

MODIFIED MEETING ON-LINE PROCEDURES FOR May 5, 2021:

Earlier via Executive Order N-29-20 from the California Governor, the Orange County Board of Education modified its board meetings to accommodate virtual/teleconferencing. The Governor's executive order also waived the requirement for a majority of board members to physically be present at a public board meeting at the same location.

The City of Costa Mesa on April 13, 2020, issued Regulations No. 2 & 3 pursuant to Proclamation No. 2020-01. This decree states that residents “...of, or visitor to, the City of Costa Mesa shall wear a face covering while outside their home or personal vehicle within the boundaries of the City of Costa Mesa...”; and that individuals “practice Social Distancing and wear a cloth face covering while visiting Essential Businesses.”

For the safety of staff and the public, all members of the public attending the board meeting in person are subject to all local county, and state laws requiring face covering unless exempted from wearing a face covering pursuant to the guidelines of the California Department of Public Health.

Individuals with disabilities requiring copies of the agenda and/or the agenda packet, or requiring reasonable modification or accommodations consistent with the Americans with Disability Act, should contact prior to the meeting and request assistance. Individuals may contact the Board Clerk, Darou Sisavath, at (714) 966-4012. Concerns regarding requests for reasonable modifications or accommodations will be promptly addressed.

To observe on-line the board meeting via YouTube live stream, please use the following information:

- At the start time for the meeting, click on this link below:

https://www.youtube.com/watch?v=nPv7_TlWXrY

During Covid-19 conditions, the board accommodates in person attendance to their meetings but seating is limited due to social distancing. As social distancing limits seating in the board room, the board follows existing Board policy, Brown Act, and state laws for the public to give in person Public Comments at the board meetings.

The Orange County Board of Education conducts its business at its regular and special board meetings. The board encourages communication from constituents. Existing means and practices of communication by constituents to the board include email via ocbe@ocde.us, or US postal mail to 200 Kalmus, Costa Mesa, CA 92626.

Public Comments at board meetings follow board policy 100-5. The Orange County Board of Education welcomes input concerning any subject within its jurisdiction from members of the public at all of their board meetings.

The Board policy is as follows:

1. An individual wishing to address the board is requested to complete a 3" x 5" request form secured from the Recording Secretary prior to the board meeting or prior to Board consideration of an agenda item.
2. Each person shall be aware that comments to the board shall be limited to not more than three minutes. The total time allotted for public input will be 45 minutes. It is the intent of the board to provide for audience participation during the meeting to be at a time that is as convenient as possible to all concerned.
3. If the topic of discussion selected by a member of the public is a current agenda item, he/she may be asked to delay discussion until the subject is before the board at the regular agenda time.
4. Speakers may not relinquish/yield their time to others.

Due to Covid-19 conditions and social distancing, the board has made accommodations for the public to address the board with their public comments in person at the Orange County Department of Education board room, or on-line via tele-conferencing. Please be aware seating is limited at the board meeting due to social distancing. A queue, however, is established for those constituents who only want to deliver at the board meeting their in-person Public Comment, and who wish to subsequently not attend the public meeting.

Temporarily, due to Covid-19 conditions, members of the public who can't attend the board meeting may submit Public Comments online for the May 5, 2021 meeting. Please read the following instructions and general information:

1. Submit a speaker card attached with your communication to ocbe@ocde.us. Comments received by 4 p.m., May 4, 2021 may be read during the meeting based on time limitations and board policy. Board Policy 100-5 governs Public Comments and preference is given to those citizens who are physically present at the board meetings. If the statement is not read on-line due to time limitations, the comments will be provided to the board members.
2. The name of the person and topic that is submitted online will be noted in the public record in the board minutes per existing protocols. Comments received after 4:00 p.m. but prior to discussion of an item on the agenda, will not be read into the record.
3. The time limit for public comments is outlined in board policy to three minutes, and for a total of 45 minutes per meeting. The time limitation may be altered or waived by board majority vote or consensus.
4. The board agenda reflects the order and placement in the board meeting for Public Comments.
5. Speakers will fill in their name on the card and select from one of the three opportunities during the board meeting for Public Comments. The public may address the board prior to a specific agenda item, or during the two agendaized Public Comment periods at the beginning and end of the board meeting.



REQUEST TO ADDRESS THE
ORANGE COUNTY BOARD OF EDUCATION

Speaker Card

Please Print

Date _____

Agenda Item # _____ or General Topic _____

Name _____

Home Address _____ City _____ Zip _____

School District(s) of Residence _____

Do you have school age children? Yes _____ No _____

Do your children attend public schools? Yes _____ No _____

**Timer
Information**

GREEN

Start with 3
minutes

YELLOW

1 minute
remaining

RED

Time is up

Members of the public may address the Board of Education regarding any agenda and/or off-agenda items within the subject matter jurisdiction of the Board of Education provided that NO action may be taken on off-agenda items unless authorized by law. Comments shall be limited to 3 minutes per person per meeting and 45 minutes for all comments. 30 minutes of Public Comments will be heard prior to Board Business and 15 minutes will be heard prior to adjournment.

Please complete and submit this card along with any handouts to the Recording Secretary prior to speaking.

Thank you!



REGULAR MEETING

May 5, 2021

2:30 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=nPv7_TIWxrY*

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 May 5, 2021 – adoption

TIME CERTAIN

2:30 p.m.

1. Inter-district Appeal Hearing (closed) – 05052021001I – Savanna School District to ABC Unified School District.
2. Inter-district Appeal Hearing (closed) – 05052021002I – Brea-Olinda Unified School District to Fullerton School District.
3. Inter-district Appeal Hearing (closed) – 05052021003I – Anaheim Union High School District to Fullerton Joint Union High 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.

