

4-15-2020 BOARD MEETING TRANSCRIPTION

Barke: I'd like to call the meeting to order. Nina, can you do a roll call?

Boyd: Yes. President Barke?

Barke: Present.

Boyd: Trustee Bedell?

Bedell: Here.

Boyd: Trustee Gomez?

Gomez: Present.

Boyd: Trustee Sparks?

Sparks: Here.

Boyd: Vice-President Williams?

Williams: Present. I'll make the motion to adopt the Agenda for today.

Bedell: So moved. Second.

Boyd: Since this is a remote meeting, I need to do a roll call vote on everything.

Barke: Okay.

Boyd: President Barke?

Barke: Yes.

Boyd: Trustee Bedell?

Bedell: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: Vice-President Williams?

Williams: Yes.

Barke: Okay. Do we have any comment cards regarding the closed session?

Boyd: We do not.

Barke: Okay, then the Board will go into closed session now.

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

Barke: Okay. Welcome back everyone. We're back from our closed session, and we're going to have a report out from our special counsel, Mr. Brenner.

Brenner: Thank you, members of the Board and Superintendent Mijares. The Board conducted closed sessions one and two. They had a discussion regarding the matters listed there. No action was taken except with respect to our invoices. The invoices dated March 31, 2020, in both matters that have been previously submitted to the staff. The Board approved those invoices for payment. The vote was 3-1-1. Trustees Barke, Williams and Bedell approving, Trustee Gomez voting no, and Trustee Sparks abstaining. That's the report out for the closed sessions.

Barke: Thank you.

Boyd: The abstention was who?

Brenner: Trustee Sparks.

Boyd: Thank you.

Barke: Thank you very much for that report out. Next, I will do a quick invocation, Then, I'll be followed by Dr. Williams who will be doing the pledge. Dear God, thank you for bringing all of us together today and for keeping all of us healthy during these trying times. I pray for wisdom and health for all of us and the entire country. Amen.

Williams: If you will please stand, and I'll put the flag right there.

[DR. WILLIAMS POSITIONS HIS IPAD SO THE AMERICAN FLAG IN THE BOARD ROOM IS CENTERED ON HIS SCREEN FOR VIEWERS TO SEE] Okay, follow after me.

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

Barke: May I have a motion to approve the Minutes?

Williams: I so move to approve the Minutes.

Bedell: Second.

Boyd: President Barke?

Barke: Yes.

Boyd: Trustee Bedell?

Bedell: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: Vice President Williams?

Williams: Yes.

Barke: Okay. Do we have public comments, Nina, to be read?

Boyd: We do have three public comments to be read. The first one is from Kapil Mathur: "Good morning President Barke, Trustees and Superintendent Mijares. My name is Kapil Mathur, and I am the founder and executive director of the Orange County Academy of Sciences and Arts. I wanted to provide you with a brief update on the distance learning program launched by OCASA last month. Our program, called OCASA EN CASA, is a comprehensive distance learning program that continues the mission of our school during this COVID-19 lockdown. We have over 360 students participating in OCASA EN CASA. Students begin the week with a Week at a Glance planner, which lists all of the assignments, classes, and activities for the week.

The Week at a Glance makes it easy for parents and students to manage their time and not miss any of the program. We are providing technology to families who need it. Every week, students participate in a variety of live online interactive classes via Google Meet video conferencing. These classes are delivered by our regular teaching staff and include ELA, math, social studies, and science. In addition, students participate multiple times a week in live computer science, engineering, music, art, and Spanish class. OCASA's instructional assistants are providing one-on-one tutoring for any student who requests it. Parents can video chat with their child's teacher

for a weekly conference as well. Projects are continuing in a distance format.

So far, we have done things like the Egg Drop Challenge, Living Museum, and lots of science projects. There are plans to rehearse and perform two school plays before the end of year and a reader's theater format. Our EL population and students with disabilities are continuing to receive services. All of OCASA's teachers are CLAD certified. Students with disabilities are receiving their SAI hours through individual sessions with our team of education specialists. Counseling, psychological services, speech therapy, and occupational therapy services are also being provided per students' IEPs. OCASA's teachers continue to be supported by administration.

We have retained 100 percent of our staff and are paying them the same as before COVID-19. Additionally, we are making sure that teachers' technology needs are being met with our cloud-based phone system, remote management capabilities of their computers, and a technology help desk. Staff continues to participate in weekly PLC meetings and weekly all-hands staff meetings. Additionally, we have our Employee Assistance Program available to all staff and their family to support any of their personal needs. Parents are thrilled with OCASA EN CASA. Students are engaged and learning. We can't wait to return to our regular in-class program, but for now, OCASA is doing its best to make sure each student is academically and emotionally supported.

I want to thank the OCDE staff and Superintendent Mijares for working collaboratively with us during this unusual time. I also want to thank the Orange County Board of Ed. for their guidance. Multiple board members have been in touch to ask how they can help. Our entire OCASA community is grateful for the guidance and support.”

Boyd: The second one is from Sue Guilford: “Dear OCBE, on behalf of League of Women Voters of Orange County, thank you for taking the first step towards making your meetings more accessible to the public by setting a schedule that will, we hope, make it easier for members of the public to attend meetings. We also hope that you will seriously consider our other requests. Meetings should be live-streamed and archived. As you know, this is standard practice for many, if not most, public meetings throughout the county. Add email addresses for each elected representative on the board to the website. You are accountable to the public, and the public needs to have an easy way to contact you individually. Thank you again, Sue Guilford, President, League of Women Voters of Orange County.”

