

## **BOARD MEETING 10-7-2020 TRANSCRIPTION**

### **[PRESIDENT WILLIAMS STRIKES THE GAVEL THREE TIMES TO SIGNAL THE BEGINNING OF THE MEETING]**

**Williams:** Good evening. For the benefit of the record, this regular meeting of the Orange County Board of Education is called to order. Nina, will you do roll call, please?

**Boyd:** Trustee Gomez?

**Gomez:** Present.

**Boyd:** Trustee Shaw?

**Shaw:** Here.

**Boyd:** Vice President Barke?

**Barke:** Present.

**Boyd:** President Williams?

**Williams:** Present.

**Boyd:** Trustee Sparks?

**Sparks:** Here.

**Williams:** Very good. Moving on with the adoption of the Agenda, I'd like to make a motion to adopt the Agenda and to put one little change. That is to have the adoption of the Minutes after the Pledge of Allegiance.

**Barke:** I'll second that.

**Williams:** Okay. Very good. Any discussion? Barring none, roll call?

**Gomez:** We just did it.

**Boyd:** You want roll call?

**Williams:** Because it's a motion. Correct.

**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 with the Agenda, we have a time certain, inter-district appeal hearing. It is open. Can you tell me, Nina, if the parties are on the line?

**Boyd:** The parties are not.

**Williams:** The parties are not on the line. Okay. When they are, will you just kindly let me know, and we'll go back to that? Let's go ahead and move on with our Agenda, then, to adoption of the minutes. What I'm going to do is make a motion for the adoption of September 1<sup>st</sup>, 2<sup>nd</sup>, and the 22<sup>nd</sup>.

**Barke:** I'll second that.

**Williams:** Okay. Discussion. What's happening is we have one more Minutes to approve for September 2nd for the Facilities Corporation. That's why I'm making that motion to adopt that separately. We have to break and recess and actually go into the Facilities Corporation Meeting.

We have a motion and a second. Any further discussion? Any changes or corrections? Barring none, roll call, Nina.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Very yes. Very much so. At this time, I assume our parties are not on the line. We're going to go ahead and recess from the Board of Education meeting and open up the Facilities Corporation meeting for the purpose of adopting the Minutes. We'll make that motion. Is that a roll call vote for technicality, Nina?

**Barke:** Does it need a second?

**Williams:** Yes, it does. It needs a second.

**Barke:** Second. I'll second.

**Williams:** Okay. Roll call for the actual vote.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Yes. Now that we are in the Facilities Corporation meeting, I'd like to have a motion to adopt the Minutes from our September 2, 2020 meeting.

**Barke:** I'll make that motion to adopt the Minutes from the September 2<sup>nd</sup> meeting.

**Shaw:** I will second.

**Williams:** Second by Mr. Shaw. Any discussion? Barring none, go ahead and do roll call.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Yes. Very good. Since we have the Minutes adopted, there's some technicality. In the past, we've done it on an annual basis, but now we're just doing it nice and early so we don't forget any of the decisions and discussion that happen. At this time, I'd like to make a motion to adjourn the Facilities Corporation meeting.

**Barke:** I'll second that.

**Williams:** Second that. Let's have a vote.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Yes. Very good. Getting back to the Board of Education meeting, I probably need to make a little comment here to the public. There was a lot of technicality between the Facilities Corporation meeting. We have an inter-district appeal. That is an open hearing. Traditionally, the inter-district appeals are closed. You get to see how it happens behind closed doors in an open session. We have that planned at 5:35 p.m., but sometimes technicalities delay us. I see a thumbs up. That means we're clear to go?

**Boyd:** Cleared to go.

**Williams:** Perfect. Very good. Terrance, you are up, sir. Please lead us in this inter-district appeal.

**Dunn:** Good afternoon, President Dr. Ken Williams, members of the Board, Associate Superintendent Nina Boyd and Renee Hendrick. My name is Terrance Dunn, coordinator in the learning support services. This is an inter-district appeal hearing for Noah B. Simpson, who is the current 12th grader in the 2020-21 school year. The date is Wednesday, October 7<sup>th</sup>, 2020. The time is 5:39 PM. This is an open hearing. The circumstances of the appeal are as follows: On September the 11<sup>th</sup>, 2020, the Laguna Beach Unified School District upheld the denial of the inter-district transfer for Noah to attend the Laguna Beach High School, a school in the Laguna Beach Unified School District.

The homeschool for Noah is Dana Hills High School in Capistrano Unified School District. The reasons for the inter-district request are in your materials. Also, the procedures have been provided to all parties. Therefore, we will waive the reading of those procedures since all parties have had a chance to review them. At this time, I'd like to introduce the participants of this hearing. Representing the family, Ana Bevilaqua. Representing the denying school district, Dr. Chad Mayberry, director of assessment and accountability, Laguna Beach Unified School District. Also in attendance is Jeff Riel, general counsel, Orange County Department of Education, Gregory Rolen, legal counsel of the Board, and the media team who will be facilitating the virtual platform and recording today's hearing.

The county Board has thoroughly reviewed the packet of documentation the parent and the district submitted. Each party has the procedures in front of them and the allotted timeframes for each party to speak. The time will not be monitored by light timer for today's hearing, but instead you will receive a verbal cue hand signal at one minute remaining in the opening statement, and

a verbal cue hand signal at 30 seconds remaining in the closing statement. When you are informed that your time has expired, please finish your last sentence then stop. Representing the student, Simpson family, you may now address the Board for up to three minutes. Ms. Bevilaqua, you may now address the Board for up to three minutes.

**Boyd:** Ask her to unmute.

**Dunn:** Unmute, please.

**Bevilaqua:** Hi. Can you guys hear me? I'm barely hearing you. The sound is cracking up. Thank you for seeing me today. Dr. Mayberry, I am not defying his decision on the transfer. I'm asking for an exception. I hope that everybody on the Board, they have a chance to read the documents I submitted. It is simply not safe for Noah to go back to Dana Hills this year. I am hoping my complaint that I sent to the district office. They completely dismissed it. You guys might have noticed the district on level one, two, and three, they didn't use the code that they used on me to track me with the police against the racists that affect me. I'm not offended by what happened. I am alarmed at what happened.

In a quick Google search, I found more alarming information about the people that banned me from the school, which is the district and the principal of Dana Hills High School. I don't know why they thought I would be scared of the police, which they threatened me several times with the police. I'm not the one that had several lawsuits in six years. They are, not me. I'm not the one that the NAACP went in to investigate, and they lied about the incidents that happened last year. Two years ago they did the same on TV with Santa Ana High School. They wronged me, because they said he is illegal. I did get legal counsel with the confidence of a group of people over the district that actually were part of a wrongful death of a high school student.

They lied on the [inaudible]. I tell all this to the Department of Education. You are also the official Board over 18 months. You guys will handle this. Dr. Riel from your legal department actually told me you guys don't want to see Capistrano Unified at all. I'm going forward with my complaint. I am afraid Noah's not going to walk at school this year. The principal already lied several times. He is banned from seeing Noah by Noah's request. I submitted a letter from the superintendent. They signed it.

The last contact that failed the district with me, they tried to call my derogatory comments on my social media, which they are daily there. They continue to be there. They will continue to be there unless a judgement says I can not do so. Mr. Montgomery, who signed these documents. Mike Beakman. Even Gene Herdon. He is from the board. They don't have any authority over my life. They didn't ban the racist that affect me at school. They didn't used the code of conduct at school.

**Hendrick:** Your time is up.

**Dunn:** Thank you, Ms. Bevilaqua. Your time is up.

**Bevilaqua:** They use at me. It is impossible that you guys didn't allow my son to walk on that school -

**Dunn:** Thank you. Your time is up.

**Bevilaqua:** Several times about the incident.

**Dunn:** Mr. Mayberry, can you hear me? Dr. Mayberry, can you hear me?

**Bevilaqua:** Why can they lie and not get in trouble? This is impossible. This has got to stop.

**Dunn:** Dr. Mayberry cannot hear me.

**Bevilaqua:** I can't hear you either. I cannot hear you.

**Dunn:** Thank you. Laguna Beach Unified School District, you may address the Board for up to three minutes.

**Mayberry:** Can you hear me?

**Dunn:** I can hear you. Can you hear me? If you began speaking, we may be able to hear you.

**Mayberry:** Sorry, I'm not able to hear anything.

**Dunn:** We can hear you.

**Mayberry:** Okay, you can hear me.

**Dunn:** Yes, sir.

**Mayberry:** I saw a message in the chat. I haven't heard anything yet, so I apologize. Is it okay if I speak now? Is this the three-minute opening?

**Dunn:** Yes, please. Up to three minutes.

**Mayberry:** Okay. I haven't heard all of what was said, but I'll do my best to speak to it. We received a permit, uh, for Noah Simpson in August related to inter-district transfer. That permit was denied based on our Board Policy, AR 5117 district transfer. Our policy allows three exceptions. The first one being current students who leave in the second half of the school year, current students who are seniors who move outside the district during their senior year. The third exception would be students who are students of employees that work in the district. Those are the three exceptions that we have in our board policy. This case did not meet those. That said, we did consider other things based on that conversation with the mother.

She referenced bullying or conflict with the other adults in Capistrano Unified. Looking at the Ed Code, I believe it's 46600, the act of bullying, as it relates to district transfers, is between a student and another student within that school district. That did not appear to apply to that. Most closely we just considered what's in the best interest of the students. The student is a senior, has been a student in the district for several years, and also has an IEP. Moving to another district is what we would call significant disruption in the academic environment. That, we do not believe, would be in the best interest of the student. For one, the distance traveling would increase. In the map that's provided in the documentation, there's at least three high schools within Capistrano Unified that are closer than Laguna Beach High School.

Then, additionally, AB 1127: If the student indicates that, put into place in January 2020, indicates that if a student is bullied, they have the option to transfer within that district. Capistrano does have six other comprehensive high schools. More importantly, as a senior, the student would have to transition special education services. That would be very challenging to do distance learning, especially even more challenging outside of the district when you could transfer within the district. In this case, we are also in the distance learning. Currently, Laguna Beach Unified uses a trimester model. Students are taking two courses. Capistrano is not. Capistrano students are taking six courses.

The student would have to basically take a blend of some in-person and some online classes. This would be challenging for a new student, even more so the student with special education services. Based on our summary and based on our board policy, as well as a few other considerations, we didn't think it was in the best interest to accept the permit. Therefore, it was denied. Thank you.

**Dunn:** Thank you. Ms. Bevilaqua, you have up to two minutes to make your closing statement. She has no audio.

**Boyd:** Unmute. They're going to restart to see if they can get the audio so that they can hear before she finishes and they conclude their remarks. It will just take a minute. They're chatting with her. We have 23.

**Barke:** Now, some of them are for different things. Speakers only go first? Okay.

**Williams:** For our public guests who are here. This is not a drill, fictional moment. This is live action Board of Education events that are happening here. Technicalities and unique circumstance today. This COVID situation has strained and made things very different. We're waiting for the family. They're rebooting Zoom, and hopefully that will get going.

**Dunn:** Testing, testing. Mic check.

**Barke:** The majority are just speaking and leaving. There's only three that are staying.

**Boyd:** Members of the Board. We think the technology is on their end. Mr. Rolan can hear everything and has heard everything.

**Williams:** Okay.

**Boyd:** It appears to be something coming on their side.

**Shaw:** Sorry. I'm not able to hear.

**Rolan:** I am able to hear.

**Shaw:** I can move to another device if you give me a few minutes.

**Rolan:** I've been able to hear the parent and the district.

**Boyd:** You can hear us now? Both parties?

**Dunn:** Dr. Mayberry, can you hear me?

**Bevilaqua:** The audio is really bad.

**Boyd:** Trustee Gomez just informed me that earlier today there was a Zoom outage. There may be some after effects to wherever they are trying to communicate from. I'm not sure. Mr. Rolan is in Northern California and has heard the whole meeting. We have folks from South Orange County that haven't heard. I would remind the Board that the information that they're sharing is in your packet of information. There is nothing new mentioned that's not written. So there is nothing that's not written.

**Dunn:** Can we just speak to them on a cell phone? Can we do it that way?

**Boyd:** We wouldn't be able to record it. I think if we give Mr. Mayberry just a minute to click back in, we can proceed. We do have all the participants.

**Dunn:** Members of the Board, if I may add? Nina, it's 132 in maps -

**Boyd:** Would you speak up, please, Terrance?

**Dunn:** - in your red folder.

**Boyd:** Please speak up so we can...yes.

**Dunn:** 132 in your map section, there's an additional map that's in your red folder that provides the street route to the school. You have the freeway map as well as the street map.

**Barke:** Thank you.

**Dunn:** You're welcome. Thank you. Dr. Mayberry? Can you hear me?

**Mayberry:** Sorry. I apologize. I can't say that's ever happened before, so I apologize to everybody.

**Dunn:** Dr. Mayberry, can you hear me?

**Mayberry:** Yes, I can hear you now.

**Dunn:** Great. Thank you. Ms. Bevilaqua, can you hear me?

**Bevilaqua:** Yes, it's a little better.

**Dunn:** Okay. Thank you. Where were we? Ms. Bevilaqua, you may address the Board for up to two minutes for your closing statement.

**Bevilaqua:** Okay. The bullying was between the principal and us. Noah had to give up football so they stopped bullying me. That is wrong. That is not correct on senior year. Noah has zero assistance on his special education. He gave up one of his classes now because of it, because he likes the English teacher. He want to keep the same class. He wouldn't be a burden by any means. He needs to play football. He had to leave the team because of the threats of harassing me, then unlawful threats. It is absurd that we have to be exposed to those people again one more year. What they taught my son is a display of unlawful supremacy. Everything that I submitted to you guys. I am really sorry. If I'm bullying the student, the student is bad from the principal to a student and his mother is completely unacceptable.

**Dunn:** Thank you. That concludes the presentation for the student. Laguna Beach Unified School District, you have up to two minutes to make your closing statement.

**Mayberry:** Thank you. I just want to apologize to everybody for the technical difficulties. I would just summarize what we said before. The permit was denied based on our board policy that we've have for quite a while. We do believe, even with that, we took in consideration what was thought was in the best interest of the student in denying the permit. I think that's ultimately what we all have to consider. What is the best interest of the student? Whether that's staying at this school or going to another school in the district so that services and continuity of learning can continue the most smooth, effective way. By our determination and our analysis, we felt like that would be the best for the student as part of the denial for the permit. Thank you. Appreciate the time.

**Dunn:** Thank you. That concludes the presentation for both parties and completes this portion of the hearing. President, Dr. Williams, you are now in charge of the hearing.

**Williams:** Very good. Thank you for both of the parties for being here. At this time, the Board gets and has the opportunity to further pursue questions regarding this inter-district transfer. I'll start with my right to the good Trustee Gomez.

**Gomez:** Thank you. My question is to the family. Where is the student now? Where is the student attending school now? This is to the parent.

**Bevilaqua:** Dana Hills High School.

**Gomez:** Okay. He is still in school at this moment?

**Bevilaqua:** Yes.

**Gomez:** There's also some information in the packet that indicates that you declined to participate in a phone call on October 2<sup>nd</sup> with the principal to try to resolve the issue. Is that accurate? Are you able to hear ma'am? This is to the parent.

**Bevilaqua:** Now I can hear you. I was just writing that I couldn't hear your question.

**Gomez:** Okay. My question was there is documentation that indicates that there was a phone call scheduled for October 2<sup>nd</sup> of 2019, and that you declined to participate in it. My understanding is that it was to try to resolve these issues. Is that accurate that you declined to participate?

**Bevilaqua:** I cannot hear.

**Williams:** She's not hearing you.

**Gomez:** I don't have the ability to chat from here.

**Bevilaqua:** I don't know what to do.

**Dunn:** What was your question?

**Gomez:** She could hear that.

**Williams:** Ms. Bevilaqua, can you hear us?

**Bevilaqua:** Now I can hear you.

**Williams:** Is your red light on or off?

**Gomez:** It's on.

**Williams:** Okay. Push it because it's the exact opposite.

**Gomez:** Okay.

**Williams:** See if that works now.

**Gomez:** Okay. There is documentation that indicates that you declined to participate in a phone call on October 2<sup>nd</sup> with the principal. Is that accurate?

**Bevilaqua:** No, it isn't.

**Gomez:** Can you tell me what happened?

**Bevilaqua:** Yes. Where do you want me to start? Lately, or this year?

**Gomez:** I'm asking you specifically about October 2<sup>nd</sup>.

**Bevilaqua:** This year?

**Gomez:** Of 2019.

**Bevilaqua:** No, he didn't. He didn't ask me. He asked me to go to school.

**Gomez:** Okay.

**Bevilaqua:** I said I wouldn't meet him at school with any ban. It wasn't on my interest. He would say I did something like he has done. I wouldn't be there. The ban was lifted after we had a Zoom meeting this year.

**Gomez:** Okay. I want to stay on topic here. Did you decline to meet with the principal on October 2<sup>nd</sup>?

**Bevilaqua:** In person, at school, yes.

**Gomez:** Okay. What's going to happen if this transfer is not granted? What are going to be your options?

**Bevilaqua:** None. Noah's going to have to go two times a week to that school. He's not going to play football, which is up. He shouldn't be penalized by the mistake of this school and the district. Against all odds, Noah's not a burden. He got invited to a college. He got accepted on a college because of football. He's a little concerned that he's not playing this year on his senior year.

**Gomez:** Okay. We'll move on. That's fine. I'm done with my questions.

**Williams:** Okay. Tim.

**Shaw:** Ms. Bevilaqua, I was going to ask what Trustee Gomez asked, too, about what is the plan for you guys if the transfer is denied? Did I hear you correctly that he would not continue at



Dana Hills High School?

**Bevilaqua:** You're cracking up, sir.

**Shaw:** If the transfer is denied -

**Bevilaqua:** It's still cracking up again.

**Shaw:** If the transfer is denied, would it be your plan to have Noah continue as a student at Dana Hills High School?

**Bevilaqua:** [Inaudible]

**Shaw:** Okay. The other question I wanted to ask, if you can hear me. Why was Laguna Beach High School – maybe I missed it in the packet – but why was that the school you were trying to transfer Noah to? It sounded like there was other high schools closer by. My mic's on, right?

**Barke:** Yes it is because you're lit up.

**Bevilaqua:** [Inaudible]

**Williams:** It's on her end.

**Hendrick:** We're trying to call in.

**Williams:** Okay.

**Bevilaqua:** [Inaudible]

**Boyd:** We're trying to get her to call in.

**Barke:** It looks like she lights up.

**Bevilaqua:** [Inaudible]

**Williams:** She's frozen.

**Bevilaqua:** [Inaudible]

**Williams:** The goal, Nina, is to get the parent to call in and we'll do it from the Zoom audio portion. Is that right?

**Boyd:** We hope she calls in and we can ask her questions.

**Williams:** Right. Her screen is frozen there.

**Shaw:** Trustee Barke answered my question. It was on page 15. Noah has a friend at Laguna, which is why, I guess, they wanted to send him there. Thank you.

**Barke:** My pleasure.

**Bevilaqua:** Hello?

**Boyd:** She's there.

**Dunn:** Ms. Bevilaqua, can you hear us?

**Bevilaqua:** Hi. Can you guys hear me now?

**Dunn:** We can hear you fine. Thank you.

**Shaw:** Wonderful. Ms. Bevilaqua, this is Tim Shaw, Trustee Shaw. I think a central question for me would be if the transfer is denied to Noah to Laguna, what would be your preference? What is your plan B? Did I understand you correctly?

**Bevilaqua:** There is no plan B. Unfortunately, I don't have a plan B.

**Shaw:** He would not continue as a student at Dana Hills High School? That's not an option?

**Bevilaqua:** He has to continue there. That's the only option we have. It is absurd that we have to go back to that school.

**Shaw:** Okay. Thank you.

**Williams:** Okay. Trustee Barke?

**Barke:** Hi. Thank you for being here today. Are there any other high schools within the Capo District that he could switch to?

**Bevilaqua:** He's not going to go to Capo District. I'm suing Capo District.

**Barke:** Could you make that out?

**Bevilaqua:** That's why I'm asking the transfer now. Honestly, the danger is going to go back over there, that is in your guys' hands. I did everything I could to make this right, to make this safe, to now. It's in your guy's hands. I'm really sorry.

**Barke:** Okay. Thank you. I have no further questions at the moment.

**Williams:** Trustee Sparks?

**Sparks:** Yes. I have a question actually for Greg Rolen, our attorney. Are you there, Greg?

**Rolen:** I am.

**Sparks:** Okay. My question is about AB 1127 which is, "The LEAs must allow intra-district transfer for bullying." If you could explain that? Are there other high schools that wouldn't have this issue within the district which would be the first option? If there's not an option there, then there is an inter-district attendance permit implication if it's the only high school. My understanding is there are other high schools in that district. Can you explain that AB 1127 and give us some advice?

**Rolen:** Yes, Trustee Sparks. The statute of the AB reads very clearly that if there's a school within the district that he can attend, he should go to that school. The inter-district transfer option is only if it is a victim of another pupil in that district, not necessarily a pupil or an adult who's not a member of the district or a member of the district staff. 1127 is very specific that bullying is a reason for an inter-district transfer if it's at the hands of the pupil. Does that answer your question?

**Sparks:** Yes. Thank you. Thank you very much.

**Williams:** Okay. Very good. Ma'am, this is Ken Williams here. I have a few questions. Your particular circumstance is quite unfortunate and very challenging for all parties involved here. What we're hearing is that the bullying is an issue between you and the staff and administration at Capistrano Unified School District. Can you clarify that a little bit more for me?

