...[inaudible]

**Williams:** We have Don Wagner who has agreed to come in to help us understand from a county perspective their future decision making process. We have an individual who is very well known, Joel Cockins from the Chapman University who is an urban planning expert. We have him, we have an infectious disease specialist, a pediatrician, we have a hospitalist who understands the disease and can give us very specific medical information. We have an attorney to talk about the legal perspectives and things that we need to be aware of. There are a couple more people that are in the process of telling me yes or no. I'll get that probably in the next week. At the next meeting, I'm actually going to have an exact list of the individuals and the qualifications that they possess.

**Barke:** [inaudible]

**Williams:** Oh yeah, I forgot about that.

**Gomez:** You're saying the Board went ahead and started contacting people before we did this?

**Williams:** We did. If you would have someone that you would like to put on, certainly please, please let us know. I'll bring all the information as far as the specific list for the next meeting so that we will have all that.

**Gomez:** I'd like to see that list before the next board meeting, because the next board meeting will be just a week before.

**Williams:** Two weeks.

**Gomez:** The next board meeting will be a week before this proposed meeting is what I'm saying.

**Williams:** Right.

**Gomez:** I'd like to see that before so that if I feel like there's somebody that could round it out. Trying to do this with three weeks' notice, you folks have obviously reached out to folks already.

**Williams:** Correct.

**Barke:** I think that we even discussed at the last meeting, because we were uncomfortable. I certainly was with the lack of transparency with the meetings going on is that I wanted to create a transparent meeting to gain information. That is the reasoning.

**Williams:** Anyway, I'll get that information as soon as I receive it and it's finalized.

**Gomez:** Even if we don't have names if we knew kind of what their specialty was so that we could at least see that.

**Sparks:** Oh, I would just add that many universities are doing virtual town halls every week on various topics related to the reentry for COVID-19. I think this could be really well received.

**Barke:** One thing I would like to do if possible is reconfigured the room to get some more people in it. Of course we'll have people remote, but I feel like this room, we've got more than six feet in between people. Maybe we can pull up and just do things so that we could allow as many from the public as possible.

**Boyd:** We don't have more space, but if there's no closed session on that date, then we can certainly open that room. [inaudible]...you asking the other day about how many seats, and there would be 24 seats with social distancing and a number of tables and chairs for the panel.

**Barke:** Okay. Part of the panel, I know at least one person, I believe the Pepperdine person said that he would probably come in remote, which is great. It allows us more space here, so I'm not opposed to having remote people. It allows for more to attend. Okay, so 24, is that what you just told me?

**Boyd:** Right.

**Barke:** Anyone else?

**Gomez:** Maybe we could ask Dr. Mijares to talk a little bit about who's on his committee so that the rest of us might be able to see what's happening there.

**Mijares:** Thank you, I'd be happy to. I think I may have mentioned to you last time we spoke that we have a Reopening Schools Committee or task force. Dean West is chairing that along with Dr. Hittenberger and Dr. Olmsted. I'm part of that as well. Recognize that this committee that we have is comprised of, not only people out of the department, but from our districts. It's all going to go through the sieve of the superintendents, our plan, and it is in draft form. We don't want to issue something in draft form, because there's a couple of agencies that have to weigh in on guidelines. One is the California Department of Education, and the other is the California Department of Public Health.

They have yet to send us their guidelines. When those guidelines are received, then we can populate our report with that information. In fact, our county doctors, our healthcare agency director, and our health officer are also in this state of waiting to get that information. I'm hopeful that we will be able to get that soon. We should have had it on the first of this month, we didn't get it. We'll see what happens. The important thing is that we don't get ahead of the professionals in this area, and do things that may not square up with both of the state agencies as well as the CDC. That's one thing. In terms of names, we can certainly get you the names of the subcommittee instantaneously. The issue is what I just mentioned.

We didn't want to prematurely give something to a person, and then that gets out there as our reopening plan, because that is not our reopening plan. I have to emphasize this emphatically, and that is we have 27 school districts all with independent boards; you know, they are duly elected. They're going to have to take ownership of their own plan. What may happen in Los Al may not happen in Tustin, may not happen in Irvine. I think they're going to follow the state guidelines obviously, but every one of them is going to be customized. That's really how it should be, that gets back to local control and self-governance. I can certainly get you the names of the people. I mentioned the chairs to you, and I can get you the names of these people.

Tomorrow morning, you will have them, but you won't have the document just yet. We are not disseminating it. We will do it as soon as possible. I know you're right, there are board members wondering, and they're probably going to their superintendents, and their superintendents are talking to them. The superintendents are involved in this process coming from the ground up. Many of our districts have their associates superintendents of business services who are sitting on this, we have people with HR. Renee Hendrick is chairing that subcommittee along with the HR person from Saddleback Unified School District. That's the process that we're following. Once we get that out there, believe me, we will make it public.