Boyd: The last one is from Miles Durfee: “Members of the Board of Education and Superintendent Mijares, my name is Miles Durfee. I am speaking on behalf of the California Charter Schools Association. I am sorry that we are not able to be together in person today. I hope that you, your family, and friends are well during these challenging times. I wanted to reiterate CCSA's support of Scholarship Prep Academy's item on the Agenda. The approval of their material revision is something that we wholeheartedly support. While it is uncertain how all public schools will operate in the future, it is certain that extending Scholarship Prep Academy's authority to provide high school in Santa Ana and Orange County will be a positive step in offering students additional quality educational options. Over the last few days, I have been able to survey a number of charter schools to learn more about how distance learning is being implemented in Orange County and throughout my region.

The intention and care that Scholarship Prep has put into their distance learning program is just another positive demonstration on the laser focus the organization puts on their students and the success they guide them toward. It also represents a reaffirmation of why your support is warranted in our opinion. Thank you, Miles Durfee.”

That concludes the public comments received at this time.

Barke: Thank you. May I have a motion for moving on to the Consent Calendar to be approved?

Williams: So moved.

Gomez: I will second, but I'd like to pull the Scholarship Prep for just a quick comment and a quick question.

Barke: Okay.

Gomez: I support the balance of the consent calendar.

Barke: Okay, great. What would you like to discuss?

Gomez: Just a comment to the staff. Given all of the situation now with trying to ramp things up for just our regular schools, would there be any flexibility if Scholarship Prep could not start this fall, if there would be some extension or is there any plan for that?

Boyd: I'm sorry, there's an echo. Could you repeat?

Gomez: Given everything that's going on with the distance learning and if Scholarship Prep maybe had difficulty recruiting students for those upper grades, would there be any extension or flexibility with any of the deadlines or anything like that so they could move forward?

Boyd: I think that's an unknown at this time. My understanding is that the state superintendent has solicited information from the superintendents with regards to deadlines that need to be waived or potentially ask for extensions. They are currently working on that.

Gomez: Okay. That answers my question.

Barke: Wonderful. Okay. Any other discussion before we vote?

Boyd: The motion was made by...

Barke: Ken.

Boyd: Dr. Williams? And seconded by Beckie?

Gomez: Yes.

Boyd: Okay. Thank you.

Barke: Okay.

Boyd: Roll call. President Barke?

Barke: Yes.

Boyd: Trustee Bedell?

Bedell: Unmuted, alt.

Board: [Laughter]

Bedell: Yes.

Boyd: Trustee Gomez?

Gomez: Yes.

Boyd: Trustee Sparks?

Sparks: Yes.

Boyd: Vice President Williams?

Williams: Yes.

Boyd: Thank you. Passes 5 to 0.

Barke: Nina, do we have any charter submissions?

Boyd: We do. There are two charter submissions at this meeting to receive documents from CCPA, which is a renewal and ISSAC has material revisions. There are binders that we will provide to the Board after this meeting. At next month's board meeting, CCPA will present the information related to the renewal, and ISSAC will present their material revision. The Board would take action in June. Renee is online.

Barke: Okay.

Boyd: Renee, we just need you to unmute. Renee, are you there? I guess Renee's having problems connecting. We can see her, but we can't hear her. I do have the information for the Board. I have left it at the dais for you.

Williams: Yes, I see it.

Boyd: Okay. I guess, if you'd like, I can substitute for Renee and open the public hearing?

Barke: Sure.

Boyd: Okay. Good morning, President Barke and members of the Board. Thank you for allowing the superintendent to conduct this hearing for public input to the superintendent's proposal to OCSEA for the 2020-2021 school year. At this time, I'd like to open the public hearing and invite any members of the public to comment on the OCDE proposal for 2021. Hearing and seeing no public comments, the hearing is now closed. Again, thank you, President Barke and Board for allowing the superintendent to conduct this hearing for public input for OCSEA's proposal to the superintendent for the 2020-2021 school year. At this time, I'd like to open the public hearing and invite any members of the public to comment on the OCSEA proposal for 2020-2021. Hearing and seeing no comments, this hearing is now closed.

Barke: Nina, is there a chance we could help Greg? He still is not able to connect to the meeting.

Boyd: I will take care of that.

Barke: Thank you. Okay. Thank you for that. Next up is the 2019-2020 Second Interim Report. I call for a motion to discuss that.

Sparks: Motion to discuss.

Barke: Okay. Do I have a second?

Williams: Second.

Barke: Okay. Any comments?

Williams: I do have questions. Renee's not here.

Mijares: Dr. Williams, you can direct them to myself or Nina.

Williams: Okay. Very, very good. To begin, the increased passed due payments for the MAA. Could you clarify? MAA stands for Medical Administrative Activities. It looks like we're increasing it \$1.3 million.

Mijares: Nina's going to answer that.

Boyd: MAA is Medi-Cal that we administer for the region. The money is pass through.

Williams: We're providing medical services that we're billing to the state?

Boyd: Let me clarify that. We receive money from the state. Then, we disseminate that based on the services that are provided to the different regions. I don't have the detail. I can get that information from Renee. I'm not sure why we can't hear her.

Williams: Okay, I understand. We're getting funds from the state to implement what?

Mijares: This is MAA, correct?

Boyd: Correct.

Mijares: Okay. Can you hear me, all? This particular money comes largely as a form of reimbursing districts for services rendered to students. Most of it's probably going for the use of special education. When a district is providing special education services, some of that is reimbursable. Those numbers are tabulated, and the state provides funding to reimburse districts. We pass it through to them. The money is not adequate as you know, and the lion's share of the services provided are born, in terms of the fiscal implication, are born by the districts.

Williams: Thank you. Are any of these reimbursements validated through contracts through the service providers or the districts?

Mijares: There is criteria that's been established that the districts must meet in terms of submitting their expenditures for reimbursement under this MAA program, it's called. That's the validation. The law is pretty strict in terms of what you can submit as a reimbursement. If it doesn't meet the criteria, then you don't qualify for the money.

