



REGULAR MEETING

June 2, 2021

2:00 p.m.

Location: *The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream at <https://www.youtube.com/watch?v=k7SP7li5D-4>*

ORANGE COUNTY BOARD OF EDUCATION  
AGENDA

WELCOME

CALL TO ORDER

STATEMENT OF PRESIDING OFFICER: For the benefit of the record, this Regular Meeting of the Orange County Board of Education is called to order.

ROLL CALL

(\*)AGENDA

Regular Meeting of June 2, 2021 – adoption

TIME CERTAIN

2:00 p.m.

1. Inter-district Appeal Hearing (Open) – 06022021001I – Buena Park School District to Centralia School District.
2. Inter-district Appeal Hearing (closed) – 06022021002I – Buena Park School District to Anaheim Elementary School District.
3. Inter-district Appeal Hearing (closed) – 06022021003I – Buena Park School District to Fullerton School District.
4. Inter-district Appeal Hearing (closed) – 06022021004I – Buena Park School District to Cypress School District.
5. Inter-district Appeal Hearing (closed) – 06022021005I – Buena Park School District to Centralia School District.

CLOSED SESSION 1

4:00 p.m.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Orange County Board of Education v. Orange County Superintendent of Schools, Case No. 30-2018-01023385-CU-MC-CJC  
Government Code Section 54956.9(a) and (d)(1)

CLOSED SESSION 2

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Orange County Board of Education v. OC Superintendent of Schools, Al Mijares, and State Superintendent of Public Instruction, Tony Thurmond Case No 30-2019-01112665-CU-WM-CJC -Government Code §§ 54956.9(a) and (d)(1)

INVOCATION

5:00 p.m.

Rev. Sarah Averette-Phillips

Brea Congregational United Church of Christ

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

(\*)MINUTES

Regular Meeting of May 5, 2021 – approval

PUBLIC COMMENTS

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- FCMAT Update (Williams)
- Board Webpage (Williams and Shaw)

BOARD DISCUSSIONS

ANNOUNCEMENTS

Superintendent

Associate Superintendent

PRESENTATIONS

(\*)

6. Budget Presentation - Renee Hendrick, Associate Superintendent, will conduct the presentation regarding the Orange County Department of Education budget for 2021-2022 fiscal year.
7. Public Hearing - Renee Hendrick, Associate Superintendent will conduct a public hearing regarding the Orange County Department of Education budget for 2021-2022 fiscal year.

(\*)

8. Local Control and Accountability Plan (LCAP) – Jeff Hittenberger, Ph.D., Chief Academic Officer and Analee Kredel, Chief, Special Education Services will conduct the presentation regarding LCAP for the Orange County Department of Education.

9. Public Hearing – Analee Kredel, Chief, Special Education Services, will conduct a public hearing regarding the Orange County Department of

(\*)

10. Local Control and Accountability Plan (LCAP) – Jeff Hittenberger, Ph.D., Chief Academic Officer and Dave Connor, Principal will conduct the presentation regarding LCAP for the College and Career Preparatory Academy.

11. Public Hearing – Jeff Hittenberger, Ph.D., Chief Academic Officer, will conduct a public hearing regarding the College and Career Preparatory Academy Local Control and Accountability Plan (LCAP).

#### CONSENT CALENDAR

- (\*) 12. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.

#### CHARTER SCHOOLS

13. Charter submissions
14. ISSAC Update
- (\*) 15. Approve Orange County Workforce Innovation High School’s amended resolution extending the deadline for the execution of an agreement on May 31, 2021.
- (\*) 16. Charter School Public Hearing – Tomorrow’s Leadership Collaborative Charter School material revisions – Aracely Chastain, Director, Charter Schools, will facilitate the public hearing.  
Discussion Format:  
Tomorrow’s Leadership Collaborative Charter School  
Orange Unified School District  
Public Comments (30 minutes)  
Board Questions
- (\*) 17. Approve Tomorrow’s Leadership Collaborative Charter School’s requested material revisions to add a location the school’s charter, beginning 2021-2022 academic year, and approve the amendments to the school’s governing board bylaws.
- (\*) 18. Charter School Public Hearing – Samueli Academy material revision – Aracely Chastain, Director, Charter Schools, will facilitate the public hearing.  
Discussion Format:  
Samueli Academy  
Public Comments (30 minutes)  
Board Questions

#### STAFF RECOMMENDATIONS

#### BOARD RECOMMENDATIONS

- (\*) 19. Board action on AB 1316. (Williams)

- (\*) 20. Board action on Redistricting Contract. (Williams)
- (\*) 21. Ethnic Studies Forum (carryover)

INFORMATION ITEMS (continue)

Legislative Updates  
-CSBA Update  
-CCBE Update  
-NSBA Update  
-Capitol News Update  
-School Services Update

BOARD MEMBER COMMENTS

COMMITTEE REPORT

PUBLIC COMMENTS (15 minutes)

ADJOURNMENT



Nina Boyd  
Assistant Secretary, Board of Education

Next Regular Board Meeting: Wednesday, June 16, 2021 at 5:00 p.m. The meeting will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92626 with limited seating and via YouTube live stream.

Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting Darou Sisavath, Board Clerk at (714) 966-4012.

(\*) Printed items included in materials mailed to Board Members



Item: Presentations #6

June 2, 2021

☒ Mailed ☐ Distributed at meeting

*DB*

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: June 2, 2021

TO: Nina Boyd, Associate Superintendent

FROM: Renee Hendrick, Associate Superintendent, Administrative Services

SUBJECT: Budget Approval for Fiscal Year 2021-22

As required by State regulations, the attached documents include the 2021-22 OCDE budget and the Criteria and Standards. The July budget reflects preliminary estimates of income and expenditures, including projected growth needs, based on information available from the Governor's May Revise.

---

RECOMMENDATION:

Approve the Annual County School Services Fund Budget of the County Superintendent of Schools.

RH:sh



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: May 21, 2021

TO: Nina Boyd, Associate Superintendent

FROM: Jeff Hittenberger, Ph.D., Chief Academic Officer

SUBJECT: Local Control and Accountability Plan

---

BACKGROUND:

Orange County Department of Education Local Control and Accountability Plan (LCAP) for 2021-2024 will be presented to the Board on June 2, 2021. As required by law the LCAP included student, parent and community partner input and was posted to the Orange County Department of Education website for public review.

---

RECOMMENDATION:

Presentation and Public Hearing only.

Adoption on June 16, 2021.

ORANGE COUNTY BOARD OF EDUCATION  
BOARD AGENDA ITEM

DATE: May 18, 2021  
TO: Nina Boyd, Associate Superintendent  
FROM: Jeff Hittenberger, Chief Academic Officer  
SUBJECT: College and Career Preparatory Academy Local Control Accountability Plan

---

BACKGROUND:

Orange County Department of Education Local Control and Accountability Plan (LCAP) for 2021-2024 will be presented to the Board on June 2, 2021. As required by the law, the LCAP includes student, parent, and community partner input and was posted to the Orange County Department of Education website for public review.

---

RECOMMENDATION:

Presentation and Public Hearing only.

Adoption on June 16, 2021.

Item: Consent #12

June 2, 2021

[X] Mailed [ ] Distributed at meeting



**ORANGE COUNTY BOARD OF EDUCATION**

**BOARD AGENDA ITEM**

DATE: May 12, 2021  
TO: Nina Boyd, Associate Superintendent  
FROM: Jeff Hittenberger, Chief Academic Officer  
SUBJECT: Granting of Diplomas

The students listed on the attached pages have been certified for graduation by the Custodian of Records or their designee for the Division of Alternative Education of the Orange County Department of Education. These students have met the standards of proficiency in the basic skills prescribed by the governing board in accordance with Education Code 51412. It is requested that the Board approve the granting of diplomas to these students.

---

**RECOMMENDATION:**

Approve granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.

LS:sl

**Board Agenda Item**  
**Diploma Approval**  
**April 14, 2021 - May 11, 2021**

<b>ADMIN UNIT</b>	<b>STUDENT NAME</b>	<b>DISTRICT OF RESIDENCE</b>
<b>Area #1</b>		
	Asa Alston	Laguna Beach
	Samantha Beaton	Saddleback Valley
	Kimberly Michelle Burgos	Saddleback Valley
	Caraleen Fisher	Saddleback Valley
	Hana C. Ford	Laguna Beach
	Jessie Garcia	Huntington Beach
	Alec James Giordano	Capistrano
	Sean Harvey	Huntington Beach
	Jonathan Lopez	Santa Ana
	Devan Hunter McMurtry	Saddleback Valley
	Cameron Pearson	Santa Ana
	Mateo Piedrahita	Saddleback Valley
	Bryan Steve Ramirez	Santa Ana
	Evella Rodriguez	Huntington Beach
	Chloe Searle	Saddleback Valley
	Jake Tandy	Capistrano
	Diego Zaragoza	Capistrano
<b>Area #2</b>		
	Andrea Aranda	Huntington Beach
	Paige Lee Hopper	Garden Grove
	Gilbert Andrew Jaimez	Whittier
	Vicky Huynh Lam	Garden Grove
	Jordan A. Martinez	Huntington Beach
	Abraham Montalvo	Garden Grove
	Francisca Peralta	Garden Grove
	Andy Ruiz	Garden Grove
<b>Area #3</b>		
	Tyrell Croaker	Tustin
	Getzelay Duenas-Vazquez	Orange
	Brianna Elder	Orange
	Nathaniel Francisco Garcia	Orange
	Diego Mejia	Fullerton
	Araceli Nolasco	Anaheim
	Julissa Jennyfer Ortiz	Tustin

**Board Agenda Item**  
**Diploma Approval**  
**April 14, 2021 - May 11, 2021**

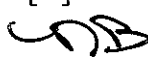
<b>ADMIN UNIT</b>	<b>STUDENT NAME</b>	<b>DISTRICT OF RESIDENCE</b>
<b>College &amp; Career Prep. Acad.</b>	Johana Blanco	Saddleback Valley
	Julia Y. Caballero	Chaffey Joint
	Haley Reanne Crain	Newport-Mesa
	Eric Cuellar	Tracy
	Peter Gonzalez De La Rosa	Tustin
	Tumala J. Griffin	Irvine
	Cloudy L. Jelks	Anaheim
	Kyle Rodolfo Lara	Los Angeles
	Melissa Ruby Miramontes	Anaheim
	William M. Perkins	Saddleback Valley
	Katelyn Diane Perry	Garden Grove
	Katherine Abigail Portillo	Pasadena
	Karina Quiroz	Garden Grove
	Santiago Reyes Parra	Central
	Alberto Dominico Rojas	Saddleback Valley
	Antonio Pietro Sison	Stockton
	Raul M. Travesi Jr.	Sweetwater
	Lacey Uta	Tustin
<b>Fischer</b>	Jason Castellanos	Santa Ana
	Cody B. Quigley	Capistrano
	Javier Ramirez	Fullerton
	Marcos Siqueiros	Garden Grove

**ORANGE COUNTY BOARD OF EDUCATION**

**BOARD AGENDA ITEM**

**DATE:** May 18, 2021  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Aracely Chastain, Director, Charter Schools  
**SUBJECT:** Amended Resolution – Orange County Workforce Innovation High School

Item: Charter Schools #15  
June 2, 2021  
[X] Mailed [ ] Distributed at meeting



---

**DESCRIPTION:**

On January 6, 2021, the Orange County Board of Education approved the Orange County Workforce Innovation High School renewal charter petition and resolution that required the execution of an Agreement by April 2021. The Agreement for the new charter term was approved by the Board on March 3, 2021 and was fully executed by the charter school's governing board in May 2021.

---

**RECOMMENDATION:**

Approve an amended Resolution extending the deadline for the execution of an Agreement to May 31, 2021.



**AMENDED RESOLUTION TO APPROVE RENEWAL CHARTER PETITION**

**RESOLUTION AND WRITTEN FINDINGS  
OF THE ORANGE COUNTY BOARD OF EDUCATION  
TO APPROVE THE RENEWAL OF  
ORANGE COUNTY WORKFORCE INNOVATION HIGH SCHOOL**

**WHEREAS**, the Legislature enacted the Charter Schools Act of 1992, Education Code section 47600 et seq.;

**WHEREAS**, Education Code section 47607(a)(2) states that a chartering authority may grant one or more subsequent renewals pursuant to Education Code sections 47607 and 47607.2.

**WHEREAS**, Education Code section 47607(b) requires that renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code section 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the district or a finding that the charter school is unlikely to serve the interests of the entire community in which the charter school is located.

**WHEREAS**, Education code section 47607(c)(1) requires that in determining whether to grant a charter renewal, a chartering authority shall consider the performance of the charter school on the state and local indicators included in the California School Dashboard.

**WHEREAS**, Education Code section 47607(c)(7) requires that in determining whether to grant a charter renewal for a charter school eligible for the state's Dashboard Alternative School Status, a chartering authority shall also consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The chartering authority may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings that the closure of the charter school is in the best interest of students.

**WHEREAS**, a chartering authority may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is

not serving all students who wish to attend. When denying a charter renewal for either of these reasons, a chartering authority shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The renewal shall be denied if a chartering authority finds either the corrective action proposed by the charter school has been unsuccessful or the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding.

**WHEREAS**, on October 7, 2020, the Orange County Board of Education ("Board") received a petition from Western Educational Corporation, a nonprofit public benefit corporation, for the renewal of Orange County Workforce Innovation High School.

**WHEREAS**, on November 4, 2020, the Board held a public hearing on the charter renewal, at which, the Board considered the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents.

**WHEREAS**, on December 22, 2020, the Board published staff recommendations and recommended findings developed by members of the Orange County Department of Education's Charter School Unit regarding the renewal petition ("Staff Report").

**WHEREAS**, on January 6, 2021, the Board held a public hearing to grant or deny the renewal petition, at which, the petitioners had equal time and opportunity to present evidence and testimony to respond to the staff recommendations and finding.

**WHEREAS**, the Board has considered the level of support for Orange County Workforce Innovation High School and has reviewed the renewal petition, including all supporting documentation in accordance with the law.

**WHEREAS**, in reviewing the renewal petition, the Board has been guided by the intent of the California Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby approves the renewal petition for a charter school by Western Educational Corporation for the operation of Orange County Workforce Innovation High School for a period of five years, beginning on July 1, 2021 and expiring June 30, 2026.

**BE IT FURTHER RESOLVED** that Orange County Workforce Innovation High School will enter into an Agreement that addresses the operational relationship between the School, the Board and OCDE no later than **May 31, 2021**.

STATE OF CALIFORNIA   )  
COUNTY OF ORANGE   )  
\_\_\_\_\_)

I, Darouny Sisavath, Clerk of the Orange County Board of Education, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the Orange County Board of Education at a regular meeting thereof held on the **2nd day of June 2021**, and that it was so adopted by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

BY:


\_\_\_\_\_  
Clerk of the Orange County Board of Education

**ORANGE COUNTY BOARD OF EDUCATION**

**BOARD AGENDA ITEM**

**DATE:** May 18, 2021  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Aracely Chastain, Director, Charter Schools  
**SUBJECT:** Public Hearing – Tomorrow’s Leadership Collaborative Charter School Material Revisions

Item: Charter Schools #16  
June 2, 2021  
[X] Mailed [ ] Distributed at meeting



---

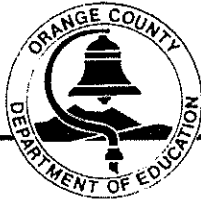
**DESCRIPTION:**

Tomorrow’s Leadership Collaborative Charter School serves students in grades transitional kindergarten through grade six within the boundaries of Orange Unified School District. On April 7, 2021, Tomorrow’s Leadership Collaborative Charter School submitted material revisions to add an additional school facility effective the 2021-22 academic year and to amend the school’s governing board bylaws to align with current law. The Orange County Board of Education held a public hearing on May 5, 2021, to consider the level of support for the material revisions.

---

**RECOMMENDATION:**

Per California Education Code, on June 2, 2021, the Orange County Board of Education shall hold a public hearing to grant or deny Tomorrow’s Leadership Collaborative Charter School’s material revisions. At the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony responsive to the Orange County Department of Education staff recommendations and findings published on May 18, 2021.



# MEMO

## ORANGE COUNTY DEPARTMENT OF EDUCATION

---

May 18, 2021

**To:** Members, Orange County Board of Education

**From:** Orange County Department of Education Charter Schools Unit

**Re:** Staff Recommendations and Findings – Tomorrow’s Leadership Collaborative Charter School Material Revisions

### **I. INTRODUCTION**

The following is a summary of the review conducted by Orange County Department of Education staff of two material revision requests submitted by Tomorrow’s Leadership Collaborative Charter School (TLC) in compliance with Education Code section 47607 and recommendations for consideration by the Orange County Board of Education (the Board).