We'll definitely have an opportunity to dialogue with the public. We have the president of the Fourth District PTA who's on that committee. It isn't as though it is a secret committee that is not transparent. It's just that we have people there who are working, and they're professional people, which I think said before. It's a professional climate. We don't have spectators. Everybody there is doing a job. That's the process that we've chosen to follow. Is it perfect? Maybe not, but I think it's inclusive.

**Barke:** Okay. Thank you very much. Dr. Bedell any questions?

**Bedell:** No, thank you.

**Barke:** The one time I remember you. Anyone else? I'll make a motion to vote on...[inaudible]

**Williams:** ...[inaudible]

**Barke:** Got it.

**Boyd:** Roll call?

**Barke:** Yes.

**Boyd:** President Barke?

**Barke:** Yes.

**Boyd:** Trustee Bedell?

**Bedell:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Vice President Williams?

**Williams:** Yes.

**Barke:** Excellent.

**Boyd:** Five to 0.

**Williams:** If I can, part of the thought is that we get this on our website, very soon, and not just tucked away. I'd like to see it on the front page of our OCDE website on that [inaudible] page rather than being tucked away on the OCBE pages. No one will ever see it. If you can make that happen? If I look at my Board members, that would be their consensus that they have it front and center rather than in the rear. That would be greatly appreciated.

**Barke:** It would also be wonderful if it got in the OCDE Newsroom. I know that goes out weekly.

**Mijares:** I think it's as often as we can get it out. Ian Hanigan is very good about refreshing and keeping it out there.

**Barke:** All right.. Moving on to number nine.

**Williams:** This was my board policy change. I'll make the motion to adopt item number nine, which is basically an amendment to Board Policy 1100 adding specifically a board clerk position for signing of resolutions. If the superintendent doesn't sign the budget, the board clerk would there be officially to sign it. It's very simple. It's just an amendment to an our existing policy. As you see in the backup material, the addition is all in red there.

**Barke:** I will second that. Any discussion? Dr. Bedell you first.

**Bedell:** No comment.

**Barke:** Okay. Excellent. Beckie?

**Gomez:** I have nothing.

**Barke:** Whenever I ask Jack, he has nothing. It's great. When I remember. Anyone else? All right. Ready for a roll call vote?

**Boyd:** President Barke?

**Barke:** Yes.

**Boyd:** Trustee Bedell?

**Bedell:** No

**Boyd:** Trustee Gomez?

**Gomez:** No

**Boyd:** Trustee Sparks?

**Sparks:** Yes

**Williams:** Trustee Williams, yes also.

**Boyd:** Sorry, I started writing too soon. Vice President Williams?

**Williams:** Okay.

**Barke:** That passes 3 to 2.

**Barke:** Next we have item 10.

**Williams:** I'll make the motion to adopt item number 10, the Covid Operations Report for the Orange County Department of Education.



**Barke:** Any discussion, Dr. Bedell?

**Bedell:** No.

**Barke:** Anyone else? Okay. Beckie?

**Gomez:** First of all, I'd just like to compliment Dr. Hittenberger on this report. It's very thorough. My one concern would be the ongoing support for our teachers, and to make sure that they get the training that they need in order to comply with this situation, because it is a fluid situation. Any feedback that you can provide going forward would be great. Thank you. That is all I have.

**Barke:** I would agree with a compliment for the report. Thank you.

**Gomez:** Also, I would say that the restorative circles that are on page three are very timely, given everything that's going on.

**Williams:** What page?

**Gomez:** Page 3, it's right above that first line, third paragraph where it says supplemental programs restorative circles.

**Williams:** Are you talking about page 33?

**Gomez:** Page three of the report, so it's page 34.

**Williams:** Where are you making the comments?

**Gomez:** Where it says supplemental programs, and then down towards the bottom right, talking about restorative circles.

**Williams:** That's a new term to me. What is restorative circles?

**Gomez:** I'll let Dr. Hittenberger talk to that.

**Hittenberger:** First of all, thank you for your compliments to our team, our ACCESS, and special education services teachers and staff have done extraordinary work in a very difficult time. We are very proud of them and the support they're giving to students and families. With regard to this particular reference, restorative circles give teachers an opportunity to pull their students together in discussion of what is going on in their lives, and to give each other support. As you know, many of our students in ACCESS face significant challenges of one kind or another. This is sort of a forum within a classroom, where students have a chance to express what's going on in their lives and receive the kind of support that they need both from peers, and from teachers and staff.

