

BOARD MEETING 7-1-2020 TRANSCRIPTION

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

Barke: Welcome, everyone, to the Board of Education. I want to thank everybody who's here today. We're going to start off with [inaudible] today, but first we'll do a roll call.

Boyd: President Barke?

Barke: Present.

Boyd: Trustee Gomez?

Gomez: Present.

Boyd: Trustee Shaw?

Bedell: Here.

Boyd: Trustee Sparks?

Sparks: Here.

Boyd: And Vice President Williams?

Williams: I am here.

Barke: Okay. I'd like to call for a motion.

Williams: I'll so make the motion to adopt the Agenda as written.

Sparks: Second.

Barke: Okay. Roll call vote, please.

Boyd: President Barke?

Barke: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: And Vice President Williams?

Williams: Yes.

Barke: Okay. I'd like to move on to the invocation, and I'd like to invite up one of our new charter schools, Padmini Hands, to do the invocation.

Srinivasan: Good afternoon, everybody.

Williams: You should take the mic.

Boyd: No, she's fine.

Williams: She's fine? You fixed it? Okay.

Srinivasan: Is this fine? Can you hear?

Boyd: Yes.

Srinivasan: Thank you very much for allowing me to have this responsibility. [Inaudible], and I'd like all assembled to join me in prayer for the gratitude, for the intelligence, the beauty and the power that permeates the universe. That besides people in need, within each of us we have God within our hearts, we pray. The work of this Board is crucial for the sake of the education and wellbeing of the children of Orange County. In all its actions, this Board, and all assembled

seek peace and unity in making the decisions that promote what is best for our students. We pray that the deepest wisdom, the staunchest courage and the gentlest compassion guide these decisions. In these problem times, we find that the weakest students struggle the most.

We pray for the strength to reach those who are the most challenged and who deserve the greatest support to become confident, happy, successful students. Not all are equally blessed with a home environment that supports their studies. We pray that through the actions that we take, we can reach these families with care and respect to create better options and better outcomes for these students. We pray for endless compassion to support the next generation, to grow strong and confident, knowing that they are the heroes of the world who'll create the brave new world of tomorrow. As each group within our community seeks separate roots and origins, society fractures along a thousand fissure lines. At this moment, we must seek out the primordial roots of all humankind. I invite you to close your eyes as you listen to these words.

“So let us turn our thoughts today to Martin Luther King and recognize that there are ties between us. Oh, men and women living on the Earth, ties of hope and love. Sister and brother, for we are bound together in our desire to see the world become a place in which our children can grow free and strong. For we are bound together, but the task that stands before us and the road that lies ahead. We are bound, and we are bound. There is a feeling like a clenching of the fist. There is a hunger in the center of the chest. There is a passage through the gardens in the mist, and though the body sleeps, the heart will never end. So let us dedicate our thoughts to Martin Luther King, and recognize that there are ties between us. Oh, men and women living on the Earth, ties of hope and love. Sister and brother.” And so, it shall be. Amen.

Board and Audience: Amen.

Williams: Wow. That was cool.

Barke: Thank you so much for that beautiful invocation. Wow. That was awesome. Okay. Next, we will have Shannon Shaw up to lead us in the Pledge of Allegiance. Please stand. Ready? Begin.

Board and Audience: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Barke: Thank you so much, Shannon. I figure with six beautiful boys at home you're not going to make it to many meetings, so we'll enjoy today. Okay.

Williams: Awesome.

Barke: Introductions, Nina?

Boyd: One introduction. I'd like to introduce our newest board member. Tim Shaw was first elected to the La Habra City Council in 2008. In November 2016, he was re-elected to a third term on the city council. Councilmember Shaw served as mayor of La Habra in 2012 and 2018. Councilmember Shaw was appointed to the Orange County Transportation Authority, Orange County Board of Directors in 2012, and served as chairman of the Board of Directors in 2019. He is one of two Orange County representatives on the Los Angeles, San Diego, San Luis Obispo, Rail Corridor Agency Board of Directors. Councilman Shaw has been La Habra's representative for Orange County Sanitation District Board of Directors since 2015.

In March 2020, the voters of North Orange County elected Tim Shaw to serve as trustee on the Orange County Board of Education representing the Fourth District, which includes Anaheim, Buena Park, Fullerton, La Habra and Placentia. Councilmember Shaw has worked in the office of California's governor, Orange County Supervisor, and a state Senator. He currently works as the government affairs director for the Pacific West Association of Realtors. He is an adjunct professor of political science at Rio Hondo College. His education includes a Bachelor of Science in Aviation Management from Southern Illinois University and a Master of Arts in Legislative Affairs from the George Washington University Graduate School of Political Management.

He served a two-year Spanish speaking mission for his church in Chicago, Illinois. As a young man, councilmember Shaw attended elementary school in the Lowell Joint School District where his mother now serves as an elected trustee and where his children are attending school. He went on to La Habra high school, and he achieved the rank of Eagle Scout. Tim is married to La Habra native Shannon Bryant, and they are the proud parents of Luke, Matthew, Wes, Jason, Wyatt and Lincoln all in attendance today.

Shaw: You didn't warn me you were going to do that.

Barke: I love that. I'd also like to introduce Senator Huff who's in the audience today. He'll be doing Tim Shaw's swearing in. I'd also like to introduce Mrs. Cindy Williams who's in the back here to watch her husband this morning. Without further ado, I believe we'll invite Beckie to stand to be sworn in by Dr. Mijares.

Mijares: It's an honor for me to be here this afternoon. Members of the Board, it's a pleasure to be with you. Tim, I have a Matthew and Luke of the five boys we have, the two of them. We have a Joel and a Wesley and an Aaron. I better say that or they may be upset. It is my honor to administer the oath of office. Beckie Gomez has been a resident of this county for several decades and has lived in Tustin for over 32 years. She has a long and distinguished tenure in public service. This is her second term on the Board of Education. For two terms, she served on the Tustin City Council. In the midst of that was a mayor pro tem. She was appointed to the OC Senior Citizen Council, the Santa Ana River Flood Protection Agency, the OC Library Advisory Board.

Also, appointed commissioner for the OC Waste Management Commission and an alternate for the Southern California Association of Governments. She served on the Newport Watershed Executive Committee and the Water Advisory Committee of Orange County. She holds a bachelor's degree from UCLA in public health and a master's in healthcare administration from Cal State Long Beach. She also has a master's in sports management from the University of San Francisco. Beckie Gomez is currently the dean of health sciences at Cypress College and serves as the college's program director for Health Information Technology and Professional Development Coordination. She's married to John.

They have three children, all of whom are college graduates. One from Cal State Fullerton and the other from Sonoma State, and a daughter who graduated from Stanford and Stanford Law. Before I administer the oath, I do want to make a couple of comments. First, let me congratulate our new trustee Tim Shaw and his family. Congratulations. I wanted to just briefly say that

obviously, this is a very distinguished office. One that is of great importance to our county and to the state and to the country, frankly, because you are educating children. That is no lofty task. It has to be of the highest order when it comes to fidelity and integrity. I wanted to quote from first of all, King Solomon, "Train up a child in the way he or she should go, and when he or she is old, he or she will not depart from it."

There's that foundational element that is indispensable in the life of an individual. Lastly, from a teacher going all the way back to 740 BC. Solomon was about 900 years after that, who said, "what is required of us?" Some have argued in the Hebrew scriptures that this is the totality of the Hebrew scriptures. No. 1 "That you do justly, that you love mercy, and that you walk humbly with your God." Beckie, raise your right hand and say after me. We use the pronoun "I", and then you can say your name.

Gomez: I, Rebecca Gomez.

Mijares: Do solemnly swear that I will support and defend the Constitution of the United States.

Gomez: Do solemnly swear that I will support and defend the Constitution of the United States.

Mijares: And the constitution of the state of California.

Gomez: And the constitution of the state of California.

Mijares: Against all enemies, foreign and domestic.

Gomez: Against all enemies, foreign and domestic.

Mijares: That I will bear true faith and allegiance.

Gomez: That I will bear true faith and allegiance.

Mijares: To the Constitution of the United States.

Gomez: To the Constitution of the United States.

Mijares: And the constitution of the state of California.

Gomez: And the constitution of the state of California.

Mijares: That I take this obligation freely.

Gomez: That I take this obligation freely.

Mijares: Without any mental reservation.

Gomez: Without any mental reservation.

Mijares: Or purpose of evasion.

Gomez: Or purpose of evasion.

Mijares: And that I will well and faithfully discharge.

Gomez: That I will well and faithfully discharge.

Mijares: The duties upon which I am about to enter.

Gomez: The duties upon which I am about to enter.

Mijares: Congratulations.

Gomez: Thank you very much. [APPLAUSE]

Williams: Cindy. Come on up.

Barke: Now, I have the honor of swearing Ken in. Dr. Williams, I'm sorry. Dr. Williams is a native of Orange County. He graduated from Estancia High School in Costa Mesa, UC Irvine for Pre-Med, and then Western University for medical school. He's a primary care physician and a former law enforcement officer with the Orange County Sheriff's Department. He was elected to his current seat back in 1996. This is the first day of his 25th year in public office. He is married to Cindy Williams. They have five dogs and look forward to children, but I understand not quite

as many as Tim. **[LAUGHTER]** It has been an honor to work alongside Dr. Williams on the Board as well as on the Executive Committee. I'm very honored to be swearing you in today. If you will raise your right arm. I.

Williams: I, Ken Williams.

Barke: Do solemnly swear that I will support and defend the Constitution of the United States.

Williams: Do solemnly swear that I will support and defend the Constitution of the United States.

Barke: And the constitution of the state of California against all enemies.

Williams: And the constitution of the state of California against all enemies.