**Bevilaqua:** Yes. I submitted all the paperwork, all my paperwork. I submitted a complaint about a volunteer at school, was there invited by a parent on the football team. When I filed my complaint, hell broke over to me. They banned me from the school illegally. The guy that spoke to me on that matter in person, inside the campus, and by text messages on a text message group from school, he was never banned from the school. The code that they used against me to bully me was not used against him. You can check that in level one, two, three of my complaint.

I never mistreated the coach for the team. He was there and it's also in my documentation. He sent me an email telling me to retrieve my statement or remove my son from the team. After a year of being banned from the school illegally and consistently asking, I'm the only family member that goes to that school. Noah doesn't have anybody else. They have zero concern about my son.

**Williams:** Okay. Let me go on with my questioning here. You mentioned just a few moments ago that you're suing the district. Are you involved in litigation with the district at this time? Have you hired an attorney -

**Bevilaqua:** Not yet.

**Williams:** - and actually filed something?

**Bevilaqua:** Not yet, sir. I spoke with every single superintendent. I spoke with Jim Herdon, which he's the president for the board of -

**Williams:** Ma'am, I want you to answer my question directly. Are you involved in litigation or suing the district?

**Bevilaqua:** Not yet. No. I just have counseling -

**Williams:** Not yet. Okay.

**Bevilaqua:** So we can figure out who will represent me.

**Williams:** Thank you. The other issue is the bullying issue that. You're saying that's not by another student. Is that correct? It's a yes or no -

**Bevilaqua:** No. It was by parents, by the district, and by the principal.

**Williams:** Okay. I need to establish that Noah was not bullied by any other student at his school. Is that correct?

**Bevilaqua:** No.

**Williams:** Very good. You mention, and I see in the documentation, that you were banned from school. Was that based upon an Education Code that they used?

**Bevilaqua:** Yes. The Education Code they used is on my Facebook page, which that's not allowed. I should be at the school for them to use the code, not on my Facebook page.

**Williams:** To the district. You're a basic aid district. Is that correct, doctor?

**Mayberry:** Yes, that's correct.

**Williams:** In a basic aid district, again, because sometimes things and events and laws change, your funds for each student come from within the tax base of Laguna Beach. Is that correct?

**Mayberry:** Yes, that's true.

**Williams:** How many students do you have that are outside of the school district now that are in attendance in your district?

**Mayberry:** Approximately, each year it's usually around 50 students. I want to say that maybe 54 this year.

**Williams:** Okay. Very good. That ends my questioning here. What is the privilege of the Board? I see some nodding here that we're going to go into a closed session. To all the parties, it's very normal for us to, after we ask our questions, to go in to closed session. We will be back when we're done and give you our decision. We will be in recess.

**[PRESIDENT WILLIAMS STRIKES THE GAVEL ONCE TO SIGNAL THE  
BEGINNING OF THE RECESS OF THE REGULAR MEETING. THE AUDIO  
RESUMES WHEN THE BOARD MEMBERS RETURN FROM RECESS AND THE  
CLOSED SESSION]**

**Williams:** Is everybody on the line?

**Dunn:** Ms. Bevilaqua, can you hear me? They have it muted.

**Rolen:** I'm here, Mr. President.

**Dunn:** Dr. Mayberry, can you hear me?

**Mayberry:** Yes, I can.

**Williams:** Very good. The Board of Education is back into session for the Agenda item of the inter-district transfer from Capistrano Unified to the Laguna Beach Unified. We have been in closed session and discussed this case in great detail. I'm going to ask my fellow Board members for a motion on this particular case.

**Shaw:** I move that we deny the appeal.

**Williams:** We have a motion on the floor to deny the appeal. May I have a second?

**Sparks:** Second.

**Gomez:** I will second.

**Williams:** Okay. I think Lisa got there first. We have a motion and a second. Any further discussion or questions? Barring that there is none, may we have a roll call vote, Nina?

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Yes.

**Dunn:** To repeat, Ms. Bevilaqua, the decision of the Board is to deny your appeal. Thank you, thank the district and to the county Board of Trustees for your time. This concludes the appeal hearing portion for the Simpson family. Thank you, Ms. Bevilaqua.

**Mayberry:** Thank you.

**Williams:** Very good. Moving on with our meeting. Let me give the official welcome to those who present online and on the internet, as well as to our good guests that are present here. Due to the COVID, we have, in Costa Mesa, municipality codes. We have limited the individuals who could attend in person. We are social distancing and welcome. It is part of our tradition here at the County Board of Education to have an invocation and Pledge of Allegiance to this great flag. Today is a little bit special, because we have individuals that are, are very dear to the community as far as their support and advocacy of a special moment of invocation and thoughts and reflection upon what we do here on this Board. I'm going to ask for Brad Dacus, Pastor Gheorghe and Pastor Jim to come up. We will follow with the Pledge of Allegiance by our good trustee, former trustee, Linda Lindholm, and Mr. Wayne Lindholm. Mr. Brad Dacus, you're up.

**Dacus:** Thank you very much members of the Orange County Board of Education. I'm Brad Dacus, president and founder of the Pacific Justice Institute. We're a nonprofit legal organization specializing in the defense of religious freedom and our fundamental civil liberties. I know that it's been brought before you a challenge to the posting of, "In God We Trust", our national motto in this place. We at Pacific Justice Institute litigated, actually, the constitutionality of, "In God We Trust," before the Ninth Circuit Court of Appeals, no less. We won, 3-0. This has been very well established as a matter of case law that our national motto is constitutional. In fact, subsequent cases that followed, which were very important, numerous cases.

I can't go through all them for sake of time. *Lambath vs. Board of Education*, our Board of Commissioners in Davidson County upheld the county board's decision to authorize the inscription, "In God We Trust" on a facade of a county government center did not constitute a violation of establishment clause. *Schmidt vs. Klein*, O'Connor, Justice O'Connor coined her well-termed phrase: "Ceremonial Deism." It's very established. Now, there was a case that went before the Ninth Circuit recently dealing with another school district. They had a number of

different factors, much more complex than dealing with just the national motto or just dealing with the constitutionality of having say a moment of silence or expression.

It's a very difficult case. It did not go to the Supreme Court. However, that said, we are very confident that the Ninth Circuit, as well as the Supreme Court, would affirm, "In God We Trust." The Ninth Circuit has had about a third of the justices have been replaced with justices that respect the Constitution and the original intent of the original language of the Constitution. In addition to that, the Supreme Court has also had some three, almost soon to have a third, new justice just in the last four years. All of them respect the Constitution, the original intent of the Constitution. We are consequently very confident that they will rule properly and accordingly.

We, at the Pacific Justice Institute, in a letter that's been distributed to thousands of school board meetings, schools, school boards, city councils, and County Board of Supervisors across the United States. It has been distributed. Hundreds and hundreds have responded positively and have posted, "In God We Trust" at their meeting centers. There've been threats. Not a single lawsuit, because we're there. We have pledged to represent every single one of them without charge, all the way to Supreme Court if necessary. I want you, the Board, to know that you can be confident. Number one, that it's constitutional. Number two, that if it is challenged, that you will prevail and that we at Pacific Justice Institute, we'll put our full energy and reputation to making sure that that happens. Thank you very much. Thank you for the fine work that you're doing serving the people here in Orange County. Thank you.

**Barke:** Thank you.

**Rosca:** Good evening, members of the Board. My name is Gheorghe Rosca. I'm a pastor in the city of Placentia. I'm also here to offer my full support for the invocation policy, as well as the motto, "In God We Trust."

**Gomez:** Excuse me, Mr. President. Are we doing the invocation or is this public comment?

**Williams:** This is a part of the invocation that's being delivered in an inspirational sense.

**Gomez:** I thought we had a three-minute limit. I'm just checking on where we are.

**Rosca:** Do I start all over? I'll continue.

**Williams:** Speak from your heart.

**Rosca:** Invocations have been part of America's history before and after its founding. Although I don't want to bore anyone here to death with quotes of other invocations given by most of our presidents in our past. Although it would definitively demonstrate the lazy and lousy arguments being brought up by Americans United for Separation of Church and State. What strikes me about their letter dated August 28, 2020, to Mr. Jeff Riel is the contradictory statement to what I found on their website. "In this letter, we write to explain why the Board would not only reject the proposed amendments, but also repeal its existing policy and end, all together, the practice of presenting prayers at its meetings."

Then the article on their website dated May 3<sup>rd</sup>, 2019, by Liz Hayes states, "Better awareness of religious diversity is one of the silver linings of the disappointing Greece decision," according to Linda. "The great thing that's come out of this is it sparked an interest in atheist and secular people to begin delivering invocations at government meetings". Linda told me last month, she

said, "Many atheists don't want to come out of the closet, but now when people see them giving these invocations and realize that their neighbors and people they know and, not scary people, it's been really good for the atheist community." What are we really looking to accomplish at the end of the day?

Bullying government bodies to abolish their invocation policies and practices, or are you wanting more of a PR campaign to raise awareness among atheists in America to start giving their own invocations? Might I suggest that AU is better off spending its donors' money on a fruitful PR campaign rather than on legal fees to take this lawsuit to the Supreme Court only to lose again, just like AU did with *Greece v. Galloway* in 2014. My family escaped communist Romania, an atheist nation, a nation led by non-religious people. My dad was one of those non-religious people, even though he grew up in a Christian family. He was involved in the communist party, but from the day that he gave his life to Jesus, he was followed by the secret police.

From 1975 until 1982 it was normal for him to be picked up randomly off the streets by the secret police and taken into secret interrogation rooms to divulge information about other Christians. Because he didn't provide them with information, it culminated in his imprisonment in June 1982. After the revolution ended in December 1989, over 100,000 men and women gathered in the Timisoara City Square to declare their freedom. The most common phrase that was chanted by these people, who spent over four decades living under the brutality of atheist Communism was the phrase, "God exists."

Long after you and I are gone, any attempt to stamp out God from society will be met by a revolution driven by the human heart that deep down inside knows there is but one true God, and they will chant over our dead bodies the same phrase, "God exists." As an immigrant, I value the role of religion, but especially the Judeo Christian worldview in America's public square, and its influence on its laws that have resulted in the creation of the most free society to ever exist. This beautiful nation stands in stark contrast to the atheist nations that millions of immigrants have escaped. The atheist worldview has resulted in over one-hundred million deaths over the last century.

The last thing I would like to say is for us to take a collective stroll down logic lane. Let's follow a used argument to its logical end. These three gentlemen that wrote the letter to the Board requesting for the separation of church and state. Yet, they haven't mentioned that in the atheist worldview, they are not, in fact, non-religious even though they claim otherwise. They do have a religion. It's called humanism. In their religion, they are their own God. Therefore, by using the principles outlined in their own letter, this Board would have to vehemently reject their request because it was written by three gods. There would be no greater demonstration of agreeing with the separation of church and state principle than to deny these three gods of the church of humanism the request to impose their own religion on this governing body. Thank you.

**Domen:** Good evening. It's good to be here today. It's a little unusual for me. I haven't been here since all the chairs have been moved out, and so it's a little bit different. It's to see familiar faces. I know four of the five of you personally, and it's an honor and privilege to be here tonight. First and foremost, can I say thank you? I want to say thank you to you, to you, to you, to you and you for your service in our great county. It's greatly appreciated. Orange County has got, I think,

about three million people. You serve a lot of people and a lot of students. I'm proud to say my daughter's part of Sage Oak, a charter school that this Board supports. I just want to say thank you, personally, for my wife and I, and our oldest daughter who is six.

The other two aren't quite there yet. I'm grateful for that. Before I begin in prayer tonight for the invocation as requested, I was just kind of looking around and I thought, wow, look at the diversity you all represent here. Trustee Gomez, I don't know if you have a faith background or not, but I know these four LDS represent evangelical, and the Jewish faiths are represented. I just think that's the beautiful diversity really representing Orange County. My name is Jim Domen. I'm a pastor at Church United. We have over 2,000 pastors here in California. A few hundred of them are right here in Orange County. Because of COVID, I can't invite more pastors to come and share about this issue this evening.

The last time this came up about a year or two ago, one of the deacons from the Orange County Diocese Faith said the Catholics represent one third of Orange County's population. I didn't even know that. A third of Orange County's population is Catholic. I'm like, wow, what a great faith. What great roots we have. In honoring God this evening, I'd love to open our meeting in prayer. Thank you for having me. Heavenly Father, thank you for this Board. Thank you for their service to our community, our cities and our county, in greater, our state and our nation. Lord, I ask your blessing on each and every Board member, God, that you would give them wisdom. As one of them asked specifically, Jim, would you pray for wisdom for us tonight?

I pray you would grant them wisdom so that they hear your voice, that they'd make the best decisions that would protect children, that would rise children up and make children thrive. We talk about education a lot, but it's about the little people, the little ones who can't make decisions for themselves. God, I pray that these adults would make great decisions that would allow children to thrive and that they would exceed and excel in academia. And Lord, that this Board would focus on education, math, science, and reading. There's so many great things to do, Lord. God, I pray that you would give them wisdom beyond their years, and that they'd make decisions fiscally that would make Orange County even stronger and our schools greater.

God, I pray that your spirit would touch each heart here tonight. Even if there are those who disagree with the viewpoints, I praise you and thank you that we're in a country that's free. And that people that represent freedom, and we continue to keep all of us free and the ability to discourse even to disagree. God, we just invite your spirit would move mightily and that we would continue to transform Orange County schools for great good. In Jesu's name, we pray. Amen. Thank you.

**Williams:** Thank you, pastor. Moving on with the Pledge of Allegiance, we've asked our former colleague, Linda Lindholm and her wonderful husband. If they would come up. Linda, let me just say a few words. Thank you so much for what you've done in the past for getting the motto, "In God We Trust" behind us here. [APPLAUSE] You serve as a great example -

**Lindholm:** Thank you.

**Williams:** - of good governance.

**Lindholm:** I've got like two minutes here. Hang in there. It's a pleasure to see you, Dr. Mijares, President of the Board. Nina, it's always great to see you. I wanted to tell you a little bit about

the flag, because I'm here for the flag salute.

**Barke:** Do you want us to sit?

**Lindholm:** You can sit for two minutes. Okay? Thank you. When they asked me to give the pledge, I thought I should know a little bit about where the pledge came from and why we say it. I'm going to be brief. I picked out a few points to share with you. At the beginning, our flag has always been a source of inspiration. On September 14<sup>th</sup>, 1814, a poet we all know, Francis Scott Key, watched US soldiers who were under bombardment from British Naval forces during the War of 1812, raise a large American flag over Fort McHenry in Baltimore, Maryland. Seeing the flag waving, he was inspired to write our national anthem.

For him and for us, the raising of the flag is a powerful symbol of hope, strength and resilience at the best of times and in the worst of times. For those who say the pledge, it's a way to express their feelings for the flag and the ideals and values it represents. There've been many moments in history that flying a flag has been inspirational. General Dwight D. Eisenhower, who fought in World War II and became President, brought forth a bill formalizing our current Pledge of Allegiance, June 14, 1954. You're going to learn something here. You probably know. As he signed it into law he stated, "From this day forward, the millions of our school children will daily proclaim in every city and town, every village and rural school house, the dedication of our nation and our people to the Almighty.

In this way, we are reaffirming the transcendence of religious faith and America's heritage and the future. In this way, we shall constantly strengthen those spiritual weapons, which forever will be our country's most powerful resource." One more time when we saw the flag raised, and that one's very emotional, was September 11<sup>th</sup>, 2001, when the World Trade Center fell. 2,606 innocent individuals lost their lives in that bombing. 125 souls lost their lives while working in the Pentagon and over 6,000 were injured. Nearly 2,000 people were at or above the point of impact at the World Trade Center. Eighteen survived. That day, three brave and courageous New York City firefighters raised the US flag in the rubble, an incredibly memorable and inspirational photograph shown around the world.

That's a little about our flag. When said at the beginning of meetings or at the start of a school day, the Pledge of Allegiance represents for all people, all people, a powerful symbol of hope, a symbol of strength, a symbol of resilience and the nation's unconquerable spirit. You're supposed to say the pledge.

**Williams:** For those who would like to, you may stand and we will be led, formally, in the pledge by Mr. Wayne Lindholm.

**W. Lindholm:** Please join me.

**W. Lindholm, 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.

**L. Lindholm:** Thanks for having me.

**Barke:** Thank you.

**Williams:** Thank you all for being here and being a part of this meeting. We're going to be moving on with our meeting. At this point, we have the introductions. Dr. Boyd, any



introductions?

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

**Williams:** Very, very good. Moving on with our meeting to the public comments. We have dedicated 30 minutes. I don't know how many public speakers we have. Most of the speakers we will not be able to accommodate because of social distancing. These speakers will come in, and I'd like to have a consensus of the Board. I think we have 20 plus, maybe 25.

**Barke:** We now have 34.

**Williams:** Thirty four.

**Barke:** Thirty five.

**Williams:** Thirty five. With the consensus of the Board, how do we feel about limiting the public comments to one minute?

**Boyd:** Dr. Williams? If I could just interject. You also received 33 electronic transmissions for comments.

**Williams:** Okay. That's a lot of communication with the Board. Let's go ahead. Is there a consensus on limiting public comments to a minute each? That way we stay close within our 30 minutes. Okay.

**Gomez:** I think you're going to have people being very disappointed if they prepared remarks for up to three minutes, because that's our Board policy.

**Williams:** We'll give some grace and flexibility.

**Gomez:** I would entertain a motion. Why don't we see how many we can get through in 30 minutes, because maybe they won't all take three minutes. Then see where we are. Could we do that?

**Williams:** If you want to make a motion, that's up to you. I'm not going to inhibit your freedom of expression and representation of your district. If you want to make the motion, I'll entertain that.

**Gomez:** I make a motion that we hear as many speakers as possible within the first 30 minutes and then determine how much longer we can go.

**Williams:** Okay. Is there a second on that?

**Barke:** What about a compromise that we give each speaker two minutes and ask them if they can make it shorter to do that? How about two minutes?

**Williams:** Okay. Would you like to amend your -

**Gomez:** Sure.

**Williams:** - your motion to two minutes?

**Gomez:** Yes.

**Williams:** Okay.

**Gomez:** I think that's reasonable.

**Williams:** I think that's reasonable. I'll second that. Any other thoughts or conversation? Otherwise, can we just have a raising of our hands?

**Gomez:** Yes, that's fine.

**Williams:** I'll see it, and we'll put it into the record that all five of the trustees voted to limit the public comments to two minutes each. The sooner we get started, we can begin.

**Barke:** Okay. We will start with, and they're an order of arrivals other than the four who are staying. They'll go at the end since they're actually staying. Those that want to come in and speak and leave, to accommodate those. We're going to start with Cindy.

**Boyd:** Vice President Barke? If I could just interject. Because of the length of the inter-district appeal, my understanding as people got out of line. They're not lined up the way that they

provided those. We can either just have them line up and come to the door. Or, if you want to give Renee the card, she can call them out.

**Barke:** Sure.

**Boyd:** Maybe you take the first 10. You can get five in and then get the other people.

**Williams:** You're going to line up everybody and tell them their order of public comments. Okay.

**Boyd:** Do any of them say that they're in the room, because we may have some folks in here.

**Barke:** Is there anybody in the room that turned in a speaker's card? I just got a text that some of them are sitting in their cars, listening to the meeting, because it got cold. Maybe now they'll come out. Maybe I'll tell them to line up in the order they arrived. Yes. Exactly.

**Bocorman:** Hello. My name is Cindy Bocorman. First of all, I want to dissent that you did not, last meeting, honor Ruth Bader Ginsburg by having a silence like you had. I think you said it was a couple of minutes and you just only had it for a few seconds. I dissent your Agenda meetings are focused at suing and litigation rather than problem solving through a pandemic that our children are going through. I dissent that you guys all don't have masks on, except for Beckie. In Costa Mesa, you're supposed to be wearing a mask. You just saw what happened with the White House where the President infected everybody and Hope Hicks. I dissent your rally last month to sue Governor Newsom. All of you didn't have masks. All the people didn't have masks.

You didn't ask them to wear a mask, spreading the virus. I dissent that the rally that you had to sue Newsom. You can blame him that the virus wasn't a deadly virus. It is a deadly virus. I said you were a liar and people at that rally walked over to me and followed me around there. I used to work in probation. They had guns in like –

**Sparks:** Thirty seconds.

**Bocorman:** - Okay. Just like your husband, Jeff Barke, has a gun in his pocket; whatever. I dissent that this meeting right now, you have people that are elderly waiting outside for an hour and a half. You could schedule your expulsion meetings so people could come in and have public meetings or public comments right away. You make them wait, because you're suppressing public comments and you continually do that. I definitely dissent on that.

**Sparks:** Time.

**Bocorman:** Okay. Thank you.

**Williams:** Thank you very much.

**Barke:** Vicky, we have next. Then Elaine.

**Keltner-Rule:** My name is Vicki Keltner-Rule. I want to say up front, thank you so much for your time, your effort and all the wonderful people. We've been standing outside, but they've been very courteous to us. Thomas Jefferson stated that God gave us life and gave us liberty. By acknowledging this statement, we are reminded that all religions have the right to pray. That goes for all the religious groups in Orange County. It's a good practice, especially when we're deciding what's going to be said to our children. We know that this Board is doing a wonderful job for our schools. We're here just to stand behind you and tell you, Brad Dacus, who you've already heard from, who has defended so many of these rights for us. We appreciate him.

We think, "In God We Trust," is important. We're here to tell you that we don't want it taken away. I'm sure that all of you have heard everything from separation of church and state. There've been all kinds of information. The main thing we want to tell you is we appreciate you. We know that you're going to do a great job for us and these citizens – and there's easily 50 of us out there. Some have already gone home – just to say do not be discouraged. Brad Dacus is behind us. We will do what we have to do, because we believe that God needs to be in this country. I thank you so much for your time.