Williams: What type of services are qualified? What are the guidelines?

Mijares: A host of special ed. services. It could be psychological services to students. Look at the special needs population, and then you can make an assumption of the types of services those students will need all born by the IEP- the Individualized Educational Plan for students. What we're trying to do is to help offset the deficit part of special ed. funding by seeking this money, which is intended to be used for members of the public that have special needs. Historically speaking, MAA's been around now for several years. Before that, people didn't even realize that they could potentially submit costs for this type of money. We discovered that. Now it's been very useful, very beneficial to us.

Williams: We have no written contract, guidelines, agreements, or anything with any of the districts. Is that correct?

Mijares: You mean like a contract for the delivery of services?

Williams: Yes, like some sort of document that sets guidelines, that provides some guidance by the district on what these services will cover.

Mijares: Yes. We could make sure that you get that information.

Williams: Yes. We haven't seen those contracts, and this is very, very interesting. I know it's been around for a long time, but it's getting a lot of attention. Do we have any contracts with mental health providers, facilities, entities, hospitals, or hospital groups?

Mijares: I would say the answer, since this is a very general question, is yes. However, remember now that districts are involved in their own procurement of services. We also provide services to students and that's articulated in their Individual Educational Plan.

Williams: What type of contracts do we have? Do we have one specifically with Children's Hospital of Orange County?

Mijares: I would have to research that, Dr. Williams, to provide that for you.

Williams: Okay.

Mijares: We are working with CHOC for sure on a number of joint programs that are based on a community model of meeting the health needs of students and families here in Orange County. In terms of a contract per se, I would have to have our staff check into that and report back to you.

Williams: There's some sort of ongoing and working relationship to provide mental health services on a voluntary basis for those kids who are high risk who need the services?

Mijares: Yes. How that works is that Children's Hospital of Orange County provides, as you know, a number of services to the county and beyond. What we do is to try to facilitate the relationship with those services provided by the hospital and districts. In reality, they're working directly with the districts. It's strictly at the volition of the school district itself to use any of the services, and most of them are. There's no fee involved. They're just done gratis. They're done by the hospital as a way of improving health in the county.

Williams: Do some of these funds come from the Mental Health Service Act?

Mijares: Not that I know of through CHOC.

Williams: Was this department in receipt of a large grant from the state? Somewhere around, and I'm going to throw out a figure here. It may be incorrect, somewhere between \$10 and \$50 million?

Mijares: \$10 or \$15 million?

Williams: \$10 to \$50.

Mijares: \$10 to \$50 million to the mental health funding?

Williams: Right. Through CHOC.

Mijares: I am not aware of that at all.

Williams: Okay. Just a couple thoughts on all these contracts, because the Board never gets to see these contracts. The problem is that there are state Education Codes that make us responsible for, and they have to be approved by, the county board of education. I'll specifically give you those Education Codes. Jeff, if you're taking notes, I'll go slow for you. Education Code 1703, 1722, 1750, 1751, and 1752. All of these codes I just mentioned, talking about specifically, like for instance 1752. It talks about the county superintendent of schools may, with the approval of the county board of education, enter into an agreement for these health services. The other codes that I mentioned also talks about the fact that the board needs to be involved in the approval process.

I would just like to bring that to light. I don't expect that there's going to be any action on that, but I'd like to bring that to light. More specifically, I want to bring our attention on page B-11 from the Interim Report that was given to us last month. Again, B-11: Medi-Cal Reimbursement, is this somewhat along the same discussion in that we're doing and providing medical services? Are we actually billing Medi-Cal or the state for these services, or are these block grants?

Mijares: No.

Boyd: This is [inaudible] services, not direct services.

Williams: It's not direct services to the patient or the client?

Boyd: Right.

Williams: Me putting on my doctor hat, as a physician, when I think of Medi-Cal reimbursements, I think of submitting a bill for services rendered.

Boyd: Right. That's not what this is.

Williams: Got it. The same thing on that same page for Objective Code 9780 in the amount of \$2.3 million. Yes, \$2.347 on page B-11, Objective Code 9780. Is it along the same vein of thought, or the philosophy that we're helping school districts, we're receiving these funds, and we're giving the funds back to the school district?

Boyd: We'd have to follow up on that, because I don't have that document.

Williams: Okay. On page B- 41 at the last board meeting, I made the mention about contingent liabilities. It was marked originally as no under that page B-41 supplemental information. It talks about known or contingent liabilities, litigation, and state compliance reviews et cetera that have occurred. That should have been a yes. I think Renee agreed with that. Did we get that changed? We don't have an updated Second Interim Report.

Boyd: Right. You don't have an updated Second Interim Report. You just have the information requested that you didn't have previously. We will get you an updated Second Interim Report with the information that you've asked for.

Williams: Okay.

Boyd: We'll follow up with Renee. You want to bring this item back so that we can answer your question.

Williams: Or private conversation.

Boyd: Okay.

Williams: Yes. I don't want to take up any more of the Board's time. Just real quick, on page B-11, Object Code 9780: Reserve for Outdated Checks, that amount is \$890,000. Can someone just teach me from a business perspective, what is that for?

Mijares: [inaudible] Dr. Williams? Unfortunately, Renee would be here in person, but because of the spacing issues we thought she could come in through the technology. I do want to thank the Board for your forbearance and the use of this instrumentation. We're still trying to debug it. I do Zooms frequently, and half the time now there's connectivity problems. People are at home. They're looking at Netflix, Hulu, and all these other things. It's draining the power. Frequently in the middle of a call with 50 people on it, it goes dead. It just kills your meeting. There's a lot of issues that we're trying to work through right now, and we've been looking at different providers.

