

SPECIAL BOARD MEETING 7-28-2020 TRANSCRIPTION

Boyd: President Williams?

Williams: I am here.

Boyd: Vice President Barke?

Barke: Here.

Boyd: Trustee Shaw?

Shaw: Here.

Boyd: Trustee Sparks?

Sparks: Here.

Boyd: Trustee Gomez?

Williams: Is Beckie on the line?

Boyd: She is not on the line.

Williams: Okay. I think she's going to be here later. At this point, we're going to be adopting the Agenda, and there's a typo that I'm going to make known. I make a motion to adopt the Agenda as is posted, except for closed session 3. It should read, "The reason for it is from the significant exposure to litigation from the Freedom from Religion Foundation." There's a couple of words that are missing there. Again, that's Government Code 54956.9, and the sessions because of significant exposure to litigation from the Freedom from Religion Foundation. Other than that, there are no other corrections to the Agenda. May I have a second to my proposal?

Barke: I'll second that.

Williams: Second that. We have a motion and a second. Any discussion? Barring none, roll call vote, Nina.

Boyd: President Williams?

Williams: Yes.

Boyd: Vice President Barke?

Barke: Yes.

Boyd: Trustee Shaw?

Shaw: Yes.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: Trustee Gomez is not present.

Williams: Very good. Today, we're going to do a little bit something different for the invocation since we were unable to get anybody from the community. I'm just going to read something from a book that's called, Why America is Free: A History of the Founding of the American Republic. "The constitution has worked so hard because of the founding fathers' efforts. They're a shining example of humanities triumph over its barbaric roots. These men have devoted their lives to see this goal achieved of a free nation. Many other Americans, both men and women, have given their lives since then to preserve America's freedom. We know that their sacrifice was not in vain whenever we think about how blessed we are to live in the United States of America.

The importance of their sacrifices cannot be overrated. The best way we can honor all of them is being sure we understand what the founding fathers did during that long period long ago and

why they did it. But that's not the end of our responsibilities. We also have the responsibility of passing on our knowledge of the founding fathers and their accomplishments to those who come after us. That's why we study history. Most important of all, we need to use these opportunities that they gave us to participate in the process of government to vote and play an active role in political and civic life of our communities. Remember, freedom isn't free. It's our responsibility.”

Barke: Thank you, Dr. Williams.

Williams: If you'd be so kind to do the Pledge of Allegiance.

Barke: Please join me in raising your right hand over your heart to honor our country.

Barke, 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.

Williams: Very good. Moving on with the Agenda. Nina, are there any introductions?

Boyd: There are no introductions at this meeting.

Williams: Very, very good. Okay. At this point, we have a time certain at 6:05. However, it was brought to my attention that we do have some public comments. We're going to take public comments from those individuals who are here in the room. Then we have public comments that were given online that our good Associate Superintendent will read aloud.

Barke: Okay. Our first speaker will be Leigh.

Williams: And just for the record, we don't ask for the last name. That's why we don't announce the last name. I believe we're going to be using the microphone.

Boyd: All you have to do is talk. We can hear you.

Leigh: How many minutes do I get?

Barke: Three.

Williams: Are you going to time?

Barke: You can if you want.

Williams: You want me to time? You're going to time? Okay.

Leigh: Thank you, Board. I want to thank you at the beginning of my remarks for the amazing work you've done, particularly over the last two months. The most impressive of which was sticking by your guns and doing right by our children and adopting the White Paper that you did. I'm here tonight as a veteran litigator who's litigated for almost 30 years in this county and who typically says, don't litigate if there's any other way to get where you need to go and that you can use to get there. Don't litigate. That said, I am here to urge you to litigate the living hell out of the July 17 mandate order, whatever you want to call it. It wasn't really an order, because Newsom was restrained from making them.

That in one fell swoop, closed both our private and public schools for the majority of California. I think that Orange County is a leader. I think we are well suited to do this work. I think to do anything other than that would betray the children and the families that this board was elected to represent. You of all people, I know are not in that business. There are three inarguable and incontrovertible truths, which I quoted last night at a Tustin Unified meeting that are entirely dispositive of the issue regarding schoolchildren and reopening this fall. One, per the CDC, the COVID-19 fatality rate in the US for anyone younger than 19 is so low it is calculated at 0.0%.