**Barke:** Next is Elaine, followed by Sherry.

**Elaine:** Good evening, Board. Thank you again for having a -

**Boyd:** Can you pull the mic down so that we can capture? Thank you.

**Harmon:** Good evening and thank you for letting us have a voice tonight. I gave each one of you a copy of a letter that I wrote to Dr. Mijares in hearing that the plaque, "In God We Trust", was going to be removed. The letter that you do have, it says, "I have attached a copy of a letter I sent 25 years ago, sharing my concerns about education and how children were being taught. In some respects, many things have not changed. Children are still children and in need of caring, loving adults to guide them in their journey of life. The letter that Dr. Mijares received, it made reference to each of us having a moral commitment to our students - how true. Morals are of no value if not based on God.

About 1990, I have a vivid memory of going to the Santa Ana High School for a district-wide teacher's meeting to hear Jim Trelease speak on his book, "Read-Aloud Handbook." Leaving, I was so inspired by him and the grateful wisdom of Dr. Mijares in his leadership. It influenced my teaching throughout my career. Reading books to children has always been my passion. Sadly, I have also a piercing memory of an administrator at the beginning of a school year saying, and I quote, "If any of you are still reading extraneous books, cut it out. We don't have time for reading." My, my, what a polarization. That polarization continues to permeate most of everything going on in our great country today. As my teaching career continued, there seemed to be less and less connection between downtown and the classroom –

**Sparks:** Thirty seconds.

**Harmon:** - more bureaucracy and standards of less and less genuine teaching. I felt like I was watching the class deteriorate right alongside our society and the purpose and value that once heralded our educational system. I'll skip down. Here you are, again, in a position of leadership that is making the course of this history. "In God We Trust," is the thread that our country needs to get us back on course with God. This is the only country in the world that has that purpose and privilege.

**Sparks:** Time.

**Elaine:** When God is denied, our country has denied. God bless America, and we must keep, "In God We Trust." Thank you.

**Boyd:** Can you state your name for the record again, please?

**Harmon:** Elaine Harmon.

**Boyd:** Thank you.

**Barke:** Then we have Sherry, followed by Steve.

**Miller:** Thank you. Good evening, Superintendent Mijares, President Williams and honored school Board members. My name is Sherry Miller and I'm speaking on, "In God We Trust" and invocations. I wanted to start out with a word from scripture that the Lord is our strength and our shield, as our hearts trust in him, we are helped. As a Christian wife, mother, grandmother, Orange County resident, as the Irvine Prayer Action Chapter for Concerned Women for America. First of all, I want to thank you for your dedication and your commitment to our students and to our schools. For this evening, I'm imploring you not to ever let Orange County residents forget that prayer, and "In God We Trust" is a part of who we are as Americans.

As we, the people, as part of our nation's Judeo Christian heritage, we are humbled to pray and to trust in God for his help. To those who question permitting officially, acknowledging God in prayer, or displaying "In God We Trust" on public meeting walls, they might be interested in knowing that the preambles of 45 of the 50 state constitutions invoke God, seek his blessings on state issues and give thanks to God. This is common in both conservative and liberal states. We, the people of the state of California, grateful to almighty God for our freedom in order to secure and perpetuate its blessings, do establish this Constitution.

**Sparks:** Thirty seconds.

**Miller:** There is no wall of separation of church and state. The phrase is not written or implied in the Constitution, or the First Amendment. Prayer has birthed our nation, guided America's more than 200 years of forces waging war against our freedom. The freedom to pray for our nation, for our leaders, like you, to make decisions impacting we, the people, our children and our schools is a privilege and honor, and a sacred duty. Thank you.

**Barke:** Next up is Steven, followed by Steven. Jackson is the first Steven. Thank you.

**Jackson:** Good evening. Steve Jackson, Fountain Valley, I'm a retired aerospace engineer, principal scientist. I had a three-minute presentation discussing Benjamin Franklin's call for prayer at the Constitutional Convention. I gave it to Renee. You all have copies of it. We're a little short of time and I want to give my cohorts as much time as possible. I'm just going to give you my closer. I commend you as representatives chosen by the people for beginning your sessions, invoking God's guidance and blessings. And your display, our national motto, on the wall. These demonstrate positive role modeling for children. Now, you are being bullied by threat of a malicious lawsuit for doing as our founding fathers did, indeed as our representatives in Congress and the US Supreme Court do.

Your oath to the Constitution binds you to the original intent of that instrument, which holds its existence to prayers elicited by Ben Franklin. It is your patriotic duty to stand strong against the bigoted and destructive attempt to silence you. Unlike Ben Franklin and our other founders, you do not risk your lives or your personal fortunes, but your sacred honor is on the line. Fear God and not man. Do what is right. Retain our godly heritage. John Quincy Adams: "Duty is ours. Results are God's." Thank you.

**Barke:** Thank you.

**Williams:** Thank you, Mr. Johnson.

**Barke:** Next we have Steven Chang, followed by Michelle. Are we going to do Michelle before Steven? Are you Michelle?

**Michelle:** That was Steven.

**Barke:** We have second Steven. Sorry.

**Michelle:** Sorry.

**Barke:** Steven?

**Chang:** Dear Board of Trustees. First of all, thank you for your hard work for our public school in Orange County. We regret to inform you that the Irvine Unified School District has not followed the appropriate protocol and used the inaccurate information to deny our petition to open the Irvine International Academy with the Mandarin Immersion Program in Irvine. We were never contacted to have any discussion with them, nor were we invited to have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. We truly believe that our petition to start a Mandarin Immersion Program, which consists of experienced bilingual teachers and experienced California credentialed principal will create a high quality public charter school in Irvine.

Our mission is identical to the mission of secretary DeVos, who just made an announcement on Sunday, October 4<sup>th</sup>, to allocate 131 million in new funding to create and expand high quality public charter schools. We are going to appeal in the next few days since the Irvine Unified School District cannot continue to overlook the strong need of having a Mandarin Immersion Program in Irvine. Parents and students deserve the opportunity to apply for schools of choice instead of sending a child to other school districts. Thank you for your attention.

**Barke:** Thank you. Now we have Michelle, followed by Laura.

**Michelle:** Thank you. Good evening, Superintendent Mijares, honored Board members, President Williams. I am Michelle. I'm from Costa Mesa. I want to thank you for going through this again, because I was here four years ago when we went through this and faced this. Again, to have to spend the time and energy on doing something like this versus taking care of our children and our school districts. Just a little history from the US Department of Treasury. The motto, "In God We Trust" was placed on the United States coins, largely because of the increased religious sentiment existing during the civil war time. Secretary of the Treasury, Salmon P. Chase, who happened to be the treasury to President Lincoln, received many appeals from the devout persons throughout the country.

As a result, Secretary Chase instructed James Pollock, the director of the mint at Philadelphia at the time, to prepare a motto in a letter dated November 20<sup>th</sup> of 1861. "Dear sir, no nation can be strong except in the strength of God or safe, except in his defense. The trust of our people in God should be declared on our national coins." The Congress passed the Act of April 22<sup>nd</sup>, 1864. Now, as you know, our money has been saying, "In God We Trust" since then. In regards to the invocations, the Supreme Court banned prayers from the schools in 1962, saying it violated the First Amendment. As we are well aware today, separation between church and state does not exist in the Constitution.

**Sparks:** Thirty seconds.

**Michelle:** The statement of origin was that of ensuring a state mandated religion would not happen. Our First Amendment gives those that choose to call the United States their home, the freedom to recognize a religion or not. This freedom to choose only occurs in the United States. I'm very glad that misconception has been made clear as our communities, county states and our country need all the prayers possible to get us through this current storm that only the all mighty God can navigate us through. Thank you so much for your time and all you do for our children.

**Barke:** Thank you.

**Williams:** Thank you, Michelle. Next up, we have Laura.

**Barke:** Followed by Michael.

**Duncan:** Yes, thank you. My name is Laura Duncan and I live in the city of Orange. I come, thanking my God, for every remembrance of you in my prayers. For it is you, the Orange County Board of Education, that are looking out for the welfare of our children. I especially thank you for your heart, for your desire to protect our children and keep them safe. Our nation was founded on Judeo Christian values. The Constitution written by the inspired word of the living word of God, the Bible. Because of it, this nation has freedoms that no other nation does. Other nations that reject the God of Abraham, Isaac and Jacob live in rule under tyranny. North Korea, Iran, Kyrgyzstan, Afghanistan, Somalia, Sudan, Pakistan, Libya, Iran, Yemen, and China.

They are only a handful where a meeting of this sort would result in imprisonment, life sentence to hard labor or even death. Not only for yourself, but for your family and anyone else associated with you. In the public school education that I received, I was taught to compare and contrast. In making your decision to remove the prayer-led invocations and the statement "In God We Trust" it is in the best interest of our children and the future of our nation that the Orange County Board of Education is that you compare and contrast those countries who trust in God to those who don't. It is also in the best interests of all Orange County residents that prayer invocation and this statement, "In God We Trust" remain here in present because it is on display in this room.

It is a phrase that reveals that the hand of God is protecting our children and our future from being turned over to the enemies of America and being ruled under tyranny. I encourage you Christians in the public school system to strengthen your faith, by putting your trust in God. I'd like to leave you with this simple truth. The fear of man will prove to be a snare, but whoever trusts in God will be kept safe. Our children need to be kept safe. Once again, I thank you for your heart, for your desire to keep our children safe. Thank you.

**Williams:** Thank you, Laura. Next up is Michael.

**Barke:** Following Michael is Lori and then, David.

**Williams:** Is Michael out there? Okay.

**Barke:** Lori, and then David.

**Williams:** Two minutes.

**Kaler:** This is a three-minute speech. I'm not going to read it all. Can I turn it into someone? I'm just going to do the beginning and end. I'm Lori Kaler, teacher and citizen of Orange County. I

have attended these meetings about seven and a half years. I've read the Board's guidelines on the website and believe that the persons who've come and given invocations have been respectful of these guidelines. I've not felt that the invocations have proselytized, denigrated or disparaged anyone. I believe that the invocations promote unity, the welfare of our students and are constitutionally sound. The Orange County Board of Ed. is not trying to establish a particular religion nor do they regulate the content of the prayers or invocations at the meetings.

All religions are represented and are free to request to deliver an invocation. The final verse of our Star Spangled Banner quotes the words, "And this be our motto, In God Is Our Trust." "In God We Trust," which was added to the United States currency and displayed at the Orange County Board of Ed. shows humility of our Board members rather than arrogance. They are not here for money, but to do what they believe is right. For our children, for the unity of all individuals, for the welfare of our students and for the constitutionally sound procedures, I support invocations and the motto to continue to exist at these meetings. Thank you.

**Barke:** Thank you, David is next, followed by Gloria.

**Pryne:** Good evening, Superintendent Mijares, President Williams, and honored school Board members. My name is David Pryne. I'm speaking on having invocations and using "In God We Trust." Our country was founded by people who wanted to establish a country based on the principles of the Judeo Christian Western civilization. They went through harsh trials and turned to God for help to get them through and guide them onward. When we have strayed from God, we would be faced with further problems and would then turn back to God to help us through the next crisis. God came through miraculously with many interventions in our war of independence as can be demonstrated with many examples.

Over the years, when we would face serious problems, we would declare a national day of prayer and fasting to entreat God to help us in our time of need. God would always answer our call and help. We would often turn our attention back to God as he would bless us. At this time, we are again facing serious troubles. Now more than ever, we need to turn our focus to God for his intervention in our lives and in our nation. I understand that some don't want to participate. That is a free choice for everyone. God doesn't believe in forcing anyone to partake in religious exercises, but that shouldn't prevent those who do want to participate to do it. We should realize that we do have to eventually pay the consequences for when we do harmful things that hurt people, which brings us to the need to ask God for repentance.

**Sparks:** Thirty seconds.

**Pryne:** Seeing that having invocations and asking for God's help on our nation's behalf has been a time honored tradition throughout the history of our country, and has been upheld by the Supreme Court on many occasions. And has been demonstrated by the US Congress in starting with prayer and having a chaplain from before its inception to today, I implore that we continue to have invocations and using our motto, "In God We Trust." I am asking that this letter be photocopied and distributed to each trustee directly after this meeting for their future reference. Thank you.

**Barke:** Thank you. Next, is Gloria, followed by Robert.

**Williams:** Thank you, David.

**Barke:** Renee, do you have more of these?

**Williams:** Gloria, you can come in.

**G. Pryne:** Good evening, Superintendent Mijares, President Williams, and honored school Board members. My name is Gloria Pryne. I live in Fountain Valley. Invocations before public functions have been a time honored institution since the founding of our nation. For those who don't believe in God, then it won't do any harm, but it would be good to do out of respect for those who do believe that we could use God's help for things to go well. Christians want invocations because prayer invites God's participation in the school environment and the educational process. The decisions that the Board makes affects the lives of many children and can have effects that will have an impact the rest of their lives.

It is critical that wise decisions are made for the best interests of the children. This freedom has been, and still is offered to, people in many government and public settings from the local level at school boards and city councils up to the highest levels of government in Congress. Invoking God in prayer with illicit God's help for his guidance with all the issues the school board district deals with from big to small, and show a respect for the community who believes we need this help. I am asking that this document be photocopied and distributed to each trustee directly after this meeting for future reference. Thank you.

**Williams:** Thank you, Gloria.

**Barke:** Next is Robert, followed by Linda Cone.

**Robert:** Good evening. Thank you for the opportunity to speak and thank you, Board members, for your service to the community, our children and our grandchildren. I'm here to show support for the invocation prayer before these meetings. My wife and I, we have three sons and they all grew up here. Two went to the Naval Academy and now are serving as officers in the Navy. Without a doubt, we know the power of prayer. Even occasionally our sons would come to us for prayer. The invocation is a good thing. It's civil. It's not tearing anybody apart. In fact, it's to build people up. It's an encouragement. I'd be suspect of any group that wants to restrict us from praying. Unfortunately, I think this is only the beginning of what they're trying to do. Thank you.

**Barke:** Thank you.

**Williams:** Thank you, Robert.

**Barke:** Next is Linda, followed by Brenda.

**Cone:** Just want to say the elderly are doing quite well out there. Freedom from religion wants to remove God, prayer, and any form of spirituality from Board meetings. Let's get one thing straight. This isn't about religion. This is about one religion -Christianity. When I attended the MTSS conference sponsored by the Department last July 2019, Buddha bowls were sold in the exhibit hall. These Buddha bowls are rung in schools to initiate mindful meditation in children. The California Education Magazine, pictures children practicing mindfulness. Closed eyes, folded hands, universally recognized as prayer behavior. Religion in schools is just fine as long as it's not Christianity. It doesn't stop with Buddha bowls.



The mindfulness pamphlet from the MTSS conference says, “Listen to your heart and mind and explore your feelings and know your inner, authentic self.” This is the identical language used that I don't have time to read to you, used for children exploring their gender. Mindfulness is our new religion. On September 29, 2020, Governor Newsom signed into law AB 2218, the Transgender Health Law, which funds medical treatments such as puberty blockers and hormone therapy for minors with our tax dollars. AB 2218 also funded guided meditation, spiritual care and nondenominational therapy. Bottom line is this.

**Sparks:** Thirty seconds.

**Cone:** We cleanse our schools of our Judeo Christian heritage. Take out God, the Bible, the 10 Commandments, leaving a vacuum to be filled by religions that are acceptable, not Christianity. As far as I'm concerned, tell freedom from religion and their friends to go pound sand. Thank you.

**Barke:** Thank you.

**Williams:** Thank you, Linda.

**Barke:** Next is Brenda, followed by Gerardo...Geraldo. Jerry.

**Brenda:** Hi. Tell me on your mark, get set, go.

**Williams:** You have two minutes.

**Brenda:** Okay. With “In God We Trust” offending some, and as a public school teacher, I would like to share some personal experiences. The California Department of Ed. promotes unlimited gender choices based on child's feelings and promotes non-monogamous relationships. The State Board of Education tried to approve teachings on sadomasochism, bondage, sexual restraint, and blood play as inclusive readings for grades nine through 12 in the 2019 Health Framework. Due to opposition, the State Board of Education reluctantly removed it. I was there. In March 2016, I attended the Equity Human Rights Teacher's Union Conference.

I asked the presenter, a CTA lobbyist, this question. “Sir, during one of my class discussions where marriage and gender came up, one of my Mormon students raised his hand and said, ‘I believe marriage is between a man and a woman. And that gender is God ordained.’” I asked the CTA leader, “Sir, how should have I handled this situation to respect the diversity of all my students?” His answer shocked me. He said, “You should treat this student as though he said black people should be burned at the stake.” I was speechless.

In December 2017, I attended a GLBT Teacher's Union Conference. This time I did not go alone. A retired Catholic superintendent and a Christian teacher attended with me. The workshop we attended was Creating a Safe Place, led by a caucus president of the CTA. During the workshop, I raised my hand in front of 30 educators. I told them what the union lobbyist said to me and asked if he agreed with his answer. Without hesitation he said, “Yes, of course.”

**Sparks:** Thirty seconds.

**Brenda:** There were no gasps in the room and his agreement to the statement was left unchallenged. This CTA leader has been honored by the NEA as the champion of inclusive education and serves on many advisory committees for educational laws and policies in the state

of California. Do you think people of faith should feel safe with these words of hate and prejudice? Are Orthodox Catholics, Muslims, Christians, and Jewish students safe in our public schools anymore? Or, will their religious beliefs label them as the KKK? These union leaders who promote anti-racism, anti-bullying and anti-hate are the worst offenders.

**Sparks:** Time.

**Williams:** You can finish your sentence.

**Barke:** You can finish your last thought quickly.

**Brenda:** It's too much. Thank you.

**Williams:** Thank you, Brenda.

**Brenda:** I would say that's why we need "In God We Trust" because truly, Dr. Mijares can't save us. The Board can't save us. Lawyers can't save us. Only God, at this point, can save us.

**Barke:** We have Gerardo, followed by Sylvia.

**Geraldo:** Good evening, ladies and gentlemen. Dr. Mijares, I'm a father of three children in Orange County. I have questions for you. You were elected to be our superintendent, and these five trustees were also elected to represent us so we could have a voice. Your Board requested you provide full transparency about the new definition of gender identity to change in our state in 2017. They have asked you on the people's behalf to put on the Orange County Department of Education's website, some samples of children's curriculum being recommended by the state about gender identity. They asked you to put the amaze.org gender spectrum cartoon on the website in varied languages so parents can understand what our state now promotes.

You have not done it. My question is why. Do you not want us, the parents, to know? Why are you withholding this important information from parents? Why are you not listening to your Board? They are trying to help us and you are stopping them. Your reason to hide information seems to be, I must follow the law. Yet, you are breaking FERPA laws by keeping information away from parents. The purpose is parents can review their children's education records. However, these records now have new words about gender. They are in category called non-binary. What does that mean? Hispanic parents do not know the meaning of that word. They do not know what a gender spectrum is because no one told them. This is wrong. You, Dr. Mijares, are obligated under FERPA to fully explain to parents this new word, non-binary, that is in our children's education records and in the law.

**Sparks:** Thirty seconds.

**Geraldo:** Parents should not be learning these things from the children. This puts parents in a terrible place, and it flips the role of authority. As County Superintendent, please follow democracy of checks and balances. This Board was elected to be your checks and balance, but you are ignoring their council. They want the OC Department of Education to be fully honest, but you are obstructing justice. They're trying to serve the people, but have a different goal. Thank you very much.

**Barke:** Thank you. Next is Sylvia, followed by David.

**Ariza:** Good evening, Dr. Mijares and Board of Education. My name is Sylvia Ariza and I am an immigrant from Nicaragua. I live here. I have lived here for nine years. I'm a mother and a kindergarten teacher. As a part of a Hispanic community, I have come to understand many non-English speaking parents are being disrespected in our state. How and why? Because not being informed about the curriculum, the new gender definition. I recently watched the videos AMAZE that the state of California required. I was shocked. It was really heartbreaking. This is heartbreaking because I feel that this is taking away a place of parents. It's taking away, it's breaking the bridge between parents and children. Why?

Why we should be overwhelming kindergarten kids with an adult ideology? If I ask you or any of you right now, can you tell me what color is my dress? Everyone know it's red, but were you able to tell me that my dress is blue or green, light blue, light green, and orange? If any one of you right now will be able to tell me that this dress that I'm wearing is another color? No. Why? Because we know what is true. In our conscious, we know what is right. We know that. You wouldn't be able to tell me that this dress is green because we know.

**Sparks:** Thirty seconds.

**Ariza:** Why? If we are able to feel like that, why are we trying to put this overwhelming adult ideology in children? If we are not able to respond right now that my dress is not red and say that it is green. I just pray and ask God to not be afraid to stand up for the right, because Jesus Christ is coming. We are going to be responsible for what we do unto the children. Globally, we know that the main target is children –

**Sparks:** Time.

**Ariza:** - and is our responsibility to protect them and speak the truth with that fear. God bless you all.

**Barke:** Thank you.

**Williams:** Thank you, Sylvia.

**Barke:** Next is David, followed by Terri, and we have two. The first one is Terri Hodgins? Did Terri Hodgins fill it out twice - looks like? Terri following David.

**David:** Good evening, Board, President Williams and Superintendent Mijares. I'm here tonight to comment on the resolutions that have been put forward by the Board to vote on. I want to shorten my comments. I know there's a lot of people still waiting. I believe in public education, charter schools. I believe in private schools, parochial schools. I believe in the idea of merit and competition, which I think improves not only schools, but teachers and the students' education. Way back in 1647, the colonists of Massachusetts passed what was called the Old Deluder Satan Act, which essentially started the public school system in our country.