Rabbi Peter S. Levi
President, Orange County Board of Rabbis

PLEDGE OF ALLEGIANCE Sunburst Color Guard
Scott Williams

INTRODUCTIONS

PRESENTATIONS

4. In Memoriam, the May 5th 2021 board meeting is dedicated to former Trustee, 4th District, John “Jack” Bedell, Ph.D. (1942-2021).
5. Special Awards Presentation –Presentation of awards to the Seventh Annual Jack R. Hammett Memorial Day Essay Contest participants and winners.
 - Mr. Scott Williams – Jack Hammett Bio
 - Jeff Hittenberger, Ph.D. – Introductions and Program Overview
 - First Place Essay Winner – Cadet Wilson, Sunburst Youth Academy

PUBLIC COMMENTS

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- Esplanade Quarterly Report
- FCMAT Update (Williams)
- Harbor Learning Center North

BOARD DISCUSSIONS

- 2021 Board Census Presentation- Greg Rolen (Williams)

ANNOUNCEMENTS

Superintendent

Associate Superintendent

(*)MINUTES

Regular Meeting of April 7, 2021 – approval
Special Meeting of April 14, 2021 – approval

CONSENT CALENDAR

- (*) 6. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
- (*) 7. Adopt Resolution #07-21 to recognize May 31, 2021 as Memorial Day.

CHARTER SCHOOLS

8. Charter submissions
- (*) 9. 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

STAFF RECOMMENDATIONS

- (*) 10. Approve the Orange County Department of Education's Expanded Learning Opportunity plan pursuant to EC 43521 (b) and 43522(a)(1) by June 1, 2021.
- (*) 11. Approve the College and Career Preparatory Academy's Expanded Learning Opportunity plan pursuant to EC 43521 (b) and 43522(a)(1) by June 1, 2021.

BOARD RECOMMENDATIONS

- (*) 12. Board action on Ethnic Study Forum (Sparks and Williams)
- (*) 13. Board action on board statement regarding vaccination. (Williams)
- (*) 14. Board action on resolution against digital vaccine passport mandates. (Williams)
- (*) 15. Board action on AB 1316. (Williams)
- (*) 16. Approve a new contract with the Law Offices of Margaret A. Chidester & Associates.

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 2, 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.

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



MINUTES
Regular Meeting
April 7, 2021

ORANGE COUNTY BOARD OF EDUCATION
MINUTES

WELCOME

CALL TO ORDER

The Regular Meeting of the Orange County Board of Education was called to order by Board President Williams at 3:03 p.m., April 7, 2021 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via YouTube live stream.

ROLL CALL

Present:

Lisa Sparks, Ph.D.
Tim Shaw
Mari Barke
Ken L. Williams, D.O.

Absent:

Rebecca "Beckie" Gomez

(*)AGENDA

Motion by Barke, seconded by Sparks, and carried by a vote of 4-0 (Gomez Absent) to approve the agenda of the Regular meeting of April 7, 2021.

INVOCATION

Pastor Jack Grogger
Lead Pastor, Sanctify Church Orange
Chaplain to the Anaheim Angels and Ducks

INTRODUCTIONS

None

Trustee Gomez arrived at 3:05 p.m.

TIME CERTAIN

1. Budget Study Session- Renee Hendrick, Associate Superintendent, Administrative Services conducted the budget study session.

The board took a recess to go into closed session from 4:02 p.m. to 5:17 p.m.

CLOSED SESSION 1

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)

The Board received an update from counsel and took the
following 4 actions in closed session 1 and closed session 2:

1. Approved Dennis Duffy of Baker & Hostetler invoices by a
vote of 4-1 (Williams, Barke, Sparks, and Shaw voted Yes;
Gomez voted No).
2. Approved the March 31, 2021 Epstein Becker & Green
invoices in both the Budget and General Counsel litigations
by a vote of 4-1 (Williams, Barke, Sparks, and Shaw voted
Yes; Gomez voted No).
3. Approved the Haight Brown & Bonesteel invoices dated
March 12, 2021 by a vote of 4-1 (Williams, Barke, Sparks,
and Shaw voted Yes; Gomez voted No).
4. Authorized the Executive Committee of the Board and
Counsel to propose a settlement with the Superintendent on
the Budget litigation. The Board approved by a vote of 5-0.

Trustee Williams departed the meeting after closed session.

TIME CERTAIN

2. Inter-district Appeal Hearing (open) – 04072021001I – Brea-
Olinda Unified School District to Placentia-Yorba Linda Unified
School District

Motion by Barke, seconded by Sparks, and carried by a roll call
vote of 3-1 (Barke, Sparks, and Shaw voted Yes; Gomez voted
No) to approve the appeal and allow the student to attend the
Placentia-Yorba Linda Unified School District for the period of
one academic year (2021-22).

Terrance Dunn, Coordinator, Educational Services facilitated the
hearing.