Two, according to the World Health Organization no child is known to have passed COVID-19 to an adult. No child anywhere has ever passed it. Yesterday, the UK came out and said the same thing. No child's ever passed it to a teacher according to epidemiologists there. What this means in plain English is children have zero risk from this disease and pose zero risk to others like the adults in their lives, the teachers and grandmas they live with from this disease. The third point is the most important. Given that this is on par with a bad flu season, given that this has zero fatality for the children and the adults who are within the demographics served by the schools, we need to protect our children's constitutionally guaranteed right to an education.

This is the one year you earn your keep. I would submit to you by way of the decisions before you tonight. This is the only thing, though it shouldn't be this way, that you will ever be remembered for. We need to do right by our children. I sat last night and watched grown men cry. I sat and watched a woman say she has a teenage son in high school who was suicidal and the brother who was not suicidal was throwing himself, as a grown man, but a teenager, in her lap and bawling his eyes out. We need the children back in school. There is no reason that they should not be back in school according to the CDC. Even the CDC is coming out saying, "put them back in school." This is the only decision that matters. It is not just a decision. It is a life and death decision for some of these families. None of the people sitting in this room tonight can do right by our children. We are relying on you.

Boyd: Your time is up.

Leigh: I would ask that you do so, and I know that you will. Thank you.

Barke: Next is Darlene. Oh, okay. We'll come back. Holly.

Holly: Thank you very much. Based upon your agendas for this meeting and the previous meeting, it has become increasingly evident that the decision-making by most of this board's members has not been in what would be considered the best interest of the majority of Orange County school children. Frivolous lawsuits are meant to push your narrow political agenda and have no hope in succeeding suffer much funded, much needed financial resources from the majority of your constituents. These resources would be better reallocated to support all Orange County school districts with the implementation of safety procedures and protocols when we return to face-to-face instruction or narrowing the technology affordability gaps while distance learning remains in place.

That would be responsible stewardship of funds. Clearly some of the Board members need to be reminded that even though your special interest pacts have given hundreds of thousands of dollars, you are here to serve at the will of those who elected you to office. Knowing that four out of five of you have been given a combined total of over \$382,000 from the various charter school pacts, or each other, makes clear how truly incestuous some of you board members are and just exactly who you'll have sold yourselves to. Your actions at the last meeting awakened the dragon, that is the majority of Orange County parents, who watched while you disregarded real science for political science and voted to put our children's lives at risk.

I may not agree with your political philosophies, but I would never vote to hurt your kids. This board has benefited too long from lack of public oversight, because we trusted you to put the health and wellbeing of our county educational institutions ahead of personal gain. These

frivolous lawsuits clearly indicate that trust was misplaced. I grew up in La Habra, La Habra High School, not Sonora. Attended Cal State U Fullerton, big state school. I earned my master's degree from Pepperdine University a Christian college. I've taught in Orange County public school for 28 years, and I'm a parent of a child who attends a public school in Westminster. As a long time Orange County resident, I expect better from my elected officials. It is time for the majority of this board to stop with the political grand standing and start doing right by our kids. All of them. Thank you.

Barke: Next, Lynn.

Lynn: Good evening, members of the Board. I'll be very brief. I want to follow up on what Ms. Holly just said when she referred to the public's oversight of not only the Orange County schools, but of this board. I'd like to ask you please, to not consider this evening item No. 4 on your agenda. The reason for that is that I think that you have departed from what is your ordinary course of business when you're going to consider something like initiating or intervening in litigation. That is that you have made proposals by way of resolutions that are published with the Agenda so that the population of people can do their public oversight by seeing what is at stake.

Then we have an educated viability to come and express our views. This is a very important matter for matter No. 4 on the Agenda. I do think that it would be well to put it off so that other people can participate. Finally, I don't see an emergency here. This lawsuit, or at least one lawsuit was filed just a week ago. It probably hasn't even the summons and complaints have probably not been served yet. I don't see any emergency here. This matter could well be put over to the August 5 meeting to give the population, the members of our community, the parents of our community an opportunity to come and to comment before you use the name Orange County Board of Education in any litigation where you represent the people of the County of Orange. Thank you.

Barke: Next is Robin.

Robin: Hello. I'm an educator for the last 30 years and ABA therapist. I'm here to speak to item No. 4. Though I'm loath, as Lee was loathed, to suggest that you pursue litigation as litigation is time consuming and can usually overshoot goals originally sought out in litigation. In this case, I urge you to pursue that litigation. I represent a group of families and parents whose children are all in special needs and they are, though dedicated to their children, are ill-equipped and under prepared for having been locked into their homes with all their special needs children for the last five months. We need special services back up. We need schools up and running when you return the rights of the parents to choose which risk they wish to mitigate out of their own homes.