The Old Deluder Satan Act was instituted to promote teaching of the children when villages and towns grew to a certain size. The children were educated and able to read and write so that they could read their Bible and understand the things that were necessary for a good society, to be good and virtuous people to be kind to each other so that they had a nation that had a long life in front of it. Today, our education system has changed dramatically. We've fallen away from that

original purpose. In your resolutions, I see that you are pushing back against some of what's been coming down from the state.

**Sparks:** Thirty seconds.

**David:** Thank you. I would recommend forward thinking and seeing other things that are coming towards us in the public school system. One, in particular, is a thing called Critical Race Theory, which ultimately turns hatred on our public school children, by focusing on them as being inherently evil because of the color of their skin. We've moved in this country away from that towards equality and justice. Some of what's coming down the pike in our public school system is actually reversing that.

**Sparks:** Time.

**David:** Thank you so much.

**Barke:** Thank you. Next we have Terri. Do you have more? This is the same person it appears. I'll just staple it.

**Terri:** Thank you. Ladies and gentlemen, thank you. I'm going to shorten this up some. The long and the short of it, I believe, is one thing that may have been overlooked. In America, religious values influence government policy every day. We're coming up at a time here in our nation where the vote of the people is actually an expression of their beliefs. Just as America is one nation under God, indivisible with liberty and justice for all, as recorded in our pledge. And the adoption of "In God We Trust" is the official motto of the United States, and obviously in the forefront of this discussion and a real presence in this room. We want to recognize that it is ingrained in our society and our people.

We vote our morals and our conscious efforts with every election and the very process that has made us great as America. In faith and trust in God, the pilgrims left England. By faith and trust in God, our citizen militia took on the British fighting machine and won. By faith and trust, our founding fathers turned to God, once again, with their Bibles and beliefs to establish a new nation under God. By faith and trust in God, America has become the greatest nation the world has ever known. By faith and trust in God, our nation and government will continue to be shaped and molded by biblical values and a blessed people will be a result. With every election, there is a choice and I have made mine. Thank you.

**Williams:** Thank you, Terri.

**Barke:** Next, we have Chelsea followed by Annabella.

**Chelsea:** First, I'd like to say thank you for allowing us the opportunity to be here today. On July 30<sup>th</sup>, 1956, Dwight D. Eisenhower's signed a law declaring "In God We Trust" to be the nation's official motto. Various organizations and people have tried to challenge the motto as a violation of the separation of church and state, which is why we're here today. The motto was first challenged in 1970 with *Aaron Now v. the United States*, where the Ninth Circuit concluded in their statement, "While ceremonial and patriotic may not be particularly awkward to describe the category of the national motto. It is excluded from the First Amendment significance because the motto has no theological or ritualistic impact." Motto is defined as a short sentence, a phrase

chosen as encapsulating the beliefs and ideals guiding individuals, families, and institutions. Patriotism is the quality of being patriotic, devotion to a vigorous support of one's country. I firmly believe that this case is an attack on our country's core values. The very essence of what brings us together. Faith has been a part of the American public society for over 180 years. The Constitution's First Amendment clearly states, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech of the press or the right of people to peaceably assemble and to petition the government for a redress of grievances."

**Sparks:** Thirty seconds.

**Chelsea:** I ask: how does a student praying mean the same thing as Congress making a law? How does "In God We Trust", our nation's motto, violate accommodationism? The answer is it doesn't. The First Amendment doesn't limit faith or the people. Only the government. I'll conclude with "In God We Trust" is unifying. It has defined heroes and brought people together. It is historic. It defines our nation and the founding principles. It is many things, but it is not divisive as the Freedom of Religion Foundation and the Americans for Separation of Church and would like you to believe. I, for one, am proud of our nation's motto and the unity it represents. I want my children and my childrens' children to understand the sacrifice and appreciation for the grace God has given this nation. "In God We Trust" is a declaration, a promised patriotism, and it should never be erased. Thank you.

**Barke:** Thank you.

**Williams:** Thank you, Chelsea.

**Barke:** Next, we have Annabella, followed by Jasmin, followed by Brittany.

**Annabella:** Good evening, Board. I'm here to support those beautiful words "In God We Trust" because if we do not trust in God, who do we trust in? I'd just like to read this historical fact. It is no exaggeration to say that on Sunday in Washington, during the administration of Thomas Jefferson, 1801-1809 and of James Madison, 1809-1817, the state became the church. Within a year of his integration, Jefferson began attending church services in the House of Representatives. Madison followed Jefferson's example. Although unlike Jefferson, who rode on horseback to church in the capitol, Madison came on a coach and horse. Worship services in the house, a practice that continued until after the civil war, were acceptable to Jefferson because they were non-discriminatory and voluntary.

Preachers of every Protestant denomination appeared. Catholic priests begun officiating in 1826. As early as January 1806, a female evangelistic, Dorothy Ripley, delivered a camp meeting style exaltation in the house to Jefferson. Vice President Aaron Burr, in a crowded audience throughout his administration, Jefferson permitted church services in executive branch buildings.

**Sparks:** Thirty seconds.

**Annabella:** The gospel was also preached in the Supreme Court chambers. I'll just turn in the rest. Thank you very much.

**Barke:** Thank you.

**Williams:** Thank you, Annabella.

**Barke:** Next, we have Jasmin followed by Brittany.

**Sully:** Hello. My name is Jasmine Sully and I'm for the invocations and "In God We Trust". I'm just going to read a proclamation made by Abraham Lincoln, which is interesting because you guys actually have Abraham Lincoln's picture right outside the door. This is a proclamation he made in 1863. It was a proclamation for a day of humiliation, fasting and prayer. These were his words. "Whereas, the Senate of United States devoutly recognizing the Supreme authority and just the government of almighty God in all of the affairs of men and nations has by a resolution, requested the president to designate and set apart a day for national prayer and humiliation. And whereas, it is the duty of nations as well of men, to own their dependence upon the overruling power of God, to confess their sins and transgressions in humble sorrow.

Yet, with a shared hope that genuine repentance will lead to mercy and pardon to recognize the sublime truth announced in the Holy Scriptures and proven by all history that those nations are only blessed whose God is the Lord. And, in as much as we know, that by his divine law, nations, like individuals, are subjected to punishments and chastisements in this world. May we not justly fear that the awful calamity of civil war, which now desolates the land, may be but a punishment inflicted upon us for our presumptuous sins to the needful end of our national reformation. As a whole people, we have been the recipients of the choicest bounties of heaven.

We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown, but we have forgotten God. We have forgotten the gracious hand which preserved us in peace and multiplied and enriched and strengthened us. We have vainly imagined the deceitfulness of our hearts, that all these blessings are produced by some superior wisdom and virtue of our own -

**Sparks:** Thirty seconds.

**Sully:** - Intoxicated with our own success. We have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us. That's all I have to say. Thank you.

**Barke:** Thank you.

**Williams:** Thank you, Jasmine.

**Barke:** Next is Brittany, followed by Eric.

**Stulting:** Hello. Good evening, distinguished Board members. My name is Brittany Stulting. I am what's considered a millennial. I'm here to say that I am in favor of the invocation and of the "In God We Trust". I wanted to talk also about history. Thomas Jefferson, the author of the Declaration of Independence, President of the United States, and the author of the term separation of church and state. He believed fully in prayer in public government settings. I wanted to read to you Thomas Jefferson's prayer for the nation when he was the president on March 4<sup>th</sup>, 1801. It says, "Almighty God who has given us this good land for our heritage, we humbly beseech thee that we may always prove ourselves a people, mindful of thy favor and glad to thy will. Bless our land with honorable ministry, sound learning and pure manners.

Save us from violence, discord and confusion, from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people. The multitude brought hither out of many kindreds and tongues, endowed with thy spirit and wisdom, those whom in thy name, we entrust the authority of government and there may be justice and peace at home. And that through obedience to thy law, we may show forth by praise among the nations of the Earth in time of prosperity, fill our hearts and with thankfulness and in the day of trouble, suffer not our trust in thee to fail. All of which we ask through Jesus Christ, our Lord. Amen.” That is what I wanted to share.

**Barke:** Thank you.

**Williams:** Thank you, Brittany.

**Stulting:** Good night, and God bless you.

**Barke:** Next is Eric, followed by Diane.

**Eric:** Thank you, distinguished Board members. I'm very happy to be here and I thank you for your allowing me to speak. At the onset of the Constitutional Convention, the members were having trouble trying to get together and how to write this Constitution under which we now stand. Benjamin Franklin stood up during the midst when things were not going well and said, “In this situation of the Assembly, groping, as it were, in the dark to find political truth and scarce able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of humbly applying to the father of lives to illuminate our understanding?

In the beginning of the contest with Great Britain when we were sensed full of danger, we had daily prayer in this room for the divine protection. Our prayers, sir, were heard and they were graciously answered. All of us who are engaged in this struggle must have observed frequent instances of a superintending providence in our favor. To that kind of providence, we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity, have we now forgotten that powerful friend? I have lived sir, a long time, and the longer I live, the more convincing proofs I see of this, that God governs in the affairs of men. If a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid?

We have been assured, sir, in the sacred writings that accept the Lord, build a house. They labor in vain that build it. I firmly believe this, and I also believe that without this concurring aid that we shall succeed in this political building no better than the builders of Babel. We shall be divided by our little partial local interests. Our project shall be confounded and we ourselves shall become a reproach and byword down to future ages.

**Sparks:** Thirty seconds.

**Eric:** What is worse, mankind here to hereafter from this unfortunate instance, despair of establishing governments. I therefore beg leave to move that henceforth prayers employing assistance of heaven and blessings on our deliberations be held in this assembly every morning.” They did not go for that, but because of that, although they did not bring in chaplains, the first Congress instituted a chaplaincy program that exists to this day. If it was good enough for the founding fathers who wrote our Constitution, then it is good enough for here. I implore all of you

to stand strong in this time and to maintain this beautiful thing that we have going right now. The invocation and “In God We Trust” are the foundations of our nation. I implore you to continue doing so and stand strong in this time. Thank you.

**Barke:** Thank you.

**Williams:** Thank you, Eric.

**Barke:** Next, we have Diane followed by Michael.

**Diane:** Hello.

**Williams:** You have two minutes.

**Nu:** I have two minutes. My name is Diane Nu. I'm a partner at Venture Capital Firm. I also live in Irvine with my husband. I first want to just thank the Board for the time and effort that you all put in to ensure that children receive a high-quality education and provide a good foundation for life. My husband and I do not have any children, but we are very concerned about these turbulent times that children are growing up in and the types of education and curriculums that they're getting. There are approximately 3.1 million people in Orange County and approximately 54% of them, according to a Barnuth study in 2019, or 1.7 million, are Christian.

As you know from your own statistics, you serve more than 600 schools, 500,000 children. In keeping with these stats, that means about 54% of the homes in OC that you're serving are Christian, which is about 270,000 children. For these Christian children and their families, “In God We Trust” has great meaning. It means that they put their trust in, what some people say, a higher power. I say, God, instead of themselves. The word trust comes from a Hebrew word called tikvah, which means to hope or make someone a refuge.

Or, said another way, it's better to trust in God than to trust in ourselves. There are only a few of you, but you represent hundreds of thousands of people and children who still put their trust in someone other than you or themselves. They, we, myself, put our trust in God. Therefore, I urge you to keep “In God We Trust” on this Board room with OC Board of Education, as well as continue with the pre-meeting invocation. It represents the majority of the people that you serve

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**Sparks:** Thirty seconds.

**Nu:** - and it still has deep meaning for many of them. It is my hope for all of you, especially in these uncertain difficult times, that you'll put your trust in God if you have not already. Thank you.

**Barke:** Thank you, Diane. Next is Michael, followed by Arnaldo.

**Michael:** Good evening. Thank you for holding this evening meeting tonight and going over in times, there are still a few people out that still want to speak. I grew up in Orange County. I've been a lifelong resident here, attended two public schools here. I'm here tonight to just express my opinion that I would object to removal of “In God We Trust” and a prevention of any opening prayers or invocations before meetings. It's been stated by other speakers and I'll just repeat it again.



In most other countries in the world ruled by tyrants, you can't have a meeting such as this. The public aren't allowed to speak freely. Those were values that are given to us by God. Those were enshrined in our Constitution based off of Judeo-Christian values. That's the essence of my statement here. I would object to that. I think the law's on your side. The Constitution is on your side. I know that Brad Dacus was here earlier. I'm sure he would be a valuable resource in supporting keeping "In God We Trust" and to keep prayers and invocations before meetings. Thank you.

**Barke:** Thank you.

**Williams:** Thank you, Michael.

**Barke:** Next is Arnaldo, followed by Myra.

**Arnaldo:** Good evening, Dr. Mijares and members of the Board. My name is Arnaldo Villarosa. I fathered four children and I have six grandchildren. They're in school. I'm here to just request that you would not remove that invocation and the words, "In God We Trust." Those words and what they mean are so important. They were so important to me. I was one of 15 children that grew up in a Hispanic household. I learned to speak English when I started school. Despite the things that were going on, I was taught when I was first able to understand. I was taught about God. I stand before you now. I have a master's degree in systems engineering. I have traveled the world and everywhere I've gone, I've encountered God.

He has helped me in every one of my endeavors. I've got amazing children. Each of them have been taught to trust in God and not in themselves to seek wisdom. You have such an incredible responsibility to try and help to mold the lives of young children. You're under assault, as are we all, by those that don't believe. They haven't experienced and they want to deprive us of the opportunity for greater knowledge, greater wisdom than we can possess. I firmly believe that each of us can do far more than what we think we're capable of because of a God that we trust. It's so important to teach our children to pray. This prayer is an opportunity for them to spend time with God. God promotes an understanding of right and wrong, as well as the fact that life is not just about ourselves, but rather that we should think more highly of others than we do of ourselves. Prayer helps us to desire to do better and to be better right now.

**Sparks:** Time.

**Arnaldo:** The world needs peace. The world needs unity, and we invoke a God that teaches us to love our enemies, to love those that oppress us, but to have integrity, not despise others or their beliefs. Isn't that what we want to teach our children?

**Barke:** Thank you.

**Williams:** That was very moving, sir. Thank you.

**Arnaldo:** Thank you.

**Williams:** Those words are deeply impressed in our hearts and soul.

**Barke:** Mayra is next. Following Mayra, we just have the four remaining that are staying for the meeting. Then, we're finished with public comment.

**Mayra:** Hi. Good evening. I've never been here before. I'm not sure what to call you except thank you very much for allowing me to take some of your time. My name is Mayra Kapcinski. I want to share with you that I was a former atheist. The reason I decided to come today was to

stand for those words right behind you, "In God We Trust". As a former atheist, I understand where they're coming from. They want to remove any assemblance of faith. However, what I would encourage you to remember is what our forefathers taught us and to encourage us to remember. I don't know if you're familiar with the National Monument. It's the largest granite monument that stands in the United States. It's called the National Monument to the Forefathers.

I'll just read this a little bit to you. The National Monument of the Forefathers, formerly known as a Pilgrim Monument, commemorates the Mayflower pilgrims. It honors their ideals of liberty, education, law, morality, all under faith. As lettered, generally embraced by the United States. The finished monument stands 81 feet tall. It was dedicated on August 1<sup>st</sup>, 1889. It stood in its present location in Plymouth, Massachusetts, for more than a hundred years. It actually still stands there. It's 81 feet. What it's meant to do is to remind us of what this country was built on, is built on. Those words that stand right behind you are the cornerstone of who we are. As a former atheist, I just want to share with you that I believe that we will be held accountable for what is happening in our schools. I know that you're conservative, each one of you. I've been told that are conservative, and that wants to keep those words behind you.

**Sparks:** Thirty seconds.

**Mayra:** Thank you. I hope that you'll stand strong and remember first of all, who put you in office. What I believe you believe is true. We must put our faith in God. I was very, very ill and I'm not going to go into that story, but I fell onto God's feet and remembered what he gave us in food. What he put in the ground for us. That began my healing process. Although I may not ever heal completely, there is power in those words. If we put our trust in them, please do not remove them from our school. I'm here to stand with you. Thank you for your time.

**Barke:** Thank you very much. Next, we have Patti, followed by Lynne. Everybody's gone? Lynne's here. Patti's not here. Bill, or another Arnaldo? They're all gone? Okay. Thank you for your patience. Michael never came back. Michael Pepper? No? Okay.

**Boyd:** The ones that you have online, it's the Board's pleasure.

**Williams:** We do have a place at the end of our meeting. I believe we should move on with our meeting. It's now eight o'clock. Is there any other differing opinion on that? Otherwise, I'll move on and go to the consent calendar. Barring that there's none, may I have a motion for the consent calendar Agenda item number two?

**Barke:** So moved.

**Sparks:** Second.

**Williams:** A second by Dr. Sparks. Okay. Barring that there is no further comment or questions. Nina, will you take a roll call?

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Yes. Okay. Moving on with our meeting to Agenda item number three. Charter submissions. Nina?

**Boyd:** There are a number of submissions that I'd like to bring to your attention. Vista Condor has a material revision that has been submitted. Ednovate has a renewal of their petition. Orange County Workforce Innovation has both a renewal and a material revision. We received a call today that Irvine International will be appealing the decision from Irvine. In your red folder last month, Citrus Springs talked to you about their renewal. There is a page 108 that's been revised. We gave you that copy of the page that they were submitting. It's just information. You'll take action on Citrus Springs at the November 7<sup>th</sup> meeting.

**Williams:** Very good. Moving on with the meeting Agenda, item number four. Charter public school hearing for Scholarship Prep Charter School renewal. I will ask Aracely Chastain to facilitate this?

**Boyd:** Aracely, we can't hear you. Can you unmute?

**Chastain:** I think I'm unmuted now. Today, the Board will hold a hearing to consider public input regarding the renewal for Scholarship Prep Charter School. Scholarship Prep was approved for a five-year term from July 2016 through June 2021. The school is eligible for a seven-year charter renewal. On September 2<sup>nd</sup>, Scholarship Prep submitted a renewal charter petition. The petitioner has agreed to a one-day extension beyond the 90 days allotted in Education Code for review and decision of a charter petition in order to accommodate the Board's regularly scheduled meeting in December.

Prior to public comments, representatives from Scholarship Prep are allotted 15 minutes to address the Board. Santa Ana Unified School District has declined the option to speak but requested and has been provided with a copy of the submitted charter petition. Scholarship Prep submitted a video presentation that they have asked to be viewed during their allotted time. Please play the video now.

#### **[THE VIDEO PRESENTATION BY SCHOLARSHIP PREP BEGINS TO PLAY]**

**Allotey:** Hello, board members, staff, and superintendent. My name is Dennise Allotey, and I'm the principal of Scholarship Prep Santa Ana, as well as a founding teacher and proud mom to two students at our campus. I am excited to tell you the story of our first five years as we seek the renewal of our charter petition. At Scholarship Prep, our main focus is ensuring that traditionally underserved students receive a world class education that places them on a scholarship pathway. As a countywide charter serving homeless and foster youth, we actively seek out those students that most need support and guidance. Our school operates by three core principles. That scholarship is the standard, diversity is treasured, and parents are true partners in student achievement. Scholarship Prep meets all the established required criteria for a renewal.

In fact, due to our high performing designation under AB 1505, we are eligible for a renewal of up to seven years. This is only possible because of our academic performance for all students during our entire history. Our educational model begins with high quality instruction focusing on

the needs of our individual students. Our teachers engage students to solve real world problems with solutions that directly impact their communities. Students are motivated to learn since they're addressing issues that are relevant to themselves, their classmates and their families. We know that student engagement is a main factor in increasing achievement, satisfaction and happiness. So, in addition to award winning academics, students at Scholarship Prep receive arts, athletics and language instruction during the school day.

Students choose between dance, visual art, choir, soccer, and basketball courses, which are taught by highly qualified instructors. Our staff and parents understand that grade schooling also includes character education. With so much uncertainty in the world, it's never been more important for schools to prioritize social, emotional learning and supports. Each teacher begins their school day with a morning meeting to build community, and we hold weekly school-wide pep rallies to celebrate the success of all students. Our students leave us not just better prepared academically, but with an increased confidence, determination, and self-control. At Scholarship Prep, we are committed to serving the underserved.

We have a robust student services team that provides support to all students, but especially those from subgroups with the most needs. Our inclusion model provides services to our students with disabilities in the least restrictive environment. Our robust integrated and designated English language development model ensures our English learners make adequate progress towards English proficiency. We also provide counseling services, before and after school care, and free breakfast and lunch to all students regardless of income level. Our unique program of rigorous academics, arts and athletics and student supports has resulted in unparalleled success for Scholarship Prep.

Data from the 2019 California Dashboard shows that Scholarship Prep shuns the blue line, significantly outperforms the state average for all significant subgroups in English language arts. For example, our English learners outperformed the average California English learners by 42 points. And our students with disabilities outperformed the average by 44 points. Our success is even more astounding when you compare our performance to that of the surrounding school district, shown as the orange line. School-wide, Scholarship Prep outperformed Santa Ana Unified by 47 points in English language arts. And the gap increases to 57 points for English learners and 67 points for students with disabilities.

Our fantastic performance carries over to math. And in fact, the contrast is much starker here. Scholarship Prep students in all subgroups outperformed the state average by at least 59 points with the gap for social economically disadvantaged students over 66 points. Compared to the surrounding school districts, the gaps are even larger school-wide scholarship prep outperforms the district by 72 points and the gap increases to 88 points for students with disabilities. It is clear that Scholarship Prep has created an unparalleled program serving traditionally underserved youth for academic rigor, high quality teachers, engaged students and supportive families, resulting in us being the top growing school in the state of California for math, and in the top 1% in English language arts.