Barke: Foreign and domestic.

Williams: Foreign and domestic.

Barke: That I will bear true faith and allegiance to the Constitution of the United States.

Williams: That I will bear true faith and allegiance to the Constitution of the United States.

Barke: And the constitution of the state of California.

Williams: And the constitution of the state of California.

Barke: That I take this obligation freely.

Williams: That I take this obligation freely.

Barke: Without any mental reservation or purpose of evasion.

Williams: Without any mental reservation or purpose of evasion.

Barke: And that I will well and faithfully discharge the duties upon which I am about to enter.

Williams: That I will well and faithfully discharge the duties upon which I am about to enter.

Barke: Congratulations.

Williams: Thank you.

Barke: You are sworn in for the sixth time? Seventh time?

Williams: Seventh time.

Barke: Seventh time.

Williams: Thank you very much. **[APPLAUSE]**

Barke: Now I will turn it over to Senator Huff to swear Tim Williams in.

Shaw: Shaw.

Barke: Oh my gosh. Tim Shaw. Sorry. **[LAUGHTER]** You can just hold the microphone by your mouth. Just hold this piece.

Huff: I did unmute it. Yes, I did unmute it. You've already heard Tim's bio. When I first hired him, I think he had one child and he was contemplating at some point running for elected office. You can see he's got six kids, and he's got a long list of being elected to different positions and appointed. Very proud of Tim and pleased to be here today to help swear you in. When we were joking earlier, I've sworn at him many times. But now, it's nice to swear and be positive about this. Raise your right hand. I, say your name.

Shaw: I, Tim Shaw.

Huff: Do solemnly swear that I will support and defend the Constitution of the United States.

Shaw: Do solemnly swear that I will support and defend the Constitution of the United States.

Huff: And the constitution of the state of California.

Shaw: And the constitution of the state of California.

Huff: Against all enemies, foreign and domestic.

Shaw: Against all enemies, foreign and domestic.

Huff: That I will bear true faith and allegiance.

Shaw: That I will bear true faith and allegiance.

Huff: To the Constitution of the United States and to the constitution of the state of California.

Shaw: To the Constitution of the United States and the constitution of the state of California.

Huff: That I take this obligation freely.

Shaw: That I take this obligation freely.

Huff: Without any mental reservation or purpose of evasion.

Shaw: Without any mental reservation or purpose of evasion.

Huff: And that I will well and faithfully.

Shaw: That I will well and faithfully.

Huff: Discharge the duties upon which I am about to enter.

Shaw: Discharge the duties upon which I am about to enter.

Huff: You're sworn in. Congratulations. [APPLAUSE]

Shaw: Thank you. Hopefully I'm being heard okay. It's such an honor for me to join this Board. I just wanted to quickly thank a few people with your permission. First off, the voters of the Fourth District who are kind enough to place their confidence in me and elect me to this position. I know that there's few things, maybe nothing more important to people than the education of their children. I am deeply honored and humbled by this opportunity and do not take it lightly. I wanted to express my appreciation to Dr. Bedell, Jack Bedell who served the Fourth District for many years on this Board. I wish him well in his future endeavors. We saw from Senator Huff. He was my boss for seven years.

I found him when he was on the State Assembly, kind of a backbench on the State Assembly. By the time I was done with him, I had him as the minority leader of the State Senate. I'm just kidding. He wasn't just my boss. He's been my friend and my mentor. I've really appreciated his friendship over the years. Excuse me. I wanted to express my appreciation to Mei Mei Huff, his lovely wife who has also been my friend and mentor for years. The staff here has been very kind to me these last several weeks as I've been getting orientated to the job here. I want to thank them for that. Anyone who serves in an elected office knows there's always a team of people that get you to the office.

I had just such a wonderful team behind me. I wanted to thank them for the hard work to get here and putting their trust and confidence in me. I look forward to working with Beckie, Mari, Ken, Lisa and hopefully learning from you and working well together. I look forward to this opportunity, and I know what some of you are thinking. Did he forget his wife? No, I did not forget. Shannon, she's been such a rock in my life. She does have her master's degree in education. I'll let you in on a secret. I'm going to rely pretty heavily.

She will be the person behind the scenes giving me advice on things here at the Board. Joining us today is my mother-in-law, Shannon's mom, Roberta who's always wonderful and supportive. Of course our six sons. Some people have asked me I was hiring actors to appear in my campaign mail pieces. No, those actually are my children for real. We were trying to have a girl. As you can see, that didn't work out at all. Six for six and no boy department. With that, thank you, Madam President.

Barke: Thank you for the nice comments, and we're thrilled to have you join us and congratulations to Beckie, to Tim and to Ken for being sworn in today. We're looking forward to a great year ahead. I think it's now time to clear the room so we can go on with our inter-district transfers. Short recess.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE BEGINNING THE SHORT RECESS. UPON CONCLUSION, PRESIDENT BARKE STRIKES THE GAVEL ONCE AGAIN TO SIGNAL THE CONTINUATION OF THE REGULAR BOARD MEETING]

Barke: Welcome back, everybody. It's now my honor to let you know that...I'm not muted. Everyone can hear me? Yes? Okay. It's my honor to now preside over our organizational meeting for a moment or two. I would like to start by nominating Dr. Williams to be the next president of the Board.

Sparks: Second.

Barke: Second. Any other nominations? Hearing none, I would call for the vote. Roll call, Nina.

Boyd: President Barke?

Barke: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: And Vice President Williams?

Williams: Yes.

Barke: 5-0. I hereby turn the meeting over to you. I'll just take my earplugs with me.

Williams: I'll need the gavel.

Barke: Okay. I thought we were going to move.

Williams: No, just the gavel.

Barke: I got you.

Williams: Moving on with the board meeting to the nominations for Vice President? I'd like to nominate Mrs. Mari Barke for vice president. I'll need a second on that.

Sparks: Second.

Williams: We got a second. Any other nominations? Hearing none, all those in favor say, Nina.

Boyd: I have to change the script.

Boyd: Trustee Barke?

Barke: Yes.

Boyd: Trustee Gomez?

Gomez: Abstain.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: And President Williams?

Williams: Yes. Moving on with the Agenda for the election of the clerk of the Board. I'd like to

make the nomination Trustee Dr. Lisa Sparks.

Barke: What was that for?

Williams: The clerk of the Board.

Barke: I'll second.

Williams: Second. Okay. We have a motion and a second. Any other nominations? Hearing none. Nina?

Boyd: Trustee Barke?

Barke: Yes.

Boyd: Trustee Gomez?

Gomez: No.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: And President Williams?

Williams: Yes. Okay. Moving on to number nine, board member assignments for the 2020-2021 year. Typically, at this time in our meetings, historically, we take a look at this document. If it is the will of the Board that they want to make decisions today, we will still entertain that. Typically, for the benefit of Mr. Shaw who is here for the first time, these are the committees that we have. Again, as I stated, historically, we talk and actually make decisions in the August meeting. Unless there's any other change in how we've done things, any other questions, I'd like to make the motion that we put this on for the August meeting to make assignments and of course, Nina will be dialoguing with everyone here. I need a second on that motion to lay this on the table.

Barke: Second.

Williams: Okay.

Boyd: Was that Mari?

Williams: Yes. That was Mari.

Boyd: Thank you.

Williams: We have a motion and a second to lay this on the table to come back in the August meeting for more definitive decisions. Any other discussion? Barring none.

Gomez: Hold on.

Williams: Yes?

Gomez: Why are we delaying this?

Williams: It gives us about a month of discussion with Nina as to the committees that we want to do. Historically, in my 25 years, this is what we've done. Again, if you really want to fill it and keep on going with the conversation, I'm open to that.

Gomez: I just wondered why we were delaying it, because we haven't before.

Williams: I don't know if that's true. I think we have.

Boyd: It has been a combination. There have been some years that you all have moved forward, and there've been other years that you have asked for additional time so that you could look at commitments and what the different positions held.

Barke: Do we want to just take a couple of minutes to go over what's involved, so people like Tim can maybe think about it? Does that make sense?

Boyd: We started setting the meeting assignments so that you would know the frequency because that was an ask last year. The information is already there.

Sparks: I think we could talk offline.

Gomez: You can't talk offline if it's on the Agenda.

Sparks: Right. I think we can make a decision to delay it until August so that we have time to talk about it and think about it.

Williams: Tim, your thoughts?

Shaw: If it's things like three meetings or two meetings, I would like to know for my schedule when those are. I do have a couple of times a year, I have to travel out of state for my work. It would just depend when these meetings are happening what I would be able to do.

[Inaudible]...we know exactly what they are.

Boyd: They are scheduled at different times, because this is COVID right now. I'm not sure if those will change. I can tell you that CDE, CSBA and OCSBA require you to be on the Board at least one year. It gives you an opportunity to get more acclimated.

Barke: I guess Tim will be our PTA liaison. [LAUGHTER]

Gomez: Don't feel bad. That's what I got my first year, too. [LAUGHTER]

Williams: We've handled the dialogue here, hopefully. I sense a consensus here. There was a motion and a second to lay this on the table for the August meeting. Are we ready for a vote?

Beckie? Okay. Nina?

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: President Williams?

Williams: Yes.

Boyd: Vice President Barke?

Barke: Yes.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Williams: Okay. Moving on to item number 10. The board meeting dates. About three months ago, we decided that we would be making the first Wednesday of each month the meeting that we would be publicly gathering. That excludes special board meetings that may be called. What this is is a Board Agenda Item to adopt the meetings starting August 5 until next June. May I have a motion to adopt these board meetings?

Barke: I so move.

Williams: So moved. I need a second.

Sparks: Second.

Williams: I have a motion and a second. Discussion?