If this lawsuit is the only way to do that so that parents can make that decision for their children, choosing between the pandemic risk and choosing between the risk of half the parents that I have spoken to having made multiple visits to emergency rooms, because they don't have the equipment in their homes. Self-injury is becoming more and more prevalent as time goes on. We need to have the special services back up and running for them. I urge you to pursue that litigation so that we can return that choice to parents. Thank you. [APPLAUSE]

Barke: Next, we have Kim.

Kim: Good early evening. My name is Kim Sergente. I'll just discuss with you the concept of stewardship, which I'm sure you've become familiar with over the years. You have a stewardship to take care of what God has given you - these children. I liked that you spoke about the founding fathers, and I think it's appropriate because the concept of taxation without representation comes to mind. Are these children being represented? Were their parents giving money for them to be staying at home? No, their interests are in school, and that's what your mission is. I would like to encourage you, because things have gone so far in the wrong direction that I don't think it's an overcorrection to go hard in the other direction.

We need to be proactive about this and not later, but right now. Too much time has passed. I would like to call to your attention the American Frontline Doctors had a big event yesterday - a summit in Washington, DC and it was covered. Several doctors from California, from all over the country, Texas, they spoke about their good results. As a matter of fact, impeccable results with hydroxychloroquine when they also spoke about children as Lee mentioned earlier at the beginning. Children are not a factor in this. There's no documented case in the world of a child giving COVID-19 to a teacher. All this hysteria, all this negativity, all of this fear mongering that has been happening, it's time for a little clarity.

I haven't heard anybody really speak to concrete facts, but Leigh Dundas. Those are facts, not feels. Facts matter. Science matters. The science is on our side, and time will tell that. I encourage you to be on the right side of history and to proceed. Proceed in this fight, because we need freedom. We need to be off of this. This is oppression. I'm finding even in everyday life in interacting with people at restaurants and their masks, they just don't seem with it. Their oxygen levels are dropping. Leigh Dundas did an experiment where she did oxygen level meters when people did relatively minor exercises, and they dropped to dangerous levels. I don't want to see kids' oxygen levels drop to dangerous levels.

There's a story of children in China that died while exercising with the masks on. All this masks stuff, all this closing down stuff, all this quarantine, it's just too much. It's time to turn this around. We need some heroes. You've been given a stewardship and a position. I suggest you do the best you can with it. Thank you. **[APPLAUSE]**

Barke: Is Darlene here yet? Great. Darlene, please.

Darlene: Hi and good evening. My name is Darlene. My daughter is in the Fullerton School District. I have a science degree in child and adolescent development and a master's degree in human development, specializing in early childhood education. I have over 10 years of classroom teaching experience as well as experience as an education director. My child is supposed to be starting second grade. I also have a mother that lives in our home who is on remission from cancer, asthmatic, and diabetic. Even with all of those taken into consideration, when I took my daughter to her physical this month, the doctor was okay with her going back to school.

Of course, my daughter was devastated when that afternoon the governor said, no, you can't. She said, "Mommy, I'm sad. I want to go to school. I want to see my friends. I want to be there." Another thing that I wanted to share is because of my science degree and all of my experience in education, as soon as the outbreak occurred, of course, I was doing so much research on the virus, impacts of quarantine, impacts of isolation. Then, impacts on education for children because that's so important for me. In my teaching experience, I loved going to other countries to see how their curriculum works, their formats of schooling. Again, when I'm looking at other countries, talking to my friends that live in other countries and seeing their schools are open.

My friends in Taiwan are telling me they're disinfecting everything. They're wearing masks, disinfecting their backpacks, disinfecting the bottom of their shoes. Talking to my friends in Sweden saying, "we're not doing anything." The kids are in a traditional classroom. Whatever that classroom might look like, it needs to be there. My daughter wants to be in school. She should be in school. She needs to be in school. She has the right to be in school. Whatever needs to happen to make that happen for my daughter, I want to support that. I want to make sure that she gets what she deserves to have. I'm also a co-founder of Protection of the Educational Rights of Kids.