PLEDGE

Jeff Barke

PUBLIC COMMENTS

- Leigh, Vaccine
- Katya, Vaccine

- Steve, Vaccine
- Roklyn, Vaccine
- CJM., Vaccine
- Nick, Vaccine
- Marcate, Vaccine
- Freddie, Vaccine
- Jared, Vaccine
- Linda, Vaccine
- Steve, Vaccine
- Kindra, Vaccine
- Lore, Vaccine
- Robin, Vaccine
- Laura, Vaccine
- Michelle, Vaccine
- Darlene, Vaccine
- Yva Marie, Vaccine
- Christine, Vaccine
- Christine, Vaccine
- Brian, Vaccine
- David, Vaccine
- Ms. G, Vaccine
- Connie, Vaccine
- Cathy, Vaccine
- Katherine, Vaccine
- Julie, Vaccine
- Jesse, Vaccine
- Nicole, Vaccine
- Ashley Rose, Vaccine
- Katy, Vaccine
- Michelle, Ethnic Studies
- Linda, Vaccine
- Gracey, Vaccine
- Kristy, Vaccine
- Robin, Vaccine
- Vicki, Vaccine
- Tammi, Vaccine
- Evelyn, Vaccine
- Carmen, Vaccine
- Sarah, Vaccine
- Araceli, Vaccine
- Sheri, Vaccine
- Kristen, Vaccine
- Lydia, Vaccine
- Michael, Irvine International Academy
- Steven, Irvine International Academy

During Public Comments, Dr. Williams joined the meeting at 6:35 p.m.

The Board took a break from 8:21 p.m. to 8:33 p.m.

CHARTER SCHOOLS

6. Charter School Public Hearing – Excellence Performance Innovation Citizenship (EPIC) Charter School renewal – Aracely Chastain, Director, Charter Schools, facilitated the public hearing.
 - Paul MacGregor
7. Motion by Williams, seconded by Sparks, and carried by a roll call vote of 5-0 to approve Option I for Excellence Performance Innovation Citizenship (EPIC) Charter School Renewal.
5. Charter Schools Submissions
 - TLC material revision

PUBLIC COMMENTS

- Fernanda, Vaccine
- Jeff, Vaccine
- Belen, Vaccine
- Ashlee, Vaccine
- Susan, Vaccine
- Robin, Vaccine
- Chanell, Vaccine
- Matt, Vaccine
- Dr. Pride, Vaccine
- Kim, Vaccine
- Sue, Vaccine
- Dawn, Vaccine
- Holly, Vaccine
- Mathew, Vaccine
- Ben, Vaccine
- Contessa, Vaccine
- Dr. Cohn, Vaccine
- Rebecca, Vaccine
- Lydia, Vaccine
- Morgan, Vaccine
- Salie, Vaccine
- Patricia, Vaccine
- Mariann, Vaccine
- Debbie, Vaccine

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- Rancho Sonado
- Boardroom Security
- Ethnic Studies

- Board Webpage
- FCMAT Update

BOARD DISCUSSIONS

- Grants and Contract Practices

ANNOUNCEMENTS

Superintendent

- Masks- City of Costa Mesa ordinance requires wearing a mask
- Vaccination- The Superintendent commends parents for advocating for their children and has never suggested nor stated that parents would not be consulted or involved in vaccination decision for minors.
- Grants and Contracts- In response to comments regarding Grants and Contracts, the Superintendent does not believe there has been any violations of state laws.
- Eleven Distinguished Schools in Orange County

Associate Superintendent

- Next board meeting is May 5th, 5:00 p.m.; submission deadline is April 21st

MINUTES

Motion by Sparks, seconded by Shaw, and carried by a roll call vote of 5-0 to approve the minutes of the February 16, 2021 and February 22, 2021 Special Meeting, and the March 3, 2021 Regular meeting.

CONSENT CALENDAR

Motion by Williams, seconded by Gomez, and carried by a roll call vote of 5-0 to approve Consent Calendar items #3 and #4.

3. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
4. Adopt the annual updated Orange County Department of Education Investment Policy.

TIME CERTAIN

8. Public Hearing – Renee Hendrick, Associate Superintendent, Division of Administrative Services, conducted a public hearing on OCSEA’s Initial Proposal to Superintendent. The hearing was opened at 10:40 p.m. There being no input from the audience, the hearing was closed at 10:41 p.m.
9. Public Hearing – Renee Hendrick, Associate Superintendent, Division of Administrative Services, conducted a public hearing on Superintendent’s Initial Proposal to OCSEA. The

hearing was opened at 10:41 p.m. There being no input from the audience, the hearing was closed at 10:42 p.m.

STAFF RECOMMENDATIONS

10. The board receive the Eide Bailly audit report for the Orange County Department of Education for fiscal year ending June 30, 2020.

BOARD RECOMMENDATIONS

11. Motion by Williams, seconded by Sparks, and carried by a roll call vote of 4-1 (Williams, Barke, Sparks, and Shaw voted Yes; Gomez voted No) to approve a new contract with the Law Offices of Margaret A. Chidester & Associates.

INFORMATION ITEMS (continue)

Legislative Updates

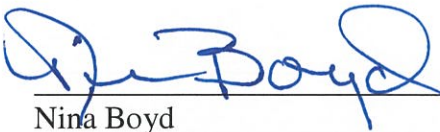
-CCBE special meeting – Donation from Zoom CEO to computer science education initiative to be presented at the 2021 conference

Associate Superintendent - continue

- Reminders: 6 inter-district appeal submissions and Memorial Day contest in May

ADJOURNMENT

On a motion duly made, and seconded, the Board meeting of April 7, 2021 adjourned at 11:09 p.m.



Nina Boyd
Assistant Secretary, Board of Education

Ken L. Williams, D.O.
President, Board of Education

Next Regular Board Meeting, Wednesday, May 5, 2021 at 5:00 p.m. - The meeting will be in the Board Room at 200 Kalmus Drive, Costa Mesa, CA and via virtual conference.

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.