What's referred to here is that we're able, in some ways, to replicate that restorative circle in an online fashion. It is not exactly the same as in person, but there are ways through communicate [inaudible] online, but that that kind of communication and dialogue can be continued for students. That's a really, really important kind of support for them to receive from peers and staff during an extra challenging time in their lives.

**Barke:** I think we're ready to vote.

**Boyd:** President Barke?

**Barke:** Yes.

**Boyd:** Trustee Bedell?

**Bedell:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Vice President Williams?

**Williams:** Yes.

**Barke:** Moving on to number 11.

**Sparks:** I make a motion that we adopt item 11.

**Williams:** I will second that.

**Barke:** Any discussion?

**Gomez:** No, but it's a good thing. They were already issuing technology. That made things really easy for them.

**Barke:** Dr. Bedell?

**Bedell:** No problem.

**Barke:** Okay, ready to vote?

**Boyd:** President Barke?

**Barke:** Yes.

**Boyd:** Trustee Bedell?

**Bedell:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Vice President Williams?

**Williams:** Yes.

**Boyd:** Passes 5 to 0.

**Barke:** Moving on to item 12.

**Williams:** I'd like to make the motion to lay item number 12 on the table and bring it back at the next meeting on the 17th. That'll give us more time to fully vet, digest and process all the information that we were just given today.

**Sparks:** Second.

**Barke:** Any discussion, Beckie?

**Gomez:** No, I'm fine with that.

**Barke:** Alright, I think we're ready to vote.

**Boyd:** President Barke?

**Barke:** Yes.

**Boyd:** Trustee Bedell?

**Bedell:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Vice President Williams?

**Williams:** Yes.

**Barke:** Would anybody be opposed to a five-minute break before we start our hearing, a quick pit stop? We are adjourned for five minutes.

**[THE BOARD GOES INTO RECESS FOR FIVE MINUTES. UPON THEIR RETURN,  
THE BOARD MEETING CONTINUES]**

**Barke:** Aracely.

**Chastain:** The Board will now hold a hearing to consider public input regarding the request for a material revision to the Vista Heritage Global Academy charter petition. Vista Heritage Global Academy is requesting changes to the educational program to add grades nine through 12<sup>th</sup>. Prior to public comments, representatives from Vista Charter Public Schools are allotted 10 minutes to address the Board. The Board recognizes Dr. Don Wilson, superintendent of Vista Charter Public Schools and Dr. Collin Felch, principal of Vista Heritage Global Academy. Gentlemen, you have the floor.

**Wilson:** Good evening. It's always a pleasure [inaudible] and to continue the great work that we've been doing together these last few years. Tonight in the natural progression of that work with a material revision to expand our existing K8 schools to be K-12. Not only is this the next obvious step, it's the fulfillment of our vision and commitment to the families of Vista schools. Our elementary school was the first step in holding ourselves accountable to our parents and to the families. Now that we go through eighth, and this will be the next step to hold ourselves accountable to our families all the way to the 12<sup>th</sup> grade. Most importantly, I stand before you, because our parents have begged us to provide them with a full Vista K-12 experience.

Just last week, we had over 150 parents, unheard of, at a parent Zoom meeting cheering this expansion to the 12<sup>th</sup> grade. I can understand their passion and their desire when they see where their kids would be without a Vista education. We share the same demographics as our surrounding Santa Ana schools. We're 98% Latino, 99% low socio-economically disadvantaged. We share the same special education population, [03:56:30] and we have a higher second language learner population than all of the Santa Ana schools. Yet in only a few short years, we are far outperforming all of the schools where our students would have to attend if they didn't have charter choice. I cut out the next three minutes.

Today we stand before you with a material revision, because Santa Ana has blocked us from being heard in a timely matter. One thing that I didn't get to add earlier, we do believe that it's most likely because they want to force us to wait until the new laws are in place on July 1, which puts us under a different set of restrictions. Today is really about hearing the merits of Vista High School, and whether it will be a high quality and a blessing to our parents and the students. We know that the Orange County Board has already decided multiple times that you believe in us and in our working together. The yearly glowing oversight reports have proven that your faith in us is well founded. Please know, we love working with the Orange County Department of Education and with the staff at the charter office.

Today is also about taking a stand against the ongoing systematic harassment by the Santa Ana Board of Education. Their continued abuses of their power, their breaking of the Brown Act without repercussions, and the harm they're trying to cause the families of Santa Ana that have made a choice to attend Vista schools. We wish that the Santa Ana Board would spend as much

time trying to fix their own issues, instead of fighting us. We would welcome that kind of energy to the table, because quality competition and choice will make us all better.