We know that, for example, Cisco has a premier program. It is not only efficient, but it's safe for students. That's another issue. We're all using Zoom. There's lots of concern about the transmission of information via Zoom; whether it's safe and protected for our students. We're in the midst of trying to figure out how to make sure that there's no breach. I can make sure that Renee gets back to you with all the details on your questions.

Boyd: She is watching and trying to participate. She's been texting me that she's been unmuting and trying to answer your questions, but it's not coming through for whatever reason.

Williams: Okay, so validated. I still have more questions, but I'm going to give the floor to my other board members.

Sparks: Ken, you can ask, because I have no questions.

Barke: No more questions. Ken, you can proceed. Go ahead.

Bedell: This is Jack. Can you hear me?

Barke: Yes, we can hear you.

Bedell: Hi, Mari. Good morning. I would like to have the answers to Ken's questions as well.

Barke: Excellent.

Bedell: Thank you.

Williams: Lisa, before I start asking questions, do you have any questions about anything here?

Sparks: I don't have questions. I would like to make a motion.

Barke: Okay. Are we ready for a motion, or Ken, do you want to continue?

Williams: I still have questions.

Sparks: Okay.

Barke: We'll come back to you.

Sparks: All right.

Williams: I know Renee is not here because of technical reasons, but I'll just ask the question. Renee, we can chitchat later about this. On page B-4, there is under Object Code 5851: New Programs. We have Redevelopment. I didn't know what those programs were. Then, General Grant Funds: Classified Employee Grant for about \$177,000. The same thing for the contract for the SARC, which is school calendaring, report cards. I haven't seen that contract. It hasn't been approved by the Board. Then, we'll go on with the Fiscal Services Crime Grant for IT security and all that. I haven't seen the contract. It hasn't been approved by the Board. Lastly, MTSS, which is the culmination of Common Core, advancing social justice, and the social emotional learning.

I haven't seen that contract either. Actually, take that back. I have seen it, but I don't think my board members have. I'd like them to see that, because this has not been board approved. I believe this contract does fall under the Education Code 1703, 1702, 1750, 1751, and 1752 all cover the MTSS contract. Lots of questions. I have another page of questions. I'm not going to ask them, because I don't think we're ready. Going on with the other documents that we've received, the chief academic officer. It's hard to say. It looks like this is a conference that he's putting on with United Way? If someone can give me some clarification on that?

Mijares: I can tell you that Dr. Hittenberger is on the Executive Board of United Way. I would presume that conference is...**[DR. MIJARES IS INTERRUPTED BY THE COMPUTERIZED ANNOUNCEMENT OF DIALING DIFFICULTIES]**...that as a board member...**[HE IS INTERRUPTED YET AGAIN BY AN ANNOUNCEMENT AND TONES OF KEYS BEING PRESSED]**...I think we're having technical problems.

Williams: That's interesting.

Boyd: One of the board members. It would have to be one of the panelists. They muted.

Mijares: Going on. Can I proceed, Madam?

Barke: Yes, please.

Mijares: We do a lot of things with the United Way. The United Way is involved in housing, providing food for people, and making sure that health needs are met of students. They're also involved in job development, and they have a very robust program to help students attain literacy. That's where we connect on literacy, and they work with a number of schools in the county. We do support their work.

Hendrick: Al, can you hear me now?

Mijares: Yes.

Hendrick: Okay. I took my earphones out. I guess that's what it is. The project with United Way, the Youth for Career Connections, is a program that partners with our ACCESS program in helping on the job training. That's why that fund was started was it completely benefits our ACCESS and special schools programs, and some other school districts in the county.

Williams: Good to have you on.

Hendrick: Thank you.

Williams: Just a real quick question then. There's a \$50,000 increase from the First Interim. Were these increases in funds from a grant outside contributions foundations? Where's the origins of these funds?

Hendrick: These are funds that we're using to partner with them. We're giving them those funds, and they're doing in-kind services in exchange for those funds.

Williams: These funds are coming from our department budget, is that right?

Hendrick: Yes.

Williams: Okay. Do we have a contract for these funds or any sort of agreement with United Way?

Hendrick: They normally will give us an invoice that shows the money is directed to a specific project.

Williams: I see. We have no agreement, or anything written that outlines any sort of business type relationships, declarations, any of the typical contractual information. We don't have that, is that what you're saying?

Hendrick: That would be a question for Dr. Hittenberger. We'd normally wouldn't in this case, because they're setting up the program specifically with our needs in mind.

Williams: May I ask if Jeff is on the Executive Board, it sounds like there may be a conflict of interest for funds. I like the United Way. I like what I'm hearing, but I'm just concerned about a conflict of interest with Jeff being on the Executive Board and being the chief academic officer here. I think that may present with some sort of legal question here. If we can get more information? This sounds really good, working with the ACCESS kids. Is this a wise investment of our funds? Probably, yes, but again, without any details or any contracts, I don't [inaudible]

Mijares: ...because of the spacing problems that we're having under COVID-19, I can tell you that what we do with United Way is a strong partnership. It has helped on many fronts. I would venture to say that this particular money, having heard Renee just speak about it. If you don't mind, could you send me a copy of your questions? If there are any other questions you've got, could you send them to us? I think that would better equip us to dive down to the level that you want. Some of this stuff in real time, it's an organic process, and it moves quickly. We can get you up until the last moment. I believe this particular money is coming from the workforce development funding that we receive from the state.

It's strong workforce development. United Way is involved in a number of workforce initiatives. They can do that job better than we can do that. That's not our forte per se. The whole world of what we do in education is to prepare students for college and career success. In this particular case, my guess is that this is probably money coming from the state and we pass it through to United Way.

Williams: Very good. Okay. I assume that the increase or the variance from the First Interim comes from those grants, too.

Mijares: Yes, that would be my guess.