Gomez: Yes. Just for clarification, probably for the public. Our 4:00 PM is the official start time, normally we would be in closed session with the official board meeting starting at 5:00.

Williams: That is correct. Typically, saving the special circumstances of the inter-district transfers we would normally start at 4-5 PM as a closed session. Then we start our regular meeting at 5 o'clock.

Gomez: If this is a document that would be posted for the public, I think it would be important for people to know that. Four o'clock, the board meeting would start with closed session. Normally, it'd be 5 o'clock for the public. Otherwise, we have people coming at 4 o'clock

thinking it's the official board meeting. Then they get frustrated. If this is a document that's going to be posted, I think we should just add that sentence.

Barke: I thought it was on, though. Isn't it on the website? I think it's already there.

Boyd: We have been posting it that way, and we will continue to do that.

Gomez: Okay. I'm okay with that.

Boyd: If I could also add? There was a request for a second meeting in September. The reason for that. The governor has just added an Operations Report, and it's done similarly as LCAP where you present it at one meeting and then it's approved at the next meeting. He's given a September 30 deadline, but they may not have all the parameters yet. Our programs can't respond and vet it with their families until sometime in August. In all probability, you won't have it presented until the first meeting in September. Then another Board meeting sometime in September to accept it.

Williams: Thank you, Nina, for that update. We'll talk about that particular item. Any other discussion? Thank you, Nina, for that update. Yes, we are posting that 4:00 PM is closed session. Any other discussion on these items? Barring none, may we have a vote, Nina?

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: President Williams?

Williams: Yes.

Boyd: Vice President Barke?

Barke: Yes.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Williams: Okay. That brings us to public comments. Are there public comments?

Boyd: Yes. There are public comments, and I just recognized I was on mute. I wanted to say for the public that's online, that the vote passed 5-0. We have two in-person public comments. Then we received 10 comments online. The first is Lynne Riddle. You will have three minutes, and I will let you know when your time is up.

Riddle: My comments this evening relates to the subject of your schools and COVID forum last Wednesday. A disease that Americans had never heard of at the end of 2019 is now one of the leading causes of death in the world. The global health toll just passed 500,000 people with a quarter of those deaths being Americans. About 10 million people are infected around the world. About 2.6 million of the world's 10 million cases are in the United States, but more disturbing, infection numbers are spiking in states throughout the West after a relatively successful spring of staying safer at home. That spike is very true for California as some at the beginning of summer bridled at the simple restrictions that are proven to halt the spread of the novel coronavirus.

Sheltering in place can't go on forever in an economy that's based on getting out into the marketplace and not hunkering down. However, the only truly safe way to return to the fully mingling culture will come through the development of a vaccine that will prevent those who are

vaccinated from catching COVID-19. Now, the good news for the health of all of us is that the best researchers in the world are racing to develop a vaccine. They could be ready to come to market in 2021. The really awful news for the protection of all of us is that one-third of Americans polled say they would decline to take that vaccine once it is available.

Their reasons range from disbelief in medicine to, crazily, politics and to a misguided notion of a personal freedom, which entitles or entails that freedom to pose a threat to others is a part of our freedoms. Asked if two-thirds of the population getting vaccinated would provide the needed herd immunity to the corona virus for all of us. Dr. Anthony Fauci replied, “no, that's unlikely.”

The anti-vaccination crowd has already done enough to damage the public health, particularly here in California. But according to today's Orange County Register editorial, in the midst of a devastating deadly pandemic not taking the vaccine is not only nonsensical, but is counterproductive to any concept of liberty, which recognizes the importance of protecting individuals from other individuals. Now, that's right. Everything that I've said just now this evening tonight is quoted directly from the Orange County Register's editorial that was published today. That's their opinion, but I concur. Thank you. [APPLAUSE]

Boyd: Amy Muir?

Mueller: Hello, Board. My name is Amy Muir. I'm a nurse at HOAG. I'm phoning in my friend right now who will be speaking to us. Her name is Dr. Sara Korc.

Lopez Korc: Good afternoon. My name is Sara Lopez Korc. Thank you so much for giving me the opportunity to speak today. I am an ER physician at the Level One Trauma Center currently battling breast cancer. I'm a parent to two children who currently attend the Newport-Mesa School District. As a parent of three small children who have been homeschooled for almost four months, I understand the frustration that families are feeling who want to resume their normal life. Believe me, I get it because I want the same thing too. I recognize that as parents, we have different ideas of what are appropriate amounts of social distancing and how to protect our kids.

Our school district needs to find a balance between all of these opinions that ensures the safety of our community, along with helping our individual families to stay healthy. As an ER physician, I was taking care of many patients who became infected with COVID-19 especially in April. Our understanding of SARS-CoV2 and COVID-19 is constantly evolving given the novelty of this virus and disease. Although there are few reported cases of pediatric patients younger than 20 years old requiring hospitalization and even death, we do know that some develop ground glass opacities and don't fully understand the impact of contracting this virus. We also know that kids have been identified as vectors or carriers for this disease that can be passed along to more vulnerable family members.

As a newly diagnosed cancer patient on chemo, I suddenly find myself part of this vulnerable population at only 40 years old. I can tell you that I have taken care of 30 and 40-year-old parents who had no medical problems or serious illnesses only to need to be rushed to the hospital and some require ICU care. I remember one particular parent who was 43 years old, a father who was close to my age, gasping for air while I was getting ready to intubate him. He had no medical problems and did not understand why he had become so ill from this virus. I can tell

you that this virus is mercurial. We still don't understand why it causes severe symptoms in some patients and not others.

What has been clear by studies and data from other countries is that masks worn by everyone, proper hand hygiene, and social distancing can slow down their transmission rate and prevent infections. These simple interventions in the grand scheme of things can really save lives. If done properly, it can even allow us to return to normal that allows us to be with others to open up our economy. I know that there were mixed messages from the CDC about masks in the beginning. I know because at the same time, my hospital was struggling to find facemasks. At one point, we only had three day's worth of supplies to take care of the growing number of patients. I understand the confusion. I would like to know that the Board's COVID-19 response -

Boyd: Your time is up.

Clark-Lopez: - will take into consideration the kids, the teachers and parents that make up our community. I know that my child -

Williams: Thank you, Amy. We give our best for Dr. Cork. Who is up next and who's on deck after that?

Boyd: The rest were received online. I'll be reading those into the record.

Williams: Very good.

Boyd: The first is from Brooke Harper. I'm going to time myself.

Barke: Do you want us to?

Boyd: "This week, my four-year-old learned how to put on and take off his own shirt. He learned this new skill in about two minutes after four tries. Now, he is an absolute pro. Later that day, we visited our local library and both my six-year-old and four-year-old wore masks while we browsed the stacks and they washed our hands once we returned home. Our kids go to school to learn. It defies all logic that school children across our district cannot also learn to wear masks at school for their own safety, for the safety of staff and faculty and for the safety of our entire Orange County community.

The anti-masking and anti-social distancing theme of the panel held on June 24 by this body defies recommendations of the CDC, the Orange County Health Agency and the Orange County Department of Education, the State Board of Education, and most recently, the American Association of Pediatricians who released their guidelines recommending a return to school with mandatory masking for all students in middle and high school, and for elementary school students when possible, among the number of other safety measures. This body holds an advisory position over individual school districts in the Orange County Department of Education. You cannot set policy.

Therefore, the only purpose for this one-sided biased panel could have been to sway public opinion. To amplify the voices of anti-mask, anti-social distancing faction of Orange County residents. These anti-safety residents have gathered in large groups with zero-safety precautions and screamed in the faces of union leaders and county officials with no mask. They have threatened death to a public health official who was forced to resign for her own safety. You have failed in your stated vision to offer the kind of leadership that our county needs while

battling a global pandemic that has taken the lives of 330 people across our county, and over 128,000 across our nation.

I hope that the trustees across our county disregard the information presented by this Board on June 24. I hope that my fellow residents remember the actions of the Orange County Board of Ed. when they head to the ballot box in November. Please include this addendum. I have started a petition in change.org in support of safe reopening. It has garnered almost 500 signatures in two days.” There's a website. <https://www.change.org/ocfollowstateguideforschoolreopening>.

Boyd: The next one is from Patricia Simmons.

Simmons: Dear members of the Orange County Board of Education. My name is Patricia Simmons. I have served in the Placentia Yorba-Linda Unified School District for over 25 years, both as a volunteer and a staff member. I have served as a parent volunteer, room parent and PTA officer and member. My experience as a staff member involved serving as a special education paraprofessional, after-school tutor, noon supervisor, substitute, and since 2003 a teacher. I want to comment on the June 24, 2020 special meeting regarding schools reopening. I'm not going to comment on the obvious cherry picking done with regard to the speakers or the glaring political bias, which was clearly on display.

I am not going to comment on the mask debate, scientific facts, debate political overtones, fake news, equity issues, or any of the other topics which were so blatantly on display. What I will say is how very sad and disappointed I am with regard to your leadership. You are the education leaders in our county. You are served with providing quality education to our children. At last week's meeting, you essentially communicated that you are not looking out for the best interests of our school communities. You turned your back on the safety and wellbeing of students, families, and staff alike.

As Dr. Bradley A. Dreyfus so eloquently stated in a June 26, 2020, opinion in the *New York Times* when addressing those who refuse to follow CDC guidelines. What you are saying to people like me and my team is, “your life and the lives of your loved ones do not matter to us. You are disposable.” As an educator and a public servant, this is what you as our education leaders have communicated to me. I am disposable. Students are disposable. Families are disposable. To put it simply, I don't matter. My students don't matter and our families don't matter. Shame on you. We all deserve better than this. Signed, Patricia Simmons.