We were proud to represent the Orange County Board of Education and Orange County Department of Ed. when we receive this acknowledgment. Our academic success has enabled us

to receive a number of awards in our short history, including recognition as California Distinguished School, initial WASC Accreditation, and a 12 million federal grant to replicate and expand our program. We are humbled but proud that our success has allowed us to be classified as high performing under AB 1505. This subjective measure from the CDE verifies that we have exhibited the highest levels of academic achievement for all student groups. We are even more proud that we have achieved this designation while serving students truly in need.

This is why we are asking for a renewal of the maximum of seven years to continue growing and improving our program. The second core tenant of Scholarship Prep is that diversity is honored, valued, treasured, and sought out. This diversity is seen in our students, families, staff, and practices. Our campus truly represents those students and families who need us the most. Eighty-eight percent of our students qualify for free and reduced lunch. Thirty-six percent of our students are English learners and 11% receive special education services. We are especially proud of our efforts in the recruiting, supporting and retaining homeless and foster youth, as 21% of our entire school population is comprised of homeless and foster youth.

Our homeless and foster youth receive intensive care and support from our team. The students are provided with transportation, personal Chromebooks and internet, clothing, food for school, and for nights and weekends, school supplies and targeted counseling. All Scholarship Prep staff members receive trauma training to best support our students and families, but we know that we must expand our homeless and foster services beyond our walls. We have developed partnerships with multiple community organizations. We are proud to have ingrained ourselves into the fabric of Orange County, working with key leaders to support, not just our students and families, but all youth in need in Orange County.

We are serving a diverse and underserved community while promoting staffing and leadership diversity. It's an honor to have started the journey as a first grade teacher to now principal of Scholarship Prep. Both myself and our assistant principal are proud Latinos, and our leadership council reflects our commitment to diversity, equity and inclusion. We are 86% minority and 86% female. Representation matters. We also know that it's not enough just to be diverse. We must prepare our staff to face the social justice challenges that our students face on a daily basis. In order to fully serve our students community, we created a speaker series called Listen, Learn, Leap.

The goal of this series is for our staff, and to listen and learn from educational leaders who've been in similar situations of our students. Only from listening and learning, can we truly be most capable of leading our students on a new pathway. Our speaker series has featured educational experts covering special education, social justice advocacy, parent engagement, environmental justice and mental health. These speakers have given our staff members tools to better connect with our students, their families, and our community. The connection with our families is the third core tenant of Scholarship Prep. As a school of choice, we would not exist without the parents who choose us as their destination for their children.

We take that trust very seriously and engage our parents in every step of the educational process. Scholarship Prep families and parents are active leaders at our school, serving on the English Learner Advisory Committee, School Site Council, parent-teacher organization, and volunteering

in the classroom. Our campus has been at full capacity every year with a waitlist because of the word of mouth of our parents. They love our school and want their friends and neighbors to also be a part of Scholarship Prep scholars. Our parents, just like our students, engage in solving real world problems. Parents are encouraged to support as their children tackle starting small businesses, providing clean drinking water, and solving homelessness.

We are truly blessed to watch as parents, who once thought they'd never be able to help their children with advanced math or 19<sup>th</sup> century history, that can help their children right now in real world learning. We know that our jobs as educators do not stop with our students. We love our parents and want to offer them opportunities to learn and grow. We have partnered with State Farm, the Latino Educational Obtainment Initiative, Santa Ana Police Department, Juvenile Justice Center, and Second Harvest Food Bank. Building to lifelong connections with our students and families means that they will continue to impact their communities, your communities long past after leaving campus.

As proud as we are of our history, we are even more excited about our future that will allow us to further our mission and vision. We have grown our campus every year, meeting the parent need and demand. We are thankful to New Song Church for allowing us to continue expanding our programs and serving more students every year of our existence. Our consistent growth has been coupled with a clean fiscal standing. We entered this school year with over 2 million in reserves, as well as an additional 1.5 million in untouched revenue from our federal grant.

Scholarship Prep is academically, operationally, and fiscally sound. We are before you today asking for a seven-year renewal of our charter. We are excited to serve more students and more families. We are grateful to be able to strengthen our current community partnerships, while building even more. We are honored to be a high performing school under the watch of Orange County Department and Board of Education. We thank you for your time.

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

**Boyd:** I received 30 public comments in support of Oxford's Scholarship Prep. We have made copies for the Board. I'm happy to read as many as you would like read. Scholarship Prep has also acknowledged that we are giving you copies of all of these.

**Barke:** That's sufficient for me is to get them and we read them out on our own time as we continue to review. Does anybody disagree?

**Williams:** I think that's good.

**Gomez:** As long as they're part of the record.

**Barke:** Yes.

**Shaw:** You said Oxford, right?

**Boyd:** I'm sorry. Scholarship Prep.

**Shaw:** Scholarship Prep. I thought that's what you meant.

**Boyd:** I'll walk those up to you right now so that you'll have them.

**Williams:** Very good. Santa Ana Unified is not going to be presenting anything. We're going to move on to public comments, which we're now receiving. After we get these, I will begin with

my left for Board questions.

**Sparks:** Thank you.

**Chastain:** Just one moment. Let me go ahead and close the hearing for you. This concludes the public hearing. Representatives from Scholarship Prep are available to answer questions. The Orange County Department of Education Staff Report will be published on November 17<sup>th</sup>, and the Board will take action at the December 2<sup>nd</sup> meeting. President Williams, I now close the public hearing and turn the meeting back over to you.

**Williams:** Thank you, Aracely. Dr. Sparks, any questions? Let's have our people representing the school come up.

**Sparks:** I just have one question. On the budget, I noticed that in year 2022-23, it looks like net income is going down quite a bit. Would you mind explaining that?

**Watts:** That would be the first year we plan to have our private facility as we look to expand the high school. We currently are leasing space from Lutheran Church in Santa Ana. In 2022-'23, will be the year that we would acquire our second site. Therefore, the cost of our facility is roughly about \$1.1 million. We would see that dip in that net income for that year, but then you'll see, as it goes on the rest of the year, that increases back up. It's just that year one of the facility.

**Sparks:** Thank you. That's all I have.

**Williams:** That's all you have. Okay. I'll go ahead and go next. We have fiscal reserves of 2 million. Is that what I saw there? Okay. Just for the record, I was in the very beginning of this, with you and our good Gloria Romero, six, seven years ago, when we talked about this idea and this concept. You guys sparked it and you made it go. One thing that's missing, though, is where is Gloria?

**Watts:** She was unable to attend.

**Williams:** Okay. She wasn't able to attend.

**Boyd:** You all need to come up to the mic so that we can...Also, Dr. Williams, if you could make sure that you're speaking towards the mic as opposed to sideways.

**Williams:** Thank you.

**Watts:** She's unable to be here tonight. I apologize.

**Williams:** Is it on? It's on. Okay. Do you have any outstanding litigation or potential litigation that we should know about?

**Watts:** Actual litigation? No.

**Williams:** Okay. Very good. No more questions for me. Oh, yes, I do. I saw up here that you were going to be teaching concepts of Critical Race Theory. Can you give me a few examples of institutional racism and how are you going to teach that?

**Watts:** I don't believe anything was mentioned about Critical Race Theory, but we do have a Social Justice Speaker Series. That might be what you're referring to. In that, we do invite speakers who are leaders in social justice efforts, community activism, and being able to better prepare students and with our families. As we have noted in our presentation, we are 80% free and reduced lunch. We are 96% Hispanic, and we have a teaching staff that is roughly 50% non-minority. For us, in terms of what our social justice speaker series is intended to do, is to be able to hear from students who don't represent our teacher's backgrounds, but are more in line with

our students' backgrounds, to be able to tell them what helped them to get through school. About terms of Critical Race Theory and Structural Racism, that is not something that we are addressing in our speaker series. I'm not sure where the Critical Race Theory came from.

**Williams:** Very good. Mari Barke.

**Barke:** I want to start by thanking you again for your hospitality a couple of weeks ago. You guys were amazing. It exceeded my expectations. Your results have always been phenomenal. I can see why you're asking for seven years. I think that is absolutely due. Very impressive. What's in here is impressive. What we saw, the presentation, what is going on. Like Ken, my only question was, last visit was the first time I didn't see Gloria, and I don't see her anywhere in the book, unless I missed it. That would just be my question as well. Does Gloria still have a role there? What is her role? What's going on?

**Watts:** Yes. She's still on the petition as the executive director. The very beginning we do have our team that will be myself, Mr. Watts, and Romero and the rest of our team. Yes, she is the executive director of Scholarship Prep.

**Barke:** Okay. Did I miss that in here?

**Watts:** Yes. It's in the very beginning of it when we just talk about our backgrounds. She's the first person listed there with her bio.

**Barke:** Okay. Dr. Williams asked about no existing or potential litigation; no existing. Is there potential litigation that we should be aware of?

**Watts:** This is a more difficult question for me to specifically answer. The reason is that I have not been privy to closed session discussions with our board. I couldn't tell you what took place in closed session. We have had an item on our agenda standing for, however many consecutive agendas about anticipated litigation. Again, because I'm not in closed session, I have no information I can provide you on that. We can talk maybe outside of this meeting and I can see what I can provide to you but it will not probably come from me.

**Barke:** I think that's something we might want to know just going forward. That's all. You guys are doing a great job. Thank you for coming. The presentation was a wonderful presentation.

**Williams:** Tim?

**Shaw:** Thank you. I was really impressed when I had the opportunity to visit. Your presentation and the information is all just wonderful. You guys are doing a terrific job. I just think those numbers are just so impressive when I look at them. I don't have any questions. I just want to commend you for the great job you're doing.

**Williams:** Beckie?

**Gomez:** I was pleasantly surprised to look at your foster and homeless youth. Can you tell me a little bit more about that and how you're recruiting those kinds of students?

**Watts:** I'll start off. Then I will pass it over to our wonderful principal, Dennise Allotey, whose voice you heard. Just a background. I know, Board member Gomez, you were on. Dr. Williams, you were on as well. We started off with a foster youth preference. Then we added the homeless youth preference. As we were working with community partners, we were seeing a great overlap between homeless and foster youth. For us, we were thankful to the Orange County Board for



allowing us to add the homeless designation. Really, it's been the work of Mrs. Allotey and her team doing outreach with Jeanne Awrey here at OCDE. The community partnerships, Orangewood Foundation, Bracken's Kitchen.

We partner with Second Harvest Food Bank. We do twice a month. We do a community food bank, not just our families, but with other families. That's where we really started the outreach of families coming to us and understanding we do give out additional services. We made it a priority and on Facebook, we do some ads around, "Hey, we have some homeless foster youth." Really, truly, it's been word of mouth where we have our students and families who are afraid to, to check the McKinney-Vento form to say that they are homeless because of what that means.

Our great team, there's no, "I'm not putting you on the website. I'm not putting you on Facebook. I am just giving you the services." Really, truly, it's been word of mouth through other families has been the biggest thing. Then, our community partners that you saw up there, they do a great job. The Juvenile Justice Commission are really highlighting us, because we are doing great work. I will pass it over to Ms. Allotey so she can introduce herself and talk a little bit more about how she on the ground really kind of keeps those families in the campus.

**Allotey:** Good evening, Board. Thank you for allowing us the opportunity to present the good work that we've been doing at our school and in the city of Santa Ana. In times that we do see families who have foster youth background or experience, and we'll ask them, "Where have you heard about us?" "I learned from you from a social worker", and they're passing the word. We also provide classes to families that are interested in becoming foster families. I truly believe it's the good work that we've done and just the opportunity for families to trust us, to let us know that they can let us know what they're currently going through so that we can provide the wraparound services to do so. I really believe it's the word of mouth and the good work that our teachers have done. We embrace our families, and we embrace all of our students, especially those who are underserved.

**Gomez:** You have some great partners that you highlighted. I think that's a great thing to have. Thank you. Thank you for that information. That was all I had.

**Williams:** Very good. Barring that there are no more Board questions, we thank you for coming and presenting your fine school. Wonderful little five-minute film that you gave us. Well done. Well narrated.

**Barke:** Yes. Love your voice. Love it.

**Williams:** Thank you very much. We're going to be voting on your documents as well as your seven-year request next month. We will see you at that time.

**Boyd:** Actually, it will be December, not next month.

**Williams:** It's not going to be next month?

**Boyd:** No.

**Williams:** Okay. Normally, it is. What happened?

**Boyd:** Renewals have a different time period. That's why you'll see the ones you heard last month or November. That's a 60-day time period.

**Williams:** Is that because of the COVID regulations? They extended it?

**Boyd:** No, that's because of changes to charter law.

**Williams:** Is that the law that was passed recently? Okay.

**Watts:** Thank you very much. For the record, we will take a seven-year at the next Board meeting if you would like to choose so. We can show up in November if that's okay. Thank you.

**[Laughter]**

**Sparks:** Thank you.

**Barke:** Thank you.

**Williams:** Very good. Okay, moving on with the meeting to Agenda item number five. Aracely, will you facilitate this meeting, please?

**Chastain:** The Board will now hold a hearing to consider public input regarding the renewal for Oxford Preparatory Academy Saddleback Valley. Oxford Prep was approved for a five-year term from July 2016 to June 2021. The school is eligible for a seven-year charter renewal. On September 2<sup>nd</sup>, Oxford Preparatory Academy submitted a charter renewal petition. The petitioner has agreed to a one-day extension beyond the 90 days allotted in Education Code for a review and decision of a charter petition in order to accommodate the Board's regularly scheduled meeting in December. Prior to public comments, representatives from Oxford Prep are allotted 15 minutes to address the Board. Saddleback Valley Unified School District has declined the option to speak. I now call representatives from Oxford Preparatory Academy to the podium.

**Marks:** Good evening, President Williams, members of the Board, and Dr. Mijares. My name is Jill Marks. I am the executive director of Oxford Preparatory Academy Schools, also known and referred to as OPA. I'm pleased to be with you tonight to facilitate this presentation in support of our Saddleback Valley Charter School renewal. After nearly three decades of public school experience, which includes opening a successful and thriving charter school 16 years ago, and managing the replication of its programs with partner schools statewide, I made the decision to join OPA in fall 2018. I wanted to be a part of this team. This team shares a conviction that all students will achieve at OPA and insists that our schools perform with integrity, accountability, and collaboration at every level.

OPA schools have become an enduring part of the fabric of public education in Orange County for over a decade. Five years ago, OPA established our Saddleback Valley School in Lake Forest. At present, 679 students are attending OPA. In spring 2020, OPA Saddleback Valley received over 900 enrollment applications, demonstrating persistent community interest and long-term sustainability. OPA Saddleback Valley provides a program that draws from a wide geographic area of students, and therefore does not significantly impact any individual school or school district. Additionally, OPA does not duplicate programs offered in surrounding schools to the extent that it would limit the capacity of those schools to operate.

Our core belief that all students are unique and gifted individuals is woven into the school's philosophy and program producing a phenomenal history of student success. Our students work collaboratively to become lifelong learners in the challenging scholarly environment that is safe and caring. OPA students do not just meet, but exceed grade-level expectations, preparing them to achieve and thrive in local high schools and postsecondary pathways. In a few minutes, Dr. Kernan, OPA's Chief Academic Officer, will highlight the school's distinctions and summarize school data, and program information. Evidence that demonstrates why and how OPA earned the designation of a high-performing school and aspires to receive a seven-year term of renewal.

Most importantly, we are proud that our students, whom we call champions, demonstrate your vision for Orange County students to lead the nation in college and career readiness and success. Instead of comment cards, in a moment you will hear and see why OPA is the school of choice for families and educators. Their words and images tell the story of how we accomplished the school's purpose, with a highly talented team of leaders, teachers, and staff who encourage students to learn in multiple ways with enrichment and with joy. Thank you. We're ready to begin the video.

### **[THE OXFORD PREPRATORY VIDEO BEGINS PLAYING]**

**Voice 1:** Oxford Preparatory Academy is outcomes based. Our students exceed grade-level standards. They excel in high school, and they are prepared to learn to learn in rapidly changing 21<sup>st</sup> century global community. The future of Oxford Preparatory Academy is focused on expanding our capacity to reach families in local communities who are seeking an education option.

**Voice 2:** As an OPA board member and parent, it's been my pleasure to be a part of Oxford Preparatory Academy also known as OPA. It's a public charter school, a school of choice. We were so excited to be a part of it when they founded the Saddleback Valley location. My children are in fifth, third, and first, and it's incredible to see the experiences that they've had and what they've done in the classroom and for our kids.

**Voice 3:** At Oxford Preparatory Academy, it takes an entire community to make the school a success. From the board of directors who focuses on governance, fiscal responsibility, and transparency to the administrative team with deep experience in charter school management, school management and nonprofit management to all stake holders, students, parents, families, and teachers, and staff. Everyone works in concert to ensure that the school succeeds and grows into the future.

**Bridges:** Hello. I am Garrett Bridges, chancellor to Oxford Preparatory Academy, Saddleback Valley. It is my great privilege to introduce to you our current ASB President Maddi Wong, and one of our fantastic parents, Mrs. Trisha Sullivan.

**Wong:** Hi, my name is Maddi Wong and I'm the president of ASB at OPA SV. I started attending OPA when I was in fourth grade, and right away, I met so many incredible people who helped me as I started at a new school. I really connected to the teachers at OPA. I always knew that they wanted me to succeed and they were always there for me. If I needed to be retaught a lesson, if I didn't understand it, or they were just there to listen to me if I needed someone to talk to. I also met so many lifelong friends at OPA. I mean, if I didn't start attending the school, I wouldn't have met my best friend. OPA has also made me so many amazing opportunities that I wouldn't have gotten at another school. One example of this is ASB.

I started ASB when I was in sixth grade and right away, I found a new passion for leadership. I used to be so excited because on Wednesdays, I knew that I got to end of the day with ASB. And then, at the end of sixth grade, I decided to run for ASB Vice President, and I won the election. I was so happy and that entire next year, my passion continued to grow. Then, at the end of

seventh grade, I decided to run for ASB president, and here I am. I never expected that I would become ASB president, and if I didn't start attending OPA, I don't think I would have joined ASB in the first place. OPA has left me with so many amazing memories and so many amazing opportunities that I'll never forget. I'm so grateful that I got to attend this amazing school. Thank you.

**Sullivan:** My name is Trisha Sullivan and I'm a mother of three current Oxford Preparatory Academy students, and one recent graduate. We've been a part of OPA from the very beginning and it has been a gift to our family. We were drawn to OPA because of its unique multi-intelligence approach and differentiated academics for each of my children. The first time I realized that OPA methods really work was when I walked into my girls' room and they were studying for a test that they had the next day. I immediately started to panic because it normally takes us two to three days to really study for a test. I sat down and started to quiz them, and I realized that they knew all the information, they had these catchy little songs that helped them remember all the facts.

Right then is when I realized that we made the right choice to switch to OPA. My older son had the same experience. His teachers would give him some really good real-world projects that helped him tap into his higher-level thinking and gave him some invaluable, critical thinking skills. These are the skills that he is carrying on with him in his honors classes today in high school. OPA also provides a lot of public speaking opportunities and performances, and these opportunities really help with my kids' self-confidence and self-esteem. These are just a few of the many examples that OPA has to offer. And, I truly believe that they provide a good quality education for each and every child. And it has been a true gift to our family.

**Voice 4:** At Oxford Preparatory Academy, we're working to create leaders for a diverse, globally connected world. All of our students are provided learning opportunities that draw on their unique interests, backgrounds and learning styles. Each day, our teachers create lessons that enhance students' critical thinking, collaboration, communication, and creativity, while incorporating activities that promote compassion and citizenship. Here at OPA, we encourage students to be who they are, have curiosity, and to always be themselves. Let us show you how.

**Voice 5:** Here at OPA, the school offers a wide range of clubs for all kids TK through eight. They take place before, during, and after school. I use my musical intelligence to make music with my friends in jazz band, which is my favorite club.

**Voice 6:** Teaching for the eight different multiple intelligence allows me to provide my students with opportunities for theme-based and project-focused learning. It is through that learning that my students learn about the world they live in and the world we want to teach them about.

**Voice 7:** As a second grade teacher at OPA, we want to make sure that we're meeting the needs of all students. So, we use tools such as the multiple intelligences. We use technology as well as collaboration. Teachers collaborating with all grade levels. Students also collaborating with students in the neighboring classroom, as well as TK through eighth grade.

**Voice 8:** One of the ways OPA is preparing me for high school is block scheduling. Block scheduling gets me used to switching classes and seeing many different teachers throughout the day. We get to pick our electives that we find interest in and also we get to pick our world languages that include Spanish, Mandarin and French.

**Voice 9:** I love being able to choose between different clubs and electives at the school. It gives me a chance to do what I love. I chose the elective, Yearbook, because I love taking photos.

**Voice 10:** I'm excited to continue to build our educational programs to meet the needs of our diverse student population and continue to provide them with innovative educational opportunities.

**Kernan:** Thank you, President Williams, Dr. Mijares and members of the Board. My name is Amy Kernan and I'm the chief academic officer at Oxford Preparatory Academy. I'm very excited to be standing here tonight, talking to you about the amazing school that I've had the opportunity to be a part of for the past two and a half years. When I first started at OPA, I was amazed with all of the educational experiences that were afforded to each student. It was apparent that this school was where students were truly placed first. I was also surprised by the variety of learning experiences that each student participated in daily.

As you could see from the video, from foreign languages at all grade levels, to music and even Tae Kwon Do, and the implicit focus on implementing the multiple intelligences throughout all lessons so that students could really show in unique ways what they learned. I was also truly excited to see that each teacher at OPA strives to make learning engaging and academically challenging while constantly exhibiting an endless dedication for all of their students. I've spent over 20 years in public education in five different school districts. And I'm truly amazed every day by our OPA staff, students and families. OPA started in 2015. Over the past five years, the demographics of the schools have changed, but the academic performance and educational opportunities have remained exceptional.