Williams: By the way, for the record, because the meeting is closed to the public. We are spacing properly. I can say that as a physician that we are observing all of the technicalities of

the governor asking us to space. We have room out in the audience. I'm not sure why Jeff isn't here, but it's not because we don't have enough room because of social spacing. We have a lot of room for social spacing, actually.

Mijares: I can get him here in about 30 seconds. Do you want him here?

Williams: Sure.

Mijares: Yes. He probably needs access. One second.

Williams: I'll give him my mask and gloves if he wants. I have a whole box here.

Bedell: Hello? May I speak for a minute please?

Barke: Yes.

Bedell: This is Jack. Can you hear me?

Barke: Yes.

Bedell: I have a question for Renee. Renee, is it possible to run, and I'm listening to Ken's questions. One seam I find much of what we do is passed through, right?

Hendrick: Some of those, yes.

Bedell: Some of the stuff is passed through. Is it possible to get one page of what is passed through? Maybe hit a button on an Excel sheet, and just like teacher salaries, aren't they passed through?

Hendrick: No. They're not necessarily passed through. They're accounted for separately. You have revenues and expenditures. We have revenues that are passed through.

Bedell: For the districts, I mean.

Hendrick: Yes. You don't see the other districts teacher salaries on our budget.

Bedell: Right. I think Ken's raising an interesting point. When I would look at the budget, we were passing through like grants and stuff like that. It might be helpful if we could just find them in one spot what is a pass through.

Hendrick: Dr. Bedell, normally in your budget book that we give you, it has a list of entitlements, grants, and contracts. It will note on there if it is pass through funds. It's normally in that binder we give you with each budget.

Bedell: Could you please highlight that for me the next time? Thank you.

Hendrick: Yes, you'll see it there. It's one or two pages. You will also see it in the revenues that we give you and expenditures. I will highlight that for you.

Bedell: That would be most, most helpful. Thank you. I'm done, Madam President.

Barke: Thank you. Ken, do you have more questions?

Mijares: Dr. Hittenberger's here.

Williams: Hi, Jeff. Welcome to the board meeting. Question.

Mijares: Are you on, Jeff? I guess what we're trying to do is answer your questions, but also to make it so that everybody else can hear it. Can you go back up real quick?

Williams: I'll move on. Question here regarding the Quality Start. It's an acronym, OCAEYC. What is that?

Hendrick: Quality Start is part of our child development program. We are paying memberships. It is for childcare providers across the county who participate in different memberships, like maybe the child development program. This grant specifically allows us to pay for theirs on their behalf. They get stipends for attending those. It's part of the Quality Start program.

Williams: Okay. This is a state grant? The origins of the funds?

Hendrick: Yes.

Williams: Okay. We haven't, as a board, seen or approved that grant. Is there a reason why not?

Hendrick: This board has never approved grants.

Williams: Education Code 1722 says that these types of grants need to be approved by the county and the board. I think whatever practice we have needs to stall, and we need to follow the law. That's important for me. It sounds like this grant is probably fine, but we don't know anything about it. Moving on here to the Office of Humanities, the renewal for the trademark for Project GLAD. What is Project GLAD?

Hendrick: Project GLAD is a program we've had. It's Guided Language Acquisition Development. It's a program we've had for multiple years. This was something that we deliver. We are the national training institute for that program. This is not a grant. This is something that started as a grant 27 years ago. Now, it is a fee-for-service program that our office runs. It's something that we basically are selling. In order to keep it in the way that we could profit from that, we have to trademark those materials.

Williams: Got it. How long have you had this?

Hendrick: I think it was here before I came, and I've been here 26 years.

Mijares: [inaudible]...the program has grown nationally and developed here in Orange County. The county office came up through the schools themselves. The county office then got involved and fortified it. It's singularly used to help English learners transition to a second language. It has been a program of distinction for years, way before my time. I knew of it when I was in the Santa Ana Unified School District. We used it there. As Renee says, it's not that we're out there as a business, but we want to recover our expenses. That's why we have it. It's a fee-for-service program.

Williams: How often do we have to renew our trademark?

Hendrick: I'm actually not sure about that. I think it's an annual renewal, and we also do monthly checks. We pay for a service, so people will watch to make sure people aren't using our trademark materials.

Williams: What's the bottom-line profit and loss statement? Do we make money off of this, and how much?

Hendrick: We have multiple forms of it, so some areas do, and some don't.

Williams: Got it. Okay. Something maybe we'll look at. Moving on, CCPA lottery. What does CCPA? It's an acronym for what?

Hendrick: That is our charter school. It's our internal charter school. They're using their lottery funds actually to purchase this membership for KUDER, which is used for career planning for students.

Mijares: It's College and Career Preparatory Academy.

Hendrick: Thank you.

Williams: Wonderful. College and Career Preparatory Academy.

Mijares: Which this board approved.

Williams: They came to us asking for us to pay for their membership?

Hendrick: Right. This is their membership so that they can use that for their career building with their students.

Williams: Okay. These are lottery funds that come from the state?

Hendrick: We're using the lottery funds that are generated based on their attendance and the program.

Williams: Do we do this for the other charter schools that are under us?

Hendrick: We don't receive their lottery funds. They receive them directly.

Williams: Aha. Okay, good. Lastly, the countywide partnerships. We're asking for an increase from \$74,134 to almost about \$70,000 excuse me \$60,000. This increase is just in case the COVID pandemic restrictions are lifted?

Hendrick: I think it's probably too late for this year, because you can see we've only spent \$69,000 to date. Normally what happens, I'll give an example. A conference says if you join a membership, you're going to get a 50 percent reduction in your participation for the registration fee. Sometimes we will then buy memberships if it causes a financial gain. Since a lot of those have been canceled for this spring, we don't anticipate that those funds will be needed. At the time we did the Second Interim, we did think they were.