MINUTES
Special Meeting
April 14, 2021



ORANGE COUNTY BOARD OF EDUCATION
MINUTES

WELCOME

CALL TO ORDER

The Special Meeting of the Orange County Board of Education was called to order by Board President Williams at 6:03 p.m., April 14, 2021 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via YouTube live stream.

INVOCATION

Remembering Jack Bedell by Board President Williams

PLEDGE

Mari Barke, Board Vice President

ROLL CALL

Present:

Lisa Sparks, Ph.D.
Tim Shaw
Mari Barke
Ken L. Williams, D.O.

Absent:

Rebecca "Beckie" Gomez

INTRODUCTIONS

None

(*)AGENDA

Motion by Barke, seconded by Shaw, and carried by a vote of 4-0 (Gomez Absent) to approve the agenda of the Special meeting of April 14, 2021.

(*)MINUTES

None

PUBLIC COMMENTS

None

The Board took a recess to go into closed session from 6:06 p.m. to 8:09 p.m.

Trustee Gomez joined the meeting during closed session at 7:27 p.m.

CLOSED SESSION 1

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)

Report Out

Mr. Brenner reported for closed sessions 1 and 2, the Board took three actions:

1. With respect to closed session 1, the Board authorized Counsel and the Executive Committee to post an announcement response and additional information, regarding the general counsel litigation on the Board's information website, by a vote of 5-0.
2. With respect to closed session 2, the Board authorized Counsel to make a settlement proposal to the Superintendent of the county, and the Superintendent of the state, in the budget litigation, by a vote of 5-0.
3. With respect to closed session 2, the Board authorized counsel to make a proposal to both superintendent defendants in the budget litigation regarding litigation and trial procedure, in accordance with instructions given to counsel in closed session by the Board. The action was approved by a vote of 5-0.

PUBLIC COMMENTS

None

ADJOURNMENT

On a motion duly made, and seconded, the Board meeting of April 14, 2021 adjourned at 8:12 p.m.



Nina Boyd
Assistant Secretary, Board of Education

Ken L. Williams, D.O.
President, Board of Education

Next Regular Board Meeting, Wednesday, May 5, 2021 at 5:00 p.m. - The meeting will be in the Board Room at 200 Kalmus Drive, Costa Mesa, CA and via virtual conference.

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.

May 5, 2021

☒ Mailed ☐ Distributed at meeting



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: April 14, 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

Page 14 removed (CONFIDENTIAL STUDENT INFORMATION)



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: April 28, 2021

TO: Nina Boyd, Associate Superintendent

FROM: Darou Sisavath, Recording Clerk

SUBJECT: Resolution #07-21
Recognize May 31, 2021 as Memorial Day

RECOMMENDATION:

Adopt Resolution #07-21 to recognize May 31, 2021 as Memorial Day.

ORANGE COUNTY BOARD OF EDUCATION
Resolution Honoring MEMORIAL DAY - May 31, 2021

WHEREAS, the U.S. Congress, by a Joint Resolution, approved May 11, 1950, as amended (36 U.S.C. 116), requests the President of the United States to issue a proclamation calling on the people of this country to observe each Memorial Day as a day of prayer for permanent peace, and designating a period on that day when the people of the United States may unite in prayer. The Congress, by Public Law 106-579, has designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance; and

WHEREAS, the California Constitution affirms in Article IX, Section 1, "A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement"; and

WHEREAS, school boards, educators, teachers, school administrators and staff play a significant role in the education of our children; and

WHEREAS, Memorial Day is a national celebration whereby students, parents, veterans service organizations, and elected officials celebrate with patriotic and memorial ceremonies at monuments, civic centers, parks, schools, and cemeteries in Orange County and throughout this great nation; and

WHEREAS, since our Nation's founding, America's sons and daughters have given their lives in service to our country, from Concord and Gettysburg, to Marne and Normandy, from Inchon and Khe Sanh, to Baghdad and Kandahar; and they laid down their lives as the greatest sacrifice for a cause greater than themselves; and

WHEREAS, the instruction and inculcation of American history and the knowledge of military veterans fighting for American liberties and freedoms, is an essential component of our American education process because it passes this remembrance and knowledge unto subsequent generations of American children in our schools; and

WHEREAS, we honor the service and sacrifice of our disabled veterans, prisoners of war, those Americans missing in action who should never be forgotten. As educators and leaders in education in Orange County we acknowledge the sacrifice and sorrow of parents who lost sons or daughters, spouses, and children due to the war and terrorism; and

WHEREAS, citizens and their elected government should encourage educating America's children in our schools about American patriotism and the relevance of Memorial Day by having the opportunity of participating in a symbolic act to respectfully honor the memory and actions of America's heroes, and

WHEREAS, on May 31st of this year our students, parents, and citizens will recognize Memorial Day by honoring over one million American men and women who gave their lives in service to our country in defense of our treasurable freedoms.

NOW, THEREFORE, be it resolved that the Governing Board of the Orange County Department of Education recognizes May 31st, 2021, as Memorial Day and expresses its support of this moment in the Month of May. We likewise encourage our students to participate in Memorial Day events and learn more of American history.

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 5th day of May 2021.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 5th day of May 2021.

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

**ORANGE COUNTY BOARD OF
BOARD AGENDA ITEM**

Item: Charter Schools #9
May 5, 2021
[X] Mailed [] Distributed at meeting



DATE: April 21, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Aracely Chastain, Administrator, Charter Schools
SUBJECT: Public Hearing – Tomorrow’s Leadership Collaborative Charter School Material Revision

DESCRIPTION:

On April 7, 2021, Tomorrow’s Leadership Collaborative Charter School submitted material revisions to add school facilities and amend the school governing board bylaws. The school is requesting to add an additional Proposition 39 facility at 250 S. Yorba St., Orange, CA, 92869, effective the 2021-22 academic year and to amend the school’s governing board bylaws to align with current law.