Since its first year, OPA has significantly increased its diversity including increasing our percentage of socioeconomically disadvantaged students by over 4%, and decreasing our percentage of white students by 9%. During this time, we've also maintained exemplary test scores ranking as one of the top elementary and middle schools in Orange County each year. In 2019, 77% of our students met or exceeded standards in ELA and 73% met or exceeded standards in math, making us again, one of the highest performing schools in Orange County. We also achieved blue, which is the highest indicator on the state Dashboard for both math and ELA.

OPA strives to ensure that our students and teachers have all of the necessary resources to be successful, including technology, cutting-edge professional development, extensive enrichment opportunities and robust parent involvement. In addition to our academic achievement, we're excelling when it comes to the progress of our English learners. It's something we're very proud of. In 2019, our English learners were in the green tier on the Dashboard for both ELA and math. And we reclassified an amazing 65% of our English learners that year with 74% of our ELs

achieving us a four on the LPAC or the highest level on the LPAC. This has been an area of great focus and success at OPA.

We have a wonderful ELD TOSA who works with all of our English learner students and families to make sure that they have everything that they need to be successful on a daily basis. Our record of achievement is evident throughout our program. This is why we're hopeful that the Orange County Board of Education, you will grant us the honor of being one of the first schools in California to receive a seven-year renewal. We know that we are an exceptional company here in Orange County as seen by who went before us as well.

We hope to be able to continue our partnership with Orange County Department of Education and our surrounding school districts. We will continue to provide a positive choice for families who want the option of a high-performing charter school with a variety of enrichment opportunities and very strong parent involvement. Thank you for all of your continued support of school choice and for your advocacy for providing quality education to Orange County students. Ms. Marks and I are available anytime if you have any questions. Thank you and have a wonderful evening.

**Williams:** Very good.

**Chastain:** Associate Superintendent Boyd, are there any additional comment cards submitted for this Agenda item?

**Boyd:** There or not.

**Chastain:** This concludes the public hearing. Representatives from Oxford Prep are available to answer questions. The Orange County Department of Education Staff Report will be published on November 17<sup>th</sup> and the Board will take action at the December 2<sup>nd</sup> Board meeting. President Williams, I now close the public hearing and turn the meeting back over to you.

**Williams:** Very good. Thank you, Aracely. Beckie, start from my right angle.

**Gomez:** Just a clarification. You were talking about your test scores. I am looking at your assessments from 2017 to 2018. Most of the categories are going down as opposed to up or at least staying stable. Can you address that for me?

**Kernan:** We did go down a bit over the '16 to 18' school year. However, in 2019, we did bring our test scores up. Then again, we're able to be in the blue category on the Dashboard. We have put a lot of different things in place over the past few years to make sure that we have rigorous standards-based curriculum in all of our classes, that we have highly qualified teachers, that we have exceptional professional development for our teachers, making sure that our students do continue to exceed standards. And we are well above the state average, as well as the Orange County average in all areas.

**Gomez:** It concerns me a little bit, because if you look at your English learners. In 2017, there were 78% and it dipped down to 45% in 2018. In math it was 86% and dropped to 27%. That's quite a drop. Maybe when you come back, you can share a little bit more about what you did since 2018.

**Kernan:** Definitely.

**Gomez:** Okay. That's all I have. Thank you.

**Williams:** Thank you, Beckie. Tim?

**Shaw:** No questions from me.

**Williams:** Very good. Mari?

**Barke:** I don't know how any questions. I'm looking forward to our visit next month, because I have not been on campus in person. I'm looking forward to that.

**Boyd:** Mari, we can't hear you.

**Barke:** Oh, sorry. Thank you for coming tonight. Thank you for your presentation. I look forward to my visit next month. Thank you.

**Kernan:** Thank you.

**Williams:** Make sure you invite me, too.

**Kernan:** Definitely.

**Williams:** I'd like to go again on campus. Are you in class right now or are you doing distance learning? How are you doing it?

**Kernan:** We are currently virtual. We are going back on October 21<sup>st</sup>, so just in about a week and a half.

**Williams:** Everybody's going to be in the classroom then.

**Kernan:** Yes. We gave our families a choice between virtual learning or hybrid learning. We have about 50% of our families who are coming back on campus and about 50% who chose to remain in virtual learning.

**Williams:** Tell me about the challenges in that.

**Kernan:** We've been working very hard to make sure that we've kind of looked at what other districts have been doing, what different districts around the country have been doing. One thing that we were very fortunate to be able to do is to be able to have separate cohorts for our virtual and hybrid learners. Our teachers aren't having to kind of try to handle hybrid kids at the same time that they have kids online. For the most part, most of our on-campus students will be there every day in the mornings. Then, in the afternoons, after those on-campus students leave, then the teachers can focus on the virtual learners. That way, every student can have really strong instruction without having teachers have to go back and forth.

We've also been working really hard to make sure that our campuses are safe and that we've put in place all of the guidelines. Also just making sure that we're bringing our students back, and whether they choose the virtual model or the hybrid model, they're really receiving a strong education. Since March, we've had a lot of asynchronous learning for our students. Even now our students go to class every day and receive the full amount of instructional minutes synchronously. They are getting that interaction with teachers and with their peers.

We have been doing that pretty much the entire time that we've been out for COVID, making sure that we do have a lot of synchronous learning and a lot of interaction opportunities. Even clubs and different electives and things for students to do, even though they're on zoom. We realize the importance of that socialization and also providing social-emotional learning opportunities for students as well.

**Williams:** Are you maxed out capacity wise?

**Kernan:** We are very, very close to being completely maxed out, yes.

**Williams:** Have you seen a lot of families want to come into your in-classroom?

**Kernan:** Yes. We still have quite a big waiting list right now. We don't have any room in most

of our grade levels.

**Williams:** Okay. Very good. I'm done.

**Sparks:** Yes. I'd like to be invited to that tour as well. I've heard great things. I would just want to commend you for how much you've accomplished in such a short amount of time. It's just incredible. My only question is, when are you going to expand to high school?

**Kernan:** We have received that question at least a couple of times. We're looking at different options, but we've really worked at building up our middle school program now. We've filled that out to capacity and have waiting lists for our middle school. That's kind of the next thing to look at.

**Sparks:** Good. Congrats. That's all I have. Thank you.

**Kernan:** Thank you.

**Williams:** Very good. Any other Board questions? Great. Thank you very much. You guys are awesome. Great presentation. I love your video.

**Kernan:** Thank you.

**Williams:** You did a good job. Okay. Moving on with our Board meeting, I would request a consensus that we take a 10-minute break. We've been going for over three hours. I think we need a 10-minute break. We will be back here at 8:52 to begin our meeting, taking on Agenda item number six.

**[DR. WILLIAMS STRIKES THE GAVEL ONCE TO SIGNAL THE BEGINNING OF THE 10-MINUTE RECESS. UPON CONCLUSION, HE STRIKES THE GAVEL TWICE TO SIGNAL THE CONTINUATION OF THE MEETING]**

**Williams:** Okay. The Board of Education is back in session here. Moving on with our Agenda. Agenda item number six. May I have a motion for it?

**Barke:** So moved.

**Williams:** So moved. I need a second.

**Gomez:** Second.

**Williams:** Okay. We have a motion and a second. Discussion? Who would like to lead off discussion?

**Gomez:** I suppose I can.

**Williams:** Since you are the...yes. That would be good.

**Gomez:** What we intended to do was, as far as some of the written comments. Again, not exceed 400 words, because it was about approximately what we estimated that three minutes would be. Obviously, we're going to redact any inappropriate language. Then, they would be submitted just like we suggested today. Any additional written comments that couldn't be read would be attached. On page 25 of the Agenda, this is a sample of the speaker card. Only, it would be electronic as opposed to the paper one that you saw. It just basically mirrored that information and then gave a little bit of information at the bottom of the speaker card, or the electronic speaker card, as to how the public comments might work. That's pretty much it. Tim, I don't know if you want to add anything?

**Shaw:** Sure. I gave a little stab at it. We heard from the rest of the Board at the last meeting. I did my best to try to type up a policy of what I thought I heard the rest of my colleagues say. I



think that the spirit of how do we deal when we very large numbers of public comments. What's the policy to deal with that? Tonight was sort of a test run. It wasn't hundreds of people, but we had 35 or something - 40 people. Here's what I typed up. I am not in any way offended if you guys don't like this or want to modify it. I'm not married to this. I'm happy to take comment, but I said that as maybe a policy, the time for public comments will be 30 minutes with each speaker afforded three minutes to speak.

The three-minute limit is subject to reduction with the concurrence with the majority of the Board should large numbers of individuals wish to address the Board. Public comments will typically be heard from individuals who are present at Board meetings. In situations where meeting in person may be difficult or impossible, such as during a pandemic, public comments will be received via written form and read into the record. If large numbers of individuals are attempting to address the Board during public comments, priority will be given to individuals who are present at the meeting.

If there are no speakers present at the meeting and additional time remains, then comments that have been received in a written form will be read aloud during the meeting until the 30 minutes have been exhausted. In all circumstances will written comments be made part of the recorded minutes of each meeting and retained as part of the written record is. I don't know if I did a good job trying to put our different thoughts from before together, but that was sort of my effort.

**Williams:** Did you participate in this document then?

**Shaw:** What I just read was something I had typed and emailed to Trustee Gomez. The one in the Agenda item, I don't recall concurring with.

**Gomez:** I thought you didn't see that beforehand. I thought you had.

**Shaw:** I did not.

**Gomez:** Okay.

**Shaw:** I don't believe I missed anything, but no.

**Boyd:** This is the document that was provided previously. The Board has this document. It was part of the carry over. The only thing that was changed was what Trustee Gomez just mentioned.

**Shaw:** I do not object to the deleting of profane language. If we have a time limit, I concur with the spirit of that, but I don't recall. You're saying this was in the last Board meeting Agenda?

**Boyd:** This is a carryover item from two meetings.

**Shaw:** Right.

**Boyd:** The Board had the initial document that was just under Trustee Gomez's name. Then, Trustee Shaw was added as they formed a committee. From that standpoint, the form on page 25, that was just amended. There was never any discussion on the policy. You all talked about adding language to the policy at the last meeting. I haven't received anything from anyone with regards to the policy. What Trustee Shaw just mentioned is the first I've heard.

**Barke:** It sounds to me, just listening to the discussion that Trustee Gomez came up with one policy and Trustee Shaw came up with another, and they didn't really have a committee.

**Boyd:** No. Trustee Shaw responded to the policy. What Trustee Gomez responded to was the Agenda item discretion. You already have a policy on invocation and what Trustee Shaw did was gave you new language for the invocation policy. In my opinion.

**Barke:** The invocation or public comment? Are we on invocation or public comment?

**Shaw:** Public comment.

**Barke:** Public comment.

**Boyd:** Public comment. Right.

Okay. Did you guys actually meet and discuss this together?

**Shaw:** We did not meet in person.

**Gomez:** We were on the phone.

**Shaw:** We spoke by phone once as I recall.

**Gomez:** There was some emails, I think.

**Shaw:** I sent an email September 8<sup>th</sup>, what I read out loud. I didn't hear back. That was sort of how it was left.

**Barke:** I guess I'm still going back to the last meeting. I'm questioning why we're making big changes in a policy that we've had for a long time. The public, at any time, can reach out to us via email or via snail mail. I guess I'm questioning the need for new policy.

**Gomez:** I think the issue came up because of the number of comments that we got. I think the intent was to clarify how we would handle, just like we did tonight. Right? We had a discussion and by consensus, we agreed to hear more.

**Sparks:** What are best practices?

**Barke:** I think with other boards, unless I'm not in the know here, is they do it the way we have been doing it. If you come in person, it's public comment. If you don't choose to come in person, it's a letter to the trustees, either one separately, yours, or altogether. It sounds like we're kind of reinventing the whole process.

**Gomez:** Not really. I don't think so. Actually, I think our Board policy limits more public comment than the other. Tim and I, I think part of the conversation that we had, is since we both served on city council, there's no limit. We could be there until midnight if we're listening to all the public comment. This Board -

**Barke:** Do they submit via email?

**Gomez:** - has chosen to put a limit on it. That was what we found. That's what I found and that's what Tim saw, was some of my information from some of the school boards. Many of the school boards do something similar to what we do, but from our experience, it's completely different. We listened to all the public comments, no matter how long it takes.

**Barke:** In person, or the ones that come in via email?

**Gomez:** In person. We'd be there for a very long time if there's a contentious issue.

**Barke:** Right. I think the way we've always done it, if people come in person, we take 30 or 60 or 90. Then, if they're still some, we take them after the meeting. I don't think we turn away anyone that comes in person.

**Gomez:** I think that a few months ago there was...I think part of that started when we said we were having a town hall. That was part of it. People were not allowed to ask questions or make comments. It was the panel. Then I think the subsequent meeting, there were a lot more people that wanted to speak and were not given that opportunity. Again, we're trying to address hopefully a situation that will never come again with this public health crisis. For now, we needed to at least give some latitude to the Board to hear more comments in another fashion, whether it be written or verbal.

**Shaw:** I serve on another countywide board, the Orange County Transportation Authority Board. What is done there, when someone does want to comment on an item or comment at the meeting, but they're saying I don't want to be present because of the pandemic, they might email the clerk who then will immediately email the board members and it is included in part of the record. At no point does it get read out loud during the meeting. That is the way that's handled at OCTA.

**Barke:** That's how I thought most are handled, that you had to be in person for them to be read out loud. I've seen people who couldn't make a meeting because they were out of town or it just conflicted with something else, so they would actually send their comment with somebody. I've seen it read over a phone from somebody. I've seen somebody actually say I'm here for so and so.

**Gomez:** Nina read several comments that were written a few months ago. That's what I'm saying is that we've kind of done things all sorts of different ways. I think we've erred on the side of trying to make as many comments available to us. I think that would be a better mechanism is to hear more information than less. We don't want to limit it.

**Shaw:** It was my first meeting here and the staff gave me the flash drive with all the comments. I think there was thousands and thousands of them. I was at home on my computer reading them. There's the logistics of there's no way humanly possible. You can, or probably should, try to read those out loud during a public meeting. I thought maybe I was trying to find some way to make sure people's voices are heard. I know at my city what we say at the beginning is public comment is limited to 30 minutes. In reality, kind of like we did tonight. When people hit 30 minutes, no one has the heart to say, "Okay, we're done." You kind of let it go to 40 minutes, 45 minutes, but if you at least have some limit in place. Otherwise, you end up here for 18 hours.

**Boyd:** If I could just remind the Board, too, that part of this discussion was a result that the governor did an executive order to give relief to the Brown Act and requested that boards come up with a methodology so that there could be public input during this pandemic. I believe that all the different responses that the Board has managed over the last seven months are in direct result of that in trying to ensure that the public has access to the Board, and that the public is being heard. However you all deem it, I think as Trustee Gomez said, this is a result of the pandemic, not that this was being brought forward just to change Board policy.

**Sparks:** I have a comment and a question. A comment is that I don't think the public knows how committed we are as a Board to listening to public comments. Over the year and a half or so that we've been serving, our meetings have gone to pretty much after 10 PM almost every single time, certainly six to eight hours, sometimes more. There's not really a question of our commitment to the Board and listening to the public comments. My question is what are the best practices? I've kind of heard you guys refer to what are the best practices of other school boards, other city councils, other governing bodies? I feel like we've, from what I understand, we've been aligned with the best practices.

**Barke:** I thought we were too.

**Gomez:** I did just sort of a brief survey of the other Orange County School Board Members, the committee that I sit on. I asked them all if they could just give me some feedback on how their

board works. Some of them were 30 minutes, hard and fast. You're done. Others had a second comment period like we do, later in the meeting. Others might go to an extra 30 minutes. Again, that was board consensus and hard and fast. Whatever was said in that hour, that was it. They didn't hear anything else. They didn't really address but everybody had caveats, because of the pandemic we're doing, because of this, we're doing that.

**Sparks:** They've all been in person from what I understand.

**Gomez:** No.

**Barke:** I'm fine with -

**Sparks:** No emails. I haven't heard of anything about this email thing.

**Barke:** I'm fine with, because of the pandemic, we're doing this. I'm just not sure we need to change our Board policy for that, because I'm hoping this is a temporary thing that we can, as it is here, we make adjustments and changes. I'm not sure that I'm comfortable changing the Board policy for it.

**Gomez:** Again, if the public comes in and sees this, they need to feel as though they're being heard. That's the big thing for me is that we need to make sure that there's a mechanism to hear as many comments as possible. Now, to Tim's point, we probably all would have had another birthday had we read those 6,000 comments. That was why we asked for them on a flash drive so that we actually had them and the public knew that we had them.

**Williams:** I'm against this, and I'll tell you why. I think this is just a ruse for political theater. It has nothing to do with communication to elected people. We have means of communication with us already, and we've done a pretty good job over the last 25 years that I've been here. We have an email and we have United States Postal Service for communication. I think what this is doing is fundamentally changing our Board policy, and that we're reading into transcripts emails that are sent to us. That's the fundamental policy. Beckie said the public has to be heard. Yes, we want to hear from them. We want to have those emails or the regular mail. I did a cursory search of all the surrounding school districts.

I didn't see any one with any of the language about reading transcripts into the record. I didn't see that at all. Public comments, we have always, traditionally, you come in, you make your public comment. Like today, we really extended ourselves. We, gave, I think it was 90 minutes. We reduced it to two minutes. Our current Board policy allows that. We have always traditionally allowed more people to speak if they showed up. This policy is completely different though. That policy that we have in place that allows us to extend it and have the flexibility in our Board policy still exists and hasn't been changed. This fundamentally changes it. That's why I'm going to vote against this because what happens is we can get 3,000 emails come in. Are we going to read those into the record? No. We can put them on a flash drive.

**Shaw:** We need to make it just very clear. If people want to communicate with the five of us and send an email, send a letter, and we're going to read it for sure. That can be different than a public comment during the meeting where the staff is reading it out loud during the meeting. That's kind of a different thing, right? Is that what we're saying, Ken?

**Barke:** We've even made accommodations like tonight, having the line for people who just want to speak and leave. That allowed us to have 40, 35, 40 speakers versus the 20 that would fit in the room. I think we are making accommodations. If people come and want to be heard, we're hearing them. Nobody got turned away tonight unless they got cold or tired and they left. A few did. I think we've been very accommodating in accepting speakers and whatever. I thought tonight worked great with the two lines. People who wanted to stay and people who just wanted to speak.

**Williams:** We have done more to be sensitive and listen to the public and those constituents more than ever. I think we have bent over and done everything we can to accommodate that. I just have trouble about a policy that now allows someone to send an email and it gets read into the transcripts. If they want to come in and publicly say that, we'd love to have them do it. I just don't think it's a good policy.

**Gomez:** There are also people that don't want to come into this public space. You know what? If I wasn't sitting on the Board, I wouldn't be here. There's so many people here that do not have masks on or are not practicing social distancing. I wouldn't be here. To brush away the concerns of someone, because they don't feel comfortable, I think is not a good policy. We do have to have a mechanism for them to communicate to us.

**Williams:** They do. We have email and we have the United States Postal Service.

**Gomez:** Okay.

**Williams:** That's a part of the public record and the public admonition that we put on and voted for last meeting.

**Gomez:** I think that other people want to hear what others have to say as well. We declined to hear some of the public comment about one of the charter submissions. We also said we'd like to get that in the public record or link it to our Minutes.

**Williams:** What we do with that, we put the name in there and Nina, correct me if I'm wrong. Sometimes we'll put the topic that they talked about. We're not going to put a dictated, detailed analysis of what that public comment was.

**Gomez:** No. I'm agreeing with you, Ken. I'm just saying that there needs to be a link so that others can see what the opinions were of the public. If you've got somebody here that's present and they're speaking, that is getting into the audio of the meeting. Where someone who is sending an email and doesn't get read, that does not get into the audio record.

**Williams:** That's right.

**Gomez:** That's the point. Yes.

**Williams:** That's right. We've had emails for a long, long time and we've been able to communicate with our constituents via email. They have been able to communicate with us. This just takes this into a new level. I'm concerned with it and that it provides a political theater rather than really, truly, communicating with an elected representative. I have no more comments. Is there any more comments? We have a lot to move on here? Okay. Being that there was no more further comments, will you take roll call, Nina?

**Shaw:** I want to understand the vote.

**Sparks:** I want to understand what just happened.

**Shaw:** What is the vote, exactly?

**Sparks:** Was there a motion?

**Williams:** Motion was made by Mari to bring this up and make the motion to vote on it. Then it

was seconded by Beckie. If you vote for it, basically, it passes. If you vote against this, it doesn't pass.

**Boyd:** The motion is to approve the submission process.

**Williams:** Correct. It's the Agenda item number -

**Barke:** My motion is really to discuss it. I'm not making a motion to vote in favor of it.

**Williams:** You can't tell me that now.

**Barke:** Sorry.

**Gomez:** You can move something in order to discuss it. It doesn't mean you're necessarily supporting it.

**Barke:** Right.

**Sparks:** I didn't hear a motion.

**Barke:** I just wanted to discuss it.

**Williams:** I said, I need a motion to get it on the floor.

**Barke:** Oh, sorry. He's right. If it was a motion to vote in favor of it, I will take it back. I was really motioning to discuss it.

**Boyd:** You can vote however you choose to. You just made the motion.

**Barke:** I made the motion. I'll stick with my motion. Somebody needs to second it.

**Shaw:** To clarify. Are we going to be, as a matter of practice, at least during the time of the pandemic, are we allowing individuals to comment remotely?