It's also important for me not only to defend my child's right to be in school, but for all children in California. Children need school. They need to be in there with peers. They need interaction with peers. They need to learn in a conducive environment for learning. All of the research showing about quarantine and isolation, it has negative impacts. For it to be going on for this long is not even necessary when you're looking at other countries and seeing that they're going to school. I can't even describe how crazy this is that I have to be here to talk about defending my daughter's right. Thank you for listening. [APPLAUSE]

Barke: That's all of the public comment for those in attendance. Now, Nina will read those that have been sent in.

Boyd: Okay. The first is from Elizabeth H. "To OCBE. As a tax-paying member of the community, I implore you to stop conversations surrounding litigation against the governor. Your current lawsuits have already incurred hundreds of thousands of dollars in lawyer fees for a lawsuit against your own department of education, the details of which are still unclear to the public. If you plan to rack up hundreds of thousands more in legal fees, I request you discuss this openly with the public who deserve to know where their money is going. Additionally, one could argue that the Board trying to sue the Governor of California over school reopening guidelines is a waste of money, as the Board has no ability to set these guidelines in the first place as you have stated several times.

Similarly, the Board has shown that it is unable to appropriately conduct research, compile, and accurately interpret data or cite credible sources on the topic of school reopening guidelines. This is supported by several members of the expert panel distancing themselves from the adopted White Paper -Dr. 's Clayton Chau and Steven Abelowitz, and supervisor Don Wagner. Therefore, I do not see a reason why this board should be allowed to risk taxpayer dollars with the pretense of changing policy on something they clearly are not qualified to comment on in the first place.

If you want to support schools, students, and teachers, you should be supporting the governor's policies as Orange County is clearly unprepared to safely reopen schools based on our current infection and death rates. Members of the Board, you're not the ones putting your lives on the line to support this county's children, and I respectfully request that you do more with your platform to ensure that students, teachers, and families remain healthy during the coronavirus pandemic.”

Boyd: The next is from Katrina. “I am writing in regards to closed session number 4 potential litigation pursuant to (D)(4) of Government Code Section 54956.9 regarding state orders and restrictions against reopening schools. I implore you to not waste our tax dollars on pursuing this frivolous litigation. These monies are best spent on our schools and students.”

Boyd: The next is from Bree. “Hello. As a taxpayer, I'm requesting that you cease your frivolous lawsuits that cost money that could be put back into the school budgets, and that you do not proceed further with lawsuits you are meeting to discuss. Every time you file a frivolous lawsuit, we suffer for it. Please stop doing this immediately.”

Boyd: The next is from Amanda. “Hello. I was told this is the email I should send this request to. I apologize if this was incorrect. I also apologize if I was completely misinformed of the current situation. A little bird has told me that the board of education is trying to sue the governor for placing reasonable restrictions on schools reopening. As a teacher and a taxpayer who didn't even vote for Newsom, don't. Our governor is trying to do what he thinks is safest. For the record, teaching online is not as easy to implement, but it is 100% safer than teaching in person. My school has discussed about what we would do for a hybrid situation, and the ideas are good. The downside is that even the best ideas are not bulletproof.

The hybrid version of school requires a lot of vigilance for teachers and students, and it's still not 100% safe. I do not look forward to online teaching as much as I would have looked forward to teaching in person, but it's not about wants and wishes. It's about safety. Beyond parents needing a place to send their kids, what do we do when teachers start to get sick and the problem compounds itself more and more? Do not sue Gavin Newsom. Do not use my tax money or anyone else's to sue a governor who has been trying his best to put safety over everything else.

If as an independent private person you want to rant and rail against the unfair governor on your own time and on your own dollar and with your title as a member of the Board, but merely as a pissy, concerned citizen mad for yourself, go for it. Do not pretend that this is what educators or schools want. Again, if I'm misinformed and misguided, by all means ignore this. But if you plan on suing our governor, I would want to know why, what for, and at whose behest.”

Boyd: The next is from Robin. “You have embarrassed this county with your insistence on denying science and taking stands in opposition to the wishes of the majority. We all desire to see kids back in school, but under no circumstances would I want this board making that call. Thank goodness you have no real authority. I oppose any lawsuit against the state for obvious reasons, because it's stupid.”

Boyd: The next is from Julie. “Please save taxpayer money by not filing a suit. This pandemic is real. We are in danger. Education can be made up later. Lives cannot.”