RECOMMENDATION:

Per California Education Code, Orange County Board of Education shall hold a public hearing on the provisions of the Tomorrow’s Leadership Collaborative amended charter petition and consider the level of support for the material revisions at the May 5, 2021 board meeting.

**ORANGE COUNTY BOARD OF
BOARD AGENDA ITEM**

Item: Staff Recommendations #10
May 5, 2021
[X] Mailed [] Distributed at meeting



DATE: April 21, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Jeff Hittenberger, Ph.D., Chief Academic Officer
SUBJECT: Expanded Learning Opportunity Plan

DESCRIPTION:

The Expanded Learning Opportunity funding assists schools with offering in-person instruction to the greatest extent possible during the 2020-21 school year; and to expand in-person instructional time and provide academic interventions and pupil supports to address barriers to learning, and accelerate progress to close learning gaps.

Pursuant to EC 43521(a)(1), a plan must be developed by June 1, 2021. We have developed a plan utilizing the Local Control Accountability Plan priorities to address barriers and close learning gaps.

RECOMMENDATION:

Approve the Orange County Department of Education's Expanded Learning Opportunity plan pursuant to EC 43521 (b) and 43522(a)(1) by June 1, 2021.

Expanded Learning Opportunities Grant Plan (including Special Education Services)

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
Orange County Department of Education	Dr. Jeff Hittenberger, Chief Academic Officer	jhittenberger@ocde.us (714) 966-4010

The following is the local educational agency's (LEA's) plan for providing supplemental instruction and support to students, including those identified as needing academic, social, emotional, and other supports, including the provision of meals and snacks. The plan will explain how the LEA will use the funds it receives through the Expanded Learning Opportunities (ELO) Grant to implement a learning recovery program for at least the students included in one or more of the following groups: low-income students, English learners, foster youth, homeless students, students with disabilities, students at risk of abuse, neglect, or exploitation, disengaged students, and students who are below grade level, including, but not limited to, those who did not enroll in kindergarten in the 2020–21 school year, credit-deficient students, high school students at risk of not graduating, and other students identified by certificated staff.

For specific requirements please refer to the Expanded Learning Opportunities Grant Plan Instructions.

Plan Descriptions

A description of how parents, teachers, and school staff were involved in the development of the plan.

Stakeholders in the Orange County Department of Education's school programs include both internal and external partners, staff, OCDE parents, and The Orange County Board of Education, all of whom share a common interest in operating an effective and responsive school program that addresses the changing needs of its students. When the need to transition to a distance learning platform presented itself, adjustments were made quickly with immediate input from stakeholders involved in the school programs. Now, as in-person learning opportunities expand, OCDE continues to reach out to stakeholder groups for input on how best to serve students who have been impacted by adverse learning conditions.

The Expanded Learning Opportunities (ELO) grant affords OCDE a unique opportunity to create truly transformative programs and services to support students, enhance academic achievement, and implement a dynamic learning recovery program for identified student groups. To strategize the most beneficial use of these funds, input from stakeholders was essential. Pre-existing weekly check-ins between educators, support staff, and school administrators provided an ongoing forum where administrators were able to explain the ELO funding opportunity to their teams and allow staff to request and suggest specific supports and resources to expand student learning. In addition, teachers gathered feedback from students regarding areas where the students felt they needed additional instruction and support for their social and emotional well-being. At staff meetings, teachers shared this input with their school administrators, who, in turn, contributed this information at regular planning sessions with the division leadership teams. By operating in such a manner, OCDE is able to maintain an real-time awareness of student needs which allows for responsiveness when funding opportunities such as the ELO funding arise.

To meaningfully engage OCDE staff and families in the development of the ELO plan, electronic surveys were also conducted to discuss the credit recovery needs of students and ideas for increased supports and services our schools can provide. Questions on the survey asked these stakeholders what OCDE schools are doing well and should expand, but also addressed areas where schools would benefit from developing new or supplemental services. Parents felt more college and career readiness opportunities would be tremendously valuable, and both teachers and parents agreed that enhancing the social and emotional supports offered to students would make a pronounced, positive impact on student outcomes.

Parents and the education teams were also engaged in the ELO planning process during virtual parent advisory meetings where credit recovery, mentoring programs, additional Career Technical Education opportunities, and after school activities were among the top recommendations, particularly for the ELO targeted student groups. Similarly, parents, teachers, and the school administrators brainstormed ideas for expanding learning opportunities during meetings such as afternoon zoom sessions and informal *Coffee With the Principal* virtual events.

A description of how students will be identified and the needs of students will be assessed.

Our LEA is designed to identify and address the specific needs of students who typically reflect academic, behavioral, social, and/or emotional gaps through their enrollment in our four alternative education schools and programs. Many of these students also fall into the unduplicated student subgroups, which has led to our development of successful programs and supports for students in these vulnerable groups. A core foundation of our program is knowing our students and providing what they most need in order to experience personal growth and achieve academic success. We identify student needs in the following ways:

Referrals: Students who are enrolled in our schools are referred by their districts of residence. The referral form includes the reason for the referral, which in turn provides important information to inform program placement, academic, attendance, and/or behavioral supports needed, and other details which allow us to meet the needs of each student upon enrollment. We receive student

demographic information, as well, which are utilized to identify what type of supports each student will need. This includes students at risk of dropping out, students with disabilities, foster youth, student's English Language Acquisition Status, and students who qualify as Socio-Economically Disadvantaged. We also receive the student cumulative file which provides more information on each student's academic history and progress over the years.