Ultimately, it's going to bring opportunities for our students to equally participate in our great democracy and to access the American dream, which is precisely why we all got into this business to begin with. That's it for me. I really just want to thank you again, but I want to introduce Dr. Collin Felch. He always says he's our proud principal, but I can't [03:58:30] tell you how proud I am to work with him every day. Dr. Felch, take it away.

**Felch:** Thank you. Can everybody hear me? Okay, wonderful. I believe I also have a presentation that goes along with this. There it is. Perfect. Good evening, honorable Board members and Superintendent Mijares. I'm Dr. Collin Felch as Dr. Wilson said. I am the proud principal of Vista Condor Global Academy and Vista Heritage Global Academy. It's a pleasure to speak before you once again. Tonight we're here for the material revision of Vista Heritage Global Academy to now include grades six through 12<sup>th</sup> for marketing purposes. I will refer to the high school portion of our charter as Vista Meridian Global Academy. Next slide, first and foremost, as we expand to include our high school, there are many facets and core values that will remain unchanged to how we already do things.

At Vista Condor and Vista Heritage, we will continue our focus as a Global Academy to promote the idea of global competence. It has never been more relevant than before with everything that's going on currently. We will continue to focus on the whole child with our emphasis on the arts, athletics, social and emotional learning, as well as building empathy, resilience, and critical thinking. We will continue to provide a student-centered learning environment focused on a mastery learning philosophy, allowing students to advance at their own pace and receive individualized intervention and support they may need. We will continue to provide a hands-on learning environment while also providing all students with Chromebooks to expand and enhance their learning virtually.

Finally, what truly makes us special is the Vista family, the welcoming, loving family atmosphere that all of our students, parents and staff have grown to love will never change. Next slide please. You may ask, why do they need a high school? Since I arrived at Vista three years ago, parents at the middle school have been constantly asking me, "When are you going to open a high school? We would love to keep our kids here." Students have even been asking me when we're at school, "Hey Dr. Felch, when can you open a high school for us? That'd be sweet." In addition to responding to the needs and wants of our students and parents. We also want to build a cohesive, vertically articulated K-12 setting between Condor Heritage and Meridian.

Finally, we feel a moral obligation to prepare high school graduates for the rigors and the realities of what it means to be an adult and a successful contributing member of our global society today and in the future. Next slide. Now, you might also be asking, how do we know that this high school will even be successful? First, based on our track record with Condor Heritage, and even our two schools in Los Angeles, we consistently outperform our local district schools. We provide a quality school experience that students and parents dream of. As for the high school specifically, my background before coming to Vista was as a high school assistant

principal in Los Angeles overseeing programs such as A-G counseling and college access, curriculum, instruction and assessment, and master scheduling.

Prior to that, I worked as an instructional coach focusing on high schools. Even before that, I was a high school math teacher. We taught everything from Algebra 1 through AP Calculus, even being named an LA County Teacher of the Year in 2013. I'm confident that our leadership team not only has the vision, but also the skill and experience necessary for our high school to thrive. Next slide, please. We are in the process of completing our seat cap agreements with Santa Ana College and Coastline College to offer dual enrollment and concurrent enrollment course options at Vista Meridian. These partnerships will allow Vista Meridian students to receive college credit while simultaneously receiving their high school credits and work towards receiving their high school diploma.

Most of these dual enrollment courses will be held at our school site, but both Santa Ana College and Coastline College are very conveniently located. We have our own Vista vans and our school bus that can transport students if needed to take additional courses on those campuses, which would also be free for Meridian students. Next slide, please. At Vista Meridian Global Academy, we will have three career technical education pathways that all students will choose from. We'll have our biomedical pathway and international business pathways through our partnership with Santa Ana College and our cyber security pathway through Coastline College.

In each of these three pathways, students will be required to take and pass the necessary coursework to receive a foundational certificate in that discipline. They will also have the ability to proceed and pursue their associate degree in that field. Finally, it's important to note that each of the three pathways will have their own pathway board that will include professionals in each respective field who will help guide the school in the development and sustainability of each path. Next slide, please. Regardless of the pathway Meridian students choose, they will all develop a digital portfolio consisting of their best work that showcases their growth throughout their time at Vista.

At the end of their 12<sup>th</sup> grade year, students will present their senior portfolio defense similar to a doctoral dissertation defense. This senior defense will highlight how they've become college and career ready and globally competent during their journey at Vista. Next slide, please. Lastly, with all charters, enrollment is paramount as you well know. Our high school plan is to begin in the fall of 2021 with 125 ninth graders. Most of which will promote directly from our middle school in eighth grade. Then in each subsequent year, we will add a grade level of 125 students, as you can see.