Boyd: The next is from Kelli. “My name is Kelli. I'm an OC public school teacher and a resident of Laguna Niguel. I'm writing to express my opposition to your majority-backed, but not scientifically-backed White Paper regarding your call for schools to reopen unsafely as well as your proposal to sue the state over the temporary school closure mandate. This lawsuit would be a frivolous waste of time and taxpayer money, and not to mention, more bad press for the Orange County Board of Education. Why are you so relentless in your pursuit of politicization and conspiracy regarding COVID-19? Health and safety should always come first. Without it, life is fragile. It is clear that the majority of you truly do not represent those you campaigned to support – students, teachers, and families, but instead represent yourselves and your own political interests. It's a shame and an embarrassment.”

Boyd: The next is from Wendy. “The Orange County Board of Education is a waste of money and an embarrassment to the people of Orange County. I do not support your suing the state of California. You're supposed to represent the residents of the county, and you do not. Dismantle your group and put the money back into schools. You serve no purpose whatsoever, and you do not support teachers.”

Boyd: The next one is from Jayme. “Members of the Board, I submit my comment today to share with you my extreme opposition to my taxpayer dollars being used in an absurd lawsuit against our governor, in which you would demand to knowingly and intentionally put the health and safety of our children and communities in danger. I request that you consider your actions and the consequences that may arise. There is nothing equivalent to the effectiveness of an in-person learning/teaching. No one denies that. Teachers know it. Parents know it. Students know it. It is a fact. However, your desire to reopen schools with zero precautions is madness.

Even if you decide to compromise and say, ‘Let's open right now, and we'll concede to implementing all of these unrealistic and expensive precautions.’ There is only one of two scenarios that will play out. Scenario one. It is fantastic. You sued Governor Newsom and you won. Parents send their kids off to your schools, nobody dies and/or gets sick, and you were right. Or, scenario two, it goes horrifically wrong. We find out children do spread exactly the same as adults since so many children are out and about now. Thanks to the lawsuit you won allowing parents to choose to send their kids back to school. More children are exposed.

We start gathering actual data about COVID-19 and children since data on the effects of the virus on children are currently minuscule and partial at best. With children having been primarily kept at home being protected, more severe cases in children show up in the data as noted in Florida, which has been widely reported through medical as well as news outlets for example here. More deaths of children show up in the data. More super spreader events show up in the data. School-age children become the No. 1 source of spread. More people become infected. Parents, grandparents, siblings, teachers, teacher's families, community spread runs rampant. People die. Children die.

We find out down the road that the long-term effects are considerable. Heart problems, brain damage, motor issues, lung damage/complications. Everyone now knows this was your fault. You choose the, “what if we're right?” path. You had a 50/50 chance of everything working out wonderfully, but you gambled with children. You lost and the effects are devastating. You use taxpayer's money, never mind those who are 100% against what you're trying to do. You took their money to spend on a lawsuit demanding the right to knowingly and intentionally endanger the health and lives of children, teachers, families, and communities. You gambled, and you lost. I respectfully ask the Board members, if it turns out in scenario number two is how everything plays out, what happens next?”

Boyd: The next one is Brooke. “The Board was elected to serve all of Orange County, not just the people who paid for campaigns or the people who invite members to speak at their events. Sixty thousand people signed a petition and 3,000 people submitted public comments, which members of this body made every attempt to obscure. The public has been clear. ‘Orange County schools must follow state mandates when it comes to reopening.’ At the adoption of your White Paper, it was stated that the documentation was ‘just a recommendation.’ How can you call this a recommendation when you are now preparing to sue the governor and the state to reopen schools to your specifications?”

The White Paper is no longer a recommendation if you pursue this useless litigation. Now the Board is preparing to defend themselves because of their insistence that school board meetings open with a prayer. Prayers that are often riddled with partisan politics and defense of the elected officials who were put into positions that are meant to hold no party affiliation and are definitely to be free from religion. School prayer has been deemed unconstitutional by the Sixth Circuit Court of Appeals, *Coles v. Cleveland Board of Ed* and by the Third Circuit Court of Appeals in *Doe v. Indian River School District*. Yet, our school board wants to use money that could be used to improve our public schools to have this fight again.

The Board and the Department have interacted reasonably for 40 years. If that relationship is starting to fail, the responsibility lies with certain members of this board. This board has brought two lawsuits against the Orange County Board of Education and several other entities. The Orange County Board of Ed. has hired outside counsel at taxpayers’ expense, and apparently this board has refused to disclose the amounts they have spent in doing so. The Board has maintained its own counsel and it has forced the Department to do the same. With all of that money spent it is incredible to me that these suits appear to be about the board exerting more control over the Department's budget, which should be going to our schools not frivolous lawsuits.”