### **II. BACKGROUND**

TLC serves students in transitional kindergarten through grade six and is located within the boundaries of the Orange Unified School District. On April 7, 2021, TLC submitted the material revision requests to add an additional facility at 250 S. Yorba St., Orange, CA, 92869, effective the 2021-22 academic year and to amend the bylaws of the school’s governing board to align with current law. A public hearing was held on May 5, 2021 to consider the level of support for the petition in accordance with Education Code section 47605.

### **III. LEGAL STANDARD**

Material revisions of charter schools are governed by the standards and criteria described in Education Code section 47605 and shall include, but not be limited to, reasonably comprehensive descriptions of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

### **IV. SUMMARY OF FINDINGS**

Orange County Department of Education staff determined that the revised TLC charter petition meets the standards outlined in Education Code section 47605. Expanding operations to a second school facility will allow TLC to meet enrollment projections outlined in the charter petition.

Additionally, TLC’s revised bylaws, which include the additional amendments requested by Orange County Department of Education staff, align with current law.

## **V. STAFF RECOMMENDATION**

Orange County Department of Education staff recommend that the Board approve TLC’s requested material revisions to add a location to the school’s charter, beginning in the 2021-2022 academic year, and approve the amendments to the school’s governing board bylaws

## **VI. CONCLUSION**

The Board has three options for action regarding charter material revisions:

- Option One: Approve the material revisions.
- Option Two: Approve the material revisions with conditions. This action would result in approval of the material revisions and require the charter school to address the concerns raised by the Board by established timelines.
- Option Three: Deny the material revisions.

\* \* \*



**BYLAWS OF  
TOMORROW'S LEADERSHIP COLLABORATIVE CHARTER SCHOOL  
(A California Nonprofit Public Benefit Corporation)**

**ARTICLE I  
NAME**

Section 1. NAME. The name of this Corporation is Tomorrow's Leadership Collaborative Charter School.

**ARTICLE II  
PRINCIPAL OFFICE OF THE CORPORATION**

Section 1. PRINCIPAL OFFICE OF THE CORPORATION. The principal office for the transaction of the activities and affairs of the Corporation is located in Orange County, State of California. The Board of Directors may change the location of the principal office. Any such change of location must be noted by the Secretary on these bylaws opposite this Section; alternatively, this Section may be amended to state the new location. Notwithstanding any provisions in the Bylaws to the contrary, the Corporation shall have only one corporate office, and no branch or subordinate offices, and the office shall be within the boundaries of the ~~chartering authority~~ Authorizer.

**ARTICLE III  
GENERAL AND SPECIFIC PURPOSES; LIMITATIONS**

Section 1. GENERAL AND SPECIFIC PURPOSES. The purpose of the Corporation is to manage, operate, guide, direct and promote Tomorrow's Leadership Collaborative Charter School ("Charter School"), a California public charter school. Also in the context of these purposes, the Corporation shall not, except to an insubstantial degree, engage in any other activities or exercise of power that do not further the purposes of the Corporation.

The Corporation shall not carry on any other activities not permitted to be carried on by: (a) a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code; or (b) a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code. No substantial part of the activities of the Corporation shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.

**ARTICLE IV  
CONSTRUCTION AND DEFINITIONS**

Section 1. CONSTRUCTION AND DEFINITIONS. Unless the context indicates otherwise, the general provisions, rules of construction, and definitions in the



California Nonprofit Corporation Law shall govern the construction of these bylaws. Without limiting the generality of the preceding sentence, the masculine gender includes the feminine and neuter, the singular includes the plural, and the plural includes the singular, and the term “person” includes both a legal entity and a natural person.

## **ARTICLE V DEDICATION OF ASSETS**

Section 1. DEDICATION OF ASSETS. The Corporation’s assets are irrevocably dedicated to public benefit purposes as set forth in the charter governing the charter schools operated as or by the Corporation. No part of the net earnings, properties, or assets of the Corporation, on dissolution or otherwise, shall inure to the benefit of any private person or individual, or to any director or officer of the Corporation. On liquidation or dissolution, all properties and assets remaining after payment, or provision for payment, of all debts and liabilities of the Corporation shall be distributed to a nonprofit fund, foundation, corporation or association which is organized and operated exclusively for educational, public or charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose.

## **ARTICLE VI CORPORATION WITHOUT MEMBERS**

Section 1. CORPORATION WITHOUT MEMBERS. The Corporation shall have no members within the meaning of Corporations Code Section 5056.

## **ARTICLE VII BOARD OF DIRECTORS**

Section 1. GENERAL POWERS. Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation Law and any other applicable laws, and subject to any limitations of the articles of incorporation or bylaws, the Corporation’s activities and affairs shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board of Directors (“Board”).

Section 2. SPECIFIC POWERS. Without prejudice to the general powers set forth in Section 1 of this article, but subject to the same limitations, the Board of Directors shall have the power to:

- a. Appoint and remove, at the pleasure of the Board of Directors, all corporate officers, agents, and employees; prescribe powers and duties for them as are consistent with the law, the articles of incorporation, and these bylaws; fix their compensation; and require from them security for faithful service.
- b. Change the principal office or the principal business office in California from one location to another; cause the Corporation to be qualified to conduct its activities in any other state, territory, dependency, or country; conduct its activities in or outside California.

- c. Borrow money and incur indebtedness on the Corporation's behalf and cause to be executed and delivered for the Corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt and securities.
- d. Adopt and use a corporate seal.

Section 3. DESIGNATED DIRECTORS AND TERMS. The number of directors shall be no less than five (5) and no more than eleven (11), unless changed by amendments to these bylaws. At least one (1) member of the Board shall be a parent of a student who currently attends the charter school. All directors shall have full voting rights, including any representative appointed by the ~~chartering authority~~ as consistent with Education Code Section 47604(bc). If the ~~chartering authority~~ appoints a representative to serve on the Board of Directors, the Board of Directors may appoint an additional director to ensure an odd number of Board members. All directors, except for the representative appointed by the ~~chartering authority~~, shall be designated by the existing Board of Directors.

Any revision of the Bylaws to change the authorized number of directors shall constitute a material revision to the Charter, so shall not be undertaken unless and until such material revision is first approved by the ~~chartering authority~~. However, should the ~~chartering authority~~ avail itself of the right to have a representative serve on TLC's Board of Directors, TLC may amend its bylaws to increase the number of directors by one if necessary to maintain an odd number of directors, and such revision will not constitute a material revision to the Charter, but TLC shall provide written notice of such revision to the Superintendent within two business days. TLC shall endeavor at all times to maintain an odd number of directors.

Except for the initial Board of Directors, each director shall hold office unless otherwise removed from office in accordance with these bylaws for two years and until a successor director has been designated and qualified. Terms for the initial Board of Directors shall be two (2) seats for a term of two (2) years and one (1) seat for a term of one (1) year.

Section 4. ~~CHARTERING AUTHORITY~~ REPRESENTATIVE. No restrictions on the appointment, qualifications, service, removal, or limitations on the number of terms or consecutive terms applicable to other members of the Board of Directors shall apply to the ~~chartering A~~authority's representative. The ~~chartering A~~authority's representative shall serve at the pleasure of and be removed only by the action of the ~~chartering A~~authority's governing Board or designee. Further, the ~~chartering A~~authority's representative shall be a full, voting member of the Board of Directors.

Section 5. RESTRICTION ON INTERESTED PERSONS AS DIRECTORS. No persons serving on the Board of Directors may be interested persons. An interested person is (a) any person currently being compensated by the Corporation for services rendered to it within the previous 12 months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a director as director; and (b) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of such person.



The Board may adopt other policies circumscribing potential conflicts of interest.

Section 6. DIRECTORS' TERMS. Each director shall hold office unless otherwise removed from office in accordance with these bylaws for two (2) years and until a successor director has been designated and qualified.

Section 7. NOMINATIONS BY COMMITTEE. The Chairman of the Board of Directors or, if none, the President will appoint a committee to designate qualified candidates for election to the Board of Directors at least thirty (30) days before the date of any election of directors. The nominating committee shall make its report at least seven (7) days before the date of such designation or at such other time as the Board of Directors may set and the Secretary shall forward to each Board member, with the notice of meeting required by these bylaws, a list of all candidates nominated by committee.

Section 8. EVENTS CAUSING VACANCIES ON BOARD. A vacancy or vacancies on the Board of Directors shall occur in the event of (a) the death, resignation, or removal of any director; (b) the declaration by resolution of the Board of Directors of a vacancy in the office of a director who has been convicted of a felony, declared of unsound mind by a court order, or found by final order or judgment of any court to have breached a duty under California Nonprofit Public Benefit Corporation Law, Chapter 2, Article 3; or (c) the increase of the authorized number of directors.

Section 9. RESIGNATION OF DIRECTORS. Except as provided below, any director may resign by giving written notice to the Chairman of the Board, if any, or to the President, or the Secretary, or to the Board. The resignation shall be effective when the notice is given unless the notice specifies a later time for the resignation to become effective. If a director's resignation is effective at a later time, the Board of Directors may elect a successor to take office as of the date when the resignation becomes effective.

Section 10. DIRECTOR MAY NOT RESIGN IF NO DIRECTOR REMAINS. Except on notice to the California Attorney General, no director may resign if the Corporation would be left without a duly elected director or directors.

Section 11. REMOVAL OF DIRECTORS. Any director, except for the representative appointed by the chartering authority, may be removed, with or without cause, by the vote of the majority of the members of the entire Board of Directors at a special meeting called for that purpose, or at a regular meeting, provided that notice of that meeting and such removal are given in compliance with the provisions of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code) as said chapter may be modified by subsequent legislation ("Brown Act"). The representative appointed by the chartering authority may be removed without cause by the chartering authority or with the written consent of the chartering authority. Any vacancy caused by the removal of a Board designated director shall be filled as provided in Section 12.

Section 12. VACANCIES FILLED BY BOARD. Vacancies on the Board of Directors, except for a representative appointed by the chartering authority, may be filled by approval of the Board of Directors or, if the number of directors then in office is less than



a quorum, by (a) the affirmative vote of a majority of the directors then in office at a regular or special meeting of the Board, or (b) a sole remaining director. A vacancy in a seat of the representative of the chartering authority shall be filled by the chartering authority.

Section 13. NO VACANCY ON REDUCTION OF NUMBER OF DIRECTORS. Any reduction of the authorized number of directors shall not result in any directors being removed before his or her term of office expires.

Section 14. PLACE OF BOARD OF DIRECTORS MEETINGS. Meetings shall be held at the principal office of the Corporation unless the Board of Directors designates another location in accordance with these bylaws. The Board of Directors may also designate that a meeting be held at any place within the ~~granting agency's physical~~ boundaries of the county in which the Charter School is located, designated in the notice of the meeting. All meetings of the Board of Directors shall be called, held and conducted in accordance with the terms and provisions of the Brown Act and Education Code Section 47604.1(c). A two-way teleconference location shall be established at each schoolsite and each resource center.

Section 15. MEETINGS; ANNUAL MEETINGS. All meetings of the Board of Directors and its committees shall be called, noticed, and held in compliance with the provisions of the Brown Act. The Board of Directors shall meet annually for the purpose of organization, appointment of officers, and the transaction of such other business as may properly be brought before the meeting. This meeting shall be held at a time, date, and place as noticed by the Board of Directors in accordance with the Brown Act.

Section 16. REGULAR MEETINGS. Regular meetings of the Board of Directors, including annual meetings, shall be held at such times and places as may from time to time be fixed by the Board of Directors. At least 72 hours before a regular meeting, the Board of Directors, or its designee shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting.

Section 17. SPECIAL MEETINGS. Special meetings of the Board of Directors for any purpose may be called at any time by the Chairman of the Board of Directors, if there is such an officer, or a majority of the Board of Directors. If a Chairman of the Board has not been elected then the President is authorized to call a special meeting in place of the Chairman of the Board. The party calling a special meeting shall determine the place, date, and time thereof.

Section 18. NOTICE OF SPECIAL MEETINGS. In accordance with the Brown Act, special meetings of the Board of Directors may be held only after twenty-four (24) hours notice is given to the public through the posting of an agenda. Directors shall also receive at least twenty- four (24) hours notice of the special meeting, in the following manner:

- a. Any such notice shall be addressed or delivered to each director at the director's address as it is shown on the records of the Corporation, or as may have been given to the Corporation by the director for purposes of notice, or, if an address is not shown on the Corporation's records or is not readily ascertainable, at the place at which the meetings of the Board of Directors are regularly held.

- b. Notice by mail shall be deemed received at the time a properly addressed written notice is deposited in the United States mail, postage prepaid. Any other written notice shall be deemed received at the time it is personally delivered to the recipient or is delivered to a common carrier for transmission, or is actually transmitted by the person giving the notice by electronic means to the recipient. Oral notice shall be deemed received at the time it is communicated, in person or by telephone or wireless, to the recipient or to a person at the office of the recipient whom the person giving the notice has reason to believe will promptly communicate it to the receiver.

The notice of special meeting shall state the time ~~of the meeting,~~ and the place ~~of the special meeting place is other than the principal office of the Corporation,~~ and the general nature of the business proposed to be transacted at the meeting. No business, other than the business the general nature of which was set forth in the notice of the meeting, may be transacted at a special meeting.

Section 19. QUORUM. A majority of the directors then in office shall constitute a quorum. All acts or decisions of the Board of Directors will be by majority vote of the directors in attendance, based upon the presence of a quorum. Should there be less than a majority of the directors present at the inception of any meeting, the meeting shall be adjourned. Directors may not vote by proxy. The vote or abstention of each Board member present for each action taken shall be publicly reported. A meeting at which a quorum is initially present may continue to transact business other than the appointment or removal of any director, despite the withdrawal or recusal of some directors, so long as any action taken or decision made is approved by at least a majority of the required quorum for that meeting.

Section 20. TELECONFERENCE MEETINGS. Members of the Board of Directors may participate in teleconference meetings so long as all of the following requirements in the Brown Act are complied with:

- a. At a minimum, a quorum of the members of the Board of Directors shall participate in the teleconference meeting from locations within the physical boundaries of the ~~countygranting agency~~ in which the Charter School is located~~Corporation operates;~~
- b. All votes taken during a teleconference meeting shall be by roll call;
- c. If the Board of Directors elects to use teleconferencing, it shall post agendas at all teleconference locations with each teleconference location being identified in the notice and agenda of the meeting;
- d. All locations where a member of the Board of Directors participates in a meeting via teleconference must be fully accessible to members of the public and shall be listed on the agenda;<sup>1</sup>

<sup>1</sup> This means that members of the Board of Directors who choose to utilize their homes or offices as teleconference locations must open these locations to the public and accommodate any members of the public who wish to attend the meeting at that location.



- e. Members of the public must be able to hear what is said during the meeting and shall be provided with an opportunity to address the Board of Directors directly at each teleconference location; and
- f. Members of the public attending a meeting conducted via teleconference need not give their name when entering the conference call<sup>2</sup>.

Section 21. ADJOURNMENT. A majority of the directors present, whether or not a quorum is present, may adjourn any Board of Directors meeting to another time or place. Notice of such adjournment to another time or place shall be given, prior to the time scheduled for the continuation of the meeting, to the directors who were not present at the time of the adjournment, and to the public in the manner prescribed by the Brown Act.

Section 22. COMPENSATION AND REIMBURSEMENT. Directors may not receive compensation for their services as directors or officers, only such reimbursement of expenses as the Board of Directors may establish by resolution to be just and reasonable as to the Corporation at the time that the resolution is adopted.

Section 23. CREATION AND POWERS OF COMMITTEES. The Corporation will comply with Corporations Code Section 5212. The Board, by resolution adopted by a majority of the directors then in office, may create one or more committees of the Board, each consisting of two or more directors and no one who is not a director, to serve at the pleasure of the Board. Appointments to committees of the Board of Directors shall be by majority vote of the directors then in office. The Board of Directors may appoint one or more directors as alternate members of any such committee, who may replace any absent member at any meeting. Any such committee shall have all the authority of the Board, to the extent provided in the Board of Directors' resolution, except that no committee may:

- ~~a. Take any final action on any matter that, under the California Nonprofit Public Benefit Corporation Law, also requires approval of the members or approval of a majority of all members;~~
- ba. Fill vacancies on the Board of Directors or any committee of the Board;
- ~~c. Fix compensation of the directors for serving on the Board of Directors or on any committee;~~
- db. Amend or repeal bylaws or adopt new bylaws;
- ec. Amend or repeal any resolution of the Board of Directors that by its express terms is not so amendable or subject to repeal;
- fd. Create any other committees of the Board of Directors or appoint the members of committees of the Board;

<sup>2</sup> The Brown Act prohibits requiring members of the public to provide their names as a condition of attendance at the meeting.