Williams: Okay. Just a couple more on MTSS. Who's on the Health Collaboration Committee? Do we have someone that can answer that? I don't know if Christine Olmstead is on the line.

Mijares: We can get you that information, Dr. Williams. I don't think we have it here at our fingertips. I don't think Christine Olmstead is on the teleconference.

Williams: She was earlier.

Mijares: Oh, okay. I did see her earlier, now that I think about it. You're right. I did see her earlier, but that one I can get real quick, too.

Williams: What are the Committees of Practice? Who are they? This is a contract, Agreement #CN170475 by the state of California that was approved by Patricia McCaughey, signed on August 8, 2018, approved by the state on August 21. It's a [inaudible]. It's like 80 or so pages, and it's just a lot of information here. I have lots of questions on this. I was a strong opponent of Common Core. If you look at four years later, we don't see any improvement in assessment testing. Common Core has been a complete abject failure. I really have to ask questions about why we're going forward with the program that is not meeting its goals.

Mijares: If I may, Madam President, I'd like to answer a couple of those questions really quickly.

Barke: Sure.

Williams: I wasn't done.

Mijares: I'm sorry, Dr. Williams. Go ahead. Please, continue.

Williams: It talks about here that the superintendent of instruction would be recruiting health educators and content experts. We're establishing this healthcare where they call it Healthcare Collaborative Committee. We're going to be advancing the Social Science Framework and the Health Framework. As you know, I think Common Core from the beginning was an abject failure. It's not helping any of our adverse and impacted historically disadvantaged community groups. Go ahead, Al.

Mijares: Okay. Thank you. Let me just state that with respect to the Common Core, this came out in the National Governors Association and state school officers, state chief school officers. The Common Core happens to be, and it's been augmented. It happens to be our state standards. Whether you call it the Common Core, or the California State Standards, or any other thing that

happens to be standards that have been approved by the state of California. This is an approval that is done by the California State Board of Education. The governor populates the state board of education. The governor is also behind it as well as the state superintendent of public instruction and the California Department of Education.

Those are the standards that we must follow by law. The MTSS (Multi-Tier System of Support) is an appropriation that was given to us and the Butte County Department of Education to help districts across California. We not only help our 27 districts, but those across the state. We do it through a regional model. There are 11 regions that touch across the state. A Multi-Tier System of Support is a framework. Don't look at it as a curriculum. It's not a curriculum. These are not lesson plans. This is a framework that helps a school district and a school organize the instructional day. That's what it is. That's what it does. It's a tool so that people can understand what is good pedagogy. Where are the state standards aligned in the system?

How do the metrics play out to determine the efficacy of their instructional programs, which were approved by their school districts? If you say that the MTSS is the Common Core, I just want to help you understand so that you're not saying that among a group of educators, because that is absolutely not true. It's not really sensible to say it that way. They are two totally autonomous subject matters that are not synonymous. Dr. Olmstead has been the lead on this here for the Orange County Department of Education. Indeed we have received money from the state. This is one of those moments where the state provides money to a 'county office, in this case two of them. We have one in the south, which is Orange County.

Butte is in the Sacramento area. We handle urban and suburban districts, more so. Butte handles rural school districts. It is through that partnership that we are able to meet the needs of students across the state of California. Again, to help educators understand a process for managing the learning process. We're not handing out books of literature. We're not handing them out. We are not saying do this, because here's a philosophy. That goes to the SIV of the local district. The local districts are the only ones that approve curriculum. The curriculum must be state approved, but they are the ones that approve it. Not me.

Sparks: I just want to add a comment if I could, Madam President?

Barke: Yes, please.

Sparks: May I add a comment? Framework could be interpreted in a lot of different ways. Under the California Education Code 1703 it says, "...authorization to adopt, employ personnel for coordination of courses of study, guidance services, health services, school library services, special education activities..." Framework could fall under guidance services or health services in this context. I just want to point that out.

Barke: Thank you, Dr. Sparks.

Williams: Question, if I can, Madam President? In this contract, AI, did you know that on page 14, section 1.5, you signed an agreement that none of the information that is being developed within the MTSS is allowed to be disseminated to a third party unless it's approved by the California Department of Education?

Mijares: Again, you're parsing out different pieces here, and I'm glad to answer the question. We may need to get back with a more thorough answer, but you have to make sure that the state funds are aligned with the law; and there needs to be an approval process. That's probably what that is referring to. I don't have that right here in front of me nor have I done a deeper dive, but I'm happy to do that.

Williams: Sure. I agree with you. There is an approval process. We should be following the laws, and those education laws that I mentioned are very, very specific. To be consistent with that train of thought and that philosophy, these type of grants need to be approved by the county board education that are consistent with the Education Codes that I previously mentioned. We don't have a system of approval, which comes down to, in my mind, is this contract valid? I'm not a lawyer. It is certainly an interesting legal question.

Mijares: That is an interesting legal question.

Williams: Anyway, I will stop my questions. I think I have my answers.

Mijares: I do think, if I may, that this is a historical matter that has been discussed at this dais over the years even prior to my arrival. This is a matter of law now. I think that we're in the middle of litigation partly because of this. We've had legal opinions, which clearly delineate the responsibilities of both elected parties. This is the way it functions across the state, and this is what we have been using here in the Orange County Department of Education with all due respect. I think that the laws that Dr. Williams has articulated, we're happy to look at all that once again. Our interpretation has largely been related to context. What is the context in the application of that law?

We've had legal opinions on this as you have received, too. Those opinions in some cases, have created a quagmire, because they seem to be in opposition of each other. That's just a general statement I wanted to make common. I think that if there's an implication that we aren't following the law, I don't agree with that. I think we follow the law. That's why we have a legal unit of five attorneys to guide us on all of these decisions.

Barke: Maybe to clarify things we could see the opinions as they were in the past?