Boyd: The next is from Vasantha. “Please do not waste my tax dollars suing the state about school closure. Instead, spend that money to provide internet access for disadvantaged students so that they can be in class virtually.”

Boyd: The next is from Priya. “I am a parent of two school-aged children in Placentia-Yorba Linda School District. You already abdicated your responsibilities by holding a panel of experts who included only people who shared the same political viewpoint, but then went onto adopt a White Paper ostensibly coming out of the panel, but in actuality written by Will Swaim and Ken Williams, which many of your experts completely disowned including Don Wagner. Now you're

wasting even more of our taxpayer money to sue the state in order to both funnel money to charter schools and line the pockets of attorneys who, let me guess, will be your associates?”

Boyd: The next is from Shari. “I am speaking today as a concerned parent of not only four children, but of the thousands of children that do not have anyone fighting on their behalf. There's endless research regarding the impact of children not being in school from academic failures to increased suicide rates. From my own personal experience, my four children were forced to self-teach and suffered both academically and emotionally during the shutdown. There were local families who experienced no teaching, no support, no encouragement to even read a book all in the name of equitability. Please note that my four children have a dedicated mother staying home, so what am I here to voice my concern for the children with the most economically disadvantaged backgrounds.

The statistics regarding how many students in Orange County never logged in class is staggering. There's a large population of at-risk kids who were never heard from or seen during the shutdown. The devastating toll this took on our younger population both physically, mentally, and academically will be difficult to recover from. We must get these children back to school as this has become a public health crisis. CDC Director Robert Redfield said that the health risk of keeping schools closed are greater than those of opening them. The American Academy of Pediatrics has also called for students to return to classrooms, citing the educational and social harms to children of being away from school for a prolonged period of time.

Even the hybrid model is completely unsatisfactory to learning. The number of deaths attributed to those 18 and under is less than 1 in 492,000. Although I understand the risk to high-risk adults who may come in contact with children in school, I cannot understand though how we can jeopardize an entire population of children as a result. Higher risk adults have the ability to protect themselves from this virus and should do so, but not at the detriment of our children's mental, physical, and academic health. I am urging you to challenge Governor Newsom and the state of California. We need to open schools and sports completely. As a member of the board of education, please hear us. Do not cater to the political unions and the politics sweeping our nation. Teachers are essential, and our kids have a right to an education in a place that they call their own. Please fight Governor Newsom, reopen our schools and save our children.”

Boyd: The next is from Cardon. “Please do not litigate the current temporary school closures. We should follow the state guidelines and not waste taxpayer money on pointless litigation.”

Boyd: The next is from Angela. “I'm a parent of three school-aged children in Placentia-Yorba Linda School District. You already abdicated your responsibilities by holding a panel of experts who included only people who shared the same political viewpoint, but then went on to adopt a White Paper ostensibly coming out of the panel, but in actuality written by Will Swaim and Ken Williams, which many of your experts completely disowned including Don Wagner. Now you are wasting even more of our taxpayer money to sue the state in order to both funnel money to charter schools and line the pockets of attorneys who, let me guess, will be your associates? We are watching you.”

Boyd: The next is Michelle. “Per the board meeting tonight, I am reaching out to personally beg you to reopen our schools. Scientific facts have stated kids have almost a 0% chance of catching and/or transmitting the virus. Mentally, our kids need to be in school environment. Remote learning does not teach no matter how structured you make it. We pay taxes and live in nice areas of Orange County, because we love our schools and we know how important they are to our kids.”

Boyd: The next is from Isabella. “Enough litigations. I question the purpose of the Orange County Board of Ed’s constant litigations. Whose interests are you really protecting? What pockets are being lined? Who are the true benefactors of all your actions? I propose you cease and desist immediately and pay attention to the community around you. You are to serve the public, not your personal life or bank accounts.”

Boyd: The next is from Nolina. “I am a teacher in the Fullerton Joint Union High School District and an Orange County homeowner and taxpayer. I find it ludicrous that you're considering using taxpayer money to sue the state to reopen schools in the middle of a pandemic. It is not safe to reopen schools at this time. If you open schools at this time, children will die. Teachers will die. People related to children and teachers will die. Lots of people will die and lots of money will be wasted. Please stop wasting taxpayer money to funnel money to charter schools and line the pocket of attorneys who are probably your friends. Additionally, please use taxpayer money to make an electronic copy of the speaker card that is easy to find on your website, fill out and submit. That I had to retype it just to submit my comments is crazy in today's electronic age.”