Student and Family Wellness Surveys: Attending to the whole child—that is, a child's basic needs (safety, health, and nutrition) and well-being—is always key to ensuring that students are ready and able to learn. Because of the emergency remote instruction of the past year, we recognize that our families have had to take on a greater role and our students have had to make substantial adjustments in many areas of their lives, academic and beyond, which raises the level of attention we must give to identifying and addressing the needs of our students and their families. We administered wellness surveys to our students and their families to help us better understand barriers to learning our students experienced and to identify resources that would best meet their needs.

Our surveys included questions about students' physical and mental health as well as families' access to food, housing, childcare, and transportation. As a result of these surveys, our LEA has been able to support students and families during the time of remote learning and prepare to meet their ongoing needs as we transition to in-person instruction.

Diagnostic Assessment: Students are assessed in the areas of Reading and Math, using our adopted benchmark assessment and intervention program, i-Ready. The results from the diagnostic assessment provides a variety of general and specific information regarding the student's skill level, equivalent grade level, and areas of strength and needed support. Additionally, i-Ready provides intervention assignments that correlate directly to the students' individual results and levels. These activities provide scaffolded assignments to support student improvement in reading and math skills, necessary for providing a foundation of academic growth and achievement. Students are scheduled to another i-Ready assessment after 90 days of intervention and course work. Students enrolled in the Orange County Special Education school are assessed using the SANDI, which is an assessment developed for students with disabilities to determine individual strengths and identify areas that need additional support.

Formative Assessment: Our students are enrolled in small day classes or contract learning, which allow teachers to use formative assessments in conjunction with I Ready results to create an academic program that will support each student in their areas of need and increase their engagement in student areas of strengths and interest. As alternative education, our schools have the unique opportunity to tailor and design an academic program for our at-promise students based upon their identified individual needs, which is necessary for students to achieve their goals and develop academically and personally. As our students transition back to in-person instruction, the low teacher-student ratio allows this formative assessment to assess any learning loss or personal struggles the student may be experiencing as a result of the challenging year we have all experienced. Working directly with the student the teacher is able to identify and address student needs themselves or, when necessary, enlist the assistance of support staff who provide intervention in the areas of academic, social and emotional well being, and/or community resources available for families who are experiencing personal or financial challenges. For students with an IEP, progress on goals and objectives are monitored, to support their individual needs and academic growth.

A description of how parents and guardians of students will be informed of the opportunities for supplemental instruction and support.

In order to ensure that as many students and families as possible take advantage of the opportunities for supplemental instruction and support detailed in this plan, there will be a number of different ways that the available resources will be communicated out to our students and their parents/guardians, both from specific site outreach as well as LEA-wide outreach.

Site-level communication:

Students and parents/guardians will receive information through written and/or electronic messaging communication from site staff regarding these opportunities for additional support. Additionally, for students who are struggling academically or with chronic absences, staff will share this information directly with these individual students to ensure they are aware of the many ways we have developed to support them in their learning and personal growth. The support that is messaged and provided will be in line with the support tiers outlined in our district-wide Learning Continuity Plan.

LEA-wide communication to all students and parents/guardians:

All students and parents/guardians within our OCDE schools will receive information on an ongoing basis to inform them of opportunities for supplemental instruction and support. Additional staff will be assigned to ensure there is ample communication with parents, and staff will be made aware of the opportunities they can offer to help students based on their specific needs.

Website communication:

Information regarding supplemental instruction and support detailed in this plan will be posted to our LEA school websites for students and parents/guardians to be able to access at their convenience for further assistance in identifying needed supports. This information will include contact information for staff who can further assist in connecting students and parents/guardians with supports to increase success.

Overall communication considerations:

- ▶ Communication will be sent to students and parents/guardians in English/Spanish/Vietnamese, depending on their home language.
- ▶ Communication will be in various forms including written communication, hard copies of flyers, emails, messages, phone contacts, and personal home visits as needed for the specific student to make them and their parents/guardians aware of these opportunities
- ▶ If students and/or parents/guardians have questions regarding specific supports available we will make them aware that they can reach out to staff, including teachers, counsellors, program specialists, or administrators for assistance.

A description of the LEA's plan to provide supplemental instruction and support.

The development of our LEA's plan for providing supplemental instruction and support for students was created based on stakeholder involvement and input. This plan is also aligned with our Local Control Accountability Plan, Learning Continuity Plan and Multi-Tiered System of Supports.

Conditions of Learning:

Our LEA will use Expanded Learning Opportunities (ELO) Grant to provide students with equitable access to rigorous academic experiences preparing them for college and career and life success. We will invest in instructional materials and resources that provide a tiered academic support and individualized learning plan for all students. We will increase access to Career Technical Education and Science, Technology, Engineering, Arts, and Mathematics experiences for students across the LEA by collaborating with our internal and external partnerships in offering courses. We will use our existing community learning sites and expand access to technology and increase WiFi accessibility to students.

Our LEA will provide evidence-based professional development opportunities in order to provide a rigorous and engaging academic program that meets the needs of all students, in particular the most vulnerable group of students, and to support staff's instructional capacity. Professional developments such as Guided Language Acquisition Design, will be provided to teachers and paraprofessionals to help mitigate student learning loss, increase academic success and language acquisition. Additionally, we will explore opportunities to create a "Newcomer" English language program in collaboration and partnership with our local districts.