Boyd: The next is from Heather Kroeger. “My comment was not read at the last meeting even though I submitted the speaker card and comments within the timeframe. I'm submitting this to be read into this board meeting. As a high school AP chemistry and honors biology teacher, I am appalled at the fake data and studies used by the panelists and parents at the special meeting. This extremely biased and one-sided echo chamber did nothing but spread misinformation and show me how to vote in November. There are two main factors that are not being considered. One, there are staff at school sites that you seem to be discounting and willing to endanger without thought. Two, elementary and secondary are very different and do not necessarily require the same solution.

I would love to have school and life returned to normal ASAP, but taking precautions to do that safely is imperative. We can learn from other's experiences around the globe and require masks for all, circulation and ventilation in all classrooms, and physical distancing. The American Academy of Pediatrics does recommend masks for children older than two, and it is safe for the vast majority of people. The evidence does show reduced transmission with face masks. People who are pre-symptomatic protect others by wearing a mask. Although children tend to get COVID-19 at lower rates, they still do get it or other associated problems like a disease similar to Kawasaki Disease.

There are also hundreds of teachers that are elderly and are in the at-risk group, or live with someone in one of these categories especially at the high school level. There are thousands of people who connect with each other at a typical school in a single day. We need to be investing our time and money into properly doing distance learning or hybrid models at the secondary level, not exposing students and staff to unnecessary risks.”

Boyd: The next is from Amy Muir, or excuse me, it's from a Libby Frolichman. “I'm extremely frustrated and angry at this Board's waste of taxpayer money and time to host a hearing on the topic of masks for students returning to in-person learning in the fall. It is quite obvious that the experts were handpicked by biased individuals who reject scientific evidence. While the vast majority of scientists and medical professionals worldwide have come to the evidence-based conclusion that masks significantly reduce the spread of COVID-19, this Board found a handful of experts that have come to a different conclusion. Furthermore, the governor has issued an emergency order requiring masks when distancing is not possible.

Pursuing, of course, other than the governor's emergency order is simply promoting lawlessness. The Board has a fiduciary responsibility to protect students, staff, and faculty from danger. Not only is there increasing evidence that otherwise healthy children can be a risk of devastating effects and death from Multisystem Inflammatory Syndrome. Children can be asymptomatic carriers that infect the adults that work in schools, as well as other adults in their lives. None of this is new information. It is just information that you choose to ignore.

The only way to reduce the risk of the spread of COVID-19 while learning to in-person learning is to follow the advice of experts and require everyone on campus, with the exception of certain disabilities, to properly wear masks. Please do not waste any more time or money on this topic and simply advise all schools under your jurisdiction to follow the advice of the vast majority of professionals, not politicians.”

Boyd: Next is from Payal Avellan. “Hello. I ask that you please do non-invasive batch testing, required masks, social distancing, and all other CDC recommendations prior to opening schools. We need to keep our kids safe, their teachers safe, and our community safe. Over 700 cases reported today. This is not going away. This is real. Do not open schools without safety measures. You will make this situation so much worse for our community if you do.”

Boyd: The next is Irene Zamora. “My questions: First, if we choose 100% online now and during the school year the pandemic has passed, could we ask to have our kids back to school? Second, when will you know the safety measures that district is going to take? Thank you.”

Boyd: The next is Dr. Kambiz Shoarinejad. “Dear OCBE, we'd like to share our comment on the issue of school reopening and the situation with the current pandemic. We strongly believe that science and scientific evidence must be followed. That includes following the directions in the guidelines of actual experts, including infectious disease specialists and epidemiologists, and specifically, all the guidelines by professional and scientific organizations such as the CDC. Furthermore, any policy decisions must clearly be driven by the actual data. It is obvious that we are unfortunately far from the peak of COVID-19 pandemic here in the US, and particularly, here in Orange County. There are many reasons for that, which I don't want to get into at this point.

However, what is critically important is the safety of schools, our kids and our teachers. Given the current situation, we do not think it would be wise or safe to fully open the schools yet. SARS Cov2 has a higher reproduction number and is therefore much more contagious than seasonal flu or other past coronaviruses. Moreover, it has proven to impact different organs in the body for certain people in the ways that it's yet to be understood. Even though the kids themselves seem to be less likely to contract SARS Cov2, they can still carry the virus and infect those more vulnerable around them.

Also, the teachers remain at high risk. At the same time, requiring facemasks and enforcing social physical distancing at schools would be extremely hard if not impossible. Particularly for the smaller kids at elementary and middle schools, not to mention that smaller kids are not exactly known to be strict followers of proper hygiene practices. As such, we believe that at this time much like universities including all the UC campuses, schools must instead invest in proper online and hybrid educational programs. They must allow the concerned parents the flexibility of joining the classes virtually or in person, and in doing so they can limit the number of students on site at any given time.

Notice that we do want to stay with our current schools, and we do want to send our kids back to their same school when it is safe. We are not talking about joining separate, fully online programs. We're asking the schools to plan properly to conduct their educational programs in a hybrid fashion, allowing the kids to join virtually and occasionally in person. As a father of two elementary school kids, I, like other parents, would love to send my kids back to school ASAP and when it's safe. I do understand and appreciate the hardship that the school closures have caused for many parents and their kids. I do understand the kids need social interaction at school, but at the same time, I want all kids and their families to be absolutely safe. Given all the data I'm currently seeing on COVID-19, I think unfortunately, we have not yet managed to contain this virus to a level that would make social reopening wise or safe at this time.

Boyd: The last one is William Mynster. Actually, this public comment has to do with Cambridge A-Level's examinations. “Dear Superintendent Dr. Al Mijares and the Orange County Board of Education. This is a short history of Troy High School and the journey we took over the past two years to bring the Cambridge A-Level examinations and the ACE International Diploma to Troy High School beginning in 2020-21 school year. Troy High School is a comprehensive high school with a magnet program. The Troy Tech Magnet Program formed in 1986 and has evolved over time to be highly competitive. There has been a program interest exam since the program inception, but the Troy Tech Magnet Program of today bears little resemblance of that of 1986.

The entrance exam component is consistent with other highly competitive programs in the county and state at schools such as Oxford Academy. However, unlike these other schools, Troy is a comprehensive 2,600 student high school with a magnet program of which 70% are in Troy Tech. Troy High School is not a magnet school. Students in the curricular components with the Troy Tech Magnet Program take rigorous courses due to offerings in advanced placement, international baccalaureate, Troy Tech internship. Now, in 2021, the Cambridge A Level content exams and ACE International Diploma. Additionally, Troy does also have a full range and spectrum of programs and students not in the magnet including AVID, honors and special education base.

Also, 31% of Troy students are socioeconomically disadvantaged as measured by federal free and reduced lunch eligibility statistics. For many years, Troy has been recognized by college board for equity and education for the high passage rates achieved by students in the AP exams through a percentage of the entire senior class. that during their four years in high school scored a three or higher on at least one AP exam. There are the percentages for the past five years. 2019 equals 68.9%, 2018 68.9%, 2017 61.4%, 2016 62.4% and 2015 60.5%. Troy High School's interest in Cambridge ACE began in 2018 when a Troy counselor noticed the unfamiliar Cambridge ACE program had been added alongside international baccalaureate and advanced placement to the college common application.

Our school researched the Cambridge program and saw the potential for significant advantages to our students in terms of being able to complete an international diploma using internationally recognized Cambridge A Level content and exams. We made the decision to contact Cambridge to learn more about them and the ACE program. Cambridge is well known having given college-level assessments to high school age students since 1858 and later. These becoming the A-Level exams in 1951. Cambridge is in 10,000 schools worldwide serving over 1 million students, has an international diploma, and is the adopted national curriculum for seven different countries.

Boyd: That's my time.

Williams: That is it for public comments. Let's move on with the meeting, the adoption of the Minutes from the June 17 meeting. May I have a motion?

Barke: I will make a motion.

Williams: Make a motion. I need a second.

Sparks: Second.

Williams: Second by Dr. Sparks. Any discussion?

Shaw: Perhaps I should abstain?

Williams: That would be good and reasonable. Beckie, any thoughts? Okay. Nina.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: President Williams?

Williams: Yes.

Boyd: Vice President Barke?

Barke: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Boyd: Trustee Shaw?

Shaw: I'll abstain.

Williams: Very good. Moving on to item number 11 - consent calendar. May I have a motion?

Barke: So moved.

Williams: So moved.

Gomez: Second.

Williams: And a second by Trustee Gomez. Any discussion? Barring none. Nina, roll call.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: President Williams?

Williams: Yes.

Boyd: Vice President Barke?

Barke: Yes.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Williams: Very good. Moving on to item number 12, charter submissions. Are there any charters submissions?

Boyd: There are none.

Williams: None. Okay. Moving on to number 13, approval of Vista Heritage Global Academy material revision to add grades nine through 12th beginning in the 2021-22 academic year. Aracely, are you there?

Boyd: Testing. She's there.

Chastain: I'm here now.

Boyd: Okay, thank you. You can start whenever you're ready.

Chastain: Thank you. Good evening, President Williams, Trustees and Superintendent Mijares. Today, the Board will take action on the Vista Heritage Global Academy materially revised charter petition. Vista Heritage Global Academy submitted a material revision requesting changes to the educational program to add grades nine through 12th. A public hearing was held on June 3. You've been provided the Orange County Department of Education Staff Report. Orange County Department of Education staff have determined that the Vista Heritage Global Academy charter petition addendum meets the requirements of the Charter Schools Act and the school's leadership has demonstrated the capacity to implement a sound educational program for students in grades nine through 12th.

Orange County Department of Education staff recommend that the Orange County Board of Education approve the material revision requested to add grades nine through 12th to the school's charter beginning in the 20-21 academic year. Prior to taking action, the Board will hear from any members of the public who have submitted a comment card on this Agenda item and representatives from Vista Heritage Global Academy are allotted 10 minutes to address the Board. Associate Superintendent Boyd, please read the public comments.