Boyd: The next is from Sherry. “I am writing to state my disagreement with spending taxpayer dollars to pursue litigation regarding state orders and restrictions against reopening schools. A joint report from the American Academy of Pediatrics and the Children's Hospital Association reports, ‘88,103 new child cases were reported from 7/9 to 7/23 (200,184 to 288,287) a 44% increase in child cases.’ We are dealing with the unknown here regarding possible long-term health effects from COVID-19. The Board is wasting taxpayer dollars on an issue that the majority of Orange County residents are against. The Board is supposed to follow the public health, safety and needs, not the Board's own personal agenda.”

Boyd: The next is from Mike. “My name is Michael. My wife Celia and I are writing to voice our support for suing the state of California to reopen schools without restrictions of wearing masks and physical distancing. Let the schools return to normal by allowing our students, teachers, and administrators to return back to school in the fall free from distractions. Science does not support either the use of masks to prevent a person from becoming infected by any virus nor is the physical distancing an effective strategy to protect people from an aerosolized viron particle. On the contrary, science shows young people are the least vulnerable from this alleged virus.

In addition if the proposed lockdown continues, we believe we will find out after it's too late that keeping healthy students quarantined will result in increased negative health, mental and physical affects, more crime and a very poor learning environment. Note, the Orange County Board of Supervisors recently rescinded their mandatory mask requirement. Peggy Hall, the Healthy American.org threatened to sue Supervisor Wagner and health representative Chau for

fraud, which is a felony punishable by imprisonment and a fine. Following the public comments on the subject, the Orange County Board of Supervisors voted to rescind the mask rule.

Honorable trustees, my wife and I have four grandchildren attending Santa Ana Unified School Districts. Those same four grandchildren, while under our custody for five and one-half years, also attended schools in the Orange Unified School District. We both believe this alleged pandemic resulting in the lockdown has a terrible social experiment gone awry. Please vote yes to sue the state of California and open our schools.”

Boyd: The next is from Rochelle. “As a mother of a rising first grader, I am appalled at your lack of love and protection for our students. Moms are watching you and if you vote to line the pockets of your lawyer friends to pay for a lawsuit to open schools, we will boot you out of the office and boycott any business you are associated with. Look at the sweet girl in Florida who died of COVID. Maybe you will only believe it when one of your own family succumbs to the virus. Mask up, shut up and get out of the way of local school boards. Your White Paper is irresponsible. Shame on all of you except Beckie Gomez. We know who really cares about our kids - it's her. The rest of you will need to take a look in the mirror. Who are you serving? For me and my house, I know who I serve. I am pretty sure he'd be very disappointed in you.”

Boyd: “Board members.” This one is from Alison. “Please do not waste our money and time on suing the state. It will be costly and take away time and attention from equipping our schools for safe return to classrooms, whenever that might be. Instead, address the reality of the situation as it stands. That time, effort and money would be better spent equipping all students and teachers with what they need to make distance learning successful now. Once the systems for distance learning are in place, focus resources on outfitting physical classrooms with the tools they need. When it is safe to return to classrooms physically, let it be to schools that during this time have been properly equipped to safely operate in what will be a very different world post-COVID.”

Boyd: And the last one is from Robyn. “To the Orange County Department of Education Board members, we demand that you stop putting your petty partisan politics before the health and safety of our children. The governor is listening to the medical experts. We demand that you shut up and do the same. Your ignorance is simply appalling beyond comprehension. You have made Orange County a national laughing stock. You have embarrassed yourselves long enough.” That concludes the electronic submissions public comment.

Williams: Very good. Moving on with our Agenda, the Board will be in closed session. I estimate that the closed session will be 60 to 90 minutes. At that time, we will come out and if there are more public comments, we'll listen to it. At this time, we'll go into closed session.

**[PRESIDENT WILLIAMS STRIKES THE GAVEL ONCE TO SIGNAL THE
BEGINNING OF THE CLOSED SESSIONS. WHEN THE CLOSED SESSIONS
CONCLUDE, THE MEETING CONTINUES]**

Williams: From sessions 1, 2, 3 and 4. We're going to have a report out by Mr. Jonathan Brenner.