**Barke:** Yes.

**Shaw:** Okay.

**Williams:** That's on the admonition.

**Shaw:** Okay. Very good.

**Gomez:** I'm sorry, Ken. What did you say?

**Williams:** The admonition that's online says that if we have time during public comments, we would read them into the record. That's what we voted on last meeting.

**Boyd:** You said that you may.

**Williams:** Then, we may.

**Barke:** We may.

**Shaw:** Okay.

**Sparks:** To be clear. There's a motion, and the motion is to approve public comment submission process as proposed. Is there a second?

**Gomez:** I seconded it.

**Boyd:** Beckie seconded it.

**Williams:** Okay. Further comments or discussion? Barring none, Nina, will you take a roll call?

**Boyd:** Trustee Shaw?

**Shaw:** No.

**Boyd:** Trustee Sparks?

**Sparks:** No.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Vice President Barke?

**Barke:** No.

**Boyd:** President Williams?

**Williams:** No. Okay. Motion does not pass by a vote of 1-4. Moving on with Agenda item number seven. Since I am the author of this, I'll make the motion to adopt Agenda item number

seven to retain auditor for this department.

**Barke:** I will knowingly second your motion.

**Williams:** Okay. You knowingly second it. Comments? Can I ask, is Greg on the line?

**Rolen:** Greg is on the line.

**Williams:** Do we have Mr. Grisham on the line?

**Grisham:** You do.

**Williams:** Okay. Are you in Hawaii now, David?

**Grisham:** I'm in the Caribbean.

**Sparks:** Wow.

**Williams:** Wow. That is pretty cool.

**Sparks:** Dreamy.

**Grisham:** Yes, isn't it? Yes.

**Rolen;** He's showing off.

**Williams:** Greg, will you give us an overview of the resolution that's before us?

**Rolen:** Certainly, Mr. President, during the last two years of the budget adoption process, the Board has taken a much more active role in the adoption of the budget. It became somewhat evident that the prior audits we'd had, the information that we were given, do not provide a very granular explanation and did not provide granular information about payments, expenditures, the variety of expenditures and paying the contracts and the kind of information the Board is now seeking. There had been some discussion during not only the budget adoption process, but in the context of some litigation that the retention of a forensic auditor may be a great benefit to not only the Department, but also the operations and the information provided to the Board.

While the Board does get a yearly overview, a yearly audit, the type of information that a forensic eye could reveal is not provided in that yearly audit. That, most importantly, really that the forensic audit can review practices and procedures and help us get better. That's why this resolution is brought before the Board.

**Williams:** Very good. Mr. Grisham, could you add to that commentary?

**Grisham:** Sure. Over the last 10 years or so, I've probably participated in a couple of dozen internal audit engagements, whether that's helping an entity improve their processes, looking at their control environment, offering recommendations, and/or performing investigations. I see this project as one where I'm going to be asked to determine, basically, whether all the I's are dotted, the T's are crossed, the policies and procedures are being followed. I think that within the resolution there's a paragraph that describes in detail what the Board was looking for. I would defer to that paragraph. I think to determine the processes and procedures, making sure that they're being followed, knowing what the outlet of dollars is being spent for would be the purpose of this engagement.

**Williams:** David, just for the record, there has been no official contract or anything made between the executive committee and you?

**Grisham:** Absolutely not.

**Williams:** That's very important. The decision to hire you will be made by the Board tonight. I don't have the contract, but can you, for the sake of transparency, tell us what are your hourly

rates?

**Grisham:** My hourly rate is \$450 an hour. The staff that I would be using to perform much of the work would be somewhere between probably \$220 and \$340 an hour.

**Williams:** Very good. Any other questions? Okay.

**Gomez:** Are you ready for Board questions?

**Williams:** Yes. Board questions for Mr. Grisham or Greg, or, comments.

**Gomez:** I don't have any comments for him at this point. I do once we get into our discussion.

**Williams:** That's what we're in now. We have a motion and a second.

**Gomez:** I'm going to ask you, you mentioned your hourly rates. What are we looking at? What's the cost to the taxpayers if we were to do this audit?

**Grisham:** When I was approached, I believe I gave Mr. Rolen an estimate of about \$70,000 to \$75,000.

**Rolen:** That's my recollection as well.

**Gomez:** Then did we go through an RFP process for this? Anybody?

**Williams:** We did not.

**Gomez:** Okay. Why not?

**Williams:** Because this is a very specialized field and you want the best.

**Gomez:** Okay. Speaking of specialty, do we have experience with school audits, education budgets?

**Grisham:** I do. As I said, over the last 10 years, I've done a couple of dozen of these. Of those, probably six to eight have been with either private schools or public schools. I've also worked on nonprofits and governmental entities, county and city.

**Gomez:** Okay. Only six to eight school audits. Is that what you said?

**Grisham:** That's correct.

**Gomez:** Okay. If we're looking at a specialty, it doesn't seem as though there's that much experience with educational entities by only six to eight.

**Grisham:** In the course of work, six to eight for one type of entity is actually quite a lot in our business.

**Gomez:** Okay. Maybe I could ask for the superintendent. A question here - in the past when we've had a concern, whether it be a charter school or a county school, let's say. Haven't we normally gone through a FCMAT audit? Tell me how that would be done if we had some concerns, let's say, about a charter. I know we've done that before, right?

**Mijares:** Yes, we have. To answer your specific question, first of all, those that audit schools, public schools, whether be they schools, districts or county offices, should be on an approved list by the controller's office.

**Gomez:** That's a state controller?

**Mijares:** Yes, state controller. That's one thing. In terms of FCMAT, and I think the Board is familiar with FCMAT, that is a statutorily driven arm of the state. AB 1200 created an organization to do the very thing that you're talking about here. This is their wheelhouse. Three quarters of their employees are experts in fraud, for example. We've used FCMAT a number of times. We've used them for districts. We've used them for even discussions in terms of our own practice. I think that the Board should really consider that, because frankly, this thing took me a little off guard because I hadn't heard anything about this. I think that there's some issues with this. I'd just like to call out a couple if I may.



There are factual, legal and jurisdictional assertions in the resolution that are not accurate and could have been cleared up had we talked about it. For example, it's interesting to note that just 12 weeks ago, you did approve our budget. Thankfully, we got a clean slate. We have an auditor that audits our books. We pay him \$70,000 a year. It's an audit firm that is like one of the top 10 firms in California. Dr. Williams and others, I think, have talked to him, as a matter of fact - Royce Townsend. He's been to this Board. Any question that you may have in terms of our practices, what we do to prepare the budget, what we are required to do under law. In fact, the driving force of a county office - the County Office of Education, the superintendent, is to assure that all of the school districts in that county are solvent. That they always stay within their budget and have reserves for economic uncertainties.

That's one of the big things that we do in addition to the approval of the instructional plans, the LCAPs. FCMAT has been around for years. It is the agency, if this is what you want - a deep dive, a review, and I'm not opposed to that by the way. I think it's a good idea. The thing that's problematic is some of the assertions that were made in the resolution. For example, even in 2019-20 where we disagreed on the budget, and went through a process of how that budget would be approved by the state, the state sent down here a budget review committee that spent time with the Board and with us, and looked at our processes and looked at how did we arrive at the budget that we did. The state superintendent approved the budget, as you know.

The resolution talks about a request that was made by Dr. Sparks, for example. Dr. Sparks talked a little bit about some of the money that we had given to a not-for-profit organization in this county. It was money that was done through our Career Technical Education Funding. We hired the organization to provide special tutoring and internships for about 150 students. No, more than that - several hundred students. We paid them some money, and the question was asked, I have it written down here. You asked, Dr. Sparks, "did not request a legal opinion from my office regarding a conflict of interest. In reviewing the transcripts from May 13<sup>th</sup> and the June 3 Board meetings, Dr. Sparks requested that I provide a legal opinion regarding whether a specific expenditure was a gift of public funds."

If you review the transcript that was what was asked of me. At the time, there had been other legal opinions given to us. I think Dr. Williams even commented on one of the tapes that we've already seen those legal opinions. That was going back to our former general counsel and the Cota Cole conversations that we've had here. What my feeling was, because I did acquiesce to that as you know, but that never went to the Executive Committee. My thought was it was going to go to the Executive Committee and then come back for a Board vote. We don't usually, in fact, I've never done this, gone out for an opinion because a Board member asks us to. Very few things are done in that spirit, as you know. It has to go back to the Board for a full Board vote.

In fact, I did do a little bit of investigating with an external attorney, and there was a public benefit to that, which is usually the driving philosophy in terms of, is this a gift of public funds. My attorney indicated to me that it was not. Again, because it wasn't agendaized, we really didn't discuss it. My recommendation would be, I know it's late. Of course, I have a lot more to say on this topic, but my recommendation would be that if the Board is looking for a way to get into the internal workings of everything we do here, that you use the established system given to us by

the state of California. This is something that I didn't dream up. They've been in existence since 1991.

They have done a multiplicity, hundreds of these types of reviews, county offices, and districts. They defend their results. There's nothing that will shock them or they haven't seen. If you're really interested in building and fortifying the internal expenditures, resources expenditures, and how we conduct our business in a transparent way without going on and bearing another large expense, passing it on to the taxpayers. That would be my recommendation. It's something that I personally, as a superintendent, the law gives me the authority to engage FCMAT. As I mentioned, we have done that. That would be my preference in what I am now working on doing.

**Gomez:** If we did a FCMAT audit, then would that still be additional funding that we'd have to do - something similar to the \$70 to \$75,000?

**Mijares:** We would have to talk to the executive director of FCMAT. The other thing is that the way this is now written, this resolution, there's no scope here. I was happy to hear that the auditor here, the CPA, talk about a dollar figure. The way it's written here, it's just almost an unlimited kind of approach to investigating the integrity of what we do in terms of our expenditures.

**Gomez:** Okay. Thank you.

**Williams:** Dr. Sparks?

**Sparks:** I have no further comments.

**Williams:** Okay. I do. Regarding the conflict of interest in the statement requested by Lisa Sparks, I do remember that, because the conversation was regarding the conflict of interest. That was pretty obvious. When you ask people, "Is there a conflict of interest?" They would say, "Of course." When you're on a Board, you're there to raise money. You're there to get money for the programs. That is well known and established. To take money from the Department in a special account that a staff member has, we documented that there was nothing in the file. I asked for the documentation. Where is this money coming from? Where is it going? There was nothing there, but miraculously later on, we got a letter from United Way saying that, "Hey, this is good money and this is what it's going for."

We don't have any sources for that. When we looked at it directly, there was no documentation there. It looked like money could just be flowing out and flowing in. There's a lot of other things regarding the state list. Can you tell me the Education Code where it requires that we use somebody from the state list?

**Mijares:** I don't have it at this moment, Dr. Williams, but I'll be sure to get that to you. You have to be on a special list.

**Williams:** To do an audit of a public entity, you have to be on a special list?

**Mijares:** One of the reasons for that is because districts that got into trouble reusing auditors, who were basically functioning out of the trunk of their car and rubber stamping things. When the Legislature dug in there deeply, having to bail out districts who go in for an emergency, a bailout, which is catastrophic, really, when you look at the way the law is written, displaces the entire board and the administration. The board becomes advisory and you lose all your authority.

The law created a standard for what the accountants must look like and what they must do. In other words, how credible are they in this industry? That's why there is such a thing as a state approved list by the Controller's Office.

I'll get you whatever the Ed. Code might say in reference to that. It may come right out of AB 1200, but I don't know. Jeff, unless, you know off the top of your head.

**Barke:** Greg, do you know?

**Rolen:** I'm not aware of any state approved list that lists the only people that can provide forensic auditing services for boards. Mr. Grisham has done it in six to eight times, and he has certainly not been prosecuted for anything of that nature. I think what's important to understand is the real distinction between a yearly audit, what the Budget Review Committee did last year, and what a forensic audit accomplishes. They're all three very different tasks. The law specifically allows boards under 1042 G to contract for an employee of any service, [inaudible] the County Board of Education special services, such as advice in financial, economic or accounting services.

The law specifically gives boards this authority to pick the person that they think is qualified to look at the issues they wish to look at. This is not any sort of improper or illegal action by the Board. This is a totally authorized action. With regard to the scope of the engagement, I'm certain Mr. Grisham has some thoughts about that, and we can put that in writing if it would likely get everybody involved.

**Williams:** Mr. Grisham. For the purpose of knowledge, can you enlighten us as to the annual audit that we get that is directed and requested by the superintendent and which we review? Can you tell us the difference between that audit and what you do as a profession? Does auditing a public educational institution differ than auditing any other government entity or accounting? Is there anything different - different rules, different things that you look for?

**Grisham:** I'll answer the second part first, which is, there's not that much difference between governmental entities in how they get money and how they spend money. If we were to look at the outlays, we would still be looking at similar types of financial documentation, contracts, invoices, things like that. The annual audit is designed to make sure that the financial statements are accurate and reasonable while a forensic assignment would do a deeper dive and look at specific transactions, look at specific information for a specific purpose. That would be the difference. We're not going to opine as to whether or not the financial statements are correct. We will just be opining as to whether the policies and procedures were being followed, where the money was being spent, when it was being spent, and who was getting that money. That would be the main difference between the two type of engagements.

**Williams:** Very good. Greg, this is Ken. Education Code 1042 says, "The County Boards of Education may do all of the following" and we go to paragraph C. It talks about contracting with and employing any person to advise and provide special services to the Board, specifically on financial, economic, accounting. It goes on and on and on. I'm not aware of the state rule. There may be state organizations that may be approved or that may be mentioned by the State

Controller. Somehow, that is not worked into 1042. It doesn't say that the Board must get this advice from a state approved list by the State Controller. Could you help us understand that misunderstanding here?

**Rolen:** What I believe the superintendent's referring to is just a list of auditors that are allowed to perform audits on public schools and county offices. These are the different types of audits that we've been talking about. This is the yearly external audit to look at the financial statements. There is not, to my knowledge, no approved list of entities to do forensic audits, because that's a highly specialized skill. You may look at something very, very different. I part that if the law was going to set forth an authorized list of forensic accountants that could be used under 1042, they would direct us to a regulation or something of that nature. The 1042 retention of Mr. Grisham is not unlike the 1042 retention of Cota Cole or any other specific vendor.

**Williams:** Question - Beckie brought up the issue of a request for proposal. We never did a request for proposal for Cota Cole, as well as we didn't do it for you or for Jonathan Brenner. Would there be any difference between those services performed by Mr. Grisham or the previous three individuals and entities I mentioned?

**Rolen:** No, sir, there wouldn't be. Even in public school district context, a Board of Education can hire somebody with a specialized skill set and they need not go through an RFP. That was the same thing with retention of Mr. Brenner, Cota Cole and Mr. Grisham. This is a more highly specialized skill set, I respectfully submit, than my own.

**Williams:** Very good. Okay. I don't have any more questions. Any other questions from the Board?

**Gomez:** I'm just going to say that I had some concerns when Mr. Brenner and Mr. Rolen were hired, because we didn't go through the RFP process and that these were, no offense to any of the attorneys in the room, but this was something that was presented to the Board and it was an up and down vote. We did not go through an RFP process nor did we vet other attorneys to see if they also had the same specialized experience. My objection is going to be the same that we are given a firm without going through an RFP process or without exploring options that are going to be a little bit more beneficial to the taxpayers. I think we have a fiscal responsibility here, and we keep going outside to look at things that perhaps can be taken care of in-house. I'll just state my objection to that, once again.

**Sparks:** I would just say our fiscal responsibility is transparency for the taxpayers.

**Williams:** Greg, from a technical, legal perspective, there has been a lot of discussion about these RFPs. We talked about Education Code 1042. We talked about how we didn't get RFPs for Mr. Brenner, Cota Cole or yourself. Is that a requirement for us to move forward with this?

**Rolen:** No. That's not a requirement.

**Williams:** Mr. Grisham, are the fees that you're describing unusual or extraordinarily high compared to other individuals with your expertise and knowledge?

**Grisham:** When I was asked to give an estimate as to what the fee would be, I went back and looked at some of my previous engagements. That's how I came up with the \$75,000 number.

**Williams:** Okay. What time-period typically would be involved in getting you started, and how

much time do you need to complete it?

**Grisham:** We could get started pretty quickly. It always depends on the cooperation that we get. When we do a document request, how long it takes to get those documents. In a perfect world, which it's not, it would be probably four to six weeks. What I've encountered in the past is that it takes probably twice that.

**Williams:** Okay. Barring no comments, Nina, will you take a roll call vote on this resolution?

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** No.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Yes. Motion passes 4-1. Moving on with Agenda item number eight. Number eight is for the Administrative Board Policy and Invocation Policy. May I have a motion?

**Sparks:** I'd like to make a motion for Agenda item number eight with the following minor, but very important edits. Paragraph two, and I will hand these over. On paragraph two where it says, "Legislative prayer to lend gravity to public business reminds lawmakers to transcend petty," edit out the word, "pay" and insert the word, "petty" differences in pursuit of a higher purpose.

**Gomez:** What page are you on?

**Williams:** Thirty.

**Sparks:** Thirty.

**Williams:** Second paragraph.

**Sparks:** Second paragraph.

**Gomez:** Okay.

**Sparks:** Then the last sentence. "Regarding invocations, the Supreme Court explained that opening invocations are intended to, "Lend gravity to the occasion and reflect the values long part of the nation's heritage," and should not denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion." You need to insert "not" after should. Okay. The moving on to -

**Shaw:** That is a big difference.

**Sparks:** That is a big important difference? Okay. Moving under the next page under public students, top paragraph. BP-AR 100-12 "Were not intended to require any person, particularly students, to observe, witness, or participate in any legislative prayer, invocation, inspirational words, moment of silence and any such presentation by a presenter shall not impact any persons p e r s o n 's instead of their ability. Take out their replacing with any persons. Then under one, we need to admit the word "to" where it says, "Before the invocation or inspirational words, the Board shall announce that the invocation or inspirational words are forthcoming and suspend." Eliminate the word "to" right there. The last edit is under number three. "The Board shall not state, communicate, or respond in any manner to express either approval or disapproval of the

content of a presenter's..." You need the possessive there. Apostrophe, possessive, on "presenters". That's the last edit, and I will turn these over to the person who's going to fix it. That's all I have.

**Williams:** Very good. Okay. Those are simple wordsmithing. The big thing was "not". That was omitted. I seconded that. Now, we're going to the full floor discussion on our invocation policy. I'm going to ask for -

**Sparks:** You know what? I have one more minor...just a comma needs to be removed on the next page under, "Invocations where inspirational words at Board meetings." On the second paragraph, third line, there's a comma at the end where it says, "Invocation shall not." You need to take away that little -

**Williams:** What is it there?

**Sparks:** This little thing. A dot or something.

**Williams:** It doesn't change the meaning -

**Sparks:** It doesn't change the meaning.

**Williams:** - or the significance of that.

**Sparks:** In case I needed to read that in.

**Williams:** It's just a typo. Okay. I'll get this to the staff. Mr. Tyler, could you help us out here? For the record, we've been dealing with this policy, playing with it and wordsmithing it. Because of our being threatened by the two organizations, the Freedom from Religion Foundation and the United Americans for Separation of Church and State. Could you help us? Why this is important for us? We heard a lot of people come in to our meeting today under public comments to support our invocation policy. We're being threatened by these two organizations. For the record, we just received two letters within the last 24 hours, one from each of these organizations. Could you help us out, give clarity and help us understand why this language is necessary?

**Tyler:** Sure. The original policy that you have is from 2014. Since 2014, there have been a few cases that have arisen. The town of Greece case from the US Supreme Court. Also referenced in the documentation is the American Legion v. American Humanist Association from the US Supreme Court. That came in 2019. The addition of another case from the Fifth Circuit of the McCarty case. Then another case here in the Ninth Circuit, the Chino Valley Unified School District case. There've been a number of changes. I shouldn't say necessarily changes in the law, but I believe cases that articulate fine points that are worth noting and creating an opportunity for the policy that you had before to be even more specific to fall within constitutional parameters that have been established by the US Supreme Court.

**Williams:** Okay. Very good.

**Tyler:** Thank you.

**Williams:** Mr. Rolan? Because you assisted in the creation of this document and work with Mr. Tyler, would you like to say a few more words regarding the administrative policies and Board amalgamation? How did that occur?

**Rolan:** Flashback to AP English. Sorry for those minor editorial problems. Again, like Mr. Tyler said, what the policy update was trying to do was to make our [inaudible] policy up-to-date and make it more consistent with not only some legal decisions, but also the changing legal

landscape. The reason we use an administrative regulation format is, as you well know, a Board policy is an overreaching statement of the Board's policy intent. An administrative regulation is a mechanism used by several school districts, county boards, public entities that implement and executes the Board's intent. As we're reading cases, quite often, I don't know if this is an apropos analogy here, but the devil is in the details.

The execution of this policy is critical to how we would be viewed in the litigation context, and how would we be viewed by our public in general? We were trying to make it as clear as possible that we were seeking to invite a representative cross section of speakers. No speaker would get any preference over another, or no speaker would be held to any different standard than another. That's why we went into such meticulous detail as to how the invitations would go out, how the speakers would be scheduled and how the invocations would be delivered. We know this Board appreciates all the good words that are sent their way, and we do need all the help we can get.

**Tyler:** I'd like to add if I could as well. The policy that is now in front of you is also different from what you had before. That includes not only invocations, but inspirational words, or even a moment of silence that might be presented. As you know, the Chino Valley Unified School District case was from the Ninth Circuit and addressed the facts in that case that were not so favorable. There were issues in that case that are not at issue in this instance, that I'm aware of with regard to the Board. The letters argue that this new invocation policy would be in violation of the Ninth Circuit's ruling. The Ninth Circuit, we don't know how they're going to rule.