Areas of Focus:

- ▶ *Extend extracurricular activities*
- ▶ *Expanded CTE program*
- ▶ *Mobile STEM program*
- ▶ *Community learning hubs*
- ▶ *Support student transportation needs*
- ▶ *Expanded school nutrition program*
- ▶ *Site Safety*
- ▶ *Learning Loss curriculum*
- ▶ *Learning Management Systems*
- ▶ *Support for English Learners*

Engagement:

Our LEA will use ELO funding to provide programs designed to engage and inform students and families regarding services in a culturally responsive, physically, and emotionally healthy and safe environment. To accelerate progress and close learning gaps, we will increase one-on-one paraprofessional support to provide targeted assistance to students who are struggling academically and identify barriers to learning. Our LEA will expand its family, community and school support by increasing services and ensuring that information and resources are available to families in their primary language. Addressing mental and social-emotional health is of utmost importance in supporting the whole-child. We will leverage our existing programs in the areas of trauma-informed learning, restorative practice and increase clinical and school counselor services.

We will explore opportunities to build resiliency and wellness and provide inclusive, culturally responsive, and engaging programs such as expanding our arts programs across the LEA. We will also explore expanding our partnerships with community resources to offer after school programming at school sites. Our students benefited immensely from a personal development workshop series designed to mentally prepare the students to accept, transition, and transform to a high level of self-efficacy, and we will work to provide additional workshop series across the LEA.

Areas of Focus:

- ▶ *Expanded curriculum and interventions*
- ▶ *Expand supports to engage families*
- ▶ *Enhanced services and supports for student personal growth and life skills*
- ▶ *Increase one-on-one targeted support for students*

Pupil Outcomes:

Our LEA will use the ELO funding to support students in demonstrating college and career readiness, course content mastery and development of interpersonal skills to increase academic achievement. To provide targeted support, students will be assessed in the areas of Reading and Mathematics, using i-Ready, our adopted benchmark assessment and interventions program. Additionally, students with IEPs will continue to have their goals and objectives monitored to ensure progress and equitable access to curriculum, and to inform instructions, and if needed, to increase support for their ongoing academic achievement.. We will leverage our existing staff and resources and increase support to ensure that students are assessed shortly upon enrollment and that academic interventions are implemented and utilized by students regularly to close achievement-gap and increase academic success. We will also increase support to ensure that students are scheduled for another i-Ready diagnostic assessment to measure progress. We will increase services to provide direct one-on-one or small group remedial support in the areas of reading and math.

We will work in partnership with local school districts to provide instructional programs to address the needs of students who are credit-deficient and at high risk of not graduating. These instructional programs will be targeted to ensure that each student is enrolled in the course(s) that they need to succeed and we will provide individualized academic support via subject matter expert tutors and other instructional resources. Upon successful completion of the course(s) students will return to their district of residence to continue with their high school education.

Areas of Focus:

- ▶ *Increased supports for credit deficient students*
- ▶ *Expand and support the use of local assessment for learning loss*

Expenditure Plan

The following table provides the LEA's expenditure plan for how it will use ELO Grant funds to support the supplemental instruction and support strategies being implemented by the LEA.

Supplemental Instruction and Support Strategies	Planned Expenditures	Actual Expenditures
Extending instructional learning time	\$1,600,000	[Actual expenditures will be provided when available]
Accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports	\$500,000	[Actual expenditures will be provided when available]
Integrated student supports to address other barriers to learning	\$200,000	[Actual expenditures will be provided when available]
Community learning hubs that provide students with access to technology, high-speed internet, and other academic supports	\$300,000	[Actual expenditures will be provided when available]
Supports for credit deficient students to complete graduation or grade promotion requirements and to increase or improve students' college eligibility	\$4,000,000	[Actual expenditures will be provided when available]

Additional academic services for students	\$500,000	[Actual expenditures will be provided when available]
Training for school staff on strategies to engage students and families in addressing students' social and emotional health and academic needs	\$247,134	[Actual expenditures will be provided when available]
Total Funds to implement the Strategies	\$7,347,134	[Actual expenditures will be provided when available]

A description of how ELO Grant funds are being coordinated with other federal Elementary and Secondary School Emergency Relief Funds received by the LEA.

The Orange County Department of Education is responsible for a wide variety of educational programs serving students who are at-risk/at-promise to students preparing to go to four-year universities. OCDE schools serve those with the most significant disabilities, teen parents, foster youth, homeless youth, adjudicated youth, as well as youth who are gifted in the areas of arts, science, athletics or academics. The needs of the students encompass a broad spectrum, such as basic needs, academic remediation or enrichment, intensive mental health services, and/or social, emotional and behavioral supports. Identifying and addressing these needs provides a foundation for individual student personal growth and academic achievement, leading to a successful transition from high school to college and career upon their graduation.

The ESSER funds provide the means to enhance the safety of our sites and provide dynamic hybrid and in-person learning environments for students. The addition of the ELO funding will give all OCDE school programs the ability to expand, enhance and provide additional services to facilitate credit recovery and mitigate learning loss and social, emotional, behavioral and mental health challenges experienced by our students during the Covid-19 pandemic and shutdown.

ELO funds will be coordinated with other ESSER, state and federal funding to maximize instruction, support and services. In some instances, the funds will be coordinated to expand existing programs which have proven to be effective supports for students; while in other cases, these funding opportunities will allow for the development of new and innovative programming designed to support students and families. Prioritizing direct services to meet student needs will be the first tier in the decision-making process and stakeholders will continue to be included in the planning processes. Categorical and restricted funds will also be reviewed and adjustments made to staffing, supports, and services as needed to optimize and calibrate all funding sources.