Boyd: There are no public comments for this item.

Chastain: The Board recognizes Dr. Collin Felch, principal of Vista Heritage Global Academy.

Felch: Honorable Board, Superintendent Mijares. A pleasure to be here today in person. I don't have too much to say. I'm here for questions. Our Superintendent Dr. Wilson, wishes he could be here in person, but I do believe that he is online on the Zoom call. I always appreciate your support. Trustee Shaw, welcome. I look forward to working with you, further. With that, I'm here for any questions.

Williams: Any questions?

Chastain: The Board has three options for action regarding material revisions to a charter petition. Option one - approve the material revision. Option two - approve the material revision with conditions. Option three - deny the material revision. At this time, the Board will proceed with deliberations, and then vote on the materially revised charter petition for Vista Heritage Global Academy. President Williams, I now turn the meeting back over to you.

Williams: Very good, and the Board recognizes Beckie.

Gomez: Yes. Thank you for being here. One of the questions that I asked a while back about this was in hoping we've made some progress on this. I had asked about whether or not a parent was represented on your board. Can you tell me about that?

Felch: Yes, and if Dr. Wilson is on the Zoom. I will welcome him to answer that, too. I'll start and if he wants to jump in, he can go ahead and do that. We currently do not, but we have definitely had discussions. We were looking for, continuing to look for parent members on the board, or not parent members on the board, whether they're parents or anybody else in Orange County especially as we expand. That's becoming more and more important. That's my answer. Dr. Wilson is on.

Gomez: Yes. I'd like to hear Dr. Wilson's response.

Wilson: Hello? Can you hear me?

Gomez: Yes.

Wilson: I am so sorry that I cannot be there tonight. My vehicle would not allow me to go anywhere. I am stuck here. We actually had a parent on our board. She is still on our board, but she no longer has a child at our school system. Back when board member Gomez, when you told us to do that, that was one of the first things we did. We got Mimi Kim, who came onto our board and her child was at our school in Los Angeles. Unfortunately, her child has now graduated out of eighth grade, and we don't have a high school yet for her to go to. We currently do not have a board member with a child in our school. As board members go off, we definitely will look for another board member. It will be the same situation where most likely that there'll be a parent for a while, and then their kids will leave our school. We heard you, and we did it.

Gomez: Okay. With this revision going into ninth to 12th grade, I would hope that you could find a parent in Orange County that would be willing to serve for a period of time so you don't get caught off like you did with eighth grade. That you would have some opportunity here. I would really like to see that to represent Orange County so you could have a parent voice.

Wilson: I thank you, Board Member Gomez. We heard you before, and we believe in the same thing. We promise that we will do everything we can to add that board member to our board.

Gomez: I'm going to hold you to that.

Shaw: I'm in complete agreement, too. I'm advocating for that as well.

Gomez: Okay, I'll wait to hear that later. Thank you.

Williams: Any other questions or comments?

Shaw: May I make a brief one, Mr. President?

Williams: Yes, Mr. Shaw.

Shaw: I'm in my first meeting here. I've sort of been drinking from the fire hose, so to speak. This item in our packet doesn't tell me a whole lot about your school. It's pretty short. It's sixth through eighth grade currently. You want to make it a high school where you phase it in where you're wanting to add ninth grade and 10th grade and so on. You'll phase it in that way?

Felch: Exactly. We have our eighth graders who will be going into eighth grade in the fall. They would be our ninth graders in the fall of 2021. It's pretty consistent from there, ninth and tenth as well.

Shaw: Forgive me. How many students do you have?

Felch: In our middle school?

Shaw: Yes.

Felch: We currently have about 300 students, about 100 per grade level. That's limited by our current building. We are just about finished with our building expansion. We will be going up to our cap at 450. About 150 per grade level, which would then work well into what we're proposing for our high school charter, which is about 125 per grade level.

Shaw: Terrific. Thank you.

Barke: I don't have any questions. I think you're a terrific school. You've proven that with your recent renewal. I think it's awesome that you're expanding and that you can carry the children all the way to 12th grade. I visited a number of times over the summer. I listened in. You had terrific, terrific online communications with your students, your parents, and I could definitely feel the love there. Congratulations. I'm looking forward to expanding that school.

Felch: Thank you.

Williams: Dr. Sparks?

Sparks: I just wanted to add that we're just so proud of the great job that you all have done. I think you serve as a wonderful model for other charters that might want to expand into high school. Congrats.

Felch: Thank you. Appreciate it.

Williams: I have no comments. May I have a motion to approve?

Barke: I make the motion to approve.

Sparks: Second.

Williams: We have a motion to approve by Ms. Barke, and a second by Dr. Sparks. Any discussion, further? Barring none, Nina.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: President Williams?

Williams: Yes.

Boyd: Vice President Barke?

Barke: Yes.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Boyd: It passes 5-0. If I can just mention for our newest trustee, we will get some information on all the charters for you. Get you acclimated.

Felch: We would love to invite you to our school and see it at any time. Please come and visit. Thank you.

Barke: We will be back. Nina? Can we all get that update? I had a great update that I used to refer to, and I can't find mine. When you give Tim his, I'd love one.

Boyd: We'll get an update for the cheat sheet update.

Barke: Exactly.

Boyd: We'll give him more information.

Williams: Very good. Okay. Let's move on to order foundation, item number 14. Approve of travel and new representative to the CCBE Board of Directors. I'd like to make the motion to assign Trustee Barke as our delegate assembly for the CCBE. I'll need a second.

Sparks: Second.

Williams: Second by Dr. Sparks. Discussion? This is quite a commitment.

Barke: It is.

Williams: Mrs. Barke.

Barke: It is.

Williams: You have big shoes to fill. Jack's been doing this for 15 years.

Barke: I don't have to commit to 15 years, right? [LAUGHTER]

Gomez: Wasn't that on page 12? Wasn't that item number nine that we pushed off until August?

Boyd: It's part of it.

Williams: Hold on.

Barke: It is in that list. It doesn't matter to me. We can wait, that's for sure, but if you want to get one of them out of the way, we can do that, too unless people are opposed.

Shaw: Why do they appear in both places? Why was this a separate item?

Gomez: Because of the cost.

Shaw: Oh, I see.

Williams: We have a motion and a second on the table. Trustee Gomez brings up a good point. Being that it was something on item number 9 that we were then going to lay on the table until the August meeting.

Barke: I'm in no rush.

Williams: I think it's reasonable to be consistent with policy. I'll withdrawal my motion.

Sparks: I'll withdraw the second.

Williams: You withdraw the second.

Barke: Are we just approving the amount? Is that what we're doing?

Williams: I'm going to make a new motion to lay on the table until August the entire item.

Barke: Okay. I will second your motion.

Williams: Okay. We have a motion and second. Discussion? The motion is to lay this on the table until next August meeting, which is about a month. It's a motion and a second. Barring that there's no further discussion that I see, may we have a roll call?

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: President Williams?

Williams: Yes.

Boyd: Vice President Barke?

Barke: Yes.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Williams: Thank you, Beckie, for picking that up. Good eyes. Okay. Moving on to item number 15. May I have a motion?

Gomez: I'll move the item.

Williams: Okay. We have a motion and a second?

Barke: I'll second.

Williams: Second. Okay. Let's have a discussion. This was a little bit of a discussion we had the last meeting. Who wants to begin?

Barke: I'll begin.

Williams: Okay.

Barke: Nina, I think you were going to provide us some answers, or maybe Renee. I forget. Somebody was going to help us to see if we could break any of the CSBA out. We were going to see if we pass on the NSBA, if somebody wanted to attend one of their meetings, could they still do that even if we skip it for a year? Was somebody researching that?

Boyd: With regards to NSBA, yes, you could pay a nonmember registration. With regards to CSBA, I believe the question was...CCBE is tied to your CSBA membership, but the Education Legal Alliance dues was the only one we still don't have clarity on. Renee, did you get any official information on that one? No.

Barke: If there's no more questions, I would make a motion to approve that. Eliminating the NSBA since we could still attend as a nonmember, and possibly eliminating the ASCA. I believe we spoke about, and then I'd entertain.

Williams: We have a motion and a second. This is a subsidiary motion to your main motion?

Barke: Yes.

Williams: Okay. I'll second that. Let me pair it back. What I think I've heard for item number 15 here regarding our board membership fees. You'd like, in your subsidiary motion to remove the ACSA Educational Institution Service, the National School Boards Association. Did you say the Education Legal Alliance?

Boyd: That wasn't part of it.

Barke: It wasn't part of it. I know that's still up in the air. If that were allowed and nobody feels that we'd be missing anything. I'm still not totally sure what that provides us as Board members.

Boyd: The Legal Alliance, we had explained, has the attorneys getting together and making recommendations. An example that was given, you weren't on the Board at the time, but there was a big issue about Diastat in the schools. They researched it. They brought some information forward. They also make recommendations with regards to whether or not there would be a [inaudible] briefs, so CSBA would join into other litigation and different things. Really, it's a participation. General counsel has participated in that in the past for this office and represented. I know that Ron Wenkart was very involved. Jeff is now involved. You're invited based on the fact that we're paying dues or memberships to have a voice or a seat at the table, in terms of this office and our very special populations.

They've also done a lot of work for our alternative ed. in terms of when they were talking about pulling money and not funding some of the educational requirements, probably about 15 years ago. There was a pool for law enforcement to get funding that we felt we should get. As you know, law enforcement, social services and education are all competing all the time. I know that there was some work done at that time also. Those would be the three majors that I can just recall in terms of it benefiting this office, the students in our county.