~~g. Expend corporate funds to support a nominee for director if more people have been nominated for director than can be elected; or~~

~~h. Approve any contract or transaction to which the Corporation is a party and in which one or more of its directors has a material financial interest.~~

The Board may also create one or more advisory committees composed of directors and non-directors. It is the intent of the Board to encourage the participation and involvement of faculty, staff, parents, students and administrators through attending and participating in open committee meetings. The Board may establish, by resolution adopted by a majority of the directors then in office, advisory committees to serve at the pleasure of the Board.

Section 24. MEETINGS AND ACTION OF COMMITTEES. Meetings and actions of committees of the Board of Directors shall be governed by, held, and taken under the provisions of these bylaws concerning meetings, other Board of Directors' actions, and the Brown Act, if applicable, except that the time for general meetings of such committees and the calling of special meetings of such committees may be set either by Board of Directors' resolution or, if none, by resolution of the committee. Minutes of each meeting shall be kept and shall be filed with the corporate records. The Board of Directors may adopt rules for the governance of any committee as long as the rules are consistent with these bylaws. If the Board of Directors has not adopted rules, the committee may do so.

Section 25. NON-LIABILITY OF DIRECTORS. No director shall be personally liable for the debts, liabilities, or other obligations of the Corporation.

Section 26. COMPLIANCE WITH LAWS GOVERNING STUDENT RECORDS. The Charter School and the Board of Directors shall comply with all applicable provisions of the Family Education Rights Privacy Act ("FERPA") as set forth in Title 20 of the United States Code Section 1232g and attendant regulations as they may be amended from time to time.

## **ARTICLE VIII OFFICERS OF THE CORPORATION**

Section 1. OFFICES HELD. The officers of the Corporation shall be a President, a Secretary, and a Chief Financial Officer. The Corporation, at the Board's direction, may also have a Chairman of the Board and a Vice-Chair. The officers, in addition to the corporate duties set forth in this Article VIII, shall also have administrative duties as set forth in any applicable contract for employment or job specification. Except for the President, officers shall not also be employees of the Corporation.. All officer positions, except for the President, may be filled either by members of the Board or other volunteers, with a preference for non-Board members in order to ensure that the Board has oversight over the officers.

Section 2. DUPLICATION OF OFFICE HOLDERS. Any number of offices may be held by the same person, except that neither the Secretary nor the Chief Financial Officer may serve concurrently as either the President or the Chairman of the Board.

Section 3. ELECTION OF OFFICERS. The officers of the Corporation shall



be chosen annually by the Board of Directors and shall serve at the pleasure of the Board, subject to the rights of any officer under any employment contract.

Section 4. QUALIFICATIONS OF OFFICERS. An officer shall be a natural person and at least 18 years of age. Officers shall possess the necessary skills and qualifications to fulfill the responsibilities of the officer position for which they have been elected.

Section 5. REMOVAL OF OFFICERS. Without prejudice to the rights of any officer under an employment contract, the Board of Directors may remove any officer with or without cause.

Section 6. RESIGNATION OF OFFICERS. Any officer may resign at any time by giving written notice to the Board. The resignation shall take effect on the date the notice is received or at any later time specified in the notice. Unless otherwise specified in the notice, the resignation need not be accepted to be effective. Any resignation shall be without prejudice to any rights of the Corporation under any contract to which the officer is a party.

Section 7. VACANCIES IN OFFICE. A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled in the manner prescribed in these bylaws for normal appointment to that office, provided, however, that vacancies need not be filled on an annual basis.

Section 8. COMPENSATION AND REIMBURSEMENT. Officers may not receive compensation for their services as officers, only such reimbursement of expenses as the Board of Directors may establish by resolution to be just and reasonable as to the Corporation at the time that the resolution is adopted.

Section 9. CHAIRMAN OF THE BOARD. If a Chairman of the Board of Directors is elected, he or she shall preside at the Board of Directors' meetings and shall exercise and perform such other powers and duties as the Board of Directors may assign from time to time. If a Chairman of the Board of Directors is elected, there shall also be a Vice-Chairman of the Board of Directors. In the absence of the Chairman, the Vice-Chairman shall preside at Board of Directors meetings and shall exercise and perform such other powers and duties as the Board of Directors may assign from time to time.

Section 10. PRESIDENT. The President, also known as the Executive Director, shall be the general manager of the Corporation and shall supervise, direct, and control the Corporation's activities, affairs, and officers as fully described in any applicable employment contract, agreement, or job specification. The President shall have such other powers and duties as the Board of Directors or the bylaws may require. If there is no Chairman of the Board, the President shall also preside at the Board of Directors' meetings.

Section 11. SECRETARY. The Secretary shall keep or cause to be kept, at the Corporation's principal office or such other place as the Board of Directors may direct, a book of minutes of all meetings, proceedings, and actions of the Board and of committees of the Board. The minutes of meetings shall include the time and place that the meeting was

held; whether the meeting was annual, regular, special, or emergency and, if special or emergency, how authorized; the notice given; the names of the directors present at Board of Directors and committee meetings; and the vote or abstention of each Board member present for each action taken.

The Secretary shall keep or cause to be kept, at the principal California office, a copy of the articles of incorporation and bylaws, as amended to date.

The Secretary shall give, or cause to be given, notice of all meetings of the Board and of committees of the Board of Directors that these bylaws require to be given. The Secretary shall keep the corporate seal, if any, in safe custody and shall have such other powers and perform such other duties as the Board of Directors or the bylaws may require.

Section 12. CHIEF FINANCIAL OFFICER. The Chief Financial Officer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the Corporation's properties and transactions. The Chief Financial Officer shall send or cause to be given to directors such financial statements and reports as are required to be given by law, by these bylaws, or by the Board. The books of account shall be open to inspection by any director at all reasonable times.

The Chief Financial Officer shall (a) deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the Corporation with such depositories as the Board of Directors may designate; (b) disburse the Corporation's funds as the Board of Directors may order; (c) render to the President, Chairman of the Board, if any, and the Board, when requested, an account of all transactions as Chief Financial Officer and of the financial condition of the Corporation; and (d) have such other powers and perform such other duties as the Board, contract, job specification, or the bylaws may require.

If required by the Board, the Chief Financial Officer shall give the Corporation a bond in the amount and with the surety or sureties specified by the Board of Directors for faithful performance of the duties of the office and for restoration to the Corporation of all of its books, papers, vouchers, money, and other property of every kind in the possession or under the control of the Chief Financial Officer on his or her death, resignation, retirement, or removal from office.

## **ARTICLE IX CONTRACTS WITH DIRECTORS**

Section 1. CONTRACTS WITH DIRECTORS. The Corporation shall not enter into a contract or transaction in which a director directly or indirectly has a material financial interest (nor shall the Corporation enter into any contract or transaction with any other corporation, firm, association, or other entity in which one or more of the Corporation's directors are directors and have a material financial interest). Pursuant to Education Code section 47604.1 (effective Jan. 1, 2020), notwithstanding Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code, an employee of a charter school shall not be disqualified from serving as a member of the governing body of the charter school because of that employee's employment status. A member of the governing body of a charter school who is also an employee of the charter school shall abstain



from voting on, or influencing or attempting to influence another member of the governing body regarding, all matters uniquely affecting that member's employment.

## **ARTICLE X CONTRACTS WITH NON-DIRECTOR DESIGNATED EMPLOYEES**

Section 1. CONTRACTS WITH NON-DIRECTOR DESIGNATED EMPLOYEES. The Corporation shall not enter into a contract or transaction in which a non-director designated employee (e.g., officers and other key decision-making employees) directly or indirectly has a material financial interest unless all of the requirements in the Corporation's Conflict of Interest Code have been fulfilled.

## **ARTICLE XI LOANS TO DIRECTORS AND OFFICERS**

Section 1. LOANS TO DIRECTORS AND OFFICERS. The Corporation shall not lend any money or property to or guarantee the obligation of any director or officer ~~without the approval of the California Attorney General~~; provided, however, that the Corporation may advance money to a director or officer of the Corporation for expenses reasonably anticipated to be incurred in the performance of his or her duties if that director or officer would be entitled to reimbursement for such expenses of the Corporation. All such advances must be approved by the Board of Directors.

## **ARTICLE XII INDEMNIFICATION**

Section 1. INDEMNIFICATION. To the fullest extent permitted by law, the Corporation shall indemnify its directors, officers, employees, and other persons described in Corporations Code Section 5238(a), including persons formerly occupying any such positions, against all expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred by them in connection with any "proceeding," as that term is used in that section, and including an action by or in the right of the Corporation by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this bylaw, shall have the same meaning as in that section of the Corporations Code.

On written request to the Board of Directors by any person seeking indemnification under Corporations Code Section 5238 (b) or Section 5238 (c) the Board of Directors shall promptly decide under Corporations Code Section 5238 (e) whether the applicable standard of conduct set forth in Corporations Code Section 5238 (b) or Section 5238 (c) has been met and, if so, the Board of Directors shall authorize indemnification.

## **ARTICLE XIII INSURANCE**

Section 1. INSURANCE. The Corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its directors, officers, employees, and other agents, to cover any liability asserted against or incurred by any director, officer, employee, or agent in such capacity or arising from the director's, officer's,

employee's, or agent's status as such.

#### **ARTICLE XIV MAINTENANCE OF CORPORATE RECORDS**

Section 1. MAINTENANCE OF CORPORATE RECORDS. The Corporation shall keep:

- a. Adequate and correct books and records of account;
- b. Written minutes of the proceedings of the Board and committees of the Board; and
- c. Such reports and records as required by law.

#### **ARTICLE XV INSPECTION RIGHTS**

Section 1. DIRECTORS' RIGHT TO INSPECT. Every director shall have the right at any reasonable time to inspect the Corporation's books, records, documents of every kind, physical properties, and the records of each subsidiary, as permitted by California and federal law. This right to inspect may be circumscribed in instances where the right to inspect conflicts with California or federal law (e.g., restrictions on the release of educational records under FERPA) pertaining to access to books, records, and documents. The inspection may be made in person or by the director's agent or attorney. The right of inspection includes the right to copy and make extracts of documents as permitted by California and federal law.

Section 2. ACCOUNTING RECORDS AND MINUTES. On written demand on the Corporation, any director may inspect, copy, and make extracts of the accounting books and records and the minutes of the proceedings of the Board of Directors and committees of the Board of Directors at any reasonable time for a purpose reasonably related to the director's interest as a director. Any such inspection and copying may be made in person or by the director's agent or attorney. This right of inspection extends to the records of any subsidiary of the Corporation.

Section 3. MAINTENANCE AND INSPECTION OF ARTICLES AND BYLAWS. The Corporation shall keep at its principal California office the original or a copy of the articles of incorporation and bylaws, as amended to the current date, which shall be open to inspection by the directors at all reasonable times during office hours.

#### **ARTICLE XVI REQUIRED REPORTS**

Section 1. ANNUAL REPORTS. The Board of Directors shall cause an annual report to be sent to itself (the members of the Board of Directors) within 120 days after the end of the Corporation's fiscal year. That report shall contain the following information, in appropriate detail:

- a. The assets and liabilities, including the trust funds, or the Corporation as of the end of the fiscal year;

- b. The principal changes in assets and liabilities, including trust funds;
- c. The Corporation's revenue or receipts, both unrestricted and restricted to particular purposes;
- d. The Corporation's expenses or disbursement or both general and restricted purposes;
- e. Any information required under these bylaws; and
- f. An independent accountant's report or, if none, the certificate of an authorized officer of the Corporation that such statements were prepared without audit from the Corporation's books and records.

Section 2. ANNUAL STATEMENT OF CERTAIN TRANSACTIONS AND INDEMNIFICATIONS. ~~The Corporation will comply with Corporations Code Section 6322. As part of the annual report to all directors, or as a separate document if no annual report is issued, the Corporation shall, within 120 days after the end of the Corporation's fiscal year, annually prepare and mail or deliver to each director and furnish to each director a statement of any transaction or indemnification of the following kind:~~

~~(a) Any transaction (i) in which the Corporation, or its parent or subsidiary, was a party, (ii) in which an "interested person" had a direct or indirect material financial interest, and (iii) which involved more than \$50,000 or was one of several transactions with the same interested person involving, in the aggregate, more than \$50,000. For this purpose, an "interested person" is either:~~

~~(1) Any director or officer of the Corporation, its parent, or subsidiary (but mere common directorship shall not be considered such an interest); or~~

~~(2) Any holder of more than 10 percent of the voting power of the Corporation, its parent, or its subsidiary. The statement shall include a brief description of the transaction, the names of interested persons involved, their relationship to the Corporation, the nature of their interest, provided that if the transaction was with a partnership in which the interested person is a partner, only the interest of the partnership need be stated.~~

~~(b) The amount and circumstances of any indemnifications aggregating more than \$10,000 paid during the fiscal year to any director or officer of the Corporation pursuant to Article XII of these Bylaws.~~

## ARTICLE XVII BYLAW AMENDMENTS

Section 1. BYLAW AMENDMENTS. The Board of Directors may adopt, amend or repeal any of these bylaws by a majority vote of the Directors present at a meeting duly held at which a quorum is present, except that no amendment shall change any provisions of any charter governing any charter school operated as or by the Corporation or make any



provisions of these bylaws inconsistent with such charter, the Corporation's articles of incorporation, or any laws. In the case of a conflict between the requirements of the school's Charter and provisions of the Articles of Incorporation and/or Bylaws, the Board of Directors shall take prompt action to revise the Articles or Bylaws to make them consistent with the requirements of the Charter or seek a material revision to the Charter to make the Articles, Bylaws, and Charter consistent.

TLC shall provide written notice to the ~~chartering Authorityzer~~ of any proposed revisions to the Articles of Incorporation and/or Bylaws no less than three (3) weeks prior to consideration of adoption of the revision(s) by the TLC Board. Should the ~~chartering aAuthorityzer~~ or designee indicate that the ~~chartering Authorityzer~~ considers the proposed revision(s) to be a material revision to TLC's governance structure or Charter, TLC may not formally adopt such revision(s) unless and until the revision(s) is first approved through the process set forth in Education Code section 47607 for material revision to the Charter. Should TLC adopt revision(s) to its Articles of Incorporation and/or Bylaws in accordance with these requirements, it shall provide a final copy of the revised document to the ~~chartering Authorityzer~~ within three (3) business days of the adoption of such revision(s).

## ARTICLE XVIII FISCAL YEAR

Section 1. FISCAL YEAR OF THE CORPORATION. The fiscal year of the Corporation shall begin on July 1<sup>st</sup> and end on June 30<sup>th</sup> of each year.

## CERTIFICATE OF SECRETARY

I certify that I am the duly elected and acting Secretary of Tomorrow's Leadership Collaborative Charter School, Inc, a California nonprofit public benefit corporation; that these bylaws, consisting of 14 pages, are the bylaws of the Corporation as adopted by the Board of Directors on 10/5/17; and that these bylaws have not been amended or modified since that date.

Executed on 10/24/17 at Irvine, California.

~~Susan Toma-Berge,~~


Susan Toma-Berge, Secretary

**ORANGE COUNTY BOARD OF EDUCATION**

**BOARD AGENDA ITEM**

**DATE:** May 18, 2021  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Aracely Chastain, Director, Charter Schools  
**SUBJECT:** Board Action - Tomorrow's Leadership Collaborative Charter School Material Revisions

Item: Charter Schools #17  
June 2, 2021  
[X] Mailed [ ] Distributed at meeting



---

**DESCRIPTION:**

Tomorrow's Leadership Collaborative Charter School serves students in grades transitional kindergarten through grade six within the boundaries of Orange Unified School District. On April 7, 2021, Tomorrow's Leadership Collaborative Charter School submitted material revisions to add an additional school facility effective the 2021-22 academic year and to amend the school's governing board bylaws to align with current law. A public hearing was held on May 5, 2021.

---

**RECOMMENDATION:**


Orange County Department of Education staff recommend that the Orange County Board of Education approve Tomorrow's Leadership Collaborative Charter School's requested material revisions to add a location to the school's charter, beginning in the 2021-2022 academic year, and approve the amendments to the school's governing board bylaws.



**ORANGE COUNTY BOARD OF EDUCATION**

**BOARD AGENDA ITEM**

**DATE:** May 18, 2021  
**TO:** Nina Boyd, Associate Superintendent  
**FROM:** Aracely Chastain, Director, Charter Schools  
**SUBJECT:** Public Hearing – Samueli Academy Material Revision

Item: Charter Schools #18  
June 2, 2021  
☒ Mailed    ☐ Distributed at meeting  


---

**DESCRIPTION:**

Samueli Academy is a 7-12 grade countywide benefit charter school located within the boundaries of the Garden Grove Unified School District. On May 14, 2021, Samueli Academy submitted a material revision to change the school's enrollment preferences in order to continue to qualify for SB 740 Charter School Facility Grants and Funding.