Currently, our eighth grade class has 96 students. Once our construction project is completed, that number will also increase. Our middle school will naturally fill the 125 students entering ninth grade each year. Next slide. Thank you very much for your time this evening, I will be available if you have any questions, and I look forward to continuing our amazing partnership. Thank you.

**Chastain:** The hearing is now open for public comments. Comments will be read into the record from individuals who have submitted a comment card, Associate Superintendent Boyd, please read the public comments.

**Boyd:** “We have three public comments. The first is from Zoila Lubin. Hello, my name is Zoila Lubin. I am the president of Vista’s parent teacher organization and a parent of two great Vista students. I’m addressing you tonight as a representative of all Vista parents. I would like to tell you why I, along with many other parents, love Vista Heritage Global Academy. I love Vista because their actions show how much they care for their students. Teachers spend much of their personal time offering their students guidance and friendship in their classrooms. They give the students more than just the state standard instructions. They listen, guide, and support their students and the staff along with the principal.

They make it a priority for the students to be in the best environment that supports social and emotional health along with academics. They create ample opportunities for parent involvement, open communication, and continued discussion on topics concerning our students. Parents, along with myself, love Vista, because students excel every year getting or meeting their yearly goals. During this epidemic, the transition to online was incredibly smooth, both for parents with internet and without. The school made sure all students had internet and support. The school support and motivational support has been nothing but the best. I’m proud of the school my children attend. It would make me more than happy to continue with Vista Heritage Global Academy past the eighth grade.

Although my fourth grade son will be continuing at Vista. My 13-year-old daughter has no choice, but to move on, and we will miss her parents and our teachers. If this Vista Heritage became a sixth through 12<sup>th</sup> grade, she would love to return. I have had the pleasure to see my children grow academically and emotionally through the support of the school community. It saddens me to think that the road ends in eighth grade. I hope you choose to allow this great school to continue to achieve greatness in our community and with our children.”

**Boyd:** The second one is from Donna Sanchez. “Hello, my name is Donna Sanchez, and I am a parent of a child who currently attends Vista Condor. I’m also an advocate for charter public schools and parent choice. I would love to share with you my experience with Vista, and why I chose for my kids to go here. I started with Vista when they first opened back in 2015. I believe it was the best choice I could have made at the time for my daughter. She was in the first eighth grade class to culminate from Vista Heritage. My daughter was attending a district public school, and it was just not working for us. She would get bullied and laughed at, because she was in special education classes.

She was not blended into what should have been regular classes due to her learning disability. She would come home crying, and there would be days where she would not want to go to school. It was very stressful and hard for me to see my daughter feeling that way, and seeing how scared she would be to go to school. It should have been the other way around. She should have felt happy to go to school, but she was not. I shared my concern with my sister and that is where she told me about this brand new school opening up down the street. I did not know much about

the school and I was not too sure about it since it was small. I was not sure if it was what I wanted for my child.

As soon as I stepped in, I was amazed at how everything was and how everyone was so welcoming and helpful. That is when I knew where I wanted my daughter to go. I was right. Just after starting school. She loved it. She would get super, super happy. She would also share with me how everyone was so nice and helpful. No one bullied anyone, and everyone was in the same classes. No one was separated. Everyone is treated the same way. I loved it. We as parents want only the best for our kids. For me, I want them to have a much better education than I did, honestly. This is where I saw that she would get it. She learned so much, and I noticed her change in growth. Sometimes I just could not believe the stuff she would share with me.

I would ask her, “Did you learn that, seriously?” She would say, “Yes, mom, I did.” Her grades went from F's and D's to A's and B's. I was shocked, but it was all because of the teachers. They spend time with the students and have one-on-one interactions with them, and they help as much as they can to make the students understand. Vista has grown much bigger since then, and I'm proud to say that my son has been attending Vista Condor. He has been there since fourth grade.

Now, he is getting promoted to fifth. Let me tell you, I am excited for him and for his future. I really cannot wait to see and hear everything he will be learning when he goes into Vista Heritage. I'm hoping the same for high school where I know he will gain more knowledge. I would love it if you can give this to the opportunity to open up a high school, where they can welcome kids from everywhere and can have the same opportunity and experience as my kids have.”

**Boyd:** The final comment is from Miles Durfee. “Members of the Board of Education and Superintendent Mijares. My name is Miles Durfee, and I am Southern California, local advocacy, vice president for the California Charter School Association. I wish you all well during these very uncertain times, and I thank you for your continued service to Orange County students. Today, I'm making a public comment in support of Vista charter school, and their thoughtful and diligent plan to provide comprehensive services in Santa Ana Unified. CCSA has worked with Vista over the history of the school located in Santa Ana. During that time, Vista has become more than just a charter school to students.