Barke: I would like to keep my revised motion at just removing the NSBA, the 12,975, and the ACSA, the \$880.

Williams: Right. That was your subsidiary motion.

Barke: Yes.

Williams: To your primary motion.

Barke: Yes.

Williams: I seconded that. Dr. Sparks, any comment?

Sparks: I wish that I felt like I had a better grasp of this Legal Alliance dues. It's not completely clear to me so I don't really know whether we should keep it or not keep it.

Williams: One thought, Renee, if you can look into this and we can come back to the next meeting and make a decision. We can always remove anything that we approve. Correct? Does that help?

Sparks: Yes. I just want to make an informed decision.

Williams: Trustee Shaw?

Shaw: When Nina mentioned the Diastat Bill, that was also by Senator Huff while I was working for him. [LAUGHTER] That kind of got me a little. The National School Boards Association, you said we could participate if we're not a dues-paying member, but I would assume there's got to be some benefit to paying.

Boyd: You would register at a higher rate. Typically, for their annual conference they take members and nonmembers. You pay a higher rate to participate.

Shaw: Okay.

Boyd: Then you won't receive any of the literature related to what's going on nationally if you're not a member. They have monthly journals that come out. You couldn't participate on any of the committees if there were something that was of interest to the Board that was happening on a national level. It was mentioned before. There's been a question of whether CSBA is going to be a part of NSBA moving forward. There's been some changes in terms of governance.

Williams: Beckie, do you have any other questions?

Gomez: No, I really don't. I'm just concerned that when we lose memberships, we also lose information. We're not getting the journals. I know that we get tons of stuff to read, but if we're not knowledgeable, we're not going to be making good decisions. I would be hesitant to lose that membership unless we want to table this as well and get some additional information about what each one of these is and how many journals. That kind of thing. I'm okay with doing that.

Sparks: I would like to actually see some of those journals to see the veracity of that information.

Barke: I think we're getting a monthly journal from NSBA that you forward to us. That's my

feeling. It just seems pretty pricey for a monthly journal -\$13,000. I don't know what the discount is to go to the event, but I doubt it's \$13,000 worth. I'm guessing it's a few hundred a person. I don't know.

Williams: You can always subscribe to the journal Beckie if you want it. We can subscribe to it. It would probably be three, four, \$500.

Gomez: I think we'd have to find that information out.

Barke: Perhaps we could do it online to save the paper. If we want to look at it, we can take a peek.

Williams: What we have here is to pass board recommendation number 15 with a subsidiary motion by Trustee Barke to remove the ACA fee as well as the National School Board Association fee. Any other further discussion? Otherwise, let's call for a vote.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: President Williams?

Williams: Yes.

Boyd: Vice President Barke?

Barke: Can I just make a quick comment with my yes? If we miss it, I bet you we can add it back. That would be my guess.

Williams: Yes.

Barke: Yes.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Gomez?

Gomez: No.

Williams: Okay. Item passes 4-1. Moving on to item 16, which is the registration travel for Board members for the various conferences expected for the 2020-2021 conference years. Question for Renee. This is something that we've adopted out of past practices, and it doesn't necessarily mean that we're going to be utilizing all of these funds in the budget. Is that correct? All of these conferences have been budgeted or were they removed with this new budget that we're going to be adopting today? Do you know the answer to that?

Hendrick: I do not off the top of my head, but I don't believe that was the area that you had made suggestions to cut. I don't believe we touched those.

Williams: These conferences are in the budget then?

Hendrick: We didn't touch the Board's travel is my understanding.

Williams: I think we did.

Barke: I think my memory is that we actually cut what we just cut. That's where we took the money from, was from the organizations rather than the travel. I think we felt that the travel expense wouldn't be as expensive either, because there's going to be so much virtual going on for the next several months.

Boyd: That was the discussion.

Hendrick: Yes. You had cut in the previous section, \$13,000. Then remember back with the Superintendent you [inaudible].

Williams: Looking at this, I only see two conferences here that we probably wouldn't go to. That's the NSBA Annual Conference there in New Orleans as well as the Advocacy Institute in

Washington, D.C. Although Tim, that may be an interesting one for you if you want to go at least one time to see what they do there.

Shaw: I probably would like to go one time. I lived in Washington, D.C. Any chance I can get to go back I usually jump at. At least it is something to do once.

Williams: That would be good to do. Okay. May I have a motion, then, for -

Gomez: Just one second, please. We're looking at these, and again, these are registrations only. This doesn't include the travel expenses. We're not talking about lodging and everything else. If you're looking at the item you just cut with the NSBA, it's the one you're talking about attending. Let's be mindful of that.

Williams: Right. I think we can still go to these conferences. We may pay a little bit of an extra fee to get in there. Again, I think in the end, the \$13,000 that we're saving for the membership fee would be the benefit of that.

Gomez: If you're saying you don't value the membership, and then you turn around and want to go, it's kind of sending a mixed message is my point.

Williams: We're trying to save some money. That's what I think we looked at.

Gomez: We can save some money by not going to those conferences if you don't think the organization's valuable. That's my point.

Barke: I think sending one member to D.C. or even two to attend would be a lot less than the \$13,000 renewal fee for the NSBA.

Gomez: I understand what you're saying. I understand what you're trying to do by cutting. When you cut something because you don't think it's valuable, and then you turn around and say you want to go to the conference, those are two messages that are completely different.

Sparks: I don't think they were saying it's not valuable. I think that we are saying that it would be more cost efficient to do it this way.

Barke: At least one year, we try it. If we find that we're at a big disadvantage because we didn't spend the money, then next year we can spend it. We just thought that we would save a little bit of money this year with things a little bit tighter and everything going on.

Williams: Yes. Any further discussion? I want to move this meeting along. Okay. Being that there's no further discussion, I have a roll call vote.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: Vice President Barke?

Barke: Yes.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Boyd: President Williams?

Williams: Yes. Item passes. Moving on to item 17, which is the board resolution on payment of our special interim legal counsel. Mr. Greg Rolen. May I have a motion for this?

Barke: So moved.

Williams: May I have a second?

Shaw: I'll second.

Williams: Okay. Thank you, Mr. Shaw. Discussion? Motion and a second, by Mr. Shaw. Any discussion?

Gomez: Yes. For transparency purposes, we should tell the public how much money this is. How

much is it?

Williams: It is roughly between 150 and \$160,000. Depends upon if we look at the July 1 bill. I don't think that's been added to it, but that would be a rough estimation.

Gomez: The public needs to be aware that we're voting on a resolution that's going to cost about approximately \$150,000 to \$160,000. Is that correct?

Williams: That is correct. There's a little bit of background on that since you brought it up. The issue goes way back to the selection of the department general counsel. We've been through this. Starting in 2018, we've been in litigation to this. Mr. Rolan has been providing special legal counsel for us because of the conflict between the superintendent and Mr. Riel. This is a simple resolution just to ask for payment for Mr. Rolan. There's quite a bit of history behind that, Beckie. You understand that.

Gomez: I'm not questioning that. I'm just questioning the fact that we put something on the Agenda without giving a dollar amount, so the public is aware.

Williams: I believe each closed session we approve of the bills for both Jonathan Brenner and Mr. Greg Rolan. I believe the last meeting in June 17, we approved all the legal bills for both Mr. Brenner and Mr. Rolan. This is a resolution, again, requesting Dr. Mijares to pay Mr. Rolan for the legal services that he has provided to us. Any other further discussion? There's a motion and a second. Nina? Go ahead and take the roll call.

Boyd: Trustee Gomez?

Gomez: No.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Vice President Barke?

Barke: Yes.

Boyd: President Williams?

Williams: Yes.

Boyd: Trustee Sparks?

Sparks: Yes.

Williams: Very good. Moving on to item number 18: hiring of outside counsel anticipated litigation. May I have a motion?

Barke: So moved.

Williams: And a second?

Sparks: Second.

Williams: I have a motion and a second.

Boyd: The second?

Williams: Dr. Sparks.

Boyd: Okay. Some of you are muted. Thank you.

Williams: Okay. We have a motion and a second. Any discussion on this resolution to hire outside counsel?

Gomez: Yes. Why are we hiring outside counsel when previously our in-house counsel represented us on this initial inquiry, let's say several years ago from the same organization? What are the special services that are warranted here to do the outside counsel?

Williams: Number one, this Board is facing potential litigation from the Freedom of Religion Foundation that doesn't see that an invocation should be done by this Board. With that threatened litigation, our special interim counsel did recommend that we seek outside counsel. The Executive Committee made that decision that we would put this in the form of a resolution to have the entire Board make that decision.

Rolen: It was the recommendation from Mr. Rolen?

Williams: He did concur.

Gomez: Is Mr. Rolen still on the call? Maybe we could hear from him as to what the special circumstances that warrant this? We just are looking at all kinds of funding that we wanted to cut, and now we're adding a lot more money back in. I want to feel comfortable with what we're doing here.

Williams: Mr. Rolen?

Boyd: He was there, and he disappeared.

Boyd: I think he tried to click on, and he disconnected himself.

Williams: That's what he did.

Boyd: They said just a moment.

Williams: There he is.

Rolen: Members of the Board, can you hear me?

Barke: Yes.

Rolen: Can you hear me?

Barke: Yes.

Williams: We can hear you. Give us a video of you. We want to see your handsome face.

Rolen: Not that again. It's not allowing me to do a video. I'm not on a platform, but I understood the trustee's question. I think I can address it directly. This matter was raised to an elevated importance because of the Chino Valley litigation. We did participate in the Chino Valley litigation to a certain degree, and that refocused the Freedom From Religion Foundation on this board of education. We had a representative in that particular case who is very familiar with the issues. Who will provide special services to the Board and a unique understanding of the issues. The second thing as I understand it, in the course of this litigation. It's not focused on the department at all. It's focused on the Board at this level. That would require special counsel for the Board.