---

**RECOMMENDATION:**

Per California Education Code, on June 2, 2021, Orange County Board of Education shall hold a public hearing on the provisions of the Samueli Academy amended charter petition to consider the level of support for the material revision.

Item: Board Recommendations #19  
June 2, 2021  
☒ Mailed    ☐ Distributed at meeting



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: April 28, 2021  
TO: Nina Boyd, Associate Superintendent  
FROM: Ken L. Williams, D.O., Board President  
SUBJECT: Resolution – Oppose AB 1316

---

RECOMMENDATION:

Board action in opposition to AB 1316.

Resolution-Oppose AB 1316  
June 2, 2021

Whereas, AB 1316 is an 88 page bill that contains problematic provisions negatively impacting California's public charter schools. AB 1316 has been introduced in the state Assembly by Assemblyman Patrick O'Donnell (D-Long Beach), and with its potential passage and governor's signature making it law, this bill would cause numerous onerous restrictions and excessive costs on California's public charter schools; and

Whereas, AB 1316 is supported and advanced by the California Teachers Association. This bill imposes and triples the current cap on authorizer administrative and oversight fees, prescriptive minimum daily instructional minutes laws, related auditing and high-stakes financial penalties; and

Whereas, AB 1316 dramatically expands annual finance and compliance audit, procedures, requirements, report contents, schedules, and disclosures for charter schools; and

Whereas, AB 1316 expands audit requirements for related entities and mandates consolidation of auditing for related entity organizations with material financial relationships to a charter school (likely targeting CMO "central offices," facilities support, "friends of" fundraising organizations, etc.); and

Whereas, AB 1316 eliminates authority to operate year-round, multitrack instructional calendars; and

Whereas, AB 1316 requires charter schools to report compliant financial data in the same format as school districts, thereby mandating implementation of complex and costly accounting software, systems, and practices; and

Whereas, AB 1316 mandates all teaching staff be employed by the school, thereby presumably prohibiting procuring teaching and special education services from other agencies, school districts, and/or county offices; and

Whereas, AB 1316 imposes complex public sector competitive bidding and contracting requirements on all charter schools; and

Whereas, AB 1316 for non-classroom-based Charter Schools cuts funding for most non-classroom-based schools by 30 percent using an inflexible sliding scale, replacing most of the current "funding determination" laws without regard to a charter school's efficiency and limited financial resources; and

Whereas, AB 1316 for non-classroom-based Charter Schools requires all non-classroom-based schools to also offer a full, classroom-based program; and

Whereas, AB 1316 for non-classroom-based Charter Schools prohibits funding for students who reside out of a charter school's home county or school district; and

Resolution-Oppose AB 1316  
June 2, 2021

Whereas, AB 1316 for non-classroom-based Charter Schools requires supervising teachers to have in-person or live visual/audio contact with students at least once every third day, and imposes a myriad of additional responsibilities and administration requirements on supervising teachers; and

Whereas, AB 1316 for non-classroom-based Charter Schools requires proctoring (presumably in-person) of all annual summative tests; and

Whereas, AB 1316 for non-classroom-based Charter Schools prohibits average daily attendance during days dedicated to education based- enrichment activities; and

Whereas, AB 1316 for non-classroom-based Charter Schools caps the size of charter schools a given district may authorize based on a sliding scale, thereby capping growth permanently in many districts; and

Whereas, AB 1316 for non-classroom-based Charter Schools expands the scope of mandated, board-adopted independent study policies and related written independent study agreements to include a long list of new items and restrictions; and

Therefore, the OCBE opposes Assembly Bill 1316 because it weakens California's public charter schools and negatively impacts the families and children they educate and serve. The board strongly opposes AB 1316 because of its imposition of devastating restrictions and additional costs on California's public charter schools.

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, **Ken L. Williams, D.O.**, President, Board of Education of Orange County, California hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 2<sup>nd</sup> day of June 2021.

**IN WITNESS THEREOF**, I have hereunto set my hand and seal this 2<sup>nd</sup> day of June 2021.

---

Ken L. Williams, Jr., D.O.,  
President of Orange County Board of Education

Item: Board Recommendations #20  
June 2, 2021  
☒ Mailed    ☐ Distributed at meeting

MB

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: June 2, 2021  
TO: Nina Boyd, Associate Superintendent  
FROM: Ken L. Williams, D.O., Board President  
SUBJECT: Redistricting Contract

---

BACKGROUND:

RECOMMENDATION:

Board action on Redistricting contract

# AGREEMENT FOR DEMOGRAPHIC SERVICES

## I. PARTIES.

The Parties to this agreement are National Demographics Corporation ("NDC"), P.O. Box 5271, Glendale, CA 91221, and the Orange County Board of Education ("the Client"), located at 200 Kalmus Dr, Costa Mesa, CA 92626.

## II. SCOPE OF WORK AND FEES.

A. NDC shall provide to the client the GIS/demographic services ("Services") identified in the attached proposal (the "Proposal") that the Client directs NDC to undertake.

B. The estimated commencement date for the Services is upon execution of this Agreement.

## III. BILLING.

NDC shall submit monthly invoices to the Client. NDC will bill Client monthly for all fees and expenses incurred in connection with the Services during the preceding billing period. Payments will be made by Client within fifteen (30) working days of Client's receipt of the invoice.

## IV. CONFIDENTIALITY.

A. NDC understands that in connection with the Services, the Client may deliver to NDC proprietary or confidential information. At all times, both during this Agreement and after its termination, NDC will protect such confidential information from unauthorized dissemination and use and shall not disclose any confidential information or the results of its study without the prior written consent of the Client. NDC may use such confidential information solely for the purpose of performing the Services under this Agreement and for no other purpose.

B. NDC agrees that immediately upon the Client's request, and in any event upon completion of the Services, NDC shall deliver to the Client any confidential information and all copies, derivatives, and extracts thereof.

## V. TERMINATION.

The Client may terminate this Agreement at any time, with or without cause, by giving written notice to NDC, and such termination will be effective upon NDC's receipt of such written notice. In the event of such termination, the Client will be obligated to pay NDC any outstanding fees due under this Agreement, only for such Services actually completed by NDC and reasonably acceptable to the Client as of the effective date of termination.

## IV. INDEPENDENT CONTRACTOR.

A. NDC is an independent contractor and is solely responsible for all taxes, withholdings, and other similar statutory obligations, and NDC agrees to defend, indemnify and hold the Client harmless from any and all claims made by any entity on account of an alleged failure by NDC to satisfy any such tax or withholding obligations.

B. NDC has no authority to act on behalf of or to enter into any contract, incur any liability or make any representation on behalf of the Client.

C. NDC will supply all tools and equipment necessary to perform the Services except as otherwise stated in the Proposal.

D. NDC is not required to report to work at the offices of the Client during any particular work hours.

\_\_\_\_\_  
Douglas Johnson  
President, National Demographics Corporation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Orange County Board of Education

\_\_\_\_\_  
Date



A Proposal to  
Orange County Board of Education  
for Demographic Services

By National Demographics Corporation  
Douglas Johnson, President

April 25, 2021



National Demographics Corporation

April 25, 2021

Ken L. Williams, Jr., D.O.  
President  
Orange County Board of Education  
200 Kalmus Drive  
Costa Mesa, CA 92626

Dear President Williams,

Thank you for the opportunity to provide this proposal to County Board of Education. NDC has more than 40 years of experience districting and redistricting hundreds of cities, school districts and other local jurisdictions across California, including numerous cities and school districts across Orange County (a full client list is available at [www.ndcresearch.com/clients/](http://www.ndcresearch.com/clients/)). We welcome the opportunity to bring the firm's expertise and skills to assist the Board.

For each project, there are certain required basic elements, and there are several options that the Board can include or leave out at its option. NDC carefully tailors each project to the needs and goals of the individual client partner. NDC also welcomes the opportunity to work with our clients to encourage public participation in this process, as we offer several tools developed specifically for public engagement in districting and redistricting.

The attached proposal consists of a brief introduction; specific proposed project elements and options; timeline and cost information; conclusion; and signature section. NDC looks forward to working with you on this effort. Please call or email anytime if you have any questions, concerns, or requests regarding this proposal.

Sincerely,

Douglas Johnson  
President





## Table of Contents

Brief History of National Demographics Corporation .....	3
Company Philosophy .....	4
Professionalism .....	4
Partnership .....	4
Local Leadership and NDC's Non-Partisan Approach.....	4
Openness.....	5
Public Engagement.....	5
Project Software .....	6
NDC Approach to Public Engagement.....	6
The Three E's of Public Participation: Engage, Educate, and Empower	6
Sample Public Participation Mapping Tool.....	7
Sample Online Mapping Tool .....	8
Sample NDC "Interactive Review Map" .....	8
The NDC Team.....	9
NDC Current Organization Chart.....	9
Recognition of NDC's Expertise.....	10
NDC Testimonials .....	14
Impeccable References .....	16
Summary Scope of Work .....	17
Detailed Project Scope of Work .....	17
Details of Optional Project Elements .....	20
Advisory or Independent Redistricting Commissions.....	20
Outreach Assistance.....	20
Project Website .....	20
Background on Online Mapping Tool Options .....	21
Paper- and Excel-based Public Mapping Tools .....	24
Project Pricing.....	25
Other Potential Project-Related Expenses: .....	26
Additional Analysis.....	26
Requested Payment terms: .....	26
Exception: "Still Balanced" Jurisdictions.....	27
Conclusion.....	28
Proposal Acceptance.....	29
Resumes of NDC President Dr. Douglas Johnson and Vice President Dr. Justin Levitt.....	30



## National Demographics Corporation



### Brief History of National Demographics Corporation

NDC has served hundreds of local governments since our founding in 1979. While most of NDC's work is in California and Arizona, the firm has performed projects in all regions of the country, serving clients as varied as the States of Mississippi, Arizona, Florida and Illinois; Clark County (Nevada); the California counties of Merced, San Bernardino, and San Diego; the San Diego Unified School District; the City of Oakland; Yuma County (Arizona); the Arizona cities of Glendale, Mesa, Peoria, Phoenix, and Surprise; and relatively smaller jurisdictions such as the City of Bradbury and Clay Elementary School District.

The company is especially well known for its districting and redistricting work with local governments. NDC has established a reputation as the leading demographic expert on the California Voting Rights Act (CVRA), having performed demographic assessments of potential CVRA liability and/or moves to by-district elections for over 350 jurisdictions. No company has been responsible for addressing the electoral demographic needs of more local governments, as NDC has districted and/or redistricted more than 250 counties, school districts, cities, water districts, and other local jurisdictions.

Nationally recognized as a pioneer in good government districting and redistricting, NDC has unmatched expertise in the issues, questions, and decisions jurisdictions face in any discussion regarding districting, redistricting, the California and Federal Voting Rights Act and related election system choices.







## Company Philosophy

### Professionalism

NDC's personnel are nationally recognized as leaders in the districting field and are responsible for numerous books and articles on the subject. NDC possesses all the hardware and software necessary to meet the districting and redistricting needs of any jurisdiction, and its personnel have unmatched experience in the line-drawing side of this work, as well as in developing the databases used for these purposes. But more important are the firm's interpersonal skills and the team's understanding of the perspective of all parties in this process.

### Partnership

In recognition of the vital role these groups play in informing and assisting their members, NDC is a sponsor of the California League of Cities, the California Special Districts Association, and we are currently finalizing our sponsorship of the California School Boards Association and the California Association of Counties.

For years, NDC has frequently appeared on panels organized by these organizations to share information with their members about the California Voting Rights Act, the Census, and the districting and redistricting rules and process.

NDC also assists the League of Cities and CSBA with negotiations and suggested language for legislation on districting/redistricting and the California Voting Rights Act.

### Local Leadership and NDC's Non-Partisan Approach

NDC is an advisor and technical resource. The firm's role is to assist our clients in implementing our clients' goals and directions within the complicated demographic and legal constraints of the project. NDC shares its experience and expertise, but the final plan is selected by the jurisdiction's elected leaders, not NDC. The firm is sometimes criticized, usually by people from outside of the client jurisdiction, for not acting as an advocate or proselytizer for what these outsiders think is "right" for the client. But NDC team members are expert advisors, not proselytizers. NDC guides our clients through the process to a map that meets all legal requirements and the goals of our client – not the goals of outside critics. NDC welcomes the chance to assist each client through this process following the direction of the jurisdiction's elected leadership, key staff members, and the entire community.



## National Demographics Corporation

A common question in many redistricting projects is whether there is any influence of any improper political bias on the process. NDC's four decades of success working for jurisdictions with all-Democratic leadership, jurisdictions with all-Republican leadership, and every possible combination in between, reflects our steadfast dedication to non-partisan service. At work, each of us puts our personal political feelings aside and focuses on implementing the policy goals and directions of our clients using NDC's non-partisan, professional and expert guidance regarding the requirements and options facing each client. We believe most of our clients would be hard-pressed to guess which NDC team members are registered as independents or with any political party, and we are proud to have satisfied customers and clients whose partisan leanings (even in their non-partisan local government offices) similarly cross the entire partisan spectrum.

### **Openness**

Any change in election systems can have momentous implications for the distribution of political power in a jurisdiction and for access by groups and individuals to the governance process. Not surprisingly, such changes often attract considerable public attention, sometimes generate intense controversy, and may draw charges of manipulation and abuse of power. It is crucial, therefore, that the jurisdiction establish, at the beginning, a process that is not only fair, but that is seen to be fair, to all contending groups and individuals.

### **Public Engagement**

NDC pioneered the "transparent districting" approach that involves the public at every stage of the process and the company invented the "public participation kit" back in 1990. But NDC's most valuable service is the firm's experience transforming often contentious and passionate debates into thoughtful, constructive discussions focused on the options and outcomes rather than individual personalities. NDC also has considerable experience working with translators in public forums and providing materials in English and Spanish.

NDC's approach has been widely praised in the media, and NDC has worked extensively with all types of press including radio, television, newspaper, and new media.



### Project Software

NDC uses Caliper Corporation's Maptitude for Redistricting software for processing public map submissions and drawing NDC's draft maps and Board-directed revisions. Maptitude for Redistricting can open and use the standard "Shapefile" and "File Geodatabase" GIS data formats, and Maptitude for Redistricting can export all files to "Shapefile" and "File Geodatabase" formats.

NDC uses ESRI's ArcGIS Online to present those maps for Board, Staff and Public review in an easy-to-use, interactive format. NDC also uses ArcGIS Pro for some specialized Geographic Information System (GIS) analysis; for opening and reviewing data received from clients or from other jurisdictions; and when needed for final map post-adoption processing for delivery to the jurisdiction and to the County Registrar. Microsoft PowerPoint is also used for many presentations, though NDC is currently experimenting with a possible move to ESRI's "Story Maps" for some presentations.

### NDC Approach to Public Engagement

#### The Three E's of Public Participation: Engage, Educate, and Empower

NDC's "Three E's" approach recognizes the complex and daunting nature of districting and redistricting projects, while emphasizing the importance of public participation in such projects.

Given the complexity of the issue, the public cannot be expected to jump in with constructive ideas and input without encouragement. So NDC's approach begins with the first "E": **Engage**. NDC works with our clients to get the word out about why the project matters – and how input from residents can be a decisive element of the project.

Once their interest is engaged, the second "E" is **Educate**. Most media coverage of this topic focuses on congressional gerrymandering, giving the entire field a tainted and hopeless feel. NDC works with our clients to explain how local districting and redistricting is based on neighborhoods and communities – not national politics. We educate the public on the data, requirements and goals of redistricting, and on the many options residents have to formulate and share their own maps or other constructive input.

The third "E" is **Empower**. For those projects where the level of public interest and engagement justify the expense, NDC offers an unmatched array of paper, Excel-based, and online mapping tools that residents can use to draw detailed, population-balanced maps for consideration by the jurisdiction.

When included in a project, NDC has seen considerable public interest in these optional public participation tools. Often five, ten or even twenty or thirty draft maps are proposed by community residents. And NDC developed a highly refined and proven methodology for efficiently guiding our clients through selecting and refining a map, even when starting from 10, 20, 30 or more initial draft maps.

For those jurisdictions where the expense of the optional mapping tools is too high, NDC always welcomes any letters, comments, or hand-drawn maps that residents wish to submit during the districting or redistricting process.

For every project, at no extra expense, NDC includes an online “interactive review map” that allows residents to analyze draft maps zooming in and out, searching for specific addresses, and by changing between street maps, satellite images, and other underlying base maps.

Samples of these tools are shown on the following pages, and additional details on each of them appears later in this proposal.