Brenner: Good evening, members of the Board. This is the report out for closed sessions 1-4. The first report that will be as to closed sessions 1 and 2. All Board members were in attendance for those closed sessions. An update and discussion with counsel was held. No action by the Board was taken. The report out for closed session number 3 is as follows: All trustees, except for Trustee Gomez was in attendance. An update and discussion with counsel was held. No action was taken. The report out for closed session number 4 is as follows: All trustees except Trustee Gomez were in attendance for closed session 4. There were four motions and resolutions passed by the Board. The first on a motion by Trustee Barke, seconded by Trustee Williams.

The motion was to proceed with claims relating to the governors and public health officer's orders regarding school closures. The vote was held and the resolution passed 4-0 in favor. Motion number 2 was to engage Tyler and Bursch on a pro bono basis to represent the Board and any other plaintiffs in that suit. That was a motion by Trustee Williams, seconded by Trustee Shaw, and it was passed on a 4-0 unanimous vote. The third motion was with respect to the issuance of a press release. That motion was made by Trustee Williams, seconded by Trustee Sparks. The motion passed 4-0. And fourth, there was a motion regarding a Board statement to be read into the record today and posted on the Board's website.

That motion was made by Trustee Barke, seconded by Trustee Sparks and that motion approving the Board statement and the posting and reading of it passed 4-0 unanimously. With that, I'll turn the meeting back over to President Williams for the reading of that Board statement. That concludes the report out for the closed sessions.

Williams: This is the statement from the Orange County Board of Education. In closed session, the board of education voted 4-0 to file a lawsuit against the California governor and the California public health officer in order to seek a court order that sets aside the state's order preventing public schools from holding in-person classes and the resumption of services on campus. The California Supreme Court has interpreted the California constitution to require that California school children have a constitutional right to substantially equal opportunities for learning. The state has the broad responsibility to ensure basic educational equality.

However, on July 17, 2020, Governor Gavin Newsom ordered all public school districts located within 32 counties of the state's corona virus watch list to shut down in-person learning until their county has been off the monitoring list for 14 consecutive days. We emphasize with the difficult decisions required to be made by the governor and appreciate the efforts made to serve our state. However, the July 17 order does not adequately ensure that children of working single parents are adequately educated through distance learning. The order does not ensure that children born to immigrant parents who don't read and write English are provided sufficient instruction and supervision.

Further, the state has failed to address how high-risk students and those without adequate parental support will navigate the coming weeks and months through distance learning. Therefore, we believe that the July 17 order violates the constitutional rights of our students. On June 24, 2020, we, as the board of education, held a community public forum was extensive study session on reopening schools here in Orange County. The purpose of the forum was to provide families an opportunity to hear from a panel of experts on approaches to reopening

schools as safely as possible with age appropriate expectations and adaptations across grade levels.

We heard from experts on COVID-19 and thereafter prepared a subsequent White Paper, summarizing the expert opinion and testimony on the best and most efficacious ways to consider as we move up towards reopening schools. The White Paper supported safe approaches to reopening schools, understanding that mandating masks and social distancing, while preferred, may not be realistic for younger children. Further, parents should make informed choices to send their children to school in a traditional classroom environment or distance learning based on their own family circumstances and level of comfort with potential risks of the child contracting COVID at school.

The White Paper guidelines were based on CDC recommendations, American Academy of Pediatrics guidelines as well as from the American Enterprise Institute, a pub-med research of various medical articles including relevant epidemiologic science and data was presented. The Board's attorney in this case is Tyler and Busch, and they have agreed to represent the Board pro bono to protect the vulnerable children of California. Pro bono means at no charge to any taxpayer or to this department. In ending, therefore, we have made the decision to put the needs of our students first by filing this lawsuit.

We recognize that many school districts in Orange County have put a tremendous amount of work to prepare for the school year by giving families and students options during this unprecedented and uncertain time. While some families have the technology, equipment and ability to begin the school year with an entirely virtual distance learning model, many families will suffer greatly and experience many unknown, unintended consequences if the schools remained closed. We believe that students and their families must have the option of in-person learning. That is the end of the public statement.

Moving on with the agenda items, we are now at the public comments. Do we have any other public comments, Nina?

Boyd: There are no new public comments.

Williams: Okay. Moving on with the board meeting of information items. Board member comments? Okay. Announcements, Nina?

Boyd: No announcements.

Williams: Okay. No announcements, no public comments.

Barke: I would make a motion to adjourn the meeting.

Williams: The Orange County Board of Education is adjourned.

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