Gomez: What are the anticipated costs on this?

Rolen: We have no idea what the anticipated costs will be. That may be a topic for closed session this evening.

Gomez: I don't believe it's on the closed session Agenda, so we can't address it. Is it?

Boyd: Closed session three.

Rolen: Three.

Gomez: It wasn't specific. Okay. If it's a closed session item, then I would actually ask to defer this until we can have that closed session discussion.

Williams: We have a motion and a second. Are you making a subsidiary motion?

Gomez: I'd like the maker and the second to consider that before they move forward.

Williams: Yeah, I don't think that's good.

Barke: Can we bring this right back after our closed session? Just table it until after the closed session? Not until next meeting but for an hour, or as long as that will be?

Williams: What will that do?

Barke: That will allow Beckie to have the knowledge of the closed session. I see Mr. Brenner agreeing.

Williams: Okay. You are the maker of the motion. You may withdraw it.

Barke: Or amend it?

Williams: If you withdraw it, it's still on our Agenda. We'll just come and vote on it afterwards.

Barke: Okay. I will withdraw it, happily.

Williams: You're going to withdraw your second. At the suggestion and request of Trustee Gomez, we're going to bring this back to the Board after closed session and before adjournment. Okay. Going on to number 19: public hearing. Renee, you're on deck.

Hendrick: Thank you. At this time, I'd like to open the public hearing for the 2020-21 Budget for the Orange County Department of Education. Nina, did you have any public comments for this?

Boyd: There are no public comments for this item.

Hendrick: Hearing no comments from the public, I'd like to close the public hearing at this time.

Williams: Very good. Thank you. Okay. Moving on with the meeting to item number 20. May I have a motion for the budget?

Barke: So moved.

Williams: We have a motion, and I'll second that. We can begin discussion. Couple of questions. Last meeting, we talked about some reduction. Are those reductions reflected in this current document that you showed us?

Hendrick: Yes, they are.

Williams: Okay. Very good. Were there any other changes in the documents since the last time you looked at it?

Hendrick: Yes. You asked for a lobbyist to be pulled out and put into a separate object code. We did complete that. It's 5852, now.

Williams: Were there any cuts or increases by the object code?

Hendrick: We made the cuts of \$25,000 for that group. That was moved into 5852.

Williams: The instructional, lobbying and media technology, that was left unchanged?

Hendrick: Yes.

Williams: Okay. General administration -that is the same?

Hendrick: I guess. What are you looking at? I'm sorry.

Williams: What am I looking at?

Hendrick: Basically, we made the cuts that the Board had asked for. There was \$25,000 to the lobbyists. There was \$20,000 to the superintendent's travel. Then \$13,800 to the dues and memberships for the Board. Those are the three items we moved plus creating a new object code. We reduced 5851, because we placed it in 5852.

Williams: Okay. The total lobbying fees were reduced by the 20% figure that -

Hendrick: It was \$25,000 is what you said.

Williams: Twenty-five thousand. Okay. That's all the questions I have. Any questions by the Board on the budget?

Barke: Just a quick one. Where can I find that new object code? Can I find it in here? I've looked. I couldn't find it.

Hendrick: I would have to run you a report, because the state document rolls up into the 5800's.

If I run you a report 3.2C, you will see it as a separate object code now.

Barke: Okay. Thank you. That's all for me.

Williams: Lisa? Beckie? Tim? Okay. We have a motion and a second. Nina?

Boyd: Trustee Gomez?

Gomez: Yes.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Vice President Barke?

Barke: Yes.

Boyd: President Williams?

Williams: Yes.

Boyd: Trustee Sparks?

Sparks: Yes.

Williams: Very good. Moving on to informational items. Dr. Mijares, you're on deck there, sir.

Mijares: Thank you. Congratulations on your race, Dr. Williams.

Williams: Thank you.

Mijares: I have no other comments to make. We're in earnest on the reopening of our schools, and I think everything is going well. There are obviously some concern with social distancing, the use of masks, and the hygiene aspects of the building. There's a number of things like that. We were heartened, however, with the budget. The fact is, back when the governor did his May revise, we were looking at about a 10% cut as you know. That was mitigated by the legislature. Are we out of the woods? No, not at all because we've got next year and the year that follows. Those years could be very precarious for everybody in the state. We just don't know right now what that's going to look like. The governor will release his budget in August, and then we'll have a crystal-clear perspective on it for 2021. Right now, that's a good deal for us. That's news to rejoice over, frankly.

Williams: Renee, question. Something came out today by the governor on the budget.

Hendrick: He signed the budget.

Mijares: Monday.

Williams: Monday he signed it? Okay.

Hendrick: Obviously, that's not incorporated into this. It's a little confusing because he's back filling some of that cut with federal funds. I think that's where we're trying to wait to see what that looks like. The other thing that will increase revenue for us is there is a hold-harmless on the ADA. Basically, we'll put in for the same amount we received this current year. You should remember me explaining that we've actually increased our ADA. We hadn't counted on that either. That will be an increase in the budget.

Williams: Very good. Any other comments, Dr. Mijares? Otherwise, we move on to Nina Boyd.

Boyd: My only comment is a reminder that the August 5 board meeting, the board deadline is July 22. We will send a reminder out to each of you in two weeks that we will be approaching cut off for anything that you want to add to the Agenda. Mari, I did receive the one item that you sent already.

Williams: Is that it, Nina? Very good. Board member comments? Any comments at this time? Beckie?

Gomez: Yes. I just want to talk a little bit about the last meeting that we had. President Barke at the last meeting shared this notebook that has several hundred comments, most of which were not read into the record. I would like clarification as to all these comments should be in the transcript or should be attached to it so that again, we have access to it. The public has access to the public comments. I would ask that we submit things, the things that don't make it into the 30-minute public comment period get added to the transcript.

Williams: Okay. Could you do this for me?

Gomez: I would like to put it as an agenda item for next time. I just wanted to bring it up now.

Williams: That's exactly what I was going to bring up. If you want to make that as an agenda item or help, Nina, you can assist in this endeavor. We can vote on it next meeting.

Boyd: Depending on what you actually want to do with the agenda item. If it's just capturing all of the names so that that would be in the Minutes, our intention was that we will have all of the names listed. We post it, and that would become part of the official transcript. People are expecting to see their name. With regards to the actual comment, if you're talking about having that transcribed and being available, then certainly you'd need to let us know how you're planning to discuss it so that we can figure that out. As you said, there' over 300 of these. In terms of timing and so forth. Also, recognizing there were three board meetings this month. Our transcribers' fingers are a little numb.

Gomez: I just want to put it on as an agenda item next time, and I'll work with Nina on this.

Williams: Very good. Thank you, Beckie. Okay. Any other comments by the Board members?

Barke: I would just comment. I think it's an excellent idea. The manpower will be challenged, but I think it's excellent that we should do that. We should include this stuff.

Gomez: It's in emails so hopefully they can be copied and pasted.

Barke: Okay. The only other thing I was going to mention was that I am in the process of drafting a resolution in favor of supporting our law enforcement. I would like to bring that up at the next meeting. I almost have that put together. I couldn't quite get it in time for this meeting, but that's something that I think is important that we recognize our law enforcement who takes care of us here and everywhere. That's all I have.

Williams: Lisa?

Sparks: I don't have anything.

Williams: Tim, any comments? Have you enjoyed your first night with us?

Shaw: Very much so. Very good.

Williams: Okay. There is no Executive Committee Report. Going into public comments. Nina, do you have any public comments before we go into closed session?

Boyd: You just received one. David Whitley.

Williams: Mr. Whitley.

Boyd: You just need to unmute the iPad, but you don't have to do anything to the microphone.

Whitley: Very good. Thank you, Board and Superintendent and others here that are at the meeting kicking off a new year of school board fun for all of us that are interested in what's happening here at the Orange County Board of Education. Congratulations to Ms. Gomez on her

election victory, Tim Shaw and President Williams. It was a very interesting new year. I'm glad to see that the Board is of the makeup that it is. I'm going to miss Jack. I like Jack. My main comments here today are to express a desire that the Board remain independent. That you focus on your local control of this Board. That as we move forward, you think about your constituents, those that elected you, the parents, the children under your care.

I know everybody here runs for office, because they care about the children and care about the education process in California. I've been speaking for six, seven years now at the boards. We've had issues of federal control. We've had issues of state board overreach of legislative overreach that has really tampered with the ability of a board to be local and to have local control and to respond to the parents of their local districts. For the people that work in the department of education, I think they need to realize that those that have elected you and put you in office, put you in these positions, are the same parents and taxpayers that pay their salaries. This isn't a small thing being on a board like this. It's very important. I appreciate what you're doing.

I want to continue with the transparency and the openness that I hope that we'll get over the next year. Keep the Department accountable and the Department to do what's necessary to inform the Board of something that they may not know. I think we've been working in tandem and work together and work well. I think moving forward, you need to remember, I think in the Common Core forums that we had in 2014. Hugh Hewitt said in this very room, "if we're going to just follow the mandates of the federal government. If we're just going to follow the mandates of the state, there's no reason for this board." We as parents, a person like me that has three kids in Irvine Unified School District, appreciate what you're doing. I appreciate the fact that you're holding districts accountable, and you're looking out for the parents and the students under your care. Thank you.

Williams: Thank you, Mr. Whitley. Any other public comments?

Boyd: There are no other public comments.

Williams: Very good. Okay. For the public's knowledge, the Board will be going into closed session. We have three closed session items. Then we're going to come out and make a decision on the resolution. It's item number 18. We'll come out and make that decision. I imagine we're probably going to be an hour or 60 or 90 minutes. At the time, we'll be in closed session.