### Sample Public Participation Mapping Tool

#### Public Participation Kit

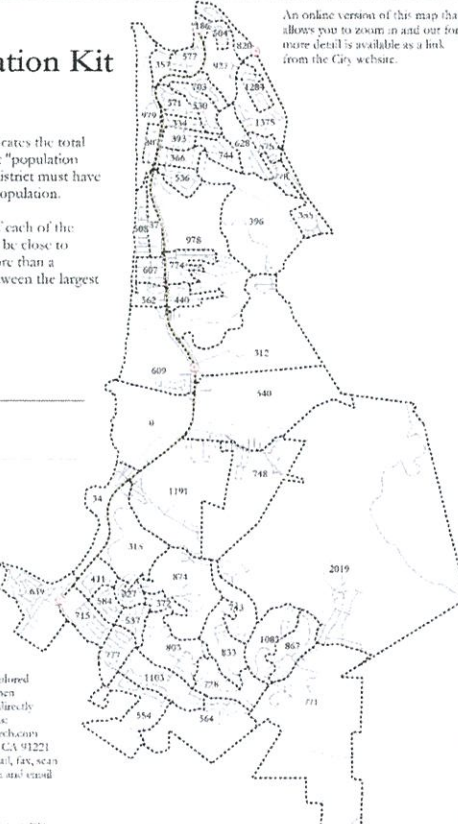
Each number indicates the total population of that "population unit" area. Each district must have essentially equal population.

The population of each of the five districts must be close to 7,447, with no more than a 745 difference between the largest and smallest.

Name: \_\_\_\_\_

Phone or email: \_\_\_\_\_

Please use a thick dark colored pen to draw your map, then submit it at City Hall or directly to our project consultants:  
 Submission@NDCresearch.com  
 PO Box 5271, Glendale, CA 91221  
 You can hand-deliver, mail, fax, scan and email or photograph and email your map.



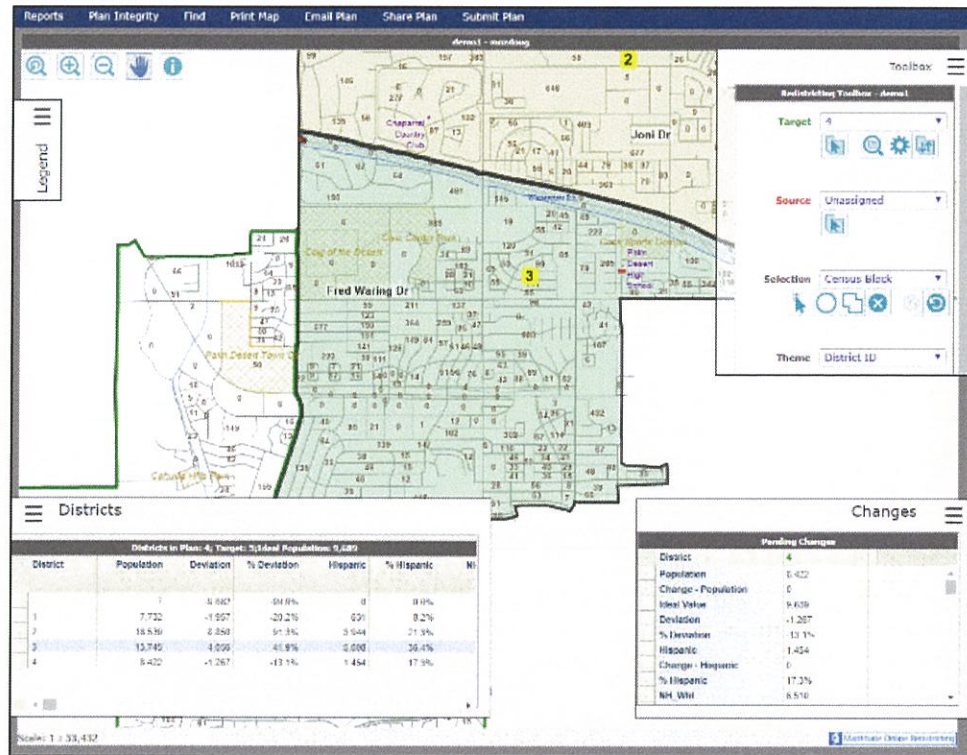
An online version of this map that allows you to zoom in and out for more detail is available as a link from the City website.

Source: Demographic Systems, 2000

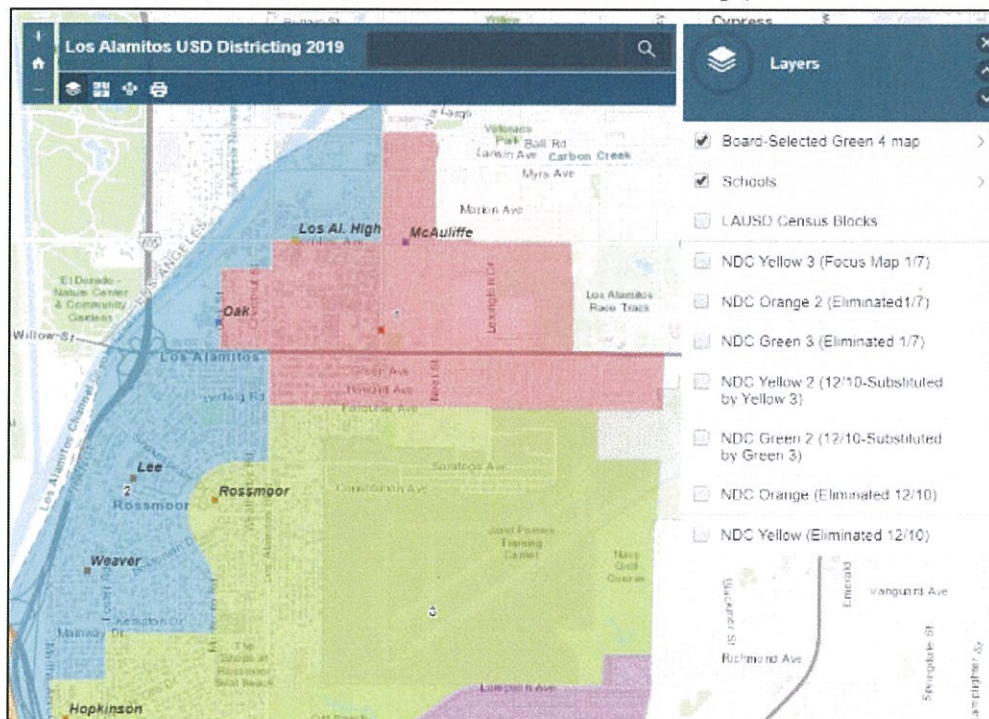
#2910 CAL/PER



## Sample Online Mapping Tool



## Sample NDC “Interactive Review Map” (used to view and evaluate, not to draw, maps)





## The NDC Team

NDC's 40 years of service to local governments is grounded in our academic founding and decades of professional relationships with all forms of local governments. Each NDC team member has been extensively trained in the legal requirements, demographic details, and complicated personal and community interests involved in every districting and redistricting project. And every NDC team member has been briefed on the wide range of unusual and bizarre challenges NDC has encountered over our more than 250 successfully completed local government projects. Whatever question or situation arises, your NDC team can handle it.

NDC President Dr. Douglas Johnson leads all team training and closely monitors the progress of every client project. NDC President Dr. Johnson and Vice President Dr. Levitt are always available to all clients, and typically are personally involved whenever particularly unusual or complex situations arise. And each NDC project has an NDC Consultant or Senior Consultant as a primary point of contact to ensure seamless information flows and continuity. All NDC project leaders are a fully trained Consultants or Senior Consultants with years of experience working with local government elected leadership and top staff members. Each NDC team leader brings their personal expertise in demographics, city governance, school district governance and/or special district management to every project. And each team leader has particular expertise and focus in specific geographic areas. All team members resumes are available on [www.ndcresearch.com/about-us/](http://www.ndcresearch.com/about-us/).

### NDC Current Organization Chart

<b>NDC President</b>	Douglas Johnson, Ph.D.
<b>NDC Vice President</b>	Justin Levitt, Ph.D.
<b>Senior Consultants</b>	Shalice Tilton Robert McEntire, Ed.D. Jeff Tilton, Ed.D.
<b>Consultants</b>	Kristen Parks Daniel Phillips, Ph.D. Shannon Kelly Jeff Simonetti Todd Tatum Ivy Beller Sakansky Douglas Yoakam
<b>Records Manager</b>	Michele Lewis





## Recognition of NDC's Expertise

Both national and local organizations have recognized NDC's unmatched experience and expertise in the Census, districting, and redistricting.

### National Recognition

Nationally, the National Conference of State Legislatures hosted NDC as a panelist at five different forums held for state legislators and legislative staff from across the country. NDC President Douglas Johnson addressed these forums on the following topics:

1. *Citizen Voting Age Data from a line-drawer's viewpoint*
2. *Communities of Interest in Redistricting: A key to drawing 2011 plans (and for their defense)*
3. *The Key to Successful Redistricting*
4. *Communities of Interest In Redistricting: A Practical Guide*
5. *The Arizona Independent Redistricting Commissions' experiences with the first-ever independent redistricting*

In addition:

- The National League of Women Voters hosted NDC President Douglas Johnson at a 2006 conference on "Building a National Redistricting Reform Movement,"
- Texas Tech University hosted Dr. Johnson as a panelist at its "Symposium on Redistricting;"
- The Arizona League of Cities and Towns hosted Dr. Johnson as a panelist on "Redistricting Law and the Voting Rights Act: What It Means for Your City or Town in 2011" and
- The Arizona Bar Association hosted Dr. Johnson as a panelist on "Communities of interest and technology in redistricting."

### California League of Cities Recognition

The California League of Cities hosted NDC as panelists over a dozen times to date:

General Meeting panel: 2006 and 2015

Executive Forum panel: 2018 and 2020

City Clerk Department panel: 2014, 2017, 2018, twice in 2019, and 2020

City Manager Department panel: 2015 and 2019

City Attorney Department panel: 2018



## National Demographics Corporation

Inland Empire Chapter presentation: 2016

South Bay Chapter presentation: 2020 and 2021

### Recognition by Additional California Organizations

Other California organizations and conferences since 2011 recognizing NDC's expertise in this field include:

2020	California County Counsel Assoc.	2021 Redistricting - What Local Government Attorneys Need to Know
2020	"Voice of San Diego" Politifest	Redistricting--What it means for our community
2020	County Committee Secretaries Annual Summit	The California Voting Rights Act
2020	Rose Institute of State and Local Government	2021 Redistricting: New Rules for California Local Governments
2020	California Special Districts Association	California Voting Rights Act Challenge Factors
2020	Associated Cities of California – Orange County	2021 Redistricting: The Rules have Changed
2020	California Municipal Law Conference	Municipal Redistricting in 2021: New Rules of the Road
2019	California Association of School Business Officials	Transitioning to By-Trustee-Areas Elections
2019	USC City/County Fellowship Program	The Challenges of Municipal Election Districts
2019	California Special Districts Association	District Elections and the California Voting Rights Act
2018	California Special Districts Association	Converting From At-Large to By-District Elections Under the California Voting Rights Act
2018	Riverside County Bar Assoc.	Redistricting and the California Voting Rights Act
2018	California School Board Assoc.	Voter Districts: The Link Between Strong Community Engagement and a Successful Process





## National Demographics Corporation

2017	California School Board Assoc.	15 Years with the California Voting Rights Act: Lessons Learned and Challenges Ahead
2017	UC's National Public Service Law Conference	Moderator, "Voting Rights 101"
2016	Los Angeles County School Business Officials	CVRA: What CBO's Need to Know
2016	Los Angeles County School Trustees Assoc.	The CVRA: What School Board Members Need to Know
2015	Associated Cities of California – Orange County	The California Voting Rights Act
2015	California School Board Assoc.	The California Voting Rights Act: What Board Members Must Know
2015	Los Angeles County School Boards Assoc.	CVRA & Districting: The Demographer's Perspective
2011	Channel Cities Club	Lunch Keynote: "California's next experiment: independent, public redistricting"

### Advisor to Charter Review Commissions on Redistricting Provisions

NDC advised the following groups on the redistricting and voting rights provisions of their charter revisions and ordinances:

2016	City of El Cajon charter revision and public education outreach
2015/16	Castaic Lake Water Agency and Newhall County Water District merger
2015/16	City of Corona Charter Revision
2011/12	Pasadena Unified advisor to Charter Revision Commission creating a redistricting commission and moving District to by-district elections
2009/10	City of Menifee advisor to by-district-elections ordinance language committee
2006-08	City of Modesto advisor to Charter Revision Commission creating an independent redistricting commission and public education outreach
2003	City of Goleta ordinance writing and public education outreach



## National Demographics Corporation

### Expert Witness and Litigation Consultant

NDC President Douglas Johnson served as an expert witness in the following election and redistricting law cases:

2020	Chestnut v Merrill (Alabama)
2019	City of Redondo Beach vs State of California
2019	Ruiz-Lozito vs West Contra Costa Unified School District
2019	Common Cause v Lewis (North Carolina)
2018	Phillip Randolph Institute v Smith (Ohio)
2018	League et al. v. Johnson (Michigan)
2017	Luna v County of Kern
2018	Covington v State of North Carolina
2016	Garrett v City of Highland
2015	Jamarillo v City of Fullerton
2015	Harris vs Arizona Independent Redistricting Commission
2015	Solis v Santa Clarita Community College District
2015	Jauregui et al vs City of Palmdale
2014	Diego v City of Whittier

NDC Staff also served as litigation consultants for jurisdictions in the following California Voting Rights Act cases:

1. Anaheim
2. Carson
3. Compton
4. Escondido
5. Modesto
6. Poway
7. Santa Clarita
8. Whittier
9. Santa Clarita Community College District
10. Tulare Health Care District



## NDC Testimonials

Here is a sampling of what people have to say about NDC:

*“Our decision to work with National Demographics came out of our extraordinary city-wide success in 2015 with their work designing the original districts. I think anyone who participated in that process realized that the technical solutions they created opened access to literally dozens of people creating their own maps and it created a vibrant process.”*

Santa Barbara City Attorney Ariel Calonne

*“Here's a great expert. . . . today you bring him in for what sounds like good information, very smart man up here.”*

United States Fourth District Court Judge James A Wynn, Covington v North Carolina, United States District Court for the Middle District of North Carolina, Case No. 1:15CV399

*“I have worked on Congressional, Legislative, Los Angeles County and Los Angeles City redistricting maps on behalf of the Latino Caucus and grassroots Latino organizations for over 30 years. Douglas Johnson is one of the top redistricting experts in California, and he is who I would pick to draw a map for me anywhere in the state.”*

Alan Clayton, retired Executive Director of the Los Angeles County Chicano Employees Association

*“The excel spreadsheet is a fantastic tool. Just plug in the letter by district and on the tab see a running total of population by assigned district. It's cool.”*

Modesto resident's comment, June 16, 2008

*“One of the first, and in retrospect one of the best, decisions made by our commission was to hire Douglas Johnson and his colleagues at National Demographics Corporation as our primary consultants. I have never had the opportunity to work with a more highly qualified, hard-working, dedicated, professional and classy individual or group than Mr. Johnson and his associates at NDC.”*

Jim Huntwork, Arizona Independent Redistricting Commissioner (Republican)



## National Demographics Corporation

*“In addition to his technical expertise, Doug had a keen sense of how to help us navigate the complexities of the process. He understands redistricting better than any person I know. He has a unique ability to synthesize that which is very complicated and make it very understandable for the public. He frequently would present various options, without representing any position, clearly delineating differences and challenges of each option in a clear and succinct manner.”*

Josh Hall, Arizona Independent Redistricting Commissioner (Democrat)

*“It was a great pleasure to work with Doug Johnson and NDC during the first Independent redistricting effort in Arizona. Doug and his staff were professional, efficient, responsive, and even-handed. They listened very carefully to the instructions given by the commission and performed each mapping task without bias of any kind. I would highly recommend NDC to any jurisdiction, or commission, wishing to have a successful redistricting process.”*

Steven W. Lynn, Chair, Arizona Independent Redistricting Commission (Independent)

*“Thank you for all of your hard work, assistance, and patience with me during this year of CVRA conversion to by-area trustee elections. Your continual reassurance and support in dealing with all of the details was sincerely appreciated. We all have jobs to do, but when working with all of you I felt that you always went the extra mile to support our District with excellent customer service. The multiple revisions, extra conference calls, and follow up suggestions made a difference to Scott, Linda, and me. I personally enjoyed joking around with each of you while remaining professional in all presentations. It was a pleasure working with all of you. “*

Jennifer Williams, Ed. D., Fullerton Joint Union High School District,  
Executive Director Administrative Services

*“Thank you for taking time out of your busy schedule to participate in the City Official Roundtable I hosted on the 2020 U.S. Census at the Redondo Beach Performing Arts Center. I appreciate that you shared your expertise on the Census to the government officials who were present. It is critical that we work together to ensure that everyone is counted in the upcoming Census.”*

Ted W. Lieu, Member of Congress, California 33<sup>rd</sup> District.