Additionally, it is a community partner serving more than just educational needs to parents, students, and community members. Because of their success in Santa Ana, they have been continually asked to expand their program. The position that you have in front of you today is the next iteration of that plan. It is unfortunate that the Santa Ana Unified School District is not a good faith collaborative or partner with Vista and has chosen to construct barriers that are not in compliance with state law or in the best interest of the Santa Ana community. While Vista has tried to gain authorization locally with this school and collaborate with the city, Santa Ana Unified has not lived up to their responsibilities.

Unfortunately, these activities are not limited to Santa Ana Unified interaction with Vista, but it is a pattern of behavior with a number of charter school petitioners and charter schools currently authorized by Santa Ana Unified School District. While we see many successfully local

authorized charter schools throughout the state, in this case, we ask that you take action to expand the schools authorization within your oversight. Thank you.”

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

**Chastain:** This concludes the public hearing the Board will receive a Staff Report and take action at the July 1 OCBE meeting. President Barke, I now turn the meeting back over to you.

**Barke:** Thank you very much. Do we have any questions or comments? Dr. Bedell?

**Bedell:** Nothing.

**Gomez:** Not at this time.

**Barke:** Dr. Williams?

**Williams:** No questions.

**Barke:** Excellent. Thank you so much for being here. Sorry for the longevity of the meeting, but we appreciate all the information and congratulations. I think it's a wonderful thing. Thank you. Okay, so we are moving along to announcements, Dr. Mijares.

**Mijares:** It's good to be with the Board this evening. I appreciate the work that we've done thus far. Just a couple of quick ones. First of all, I want to praise six teachers who were named the top teachers in Orange County. Normally, we would go out through the Prize Patrol and deliver the news unannounced. I think we shocked them all by doing it via Zoom. I do want to thank Ian Hanigan, Christine Olmstead, Nicole Savio, and Kristen Rigby for all the work they did to set this up. Just quickly, let me name them. Shelley Romanoff from Buena Park Junior High School in Buena Park School District, James Mickey Dickson from Northwood High School in the Irvine unified School District, Laura Gomez from Martin Elementary School in the Santa Ana Unified School District.

Allison Goodlander from Barbara Benson Elementary School in the Tustin Unified School District, Emily Quinlan from Saddleback College, South Orange County Community College District, and Shay Reardon from Atta Clegg Elementary School in the Westminster School district. All but the community college person, will be able to compete now statewide and then, potentially, nationally for teacher of the year. I wanted to let you know that. I also wanted to thank Nina Boyd for participating in an interfaith advisory council meeting that she was invited to by her pastor Dr. Ralph Williamson from Core Church. It was in the aftermath of the death of George Floyd, and represented the Department well.

Thank you for that, Nina, in terms of how we can work together in the County. I will be involved in a peaceful March in Santa Ana. I was invited by Pastor Danny DeLeon from Templo Calvario, which is the largest, I think, Spanish speaking church in Orange County. There's also a prayer meeting on Thursday evening in Santa Ana at the First Presbyterian Church, I believe, it's all in my calendar. That's all for today. Thank you.

**Barke:** When is the peaceful March in Santa Ana?

**Mijares:** It's going to be, I can get you the information, but 9:30, I believe, Saturday morning. It will be on First Street. I will get the cross street.

**Barke:** Okay. Excellent. All right. Nina, do you have anything?

**Boyd:** I just have a reminder for the Board. The next Board meeting is Wednesday, June 17, and



submission deadline is actually today, since that meeting is in two weeks. In order [04:16:30] to get the Board Agenda prepared and packets out to you next week. If any of the Board members have items to add to the Agenda, we need those by tomorrow.

**Barke:** Anybody else? Becky? Oh, sorry Renee. You said you had something to update.

**Hendrick:** I just wanted to give you a quick update. The Senate Assembly came to a compromise budget as we were sitting here. They have a unanimous proposal that would actually protect Proposition 98, which is school funding. Going to Dr. Sparks question earlier, the nonprofit 98 side of the budget is \$94.1 billion. The governor only projected to cut that by \$5 billion. The Proposition 98 side is \$52.3 billion. He was going to cut that by \$8.1 billion. The Senate Assembly said they basically disagree with his. Their compromise does not cut Proposition 98 by 10 percent, and it restores the cost of living increase. They have some language about if federal funding isn't received, there'll be some trigger language, but most of their language goes into pulling from areas outside of Prop 98.