[PRESIDENT WILLIAMS STRIKES THE GAVEL ONCE TO SIGNAL THE BEGINNING OF CLOSED SESSION. UPON CONCLUSION, HE STRIKES THE GAVEL ONCE TO SIGNAL THE CONTINUATION OF THE REGULAR BOARD MEETING]

Williams: The Board of Education is back in session. We will be reporting out from our closed session. The Board of Education is back in session. We just completed closed session one, two and three. Mr. Benner, will you report out for the public record?

Brenner: Yes, my pleasure. Good evening, members of the Board. The first item for report out will be closed session item number three. The Board received an update, had a discussion regarding closed session item number three. Resolved to retain the law firm of Tyler Bursch as lead counsel regarding the FFRF threatened litigation, and litigation should ensue. To retain as

well Greg Rolen and Haight Brown and Bonesteel to provide counsel and support in regard to that threatened litigation, and litigation should it ensue. The Board passed that resolution 5-0, unanimously.

Williams: Then, for the record that was resolution item number 18 on the Agenda.

Brenner: That's correct. That was item number 18 on the Agenda which the Board passed 5-0. That resolution included a subsidiary motion to retain Greg Rolen and Haight Brown and Bonesteel to provide support counsel along with Tyler Bursch. The next report out is with respect to closed session items one and two. The Board held a discussion regarding those items and passed two resolutions. The first was the approval of Epstein, Becker and Green's billing statements dated June 30, 2020. That vote of approval was 4-1. Trustees Shaw, Barke, Sparks, and Williams voting in favor. Trustee Gomez voting against. The second item resolved by the Board was to approve a litigation update statement from the Board for posting to the Board's website, and to be read into the record tonight.

The Board has asked that I do that, and so I will do it now. Board update on general counsel and budget litigation, July 1, 2020. The Orange County Superior Court's reopening is in process and trial dates are scheduled in the general counsel litigation for July 27, 2020, and in the budget litigation for June 7, 2021. The Board has already summarized the importance, purpose, and necessity of these cases in its prior update for May 13, 2020, which can be accessed on the Board's webpage. The Board looks forward to having its legal claims heard and for the courts to rule on these matters of critical significance regarding the scope and limits of the Superintendent's and the Board's respective legal governmental authority over the county's educational policy and fiscal management.

We won't repeat from our prior summary here, but we do want to respond to a few of the misstatements and omissions that the Superintendent has made in the posting on his webpage under the title, "OCDE Budget Developments." First, the Superintendent mistakenly claims that the Board submitted an, "unauthorized budget" to the state superintendent. This is incorrect. The budget that the Board submitted was duly approved, adopted, and authorized by the Board, not just once, but twice on June 26 and August 1, 2019. The Board is the only governmental entity in the county empowered to approve and authorize the budget.

This power was conferred to it by the Orange County Board of Supervisors by resolution in 1977. Lawfully delegating to the Board of Education the duties and functions allowed under California Education Code section 1080 including fiscal oversight of the county superintendent pursuant to California Education Code 1042. Point number two, the Superintendent next offers assurance that the impasse over budget authority and the issues in the litigation will, "not affect OCDE's operational stability, our support for local districts or services for students or compensation for our valued employees." This is certainly true, but the Superintendent omits to mention that the Board never proposed anything that would impair or affect any of these things.

All the Board did with the 2019-2020 Annual Budget was identify proposed spending on travel, conferences, and lobbying that it judged to be unnecessary and wasteful, and it adopted a budget with a lower level of spending approved for those items. Point three: the Superintendent next

characterizes his proposed budget for 2019-2020 year as, “balanced and fiscally sound.” But this ignores the fact that the Board's approved and adopted budget was also balanced and fiscally sound. Indeed, even more so since it spent less money on unnecessary activities. It also ignores the fact that the Board's concern with the Superintendent's proposed budget was not its fiscal soundness, but rather that it contained unnecessary spending that could be reduced without any impairment to educational programs or critical operations.

Point four: the Superintendent asserts that County Boards of Education are, “directed” by law to approve or disapprove budgets developed by the Superintendent, and that they, “may not unilaterally amend or modify the county superintendent's budget.” This is also not correct. As noted, the Board of Supervisors delegated fiscal management authority to the Board of Education exclusively under California Education Code sections 1042, 1080 and 1622. The Board is solely authorized to approve and adopt a budget. California law does not prescribe or convey any such authority on the Superintendent. This governmental structure in the law for county educational governance is not dissimilar from the executive and legislative branch structure and separation of powers in our federal and state systems.

The Superintendent's responsibility and authority under the law is to superintend. That is to manage the day-to-day operations of the county's educational functions and to execute the policy and fiscal determinations of the Board in compliance with applicable law. The Board's legal authority and responsibility, among other things, is to set fiscal policy through the approval and adoption of the budget for both the Board and the Superintendent. The law is clear that the setting of fiscal policy is the exclusive purview of the Board. The law provides no veto right or signature requirement of the Superintendent for the Board to adopt and submit an annual budget.

Point five: the Superintendent accuses the Board of, “jumping the gun and filing the suit in November 2019.” But the superintendent had already affirmatively declared his position to the Board that it did not have the legal authority to adopt a budget different from what he had proposed and would agree to. The Board strongly disagreed with the Superintendent on this issue. It only proceeded with a suit after unsuccessfully attempting to reach an informal compromise and agreement with the Superintendent that would have avoided the need for judicial resolution of the disagreement. Point six: the Superintendent also notes the budget litigation is the second suit the Board has filed against the Superintendent, “in less than 18 months”.

This is accurate, but this is because the Superintendent twice in 18 months denied the Board its legal rights. Rather than engage in a collaborative and shared form of co-governance with the Board by co-appointing the general counsel together and agreeing with the Board on a compromised level of cuts to unnecessary spending in the budget so that the Board could approve the Superintendent's proposed budget. The Superintendent decided to maintain a tight and autocratic grip on power even as to legal powers that rightly belong to the Board. That is what has made these two suits necessary. Point eight: with respect to the general counsel appointment itself, the Superintendent misleadingly claims that there was a, “previously agreed upon administrative process for hiring OCDE's in-house general counsel.”

The Board never agreed to any process in which it would not co-appoint the shared general counsel pursuant to formal Board action as required by law. Indeed, Board members understood from Dr. Mijares's discussion with the Board in April 2018 and communication with staff thereafter, that consideration of final candidates and a decision on an appointment of the general counsel would be reached on a unanimous basis between both the Board and the Superintendent. But in the end, after involving just one Board member, Jack Bedell in a final round of interviews internally at the Superintendent's office. The Superintendent unilaterally announced the appointment of a new general counsel without any consideration or co-approval from the Board itself.

Point nine: on the budget process, while incorrectly asserting on the one hand that he has to be the one to sign and submit the budget, the Superintendent, on the other hand, claims that the Board, "missed its deadline to submit the budget." This is untrue as well as inconsistent. The Superintendent was under a legal obligation to submit the final approved budget to the state superintendent by October 1. After the Superintendent refused to submit the Board's duly authorized and adopted budget in violation of California Education Code section 1450 and Cal. Code of Regulations section 17340, the Board submitted it on August 15, 2019, well before October 1.

Point ten: the Superintendent also misleadingly raises red herrings on the budget with suggestions that Board members might be, "driven by political or ideological agendas to defy state laws," or to "block a county offices ability to train educators on state standards and ensure the quality of charter schools or support a diverse student population." The Superintendent's reliance on such tropes and fear-mongering reveals to the paucity of his position. The Board's decision to reduce unnecessary spending on travel, out of town conferences, and lobbyists in Sacramento has nothing to do with those issues. It does, however, have to do with prudent fiscal management, which is something that voters expect their government to exercise, and which experience tells us does not get performed as effectively when one agency, in this case, one person, wields too much power without oversight and proper checks and balances.

The Board never has and never would propose to defy state law or block efforts to train educators to state standards, ensure equality charter schools, and support a diverse student population. The Superintendent knows this, and he knows that this isn't about any of those things or politics or ideology either. It's about the Superintendent's desire to hold onto unfettered and unauthorized power over the county educational budget and fiscal policy. Point 11: likewise, the Superintendent's dismissal of the Board spending reduction in the 2019-2020 Annual Budget as, "penny wise and pound foolish" is revealing. Notably missing is any attempt to explain why this \$170,000 of spending on hotels, rental cars, conferences, and Sacramento lobbyists is necessary and important and [inaudible] serves the students and residents of Orange County.

In the Board's view, the reduction of unnecessary and wasteful spending, whether it's 0.07% of the budget, or a different amount is never foolish. Finally, also on the budget, the Superintendent says that his way of doing the budget is, "how the process is always worked at OCDE." Whether or not this is accurate, this old refrain is as tired as it is irrelevant. Doing something incorrectly in the past does not preclude fixing it in the future. This way of thinking stands in the way of

improvement, change, and innovation, and it is frequently deployed by those in power to resist change and any reduction in their power.

It is therefore perhaps no surprise to see it being deployed by the Superintendent here. That concludes the reading of the Board update on general counsel and budget litigation. As I mentioned before, the Board resolution includes a directive that the update be posted on the Board's website.

Williams: Mr. Brenner, will you please provide for the record the vote on the release of that public statement to be put into the record as well as on the website.

Brenner: Yes, I will, President Williams. The vote was four votes in favor and one abstention. Trustee Gomez, abstaining. Trustees Shaw, Barke, Sparks, and Williams voting in favor. That concludes the report out from the closed sessions.

Williams: Very good. May I have a motion for adjourning?

Barke: I make that motion to adjourn.

Williams: Board is adjourned.

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