## Impeccable References

All of NDC's former clients – without exception – can be contacted for references. The following is only a sample of references:

Mr. Graham Mitchell. City Manager. City of El Cajon. 200 Civic Center Way. El Cajon. CA 92020. (619) 441-1716. [GMitchell@cityofelcajon.us](mailto:GMitchell@cityofelcajon.us).

Mr. Jason Stilwell. City Manager. City of Santa Maria. 110 E. Cook Street. Santa Maria. CA 93454-5190. (805) 925-0951 ext. 2200. [jstilwell@cityofsantamaria.org](mailto:jstilwell@cityofsantamaria.org).

Mr. Marcus Walton. Communications Director. West Contra Costa Unified. 1108 Bissell Ave., Room 211-215. Richmond, CA 94801. 510-205-3092. [mwalton@wccusd.net](mailto:mwalton@wccusd.net).

Mr. Jonathan Vasquez. Superintendent. Los Nietos School District. 8324 S. Westman Ave., Whittier, CA 90606. (562) 692-0271 Ext. 3212 [jonathan\\_vasquez@lnsd.net](mailto:jonathan_vasquez@lnsd.net).

Ms. Jennifer Fitzgerald, Mayor, City of Fullerton. 303 W. Commonwealth Avenue. Fullerton, CA 92832. (714) 402-3106. [jennifer@curtpringle.com](mailto:jennifer@curtpringle.com).

Mr. James Atencio. Assistant City Attorney. City of Richmond. 450 Civic Center Plaza. Richmond, CA 94804. 510-620-6509. [James\\_Atencio@ci.richmond.ca.us](mailto:James_Atencio@ci.richmond.ca.us).

Ms. Isabel Montenegro. Administrative Assistant. Inglewood Unified. 401 South Inglewood Avenue, Inglewood, CA 90301. 310-419-2799. [imontenegro@inglewood.k12.ca.us](mailto:imontenegro@inglewood.k12.ca.us).

Ms. Pam Abel. Superintendent. Modesto City Schools. 426 Locust Street. Modesto. CA 95351-2631. (209) 574-1616. [able.p@mcs4kids.com](mailto:able.p@mcs4kids.com).

Mr. Darrell Talbert. City Manager. City of Corona. 400 S Vicentia Avenue. Corona. CA 92882-2187. 951.279.3670. [Darrell.Talbert@ci.corona.ca.us](mailto:Darrell.Talbert@ci.corona.ca.us).

Mr. David Silberman. Deputy County Counsel. San Mateo County. 400 County Center. 6th Floor. Redwood City. CA 94063. 650-363-4749 [dsilberman@smcgov.org](mailto:dsilberman@smcgov.org).

Judge Hugh Rose (retired). Chairman. City of Modesto Districting Commission. 508 King Richard Lane. Modesto. CA 95350. Phone (209) 522-0719. Email: [hhrose@hotmail.com](mailto:hhrose@hotmail.com).

Ms. Lucinda Aja. City Clerk, City of Buckeye, Arizona. 100 N Apache Rd, Suite A, Buckeye, AZ 85326. Phone (623) 349-6007. Email: [laja@buckeyeaz.gov](mailto:laja@buckeyeaz.gov).

## Summary Scope of Work

NDC tailors each project to the needs and goals of each jurisdictions. Below is a typical NDC-suggested timeline and description of project elements.

The dates provided below are general guidelines and will vary according to the goals, project choices, and deadlines of each jurisdiction.

**This timeline is subject to change based on ongoing changes in the date when official population data will be available and possible changes in state deadlines.**

May – June	Project Planning and decisions on public mapping tools, whether to use a commission, and other project options. Begin project communications and outreach.
June – September	Any mapping tools prepared with preliminary population data; initial pre-draft-map hearing(s) held.
October – November	Census data received and processed; draft maps prepared, considered, and revised (in hearings and, if desired, less formal public workshops)
November – December	Final plan revisions made and plan adopted and implemented.

## Detailed Project Scope of Work

### May – June, 2021: Project Planning and Initial Outreach

- NDC works with the jurisdiction to prepare a detailed project timeline of expected outreach efforts hearings, draft map dates, and final map adoption dates.
- Decide what public mapping tool(s) to provide, if any.
- Create the project website: NDC will provide advice and text for the jurisdiction's website, or as an optional project element NDC will build a project website that the jurisdiction can simply link to from the jurisdiction site.
- NDC will work with jurisdiction and County Registrar staff to confirm GIS boundaries and to identify and include in our redistricting database





## National Demographics Corporation

any available GIS data that NDC and the jurisdiction identify are likely to be useful as mapping references for NDC, the public, and for the jurisdiction.

### **June – September, 2021: Initial Data Analysis and Initial Hearings / Forums**

- e. NDC prepares total population estimates for use any public mapping tools.
- f. NDC adds socio-economic data from the Census Bureau's American Community Survey to the state demographic data.
- g. NDC matches the demographic database to the existing election areas.
- h. NDC prepares a report regarding the demographics and compliance with state and federal criteria of the existing election areas, including maps of "protected class" population concentrations and other socio-economic data often referenced in redistricting (such as income, education levels, children at home, language spoken at home, renters / homeowners, and single-family / multi-family residences).
- i. If the optional public mapping tools and/or Public Participation Kit are included in the project, their use is demonstrated to the public (typically via videos posted on the project website).
- j. If the optional public mapping tools and/or Public Participation Kit are included in the project, NDC provides email and phone support for any residents with questions regarding their use.

### **October – November, 2021: Draft Mapping Time**

- k. 2020 Census total population counts released and California Statewide Database completes "prison adjustments" of the data. Total population counts in mapping tools are updated with the official Census data.
- l. If the existing election areas are in compliance with state and federal rules and balanced, the jurisdiction decides whether to stop at this "Still Balanced" point or to continue with a standard redistricting.
- m. If the existing election areas are in compliance with state and federal rules and close to, but not quite, population balanced, the jurisdiction decides whether conduct only a "Minimal Change" redistricting or to proceed with a full "Standard" redistricting project.





## National Demographics Corporation

- n. The public deadline for submitting any initial draft maps will be approximately seven days prior to the official deadline to post all draft maps online (to provide NDC time to process any draft maps received, and for NDC to develop our own two to four initial draft maps).
- o. NDC processes all public draft map submissions, drafts NDC's draft maps, summarizes all of the draft maps. The maps, related demographics, and summaries are provided by NDC in web-friendly formats. These process maps are posted on the project website and on the NDC-provided interactive review map.
- p. The jurisdiction holds a hearing to review the draft maps, narrow down the list of initial draft maps, and provide direction on any desired new or revised maps.

### **November – December, 2022: Map Adoption**

- q. Any new or revised maps, related demographics, and summaries are posted on the project website.
- r. Final Board meeting(s) to continue the review and refinement of the map(s) and, ultimately, adopt the final map.
- s. Following map adoption, NDC coordinates map implementation with the County Registrar, informing the jurisdiction staff of the progress, any issues, and ultimate completion of that work.

## Details of Optional Project Elements

### Advisory or Independent Redistricting Commissions

NDC anticipates that many California jurisdictions will create advisory or independent commissions to manage the redistricting process. NDC welcomes the use of such commissions, and our pricing does not change for jurisdictions creating commissions. But the creation, training, operation and reporting of such commissions often leads to more meetings (and a resulting increase in the “per meeting” project expenses) than a traditional redistricting process conducted primarily by the jurisdiction’s elected leadership.

### Outreach Assistance

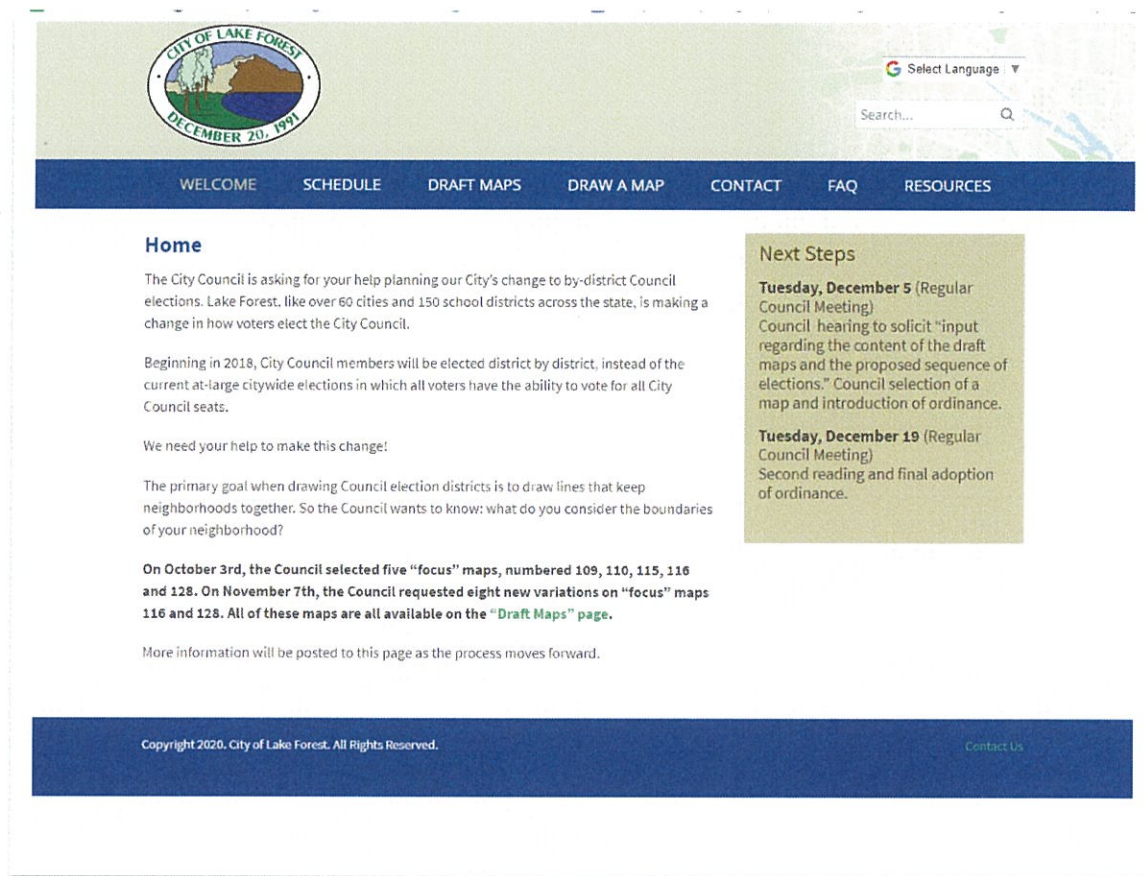
NDC brings topical expertise to your jurisdiction’s outreach efforts, and NDC makes available to all clients our library of sample outreach materials including op-ed articles, postcards, utility bill inserts, flyers, and social media messages. NDC provides all of these materials along with our advice and input on outreach strategy and materials to any interested jurisdiction, but we do not have graphic artists to customize or design such materials in-house.

For larger-scale outreach efforts, especially where jurisdictions wish to send representatives out to regular meetings of existing community organizations, NDC typically works together with a jurisdiction’s in-house communications staff and/or with one or more outreach organizations. We often work with, and highly recommend, Tripepi-Smith, and some information on the services they offer is included at the end of this proposal. And we would be happy to work with any in-house team at the jurisdiction or with any firm or organization the jurisdiction selects. Many projects can be handled by a jurisdiction’s in-house or regular outreach and communications teams (with samples and topic expertise provided by NDC), but a number of jurisdictions seek supplemental outside communications assistance.

### Project Website

NDC provides all project materials in website-friendly formats for posting on the jurisdiction’s website. At no cost, NDC will provide project website samples and website language for use on the jurisdiction’s project website. But for jurisdictions that prefer not to take on the challenge of creating and managing a rapidly-changing project website, NDC will create, host, and update project website (visit to see one such site – though note that site was created prior to passage of the new AB849 requirements).



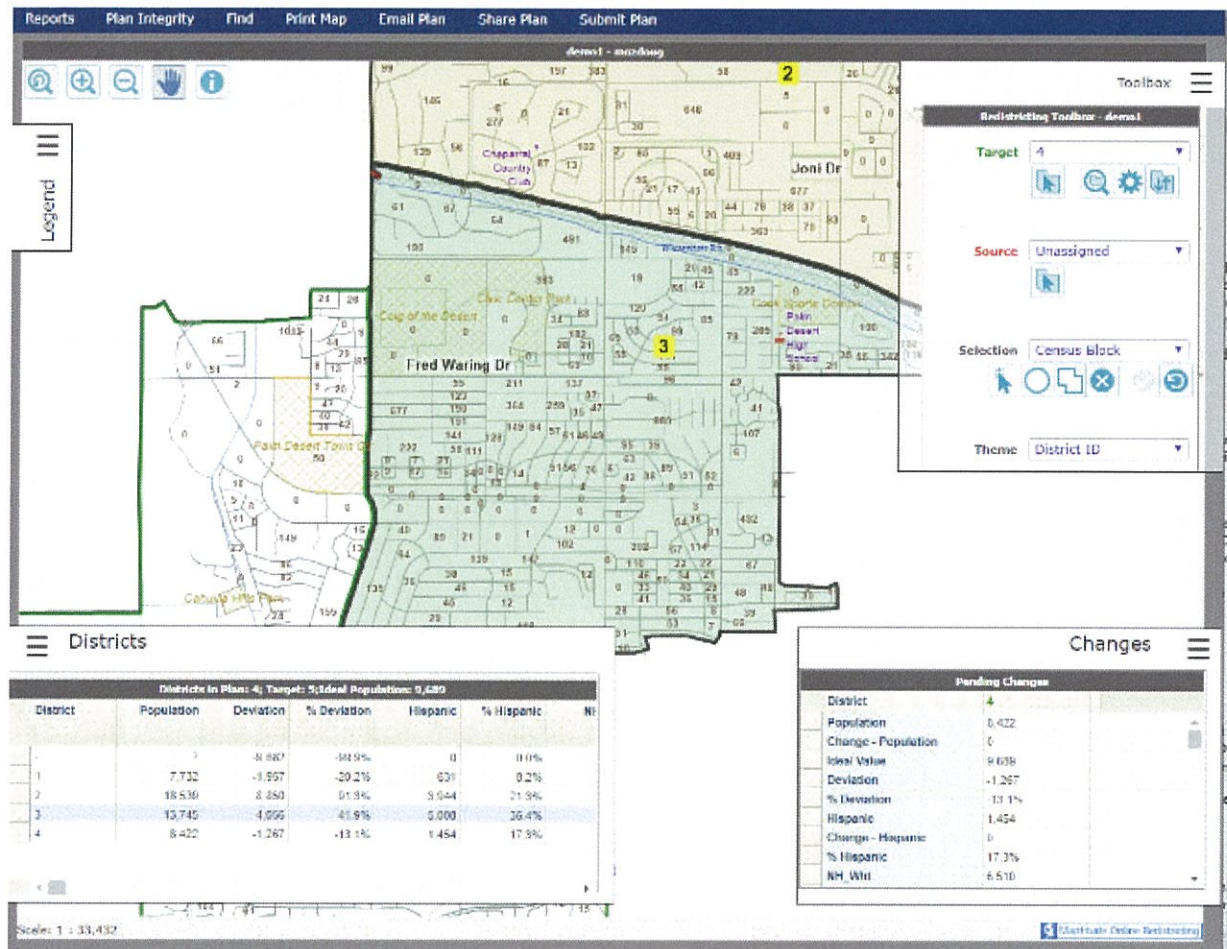


## Background on Online Mapping Tool Options

NDC is the unmatched leader in redistricting tools that empower residents to review draft maps and to develop and submit their own map proposals. NDC is the only firm that has used the online mapping solutions from both ESRI and Caliper Corporation in major redistricting projects.