It also has a hold harmless provision for the average daily attendance to match what we got this year. Basically, it holds it harmless for the year. That is their proposal. The governor still needs to cooperate with them, so it's not a done deal. It is very different from the governor's budget. They, again, state that they feel the governor overestimates his drop in revenue for 2020-21. It will probably change this budget in some ways, [inaudible] the loss of revenue that we have incorporated into the budget. I'm not sure it is going to change some of the expenditures...[inaudible]...decreases that we have in the budget though. I don't see...[inaudible]...like the travel and things like that. There is no way to change it between now and July. I mean, between that...[inaudible] there's just no way to make those changes...[inaudible] of the projection is definitely different.

**Williams:** Why can't we change it?

**Hendrick:** We could put in the revenue. Until the governor signs it, I am not sure that makes sense anyway. I really think we need to wait until we have a signed, Adopted Budget. I don't think it would be wise to do something different at this point.

**Williams:** The Interim Reports may be a little bit more positive?

**Hendrick:** Yes.

**Williams:** Just for the budget, we have to base it upon what we know now, and it's going to be changing in the next Interim Reports. Got it.

**Hendrick:** We would hate to make it too optimistic, and then have the governor do something. I think that wouldn't be very conservative. I think we'd go with what we have for right now, but it is very good news that the majority of the Assembly and Senate believes that education isn't the right place to cut. There are other places to do that, so that's good news.

**Barke:** I'm sorry. I'm just not used to having to constantly unmute. Any other comments from anyone? If not, I'll make a motion to adjourn.

**Boyd:** No, public comments.

**Barke:** Oh, I'm sorry. Do we have comments?

**Boyd:** We do have three.

**Barke:** Okay, excellent. Sorry.

**Boyd:** One that was sent in to the Board, and then we have two people present.

**Barke:** Okay.

**Boyd:** Okay. The one that I missed that was sent in is from Erinn Aday. “To the Orange County Board of Education. As a mother, I have had the pleasure of both homeschooling and giving my children the experience of an on- campus schooling. They have friends, amazing teachers, and a supportive environment to learn and grow. We have been at our school since kindergarten, and now we are heading into fifth grade. We have experienced freedom to be who we are and express our unique personalities. Now that we have entered a pandemic, it now seems like the new normal is wearing masks and being apart from all our friends and family. There is no science that proves masks protect against contagious diseases.

The N-95 mask and cloth masks are labeled on the box that they do not protect against disease transmission. Masks should be properly vetted by medical professionals. They should not be prescribed by the school district. Many kids who have breathing issues will suffer harm as a result of wearing a mask six to seven hours a day in class. We are designed by God to breathe oxygen fully with every breath. Masks, lower oxygen intake at every breath. We have a human right to breathe oxygen. If kids are forced to wear a mask, they will be touching their mouth often and adjusting it causing more cross-contamination around their nose and mouth areas.

What will happen when they don't wear them properly? Will they be disciplined? Do you think they are being bad, because they don't have their mask on? How will they ask questions in class when their mouths are muffled? Where will they put their mask when they eat lunch that keeps them clean and sanitary? What if they have to blow their nose or take a drink of water? There are too many issues around this, and I see that it will be impossible to get kids to wear them properly through an entire day. I see it will cause more injury and harm emotionally and physically than its benefiting others. If we implement social distancing, we might as well just send them home to be homeschooled.

What is the point of children being socialized with their peers and teachers if they're forced to remain six feet apart at all times and keep distance from other classes. They will be forced to live in a bubble mentality. They will have no ability to have social interaction with others. Children get sick. We cannot avoid it. This is how they build their immune systems. Yes, it is an inconvenience, but there is no way around avoiding everything, and everyone in our environment. We need to maintain strong immune systems by being in contact with others and our environments. Keeping everyone spaced out is wrong and inhumane. We have been able to learn a lot during COVID-19, which is why we should stay home when we are sick.

We should wash our hands regularly to keep from passing unnecessary germs back and forth. We should clean our houses, businesses, and schools when we get them dirty. We should stay home from work when we get sick and not take our sick self to work, so we don't get fired. We should work from home while recovering from a cold or flu. We have become sloppy by working and going to school sick. As parents, we can do better and take time to stay home when our children are not feeling well so that they get better and we can avoid spreading it to others at school or work.

**Boyd:** That's the three minutes. I'll now call A. Blachowski. Just go to that mic and use the earpiece so that we can make sure that we have it recorded.

**Blachowski:** If I have a handout for the Board?

**Boyd:** You can give back to me, and then we'll make sure that the Board gets copies.

**Blachowski:** Let me know when my time begins. Is there a light, am I looking for a light?

**Boyd:** There's not a light on. He will let you know. As soon as you start talking, he'll push the button, and then we'll signal you when your three minutes are up.