Mijares: We have provided those opinions to you. Those have been provided to your attorney.

Williams: They have not been provided to us, Superintendent.

Mijares: We will get the opinions that we have so that you can look at them. I think you will find those opinions address matters of grants and a host of other questions that you might have.

Barke: Okay. It seems like we're not familiar. I'm new. If we could have them, that would clarify a lot for us. Okay. Any other comments?

Sparks: I would just make one more comment. As I've been flipping through these Education Codes that Ken mentioned, they all say with the approval of the county board of education attached to each of those codes. I do think this needs to be unpacked a little bit.

Barke: Okay. I agree. I think we should look at the prior opinions and let our special counsel look at it as well.

Williams: Hold on here. We can't ask Greg to do any more work, because Al is not paying him. If he will agree to pay him for a second opinion, that may be something else; but, I really don't think that he's going to pay Greg for any of his professional services.

Mijares: We don't believe we have the authorization under law to pay for two general counsels. We have Mr. Riel here and his team, and they'd be more than happy to get that to you.

Williams: Yes, but factually incorrect, Al. We don't have two general counsels. Mr. Rolan is our special interim counsel.

Mijares: He started off as your general counsel.

Williams: Hold on. You just said that you think we hired him as general counsel?

Mijares: In the beginning, yes. That was how it was framed. You're both in litigation.

Williams: I don't think so. The record will show that he was a special interim counsel. That was a very forward and obvious articulation of why we hired him. This is a very interesting conversation. I'm hearing that the state Education Codes don't mean anything. Damn them, throw them aside, marginalize them, and just don't follow law.

Barke: If we can wrap this up? We can see those opinions, and then decide how to pursue further. Lisa? I remember you had a motion. Are you ready to do that?

Sparks: Yes, I'm ready. Can you hear me?

Barke: Yes.

Sparks: A motion regarding the Second Interim Budget, I have a motion to approve the expenditure increases of \$25,000 or more that are reflected in the variances noted in Ms. Hendricks report and provided to the Board in connection with the Second Interim Report. The motion does not approve an increase in spending Object Codes 5851, 5220, 5253 that would reduce or eliminate the spending reductions adopted and approved by the Board for those Object Codes on June 26, 2019, and on August 1, 2019, thus maintaining those reductions.

Barke: Do we have a second or other comments?

Williams: I'll second that.

Barke: Okay, so we have a second by Dr. Williams. Any discussion?

Williams: I do.

Barke: Yes?

Williams: I would like to make as subsidiary motions to add to that list to exclude the increase in the MTSS payment program, because of the legality in the fact that the Board is not involved with it and it's in violation of the law.

Barke: Now we have a subsidiary motion, which precedes the original motion. Do we need a second for that?

Williams: Yes.

Barke: I would make a second for that. Any further discussion?

Gomez: Yes.

Barke: Okay.

Gomez: I have real difficulty following all these Object Codes and all these items without having that in front of me. The detail of what you're asking, Trustee Williams, on all of these different items would be helpful if we had all that in front of us. I'm trying to go through different documents, and I don't have everything in front of me. It would be ridiculous for me to even vote on something that I don't have in front of me.

Williams: Do you have the March 4th Second Interim?

Gomez: I did not bring that with me.

Williams: That's why it's hard. All my questions were from that.

Gomez: I would really suggest that when you have all those questions that those be given to the staff beforehand. So they can research them and then you have your answers when we come to the board meeting. I think that would be really good for our time and give everybody good explanations.

Williams: Thank you for your counsel.

Barke: Any more discussion?

Williams: We vote on the subsidiary.

Barke: Would you mind repeating it one more time for everyone?

Williams: The motion was to add to the Sparks original motion to include in those Object Codes, that we're not agreeing to increases is the MTSS program under Object Code 5851. I'd like to study this for two to three months, so the subsidiary motion is for about a two or three month interval to study it and get answers to the question.

Barke: Okay. Any other discussion? We ready to vote?

Sparks: I want to make sure that I understand what Ken is saying. I think what I heard him say is he wants to add the MTSS grant funds to my motion to not approve any increase in spending for Object Codes, the ones that I mentioned, which are 5851, 5220 and 5230. Adding those that we reduce or eliminate the spending reductions adopted and approved for those Object Codes on the June 26, 2019, and the August 1, 2019. Is that what you said, Ken?

Williams: You're right. My subsidiary motion includes Object Code 5851, the interim variances for the MTSS program.

Sparks: Okay. I wanted to clarify. Thank you.

Williams: And to further elaborate is that it's not to approve them now, but to bring it back subject to further evaluation on reflection on all the information and the questions that we asked.

Barke: Okay. We have a subsidiary motion before us. All those in favor? It has to be a roll call.

Boyd: Roll call. President Barke?

Barke: Aye.

Boyd: Trustee Bedell?

Bedell: No.

Boyd: Trustee Gomez?

Gomez: No.

Boyd: Trustee Sparks?

Sparks: Aye.

Boyd: Vice President Williams?

Williams: Yes. Move on to the primary motion, President.

Barke: Okay. Didn't the subsidiary overrule it and isn't it gone?

Williams: No. Now the subsidiary is in the primary. Now we have to vote for the primary.

Barke: Okay. Roll call vote for the primary.

Boyd: President Barke?

Barke: Aye.

Boyd: Trustee Bedell?

Bedell: No.

Boyd: Trustee Gomez?

Gomez: No.

Boyd: Trustee Sparks?

Sparks: Aye.

Boyd: Vice President Williams?

Williams: Yes.

Barke: I think that takes us to informational items unless we have any other comments.

Mijares: Is it my turn?

Barke: Yes.