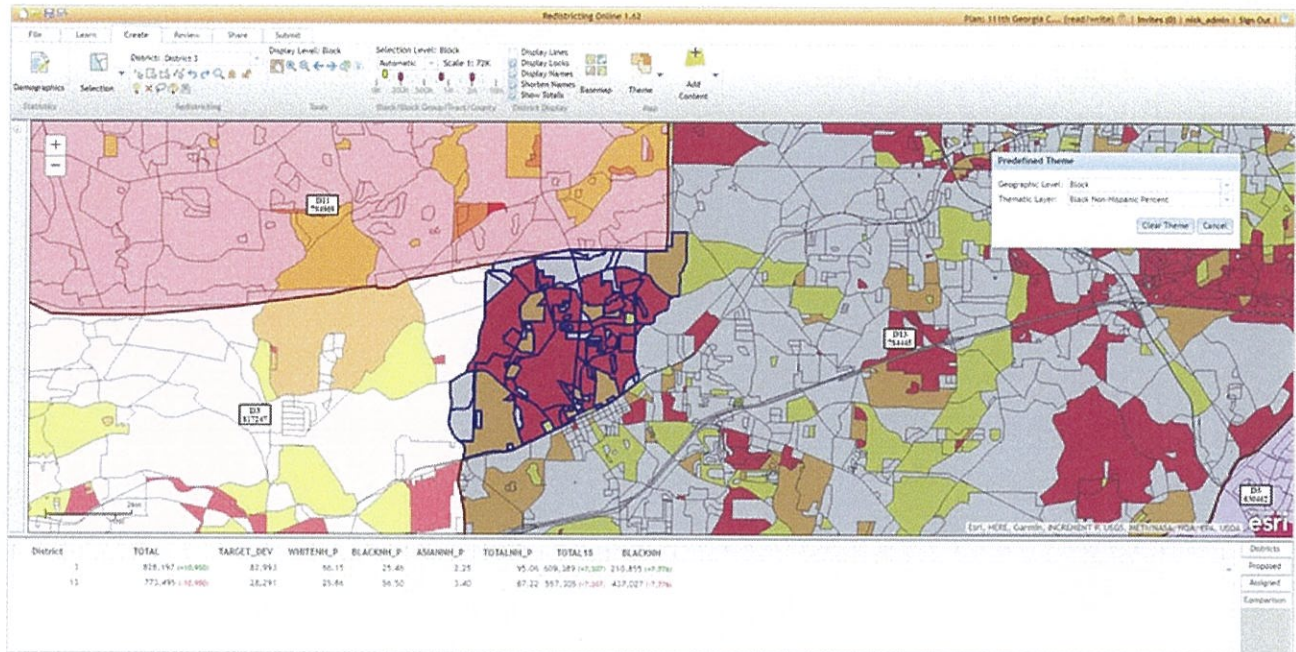
Only NDC has repeatedly trained members of the public, processed public map submissions, and presented the public map proposals to public hearings and commission meetings. NDC's online mapping tool options provide user support, hosting, managing, and processing submitted plans for an online interactive system that allows public to draw and submit proposed maps through a standard web browser.

In the more than 200 California local districting projects between 2012 and 2020, NDC is the only consultant providing clients access to Caliper Corporation's "Mapitude Online Redistricting" tool. Even with the technical challenges arising from such tools' power and flexibility, NDC's training and encouragement frequently results in 10, 20, 30 or more different maps drawn by residents of the school district or city providing that tool to its residents.





The other primary public mapping tool currently on the market is ESRI's online districting tool. While easy to use, the ESRI product costs significantly more. As a result, traditionally only the largest jurisdictions have been able to afford it.



When it is time to start the project, NDC will work with each interested client to determine which, if any, online mapping tool best meets the goals and budget of the jurisdiction.



## Paper- and Excel-based Public Mapping Tools

While online mapping tools are very popular, NDC never forgets those residents who do not have internet access or who simply prefer to not drawing maps online.

At no cost with every online mapping tool, and as a separate option for jurisdictions that for budget or other reasons do not include an online mapping tool, NDC offers our “Public Participation Kit.” Each “Kit” includes two formats.

The first, and most simple, Kit is a one-page map showing streets, city borders, and population counts for NDC-created “Population Unit” geographic areas. Residents draw the map they wish to propose and add up the population counts by hand until they get the right population count in each district. All of the directions needed are right on the single-page form. Examples of these tools, from our work for the City of Lake Forest, are available here: <https://drawlf.org/draw-a-map/>.

The second form of offline mapping tool is for those residents who do not want to deal with an online mapping tool, but who are already comfortable with Microsoft Excel. NDC provides a similar simple one-page map of those same “Population Units,” but this time the map shows the Unit ID number rather than the population count in that Unit. Residents then enter their preferred district assignment for each Population Unit into the pre-formatted Excel spreadsheet (also available on the Lake Forest website), and Excel calculates the total population and demographics of each District. When the resident has the map the way they like it, they simple email in the Excel file.

### Public Participation Kit

Each number indicates the total population of that “population unit” area. Each district must have essentially equal population.

The population of each of the five districts must be close to 7,447, with no more than a 745 difference between the largest and smallest.

Name: \_\_\_\_\_

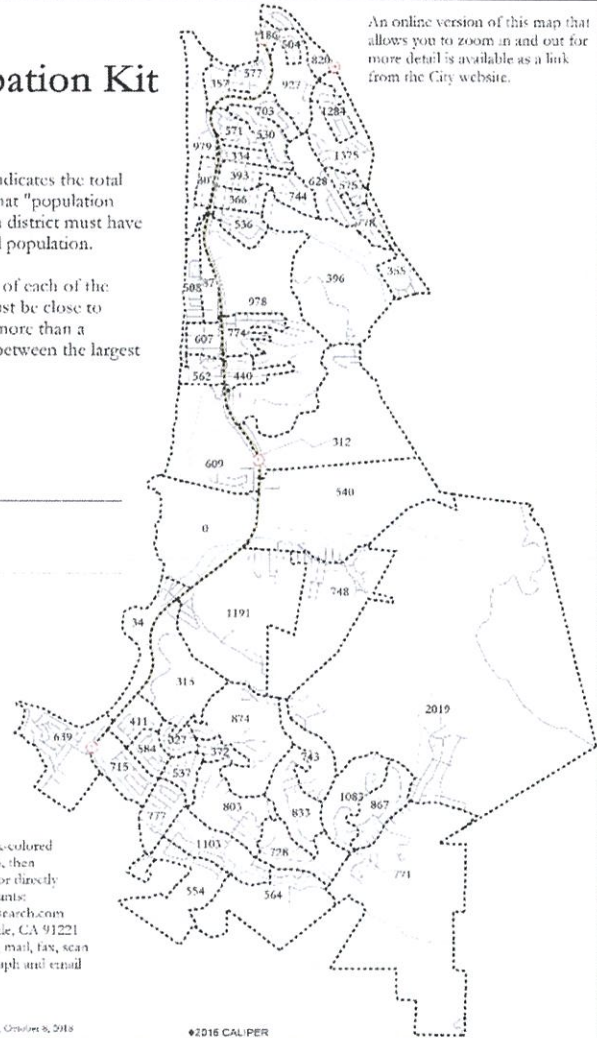
Phone or email: \_\_\_\_\_

Please use a thick dark colored pen to draw your map, then submit it at City Hall or directly to our project consultants:  
Submission@NDCresearch.com  
PO Box 5271, Glendale, CA 91221  
You can hand-deliver, mail, fax, scan and email, or photograph and email your map.

National Demographics Corporation, 2018

#2016 CALIF

An online version of this map that allows you to zoom in and out for more detail is available as a link from the City website.





## Project Pricing

1. **Basic Project Elements** (covers everything except for per-meeting and optional expenses): ..... \$ 36,500

2. **Per-Meeting expense:**

- In-person attendance, per meeting ..... \$ 2,750
- Virtual (telephonic, Zoom, etc.) attendance, per meeting ..... \$ 1,250

For each meeting, NDC will prepare meeting materials, including presentation materials and maps; present and explain key concepts, including mandatory and traditional redistricting criteria and “communities of interest”; facilitate conversations; answer questions; and gather feedback on existing and proposed boundaries. Per-meeting prices include all travel and other anticipated meeting-related expenses. Telephone calls to answer questions, discuss project status, and other standard project management tasks do not count as meetings and do not result in any charge.

3. **Optional Project Elements:**

- a) Project website ..... \$ 5,500
- b) Public mapping tool options:
  - ESRI Redistricting ..... \*
  - Caliper-centered system including all elements below ..... \*\*
    - “Maptitude Online Redistricting” (MOR)
    - Tuft University’s “DistrictR” (a simple neighborhood mapping tool)
    - Public Participation Kit paper- and Excel-based mapping tool
- c) DistrictR without MOR or ESRI ..... \$ 20,000
- d) Public Participation Kit mapping tool without MOR or ESRI ..... \$ 6,500
- e) Working with independent or advisory redistricting commission ..... no additional charge
- f) Additional outreach assistance ..... separately contracted

\* ESRI prices its software on a jurisdiction-by-jurisdiction basis. The lowest prices we have seen are \$80,000 and up. If that is an option the jurisdiction would like to pursue, NDC will request a specific price for your jurisdiction from ESRI.

\*\* NDC is awaiting pricing from the software provider, Caliper Corporation. We should have that later this week.





**Other Potential Project-Related Expenses:**

The most common additional project expenses would be any site or staff costs for conducting the community forums and the cost of printing or copying paper copies of the “Public Participation Kit.” In NDC’s experience, most participants will download and print the Kits in their own homes or offices.

**Additional Analysis**

NDC is happy to assist with any additional analysis that the client requests at our standard hourly rates:

Principal (Dr. Douglas Johnson).....	\$300 per hour
Vice President (Justin Levitt) .....	\$250 per hour
Senior Consultant .....	\$200 per hour
Consultant.....	\$150 per hour
Analyst / Clerical.....	\$50 per hour

Dr. Johnson is also available for deposition and/or testimony work if needed, at \$350 per hour.

**Requested Payment terms:**

NDC requests that the “Still Balanced” project fee be paid at the start of the project; that the difference between the “Still Balanced” fee and half of the “Basic Project Elements” be paid once the decision to update the district lines is made; and the balance of the project costs be paid at the conclusion of the project.



**Exception: “Still Balanced” Jurisdictions**

For a few jurisdictions, the existing election areas will still meet the equal population and voting rights act requirements using new 2020 Census data. These jurisdictions have the option simply retain the existing map without drawing and holding hearings on alternative maps. For jurisdictions electing this approach, the project would conclude with that decision.

Includes all the services listed below: ..... \$ 9,500

- Compile total population and Citizen Voting Age Population data.
- Import existing election area lines.
- Compile population data by election area and calculate population deviations, prepare memo summarizing findings.

**“Still Balanced” optional project elements and per-meeting expenses**

Meeting attendance and optional project elements are not included in the “minimal change” project base fee. If requested, NDC team members participate in “minimal change” project hearings or forums at the same “per meeting” expenses, and optional project elements are provided at the same prices listed for a standard project in the previous section of this proposal.



## Conclusion

Since its founding NDC has been the nation's preeminent company devoted to local election systems. To summarize:

- NDC has more experience in the field of municipal political election systems than any other company.
- NDC's experience and expertise has been recognized by our hundreds of clients, the California League of Cities, the California School Board Association, the California Special District Association, and the National Conference of State Legislatures.
- NDC, founded in 1979, has a demonstrated record of financial solvency.
- NDC's hardware and software resources were specially designed and acquired for districting and redistricting purposes.
- NDC's highly respected personnel have impeccable credentials in each aspect of the districting and redistricting processes.
- NDC's suggested approach has been tested in many jurisdictions.
- Any NDC client can be contacted for testimonials and reference.
- NDC has demonstrated experience over many years in working with the press and media on local election system issues.
- Neither the Justice Department nor any Court has ever rejected any of over 350 local government maps adopted through NDC-managed districting and redistricting projects.

NDC takes pride in tailoring each project to the needs and goals of each individual client. NDC is open to any feedback, concerns, requests, or changes regarding this proposal.

NDC looks forward to the opportunity to work with you on this project.





## National Demographics Corporation

### Proposal Acceptance

The terms of this proposal are available for 90 calendar days from its delivery to you. In most situations, NDC is open to extending that period of time to meet any particular needs of your jurisdiction.

If your jurisdiction has specific contract and/or letter of agreement language you prefer to use, please provide it and ignore the signature block below. If you prefer, simply sign two copies of this proposal in the signature block below and return them to NDC. Once signed by NDC, one copy will be returned to you.

Thank you.

For National Demographics Corporation

For Orange County Board of  
Education

\_\_\_\_\_  
Douglas Johnson, President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# Appendix

Resumes of NDC President Dr. Douglas Johnson and Vice President Dr. Justin Levitt are attached.

A client list and resumes of all NDC team members are available at [www.ndcresearch.com/about-us/](http://www.ndcresearch.com/about-us/).

## Douglas Mark Johnson

P.O. Box 5271  
Glendale, CA 91221  
djohnson@NDCresearch.com

mobile: (310) 200-2058  
office: (909) 624-1442  
fax: (818) 254-1221

### Employment

President, National Demographics Corporation, 2006 – present.  
Senior Analyst, National Demographics Corporation, 2001 – 2006.  
Fellow, Rose Institute of State and Local Government, 2001 – present.  
Project Manager and Senior Manager at three internet startup companies, 1999 - 2001.  
U.S. Representative Stephen Horn, Legislative Director and System Manager. 1993 – 1997.  
Coro Foundation, Fellowship in Public Affairs. 1992 – 1993.  
Rose Institute for State and Local Government, Student Manager. 1989 – 1992.

### Education

Claremont Graduate University, Ph.D. in Political Science, 2015. Dissertation: “Independent Redistricting Commissions: Hopes and Lessons Learned.”  
UCLA Anderson Graduate School of Management, MBA, 1999.  
Claremont McKenna College, BA in Government (Political Science), 1992.

### Academic Honors

Graduated Cum Laude from Claremont McKenna College.  
Phi Beta Kappa. Philip Roland Prize for Excellence in Public Policy.

### Publications and Articles

Christian Science Monitor “Let the public help draw voting districts,” October 25, 2013.  
New York Times, “The Case for Open Primaries,” February 19, 2009.  
Los Angeles Times Opinion Articles:  
    “A neighbor’s help on redistricting” June 24, 2007.  
    “A Trojan horse primary for the GOP” February 25, 2007.  
    “Where a porn palace stood” (article on redevelopment), July 30, 2006.  
Fresno Bee Opinion Article: “The Poison Handshake” June 15, 2004.  
Redistricting in America. Rose Institute of State and Local Government, 2010.  
Restoring the Competitive Edge: California's Need for Redistricting Reform and the Likely Impact of Proposition 77. Rose Institute of State and Local Government, 2005.  
“Competitive Districts in California” Rose Institute of State and Local Government, 2005.  
Latinos and Redistricting: “Californios For Fair Representation” and California Redistricting in the 1980s. Rose Institute of State and Local Government, 1991.

### Speaker or Panelist

California School Board Association Annual Education Conference panelist: “The California Voting Rights Act: What Board Members Must Know.” December 4, 2015.  
Associated Cities of California – Orange County, Keynote Speaker, Newly Elected Officials’ Reception and Dinner, “The California Voting Rights Act,” January 29, 2015.  
California League of Cities, City Manager Department, 2015 Department Meeting: “Opportunity to Engage Residents: The California Voting Rights Act.” January 29, 2015.  
California League of Cities, City Clerk Department, 2014 Annual Meeting: “Whose Line Is It Anyway: Making the transition from at-large to by-district elections.” September 3, 2014.  
National Conference of State Legislatures, Redistricting and Elections Standing Committee: 2007 Spring Forum, “The Arizona Independent Redistricting Commissions’ experiences with the first-ever independent redistricting.”  
National Conference of State Legislatures, Redistricting and Elections Standing Committee: 2008 Spring Forum, “Communities of Interest In Redistricting: A Practical Guide.”

## Douglas Mark Johnson

National Conference of State Legislatures, Redistricting and Elections Standing Committee: 2009 Fall Forum, "The Key to Successful Redistricting."

National Conference of State Legislatures, Redistricting and Elections Standing Committee: 2010 Spring Forum, "Communities of Interest in Redistricting: A key to drawing 2011 plans (and for their defense)."

National Conference of State Legislatures, Redistricting and Elections Standing Committee: 2011 Winter Forum, "Citizen Voting Age Data from a line-drawer's viewpoint."

Luncheon Keynote Speaker, Santa Barbara's Channel Cities Club, "California's next experiment: independent, public redistricting," January 18, 2011.

Annual Conference, Arizona League of Cities and Towns, Presenter at "Redistricting Law and the Voting Rights Act: What It Means for Your City or Town in 2011," August 25, 2010.

Redistricting, The 2010 Census, and Your Budget, Sponsored by the Rose Institute of State and Local Government, California League of Cities, October 15, 2009.

Arizona Election Law 2010 Continuing Legal Education Conference, "Communities of interest and technology in redistricting," sponsored by the Arizona State Bar Association, March 2010

California's New Independent Redistricting Commission, sponsored by the Irvine Foundation and the California Redistricting Collaborative, December 15, 2009

Tribal Association of Sovereign Indian Nations (TASIN) Legislative Day 2009, "The 2010 Census and 2011 Redistricting in California," December 2, 2009.