Certainly, the judges are changing in the Ninth Circuit, even at the US Supreme Court. We can say that our attempt here is to help allow you to be able to continue this longstanding practice of allowing the invocations, moments of silence, inspirational words that have been presented to this Board, as I understand it, for decades. Our goal is to have a policy that we believe should be able to pass muster, not only in the Ninth Circuit, but at the US Supreme Court.

**Williams:** Very good. It's 10 o'clock. I'd like to move on with the meeting. Any other questions for either our attorney or any comments by my Board members? Otherwise -

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

**Williams:** Speak up.

**Gomez:** The town of Greece case was decided in a way, because there were mostly Christian congregations in that town. The court ruled from what I can remember about the case is that the town didn't have to go outside of its boundaries in order to get a diverse population of speakers. I think in Orange County, we'd be challenged to find all the different congregations in order to represent, as this Board policy says, about diverse viewpoints. Our current Board policy says the invocation shall not last more than three minutes. Tonight we violated that policy like nobody's business. That's why I was asking the question about whether or not it was public comment or an invocation. Secondly, how would we compile that list?

There's really no way for us to indicate how that list would be compiled. Many of these city cases have boundaries, and they use the Chamber of Commerce. In one older case, they used the Yellow Pages, which I don't know if anybody even uses that anymore, to identify all of the

congregations in their respective boundaries. Trying to identify all of those congregations within the county limits would be challenging. In order to kind of protect ourselves about these diverse viewpoints and getting all these different folks represented, I think we'd be very challenged by that. That's all I have to say about it.

**Sparks:** I would just add that we, as a Board, have pretty wide representation with the Catholic, Protestant, Jewish, LDS. I'm not sure what your background is, Beckie, but I think we -

**Barke:** I would suggest that our county has plenty of diversity, too. I don't think we'd have a problem in the least in providing diversity.

**Gomez:** No, I'm not challenging that. What I'm challenging is how do you identify all of those congregations? How are we keeping a list to make sure that...let's just say we don't have three Catholic clergy representing. Then we don't have anybody from the Jewish faith or the high faith or something else. That's why I would be concerned as to how we would truly have that random list and how we would actually identify those folks to be on that list.

**Barke:** Does it have to be formal to have? While I was president, I was typically reaching out and I did have a rabbi. I had somebody from the Muslim faith. I had somebody in Indian. I had Christian. Does it have to be so deliberate or as long as we're pretty diverse?

**Tyler:** Yes. Let me address that. First, Board member Boyd, in regard to the... I'm sorry. Gomez. Sorry. You have Nina Boyd. I know that's not you. Board member Gomez. First, with regard to the town of Greece, what happened there was the court said that the fact that most of the invocations in that case that occurred were Protestant was not a problem, because it just happened to reflect the nature of the community - that most of the community was Protestant.

**Gomez:** I think it was Christian, but it was generally.

**Tyler:** Yes. Whatever, Christian. The question was not, do the invocations represent the community? The question really was, does the fact that they're all Protestant or Christian invocations, for the most part, violate the establishment clause? That's where the court said, no, it really represents the community. It's not a problem. The issue here is, in looking at the County of Orange, we drafted the policy to provide that the Board would go to, or representatives here, would reach out to the chambers of commerce that exist in the County of Orange. How many chambers of commerce might there be? Certainly, no more than the total number of cities that exist. I don't know how many cities there are - maybe 15 or 20, possibly?

**Gomez:** Is it 32, Tim?

**Shaw:** In Orange County, there's 34 cities.

**Tyler:** Okay. You'd go to each of the chambers of commerce, and reach out to the 34 chambers of commerce and ask them to provide a list of all, as the administrative regulations specifically identify, you would them to provide you a list of all of the religious organizations and all of the civic organizations, as well as chaplains. We've identified that chaplains typically are at hospitals, the Sheriff's Department and the Fire Department. You could contact each of those agencies and ask if they have lists of chaplains. Then you accumulate a list. That list provides the



basis and that should be a very diverse cross section of the community. Anybody else could join that list as well. They could get on that list.

There's nothing prohibiting the Department from adding to that list if someone calls up and says, "I want to be on that list as well", we're not a member of the Chamber of Commerce, but we're a member of a clergy, we're the Elks Club or whatever. They would have the ability to sign up. Then a letter goes out once a year and says, "First come, first serve, sign up." From that perspective, it's random in the sense that we're not sitting here where the President of the Board is trying to handpick someone to come give an invocation, an inspirational word, or even participate in a moment of silence. The idea here is that it's random in the fact that it's sent out to everyone and they can email and say, "We would like to get on the list" and it's a first come, first serve.

There's also a provision that says that an individual would only be able to, or group, would only be able to provide to be a presenter once per year so that you don't have, all of a sudden you have 12 people from one church who all sign up. They happen to be the first and next thing you know, those are the only ones that are representing. The idea here is to limit the number of times a group or individual would be able to participate. That should hopefully answer those questions.

**Sparks:** I think, Mari, you referred that the history of the choices have been quite diverse.

**Barke:** I think so. I know I purposely did that, because I didn't want it to look like I was preferring any religion or center over another. I tried to do that.

**Tyler:** That's one thing that makes this case very different from the Chino Valley Unified School District case, which the Americans United for Separation of Church and State, and Freedom from Religion Foundation cited the Chino Valley Unified School District case. As you know, I was involved in that case in the Ninth Circuit only. That case was very different. The policy did not provide for necessarily inspirational words or try to open this up and make sure that it was very diverse and state that what you're doing here is that this doesn't even have to be a religious issue. Someone could stand, come forward and cite a poem.

**Barke:** I had a poet. I had an American poet, too. I forgot about him.

**Tyler:** That's the idea here. It's to affirm what you've done in the past as really, I think, appropriate and constitutional. Quite frankly, I think it fits well within the guidelines of the United States Supreme Court. However, I certainly will say I can't guarantee, ever, how a court is going to rule in any circumstance.

**Williams:** Okay. Very good. Any other questions before we move on for the vote?

**Barke:** No, I'm ready to move.

**Williams:** Okay. Nina, if we take roll call, please?

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** No.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Yes. Motion passes 4-1. Moving on with the Agenda item number nine. Since I am the maker of this, I'll make a motion for this resolution.

**Barke:** So moved.

**Williams:** So moved. No, you're second. I'm the one making the motion. You're the second. I made the motion, and it was seconded by Ms. Barke here. Questions? Comments before we vote on this?

**Shaw:** My day job is I'm a combatant on Proposition 15, so it's probably no surprise I will be voting in favor of this resolution. Eliminating Proposition 13 for commercial real estate is, in essence, what split role does. And would obviously be a very significant tax increase on business out there, and anyone who owns commercial properties. I'm happy to support this.

**Barke:** I would say, too, a lot of people don't realize, or don't think things through, that the commercial falls through to us as the consumer, because the minute the commercial guy's paying more, he's renting it for more. The cost is more, so the dollar doughnut's going to be \$3. It really affects everybody, not just commercial.

**Sparks:** You should say he or she.

**Barke:** Sorry. He or she.

**Williams:** Very good. Any other comments? Barring none, Nina, will you do roll call?

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** No.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Yes. Okay. Moving on to Proposition 16. I am the maker of this on this Agenda item, I will so move, and I will need a second.

**Barke:** I will second.

**Williams:** Okay. A motion and a second. Conversation? Dialogue?

**Barke:** I think my reason for seconding this and being in favor of opposing it is that I think it eliminates some of the competitiveness and merit-based for our students. I think anytime you take that away, it's depriving students of the incentive to do their best.

**Shaw:** I would totally agree. If I might, I think the message from our Board needs to be the academic achievement and academic excellence is what's going to get you into UCLA, Harvard, wherever you're trying to go. Any criteria, no matter how well intentioned the people might be, you are, in essence, rewarding students for things that they have no control over. I think Prop 16 would be the wrong message and the wrong idea.

**Williams:** Yes. Article 1, section 31 of our California Constitution says that, "The state shall not discriminate against or grant preferential to any individual or group on the basis of race, sex, ethnicity, national origin, the operation of public employment, public education, or public contracting." That, I think, represents the spirit of Martin Luther King, who serves as somebody who I respect and who I use as a guideline in my public policy and personal relationships. To

give preferential treatment based upon those immutable characteristics is plain and wrong. Any other questions? Otherwise, will you poll the Board, Nina?

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Abstain.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Yes. Item passes 4-0 with one abstention. Moving on to Agenda item number 11, which is regarding the denouncement of a bill that was signed by our governor - SB 145. I so make the motion. I will need a second on that.

**Barke:** I'll go ahead and second.

**Williams:** A motion and a second. Board discussion before we take the vote? I think the resolution speaks for itself and let me quote Assemblywoman Lorena Gonzalez, a Democrat from San Diego who iterated during the debate on the State Assembly floor. This was done August 31<sup>st</sup> 2020. "I cannot in my mind as a mother, understand how sex between a 24-year-old and a 14-year-old could ever be consensual. How it could ever not be a registerable offense. Give me a situation where a 24-year-old has sex with a 14-year-old, any kind of sex, and it wasn't predatory." This is a bad law and it promotes human sex trafficking. Many experts have said, I think, the governor, unfortunately, is advancing human sex predators and the concept of advancing pedophilia. Those are my comments. Any other comments? Barring that there's none, Nina, will we do roll call?

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Yes. Motion passes 5-0. Okay. Moving on to informational items, our superintendent.

**Mijares:** Yes, sir. Mr. President, members of the Board, I have one item only. It's so late that I want to talk just briefly about Differentiated Assistance, which is part of the statewide system of support, known as DA. This is a special service that county offices perform for districts who are not meeting the state standards. They're falling below the eight priorities. When a district has one or more student groups not making progress in at least two of the LCFF, Local Control Funding Formula priority areas, the district is eligible for more targeted assistance - differentiated assistance. That is provided by us. In our case, we have four districts. We have Santa Ana

Unified, Orange Unified, Huntington Beach Union High School District, and the Huntington Beach City School District, along with our own ACCESS kids.

Most of the problems these districts are having deal with students who are homeless or they're in foster care system, foster youth, or students with disabilities. They're just not progressing at the same rate as their peers. We have a number of interventions that we will do here by the County Office to help those districts. I just want to make that clear tonight. That's all I have. Thank you.

**Williams:** Thank you, sir. Good Associate Superintendent?

**Boyd:** Yes. I call your attention to the next Board meeting, which is scheduled for Wednesday, November 4<sup>th</sup>. We've had some conversations about numbers of inter-district and/or expulsion appeals that would be coming before the Board. We're aware currently that there are at least four, which is the number that you asked staff to look for an alternative date in advance of the meeting so that you could still meet deadline for a special Board meeting. We began polling the Board yesterday for Tuesday, October 27<sup>th</sup>. Dr. Williams, you mentioned you'd wanted to discuss that at tonight's meeting. As a reminder, we need to firm that up in our discussion. The submission deadline for the November 4<sup>th</sup> meeting is October 21<sup>st</sup>.

In your red folder, I draw your attention to an Orange County Board of Ed. authorized charter school update. It has information pertaining to in-person instruction start dates for all of the charter schools. Special note that College and Career Preparatory Academy was the first that started in-person September 24<sup>th</sup>. The other charters have all been phasing in beginning that week also. Then we have some that are continuing to do virtual, because that's how they were established. I just wanted to make sure that you were aware of that. Then, in terms of the Orange County Department of Ed. reopening of schools, we began September 24<sup>th</sup> with several of our school campuses: Fisher, Rio, the YLA Academy, Tustin Main, Tustin ACT, Fountain Valley, San Juan Capistrano, Haster, University High School Deaf and Hard of Hearing, and Venato Deaf and Hard of Hearing.

Then, CHEP and PCHS also began doing student tutorials and parent conferences, as well as partial opening at PCHS. As you know, many of the students, because Pacific Coast High School, PCHS, are doing online. That's part of their high school experience. They don't do a full onsite, but they have done partial opening. Then our remaining school sites have a phased-in reopening through the third week of October. In total, we have 40 ACCESS sites and 14 special school sites, all of which should be reopened this month.

**Williams:** That is it for your report?

**Boyd:** Yes.

**Williams:** Okay. Moving on with Board member comments. It was brought up that we need to have perhaps a special meeting for the inter-district transfers and expulsions. You think there's four cases right now?

**Boyd:** **Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** One of which is an expulsion.

**Williams:** Okay. Is there a deadline that we have to meet?

**Boyd:** Yes. They can't exceed the November 4<sup>th</sup>.

**Williams:** Okay. It has to be before November 4<sup>th</sup>?

**Boyd:** Correct.

**Williams:** I see. Okay.

**Boyd:** Previously, when we were polling, you had mentioned just stay with Tuesdays because we had a consensus that we at least have a quorum.

**Williams:** Yes. The date that we polled. What was that date again - it was the 27<sup>th</sup>?

**Boyd:** Yes. The week prior to the Board meeting.

**Williams:** Okay. That's October 27<sup>th</sup> and that's a Tuesday. Right?

**Boyd:** Correct.

**Williams:** Okay.

**Sparks:** What time?

**Boyd:** We didn't talk about a time.

**Barke:** Do we want to pick a time?

**Sparks:** I can do it in the evening.

**Williams:** You can do it in the evening? After what hour?

**Sparks:** After four.

**Williams:** After four?

**Sparks:** Yes.

**Gomez:** I can only do after. I can get here by 5:30. I have a meeting until five.

**Williams:** Okay. Tim?

**Shaw:** I'm free that evening.

**Williams:** Okay. Mari?

**Barke:** The 27<sup>th</sup>, right?

**Williams:** Correct. Yes.

**Barke:** I already put it in here. I just need to add a time. So, 5:30? Is that what we decided?

**Williams:** We haven't decided that.

**Barke:** Okay.

**Williams:** Beckie can't be here until 5:30, and you can be here at 4?

**Sparks:** After 4, yes. At 4?

**Williams:** And Tim?

**Shaw:** I might have an opening that evening.

**Williams:** Okay. If we wait until 5:30, that means we'll probably be there until 8:30 at night.

We're averaging about 45 minutes for each case. I'm okay with that if it helps Beckie.

**Barke:** Do you want us to start an hour early, Beckie, without you, or do you prefer us to wait? Even if we say 5, by the time we get going a lot of times with our electronics, it might be close to 5.

**Gomez:** I was just going to say if everybody's ready to go right at 5:30 and I can scoot in here, then we're good to go.

**Barke:** Do we want to call it for 5 and then we'll probably start right around then? Is that a problem?

**Boyd:** Just as a reminder, some of these cases may get settled, and we're not at cutoff yet. We could add -

**Williams:** We could a case or two? Yes. Okay. It may go up to five or six cases. Okay. Is 5 PM - is that a consensus that I think is okay? Okay. Nina, if you could just send out -

**Boyd:** Five o'clock on 10/27?

**Williams:** 10/27 at 5 PM. Yes.

**Boyd:** We will confirm that and I will keep you updated on where we are.

**Williams:** Okay. Very, very good.

**Barke:** Beckie, you're okay with that, right?

**Gomez:** Yes. It's a two-hour meeting. I'm going to keep my fingers crossed it will get done early and I can get over here.

**Williams:** Okay.

**Gomez:** I've got a meeting from 3-5 that I can't miss, because some people will hang me by my toenails if I do.

**Barke:** It's just history, or past history, it usually takes us about a half hour to get going, it seems like, until we do everything.

**Williams:** Okay. Yes. That sounds appropriate.

**Boyd:** Ken? Just for the record, I just want to make sure the Board is clear. I gave the update on both the charters and our reopening of our school sites. I want to remind the Board that parents and families have options.

**Barke:** Of course.

**Boyd:** They can choose to do distance and/or in person. Even though all are moving towards reopening, no one is mandated to be in person.

**Barke:** Perfect.

**Boyd:** Okay.

**Sparks:** Can I ask you a question about that? Are you planning on, depending on the colors and all that, are you planning on reopening for...does it look like the rest of the students will also be going in-person or just the ones you mentioned? The ACCESS?

**Boyd:** Those are just our programs. I'm just giving you an update.

**Sparks:** Each district is deciding on their own.

**Boyd:** Each district is deciding.

**Sparks:** Okay. Got it.

**Barke:** Yes. From what I heard it's varying from right now through January. That's kind of the feedback I've been getting.

**Gomez:** Correct.

**Barke:** I have just a quick update if you don't mind. I did go to this conference. I'll prove it, because they even sent a gift. Certainly not as fun doing it remote. Actually, I thought they did it about as good as you can do it remote, because they actually had us go into breakout groups. It was very interactive. I think I saw you on it, Renee. The governance, I thought, was really fun. I remember the first group, I was kind of hiding. I was eating breakfast or lunch or doing something. They were like, "Come on, Mari. We've got to see you." As good as it could have been, it was. I was impressed.

**Hendrick:** It's probably one of the better ones I've done virtually. I will say to give them credit.

**Barke:** Yes. I do, because I do a lot of virtual stuff and I thought, "Oh my gosh, are you kidding me?" I was having a meal, and I was watching it. It got really good. I thought they did a great job. The basic message, I think, was if the Board works together, they're much more effective and good communication, and so forth. It was a good event for virtual.

**Boyd:** Speaking of CCBE, we received a call. I wanted to talk to you about. In July or August,

when the Board nominated or accepted roles for the different committees, Beckie took CSBA, you took CCBE. CSBA called and said that it cannot be split. The representative for CSBA is also the CCBE representative.

**Barke:** I will defer to you if you'd like to keep it. I know you've been the CSBA, and that's probably the bigger role. I will give you my water bottle. How's that -and a pen.

**Gomez:** Just what I need. One more pen and one more water bottle.

**Barke:** That's fine. I'm plenty busy. I'm not going to complain.

**Williams:** Is that requirement in their bylaws?

**Boyd:** I'm sorry?

**Williams:** Is that requirement in their bylaws?

**Boyd:** I don't know if it's in their bylaws, but they called and said that CSBA is the umbrella for CCBE. Whoever the delegate that each Board elects for CSBA is also the delegate that would sit on CCBE. Everybody can attend everything, but for future, and I guess that's probably why Jack had both of them. Previously, before that, it was the same person for both. We never looked at that or got involved. We just took the information from the Board members.

**Gomez:** Is there an alternate designation? Let's just say in the event, for some reason, I can't go, then Mari could be the voting person.

**Boyd:** We can research that. We didn't get any other information other than that. I said that I needed to have conversations with the Board because, depending on what you all's pleasure was, then -

**Barke:** I think that's fine, because I think CSBA is the bigger role in CCBE is just a smaller portion of that. I just got to go, so I'm good for a while.

**Gomez:** Okay. So there we are.

**Barke:** Yes. You can have the water bottle.

**Gomez:** I'm good.

**Williams:** Anything else, Nina? Okay. Getting to committee report, we do have our website committee that Tim and I, we actually met with someone who can help design our website. Just for the record, our Facebook page and all the other links that are on the website do not link appropriately, we believe. There's a re-updating. There's re-imaging. There's a rethinking of how I think we can do this. Tim and I, we actually met with somebody. We're going to be updating you as we didn't go beyond that one meeting this month. We're going to be working on this, and we'll report back in November with more information as we get it. Tim, do you want to add anything to that?

**Shaw:** No, that was fine.

**Williams:** Okay. Very good. Okay. What we're going to do is go into closed session. I'm looking at the Agenda. I assume there's no comments regarding closed session. Nina, are there any comments regarding the closed session?

**Boyd:** I don't have comment cards. Mari does.

**Barke:** No, to my knowledge. I have them here kind of organized by who made it, who didn't make it. There was a duplicate.

**Williams:** Okay. We're going to go into closed session one, two and three, and we will report out after that.

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

**Williams:** Back in session. We will have closed sessions, one, two, and three read out by Mr. Jonathan Brenner.

**Brenner:** Thank you, Mr. President. This is the report out for the closed sessions. For closed session number one and closed session number two, the Board received an update from counsel, and no action was taken other than the approval of Epstein Becker and Green's invoices dated October 7, 2020, in both the general counsel and the budget litigation matters. The vote approving those invoices for payment by the Board was in both instances, 4 in favor, 1 opposed. Trustees Shaw, Sparks, Barke, and Williams voting in favor. Trustee Gomez voting against. That's the report out for closed sessions one and two. The report out for closed session three is that the Board received an update regarding the subject matter of that closed session from counsel.

No action was taken other than the approval of the invoice of Haight Brown and Bonesteel, and Mr. Rolen dated September 18, 2020. The vote there was 4-1 in favor. Trustees Shaw, Sparks, Barke, and Williams voting in favor. Trustee Gomez voting against. That is the report out for closed session number three. That concludes the report out for all the closed sessions. Thank you.

**Barke:** Thank you.

**Williams:** Very good. Thank you, Mr. Rolen. Okay.

**Barke:** Mr. Brenner.

**Williams:** Mr. Brenner. Thank you. Lastly, we have public comments. I want to get a consensus by the Board. We have how many comments that were submitted?

**Boyd:** Thirty three.

**Williams:** Thirty three. We have 15 minutes allotted. May I suggest to the Board, and let me develop a consensus here, that we all get copies of these 33 pieces of communication. That their names get put in to the record, like we typically do for public comments. I would defer reading every one of them into the record at this time. Is there a consensus for that?

**Sparks:** Yes.

**Williams:** Lisa?

**Barke:** Yes.

**Williams:** Tim? What about you, Beckie?

**Gomez:** I'm okay with not reading them as long as there's a link to them so that the public can see what those comments are.

**Williams:** The link will be like any other public comment, how we do it now. The name, the subject is put into the record. Okay. Very good. There's a consensus. May I have a motion for adjournment?

**Sparks:** I'll make a motion.

**Barke:** Second.

**Williams:** Thank you.



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