Mijares: Thank you, Madam President, members of the Board. This is a first. I've never had a board meeting like this before with technology. I just wanted to make a couple of very quick comments with respect to COVID-19. I think that our county is doing a fantastic job in fighting this virus. When you look at the size of our county, it is the sixth largest, I think, in the United States and the fact that we're not being ravaged as some other counties and places are. That's a testament to the great character that we have in Orange County. Our staff has done a remarkable job. All of our technology people, and Matt Martinez who's back there helping, Ian Hannigan and his people have done a masterful job. We've kept the public and our school districts informed.

We refresh our webpage maybe four or five times, literally, a day. We're up to speed on the latest, and I just wanted to commend them for this. I think we're working harder than we've ever worked before. The technology has kept us engaged. We're doing everything we can to maintain our health as well. I just wanted to give a shout out to our staff for that. Also, to let you know that Saddleback Church, they reached out to you, Trustee Barke, first. They were trying to provide food for our county. We got them involved, and they have provided food to our ACCESS program.

This goes above and beyond the free and reduced-price program that we provide under law. It's amazing how many people have taken advantage of the food trucks that come from Saddleback. First of all, the food is of the highest quality. It's presented in a very professional manner. Everything is packaged and people come. They take a box and they're able to take that home to the family. Shout out to Saddleback Church in Orange County, and thank you, Mrs. Barke, for giving us that tip.

Barke: Absolutely, and I'll convey the message back to them because they are very proud to be helping us.

Mijares: That's all I have under my reports. Thank you.

Williams: Al, let me congratulate you for doing a great job on leadership on the COVID-19 virus. I think what you did, your proactive moves are inspirational and very admirable.

Mijares: Thank you.

Barke: Yes. I would agree with Ken that the superintendent, so should everybody, really, the department has done an amazing job. I hear wonderful things from the community, and I think it's wonderful what everybody is doing, keeping everyone safe and keeping education going in Orange County. Thank you.

Boyd: Just a reminder to the Board that the next meeting will be on May 13 and the submission deadline is Wednesday, April 29. We will be sending out reminder notices to each of you with

regards to that. I'll also be sending you an update related to our charter schools in the county. Vice President Williams asked for some information, both statewide and locally in terms of how we've been responding and what we're doing. I've been getting information from my counterparts as well as our team here. They have put together a document to provide support information and a more current update to the Board related to activities and so forth.

I appreciate you applauding him. His leadership, not only working in the capacity that he has been, but the continued communication with the leadership and superintendents in our school districts, and separate conversations with our leaders for our charter schools has been ongoing. We've been able to step up to the plate to provide assistance where they need it. Several of our own charter schools benefitted from a donation of some laptop computers that came our way as well as hotspots. We're currently working to support and help them with internet service providers. We're hearing across the county that connectivity is one of the biggest challenges for some of our students and families.

Our Ed. Services is doing a phenomenal job as mentioned in terms of also helping our districts with the distance learning. As you know, it's very different across communities in terms of how far advanced some districts were in already providing that. Now, they're having to do it across their whole district. It really gets down to classroom by classroom. We know that some of you have heard different things from friends, folks in your community, and many families that come from our own campus. We do recognize that there are specific challenges. We have passed that along to district administrators and superintendents so that they can dialogue internally to find out where the gaps are and make sure that those are getting filled. I wanted to answer the questions that have been posed to me around that as well.

Barke: Thank you. I'd like to just say another thank you to everyone here. Thank you for making this meeting happen today in a safe and productive manner. We appreciate that. I know our constituents appreciate that we are here for them and thank you for everything you're doing every day. We really appreciate it. Stay safe and healthy everyone.

Williams: Nina, you've been great also. Thank you for your hard work for the last few weeks. This has been hard to create this meeting. Just a real quick thought on the May meeting, which is May...

Boyd: 13.

Williams: 13? Okay. We don't know what Governor Newsom's going to do with the lifting of this spacing in the quarantine. I don't know how we're going to do it. Maybe like this. I know there are little snafus that we can work out, but I think overall, I think that went okay. Thank you for all your hard work and for the I.T. gentleman in the back. We did hear from public comments, the live streaming, and I'm in favor of that. I know you've heard it quite well that we need to do that. The quickest you can do it, the better. We don't want to put too much stress on you during this time of crisis.

Boyd: Our staff is looking at what is needed to be added to this room to provide live streaming. We did do some enhancements to the boardroom, as you know, over a year ago. There are infrastructure. Some of that is there, but in terms of cameras and different things that we need to add to the room. The question will be in terms of how quickly we can get it installed and so

forth. We are working towards that, and we'll provide you information as we're moving forward. We also recognize we will need to do some presentations, so we'll need to work through some things to enhance the presentation while we're doing it. We will probably have a plan a, plan b, and maybe even plan c.

Barke: Any further comment? If not, I'll take a motion to close.

Gomez: I do have just a couple of comments.

Barke: Yes.

Gomez: I also want to reiterate my thanks to Ian, because I know he was doing a yeoman's work in trying to get the website up and updated. I can't even tell you how many people I referred to the website, especially for the free and reduced meals. I had many, many questions from my constituents about where they could find things. Their kids might go to school one place, and they work in another place. It was quite a bit of a challenge. The information was very welcome. I want to thank all the teachers who have had to turn on a dime to produce their classes in an online format. I know what that's like, because I dealt with faculty on our campus as well. To all the parents out there, this has been a big adjustment for you as well as your students.

I just want to tell you, hang in there. We're all in this together. We appreciate everything that everyone is doing, to not only help our students, but to help our community stay safe. Al, thank you for your leadership in this. It's very much appreciated, and the superintendents are lucky to have you so that they can guide their districts appropriately. Thank you to everyone.

Mijares: Thank you.

Gomez: That's all for my comments.

Barke: Okay.

Williams: I'll make the motion to adjourn.

Barke: All right. We are so adjourned. Thank you.

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