California School Board Association, "Litigation Issues and the California Voting Rights Act," December 4, 2009.

California Latino School Boards Association, "Introduction to the California Voting Rights Act," August 20, 2009.

Building a National Reform Movement, Salt Lake City, Utah, 2006, conference on redistricting reform hosted by the League of Women Voters, Campaign Legal Center, and The Council for Excellence in Government

Texas Tech University, "A Symposium on Redistricting," May, 2006

California League of Cities, "Introduction to the California Voting Rights Act."

Voices of Reform, a project of the Commonwealth Club of San Francisco: multiple forums on redistricting and / or term limits, 2006 – 2007

Classroom speaker at Pepperdine University, the University of La Verne, Pomona College and Claremont McKenna College



# Justin Mark Levitt

P.O. Box 5271  
Glendale, CA 91221  
jlevitt@NDCresearch.com

mobile: (480) 390-7480  
office: (818) 254-1221  
fax: (818) 254-1221

## Employment

Vice-President, National Demographics Corporation, 2012 – present.  
Senior Analyst, National Demographics Corporation, 2003 – 2011.  
Instructor in Political Science, University of California, San Diego, 2012 – present.  
Graduate Research Fellow, Center for US-Mexico Studies, 2010 – present.  
Graduate Research Fellow, University of California, San Diego, 2008 – 2010 and 2013 – 2014.  
Jesse M. Unruh California Assembly Fellow. 2006 – 2007.  
Rose Institute for State and Local Government, Student Manager. 2005 – 2006.

## Education

University of California, San Diego, Ph.D. Political Science, 2016. Dissertation title: “The Impact of Geographic Patterns on Tradeoffs in Redistricting.”  
Claremont McKenna College, BA in Philosophy, Politics and Economics (PPE), 2006.

## Academic Honors

California Studies Fellow, University of California, San Diego, 2007 – 2009  
Graduated Cum Laude from Claremont McKenna College.

## Publications and Conference Presentations

Settle, Jamie, Robert Bond, and Justin Levitt. 2011. “The Social Origins of Adult Political Behavior.” *American Politics Research*: 39 (2). 239-263

Miller, Kenneth and Justin Levitt. 2007. “The San Joaquin Valley.” In The New Political Geography of California. Eds. Frederick Douzet, Thad Kousser, and Kenneth Miller. Berkeley: Institute of Government Studies.

“The Political Geography of Tradeoffs in Redistricting” Paper presented at the State Politics and Policy Conference, Iowa City, IA, 2013

*Getting What You Want: A Bargaining Approach to Fair Division in Redistricting*. Paper presented at the “Challenging Urban Borders : the geopolitics of immigration and segregation” workshop, Berkeley, CA, 2013 and the State Politics and Policy Conference, Houston, TX, 2012

“An Atlas of Public Health in Mexico” (with Alberto Diaz Cayeros). Paper presented at the Hewlett Foundation Conference on Public Health, Mexico City, DF. 2012

“Remoteness and the Territoriality of Public Health” (with Alberto Diaz Cayeros). Paper presented at the American Political Science Association conference, Seattle, WA. 2011

“Initiatives as revealed preferences”  
Paper presented at the American Political Science Association conference, Seattle, WA. 2011

“No Se Puede: Latino Political Incorporation in Phoenix.” Paper Presented at the New Political Geography of California conference, Berkeley, CA., 2009

## Justin Mark Levitt

*"Political Change in the Central Valley"*. Paper Presented at the Western Political Science Association conference, Las Vegas, NV.,2007

### Working Papers

Hill, Seth, Thad Kousser, Alex Hughes, and Justin Levitt. ND. *"How Competitiveness Shapes Infrequent Primary Voters Response to Receiving a GOTV Mailer."*

Diaz-Cayeros, Alberto and Justin Levitt. ND. *"Remoteness and the Territoriality of Public Health."*

Levitt, Justin. ND. *"Getting What You Want: A Bargaining Approach to Fair Division in Commission-led Redistricting."*

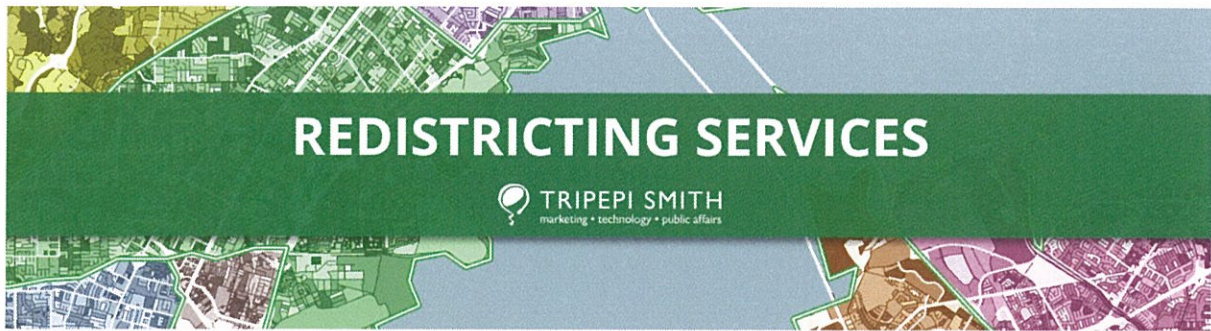
### Teaching Experience

#### California State University, Long Beach, Department of Political Science

Adjunct Professor—POSC 327 (Urban Politics)	Spring 2016-Present
Adjunct Professor—POSC 229 (Cases in Policy Analysis)	Present
Adjunct Professor—POSC 412 (Law and Social Change)	Spring 2016-Present
Adjunct Professor—POSC 399 (California Politics Short Course)	Present

#### University of California, San Diego, Department of Political Science

Co-Instructor—UPS 170 (Regional Governance Reconsidered)	Spring 2015
Instructor—Poli 100A (The Presidency)	Fall 2014
Instructor—Poli 160AA (Introduction to Public Policy Analysis)	Fall 2013
Instructor—Poli 10 (Introduction to American Politics)	Summer 2013



## Redistricting with Tripepi Smith

By-district elections are becoming increasingly common in local government agencies throughout California. The California Voting Rights Act, passed in 2001, was the impetus for much of this change. Today, more than 300 local government agencies have districts of some form, and the number continues to rise as local government agencies are compelled to settle lawsuits or avoid legal battles.

### About Tripepi Smith and Our Redistricting Team

Tripepi Smith is a team of 23 communications experts—robust enough to offer experienced and effective professionals for the job, yet small enough to be nimble and responsive. Tripepi Smith offers a spectrum of skills that allows us to match the appropriate resource to the task at hand, letting us execute faster and reduce engagement costs. These resources vary by both years of experience and core hard skills (public policy versus graphic design versus videography versus writing versus social media, for example).

Tripepi Smith is experienced in helping local governments execute community education and outreach initiatives for district formation and redistricting processes. We have worked extensively with agencies on their district public forums, created districting information portals and organized a [conference on local redistricting](#) for nearly 200 local government practitioners.

The combined talent of our policy experts, in-house design team and videographers delivers professional communications that make our clients proud and better inform the public about this complex process. Tripepi Smith has the skills and experience to help local governments implement successful outreach strategies for district formation and redistricting outreach. The team's skills and certifications range from excellent written communication skills to Tableau for data analytics to Google Ads to event planning and project management.

### Tripepi Smith Redistricting Services

California State law has identified outreach as a core component of the redistricting process. The Tripepi Smith team can provide jurisdictions with some or all of the following services:

### **Project Management**

Tripepi Smith can facilitate all project calls for this engagement and create a living agenda to manage the efforts and timing between the demographer, legal counsel, City and Tripepi Smith from the beginning of the outreach process to the map adoption.

### **In-Person Meetings**

If possible with COVID-19 limitations, Tripepi Smith can coordinate with City staff to identify venues and dates to host in-person workshops and meetings to seek public feedback on new district lines and provide information on map-drawing tools. Tripepi Smith can devise an agenda, facilitate discussions, document community feedback and promote positive engagement around the process. Additionally, Tripepi Smith can provide graphic design services to create bilingual PowerPoint decks for the presentations and flyers for attendees. We can coordinate simultaneous translation with local partners.

Tripepi Smith can also facilitate recording the meetings and provide videos, with any relevant slides interspersed and closed captions. These videos would likely fulfill the requirement to post a summary of the meeting.

### **Virtual Meetings**

Tripepi Smith can also coordinate and facilitate virtual meetings and workshops to seek public feedback and educate residents on map-drawing tools. Tripepi Smith can also work with City staff to promote the meetings and to leverage our identified outreach and advertising work to promote meeting participation. Our videographers can process recordings of the meetings to fulfill posting requirements.

### **Press Release/News Article for Website**

Tripepi Smith can draft press releases on the jurisdiction's redistricting efforts and manage media relations to promote each step in the redistricting process reaches local and broad-reaching media.

### **Creation and Updates to Bilingual Redistricting Website**

Tripepi Smith can create and maintain a bilingual redistricting website or subpages in coordination with the demographer. The website/pages would include resources for the community, including all required information about meetings and draft maps.

### **Social Media Support**

Tripepi Smith can create bilingual copy and graphics for social media posts about the redistricting process, as well as boost posts (paid advertising) on Facebook and Instagram to help spread the word about meetings and solicit public commentary.

Get in touch with Tripepi Smith President Ryder Todd Smith  
(626.536.2173 | [Ryder@TripepiSmith.com](mailto:Ryder@TripepiSmith.com)) to start planning.



June 2, 2021

☒ Mailed    ☐ Distributed at meeting

*nb*

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: June 2, 2021

TO: Nina Boyd, Associate Superintendent

FROM: Ken L. Williams, D.O., Board President  
Lisa Sparks, Ph.D., Trustee Area 5

SUBJECT: Ethnic Study Forum

---

RECOMMENDATION:

Board action on Ethnic Study Forum.

**Resolution to Establish  
A Public Forum-California Ethnic Study Model Curriculum (ESMC)  
Sparks and Williams**

*Whereas*, there are 92 non-English languages and ethnicities in the state, with the primary languages being Arabic, Armenian, Cantonese, Korean, Russian, Spanish, Tagalog, and Vietnamese; and

*Whereas*, pre-existing law requires the State Board of Education, with the assistance of the Superintendent of Public Instruction, to establish a list of textbooks and other instructional materials that highlight the contributions of minorities in the development of California and the United States; and

*Whereas*, the Ethnic Study Model Curriculum (ESMC) was created by the passage of AB 2016 in 2016, and subsequently signed into law by the governor; and

*Whereas*, the Ethnic Study Model Curriculum (ESMC) was approved March 18, 2021, by the California State Board of Education (SBE). It is currently an optional curriculum for school districts in California with another current state bill assigned in committee that would create it to be a state mandate; and

*Whereas*, the Orange County Board of Education (OCBE) recognizes previous U.S. Supreme Court and California courts and legislative intent, regarding certain rulings recognizing parents possess a fundamental right to direct the upbringing and education of their children (*Troxel v. Granville*, 530 U.S. 57, 65 (2000); *In re Marriage of Harris*, 34 Cal. 4th 210, 223 (2004); and

*Whereas*, the OCBE upholds that principle that students do not “*shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.*” (*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969)). As a result, students cannot be compelled to engage in expression with which they disagree; and

*Whereas*, this board upholds traditional government and community standards and believes while government and/or their institutions or public schools can provide guidance and recommendations, but cannot command students to use words, pronouns, or engage in other world views that may conflict with their family, cultural, religious values and beliefs; and

*Whereas*, the OCBE desires to follow all state laws, and that all schools be free of racism and prejudice, and remain safe places for all students. Also, the OCBE desires that all students are treated with dignity and respect, regardless of ethnic background, creed, race, religion, gender preference and sexual orientation; and

*Whereas*, community members, leaders, parents, and many people of the Orange County Community attended earlier OCBE publicly held meetings, and expressed deep concerns of the curricular materials and samples proposed in ESMC; and

*Whereas*, the Orange County Board of Education at the March and April board 2021 board meetings heard public comments from constituents articulating their concerns about ESMC. These references are found in the transcripts publicly documented from the March and April 2018 Orange County Board of Education meetings; and

**Resolution to Establish  
A Public Forum-California Ethnic Study Model Curriculum (ESMC)  
Sparks and Williams**

*Whereas*, at the April 07, 2021, board meeting, Chief Academic Officer Jeff Hittenberger presented a public summary of the newly state approved ESMC; and

*Whereas*, the OCBE desires to: 1) Obtain additional academic opinions, 2) Further evaluate and obtain knowledge of the precise proposed curricular content and materials ESMC, 3) Understand the legal ramifications as to the constitutional rights of parents and students, 4) Demonstrate due diligence to obtain additional information in terms of what curricula will be removed and replaced with the ESMC curricula; and

*Whereas*, in our rich American history filled with love of country, patriotism, and fairness to all, public forums and town hall meetings have been treasured historically as one of the best approaches for transparency of issues to the community including needed public dialogue and input on public policy and governance, and

*Therefore*, the OCBE will hold two (2) evening special community meetings in July and August, 2021 to obtain additional evidence and facts from state officials and/or experts on implementation of ESMC. The meeting will use a similar format of earlier community forums sponsored by the OCBE regarding procedures, protocols, practices, respect and civility; and

*Therefore*, this special board meeting or public forum will be entitled, Ethnic Study Model Curriculum (ESMC)-A *Public Community Forum*. The public meeting will be held at the OCDE board room unless other larger facilities are located and continued COVID civil restrictions are in effect. A special committee assigned by the board President will request input from each board member for the experts recommended by the individual board member, to be seated on the expert panel. The expert shall provide testimony, give evidence, and offer critical information that will be of educational, legal and academic value to the board.

**California's Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT):  
A Public Forum to Inform Orange County Families  
Tentative dates: July & August, 2021**

**Purpose:**

The trustees of the county office of education in Orange County voted in favor of holding a special forum for our Orange County community with dedicated time to evaluate the various complex issues surrounding the implementation of the state approved Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT) in our K-12 schools.

As such, the purpose of holding this special forum is to invite experts to provide testimony, evidence-based scientific data and related legal and scholarly information to shed light on the proper and legal implementation of California's Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT). In addition, the purpose of this forum to accomplish the following:

- Educate Parents and Community members about changes in mandates regarding California's ESC and CRT in public schools.
- Educate Parents and Community members about their parental choices in regards to student participation California's Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT).
- Review state approved adopted curriculum for primary, middle school and high school of California's Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT).
- Provide Orange County school districts with information on California's Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT).
- Answer questions and concerns of constituents about California's Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT).

**GOALS**

- The purpose of this forum is focused on the goal of "*how to best to serve*" the academic needs of our K12 students.
- Topics and discussion shall be supported in a scholarly, objective scientific manner relying on empirical research, findings, and evidence as related to the proposed lesson plans.
- Ad hominem attacks on opposing views and incivility will not be tolerated or allowed.



# Orange County Board of Education

## ***Special Board Meeting / Public Hearing***

California's Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT)

July & August, 2021

6:00 to 9:30 p.m.

### **Format**

- 4:30- 6:00 pm      *Newsmedia Event (print, Local television, cable news)-Board Experts, Board members.*
- 6:00 p.m.            *Call to Order, Agenda Adoption, Invocation, Pledge of Allegiance*
- 6:05 p.m.            *Public Comments (PC) - (30 Minutes- 2 Minute each)*
- 6:35 p.m.            *Board President hands meeting to Meeting Facilitator*
- 6:35 p.m.            *Moderator provides overview of meeting format*
- 6:40 pm              *Expert Panel (Five) introductions*
- 6:45- 7:45           *Expert Panel Opening remarks (12 min per panelist)*  
*(Start in right to left order)*
- 7:45- 8:15 p.m.    *Board begins first Round-robin questions to panelist,*  
*12 min per Trustee)*  
*(Begin with Sparks, Williams, Barke, Shaw, Gomez)*
- 8:15- 8:30 p.m.    *Break*
- 8:30 –9:30 p.m.    *Expert Closing Remarks (12 minutes per panelist)*  
*(Start Left to Right order)*
- 9:30 p.m.            *Moderator Closing remarks to Board President*
- 9:31-                 *Public Comments with Board President closes meeting after PC*

## **Ethnic Studies Forum Proposed Budget Estimate \$7,500.00**

Rossmoor Community Services District  
Rush Park Auditorium, 3001 Blume Drive, Rossmoor, CA 90720

Rental fee per hour - \$98.00

Permit fee - \$20.00

Event Attendant - \$20.00 per hour with 4 hour minimum

Security Deposit - \$350.00

Cleaning Deposit - \$250.00

Security – Propose 2 OC Sheriffs

Media – PA sound system with microphones for Board and panelist, internet connectivity