**Blachowski:** Okay. That's great. If you could just give me a wave at 30 seconds, that would be super.

**Boyd:** Okay.

**Blachowski:** Thank you, Trustees. I know it's late. I'm going to be really brief. I'm going to give you an ESPN Highlights Zone version of a rundown of what I'm providing here to you. Last month at the board meeting, there was a memo written by the Orange County Department of Education updating districts on the CHYA mandate and instruction. I found this very, very disturbing for several reasons. I'm going to run through this very quickly. I provided a boatload of evidence for why you should also be very deeply disturbed about what's in this memo and all the research is here. First of all, the memo suggests that schools should use advocates for youth Rights, Respect Responsibility.

Now I know they're going to probably come back and say, "no, that wasn't a recommendation it's just an example." Well, I'll tell you what, there were a lot of other examples that could have been mentioned, but this is not the one that should have been mentioned. It hasn't been proven effective. It hasn't been studied. I can tell you from reviewing all that CHYA curriculum, that this one is the most disturbing. Why? Because on their website, they promote sex for all, sex for all, sex for all. The month of May was sex education for all month, promoting sex for youth, which the CDC recognizes as the risk- behavior for youth, so I'm not sure why we're going with them. Also, their website is filled with politicization and sexualization.

Things like free the pill, abortion out loud, and remove stigma of abortion. Is this really the sexual health curriculum that they need to be providing to California students? Secondly, on the memo, the California Department of Education's website is mentioned and their resources, which there are some really problematic ones. Copies of some of those are here. For example, the sex education library, , which I took a screenshot of what that looks like. There's a very sweet little girl on the picture. While she is very sweet, sadly, she is juxtaposed with advertisements for sex positivity and penis enlargement products. Again, what the heck is this? What is this? Why are we doing this? Why is this on the state department of education website.

Then, Sex Ed for Social Change, formerly known as sequence SIECUS. They used May to promote May as masturbation month. In addition to promoting masturbation month they encouraged everyone, including their youth advocates and activists to go and shop at their new corporate partners. Who are their corporate partners - B Vibe, Fun Factory, and Lawand. They are masturbation products. They're pushing sexual pleasure at the expense of sexual health.

What's going to happen when we do that? Tons of screenshots here for you to take a look at their materials. They're pornographic, and they're disgusting. This curriculum has been reviewed by

Family Watch International. It received 15 out of 15, in terms of harmful effects. It shouldn't be in our classroom. Additionally, what are the public health consequences that we can expect when we give this kind of material to children? The California Department of Health has shown that sexual transmitted diseases are on the rise significantly.

**Boyd:** Your time is up.

**G:** I have never done this.

**Boyd:** I will wave to you when your time is up.

**G:** Hello. My name is Mrs. G. I'm a parent of three children in the PYLUSD school district. I received an email tonight as I was sitting here in this meeting, and it was a little disturbing as a parent to receive this coming from Greg Cleco on telling us to reach out to our children to talk to them about the events that have happened in our nation, our state, our local, and our communities. We all know with the riots and racism that's been going on and that black lives matter. It's not just black lives that matter, it's all lives that matter. We have discussed this with our children. I just feel then that there was a link to, what is it - the district here, the O.C. Board of Education telling us to limit our children's television time on this matter.

I just feel that it's nobody's place, but a parent's decision to decide. I just feel that it could have been addressed to us differently. Not to tell us how and what to do, to talk to our children, just letting us know. I feel like it's already been over a week's time, all over the internet and the television for our children to already see. Now we just get this email today. I don't feel it's right as a parent. My children are just barely getting through the last weeks of school. They are dying and crying. My daughter, my oldest daughter has not missed a day of school since second grade. She's graduating eighth grade this year, and she laid on the floor crying, that, "why can't I go back to school? I just want to go and seeing my friends, my teachers, and my principal."

We were supposed to return books on Monday for eighth graders. She said, "I don't want to go and see my principal, my peers with a mask on. That is not how I want to see everyone for the very last time that I will step on that campus. I would never subject my children to that. I contacted the principal. He said he didn't have an alternative for us, that it was coming from the district that we could not go on campus without a mask. I said, "We won't do it." He was supposed to get back with me on an alternative. Never received it. I had a friend email him, he said that he had an alternative that they could come on another day. He emailed back, and he finally said, you may come on another day.

**Boyd:** Your time is up. That's all the public comments at this time.

**Barke:** Have I missed anything now? Are we ready to adjourn? I appreciated our moment of silence. I would just like to adjourn this meeting in George Floyd's memory, as well as everyone else who's lost their lives and their businesses. I'd like to adjourn in that memory and in those thoughts. Everyone stay safe, and we'll see you in a couple of weeks.