ORANGE COUNTY BOARD OF]
BOARD AGENDA ITE

Item: Staff Recommendations #11
May 5, 2021
[X] Mailed [] Distributed at meeting



DATE: April 21, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Jeff Hittenberger, Ph.D., Chief Academic Officer
SUBJECT: Expanded Learning Opportunity Plan

DESCRIPTION:

The Expanded Learning Opportunity funding assists schools with offering in-person instruction to the greatest extent possible during the 2020-21 school year; and to expand in-person instructional time and provide academic interventions and pupil supports to address barriers to learning, and accelerate progress to close learning gaps.

Pursuant to EC 43521(a)(1), a plan must be developed by June 1, 2021. We have developed a plan utilizing the Local Control Accountability Plan priorities to address barriers and close learning gaps.

RECOMMENDATION:

Approve the College and Career Preparatory Academy's Expanded Learning Opportunity plan pursuant to EC 43521 (b) and 43522(a)(1) by June 1, 2021.

Expanded Learning Opportunities Grant Plan

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
College and Career Preparatory Academy	Dave Connor, Principal	DConnor@ocde.us (714) 796-8795

The following is the local educational agency's (LEA's) plan for providing supplemental instruction and support to students, including those identified as needing academic, social-emotional, and other supports, including the provision of meals and snacks. The plan will explain how the LEA will use the funds it receives through the Expanded Learning Opportunities (ELO) Grant to implement a learning recovery program for at least the students included in one or more of the following groups: low-income students, English learners, foster youth, homeless students, students with disabilities, students at risk of abuse, neglect, or exploitation, disengaged students, and students who are below grade level, including, but not limited to, those who did not enroll in kindergarten in the 2020–21 school year, credit-deficient students, high school students at risk of not graduating, and other students identified by certificated staff.

For specific requirements please refer to the Expanded Learning Opportunities Grant Plan Instructions.

Plan Descriptions

A description of how parents, teachers, and school staff were involved in the development of the plan.

To ensure involvement of our stakeholders, College and Career Preparatory Academy elicits input from our School Advisory Committee, community partners, local business executives, CCPA staff, students CCPA parents and the Orange County Board of Education. The School Advisory Committee represents an organizational and technical design to ensure CCPA remains a viable enterprise, with active and effective representation of interested parties supporting a successful educational program. The School Advisory Committee represents the diverse interests of the students and staff that make up the local school community. In an effort to gather meaningful input from all stakeholders, various methods of acquiring input was conducted. Meetings via web-conferencing, phone calls, surveys online and over the phone in various languages, and committees were conducted to solicit input on educational planning and funding. Listed below are various methods in which input was collected:

- CCPA School Advisory Committee meetings held for public hearing and open to public comments, available through web-conferencing and phone call in.
- DELAC meeting held for parent questions and feedback.

- Online surveys conducted to gather feedback from students, teachers, staff, community partners and parents.
- Emailed and texted survey to parents in English and Spanish.
- Phone surveys conducted in English and Spanish for Parents.
- Daily meetings with staff that discussed additional learning opportunities for students and funding
- Surveys/phone calls/meetings with stakeholders from school administration, Project Liaison, SRTs, and Counselor on a weekly basis.

A description of how students will be identified and the needs of students will be assessed.

Historically 100% of CCPA students are at-promise formerly disengaged students and 82% of are classified as socio-economically disadvantaged. To this end all CCPA students will benefit from expanded learning opportunities that will help them in attaining their educational goals.

In evaluating students' academic progress, we recognize the importance of addressing all students' academic needs. In supporting these needs, CCPA strives to reduce barriers and increase student attendance and work completion. Therefore, CCPA is currently creating and implementing a Multi-Tiered System of Support (MTSS) that uses data to help match academic needs and services that support student success. Research has shown that when a school uses tiered interventions, all students achieve better academic and behavior outcomes. Tiered intervention matrix planning is in the development stage and is being created with the mindset that all students can be college and career ready.

CCPA recognized that one of the most significant impacts of the pandemic due to Covid-19, was the loss of learning, both in academic content and skills. To address this, CCPA offers enhanced assessments and interventions in the critical areas of Reading and Mathematics which supports accelerated learning across all subject areas. The i-Ready program is an adaptive comprehensive assessment and intervention program that provides data which empowers teachers with a deeper knowledge of each student's needs in the area of math and reading, which is particularly important in identifying learning loss and providing prescriptive intervention. As a web-based tool, i-Ready is accessible whether students are receiving in-person, distance learning, or blended instruction.

The 2020-21 school year's expansion of i-Ready included a standardized assessment time frame, thus increasing the percentage of students who were administered i-Ready and provided interventions per their results and will be a continued measurement strategy into 2021-2022. Assessment results have been entered into a learning management system to offer teachers and administrators even greater access to individual and collective data for the purposes of academic goal-setting and allocating funds to support student learning needs.

The implementation of learning loss assessment strategies is a necessary step in addressing the needs of students. However, the use of any strategy or program will only serve the needs of the students with a prescriptive and consistent system in place to measure their effectiveness. To that end, CCPA is committed to continuing the following protocol and process:

1. Setting three standardized assessment windows during which time students are administered the i-Ready assessment
2. Increased teacher and administrator accessibility to student results via IO Assessments, which will provide both individual and collective outcome data
3. Professional time set aside to review, assess, and plan, using the i-Ready data available from IO Assessment reports
4. Comparison of student levels and growth in i-Ready based upon data from previous years (for returning students)

Additionally, ongoing teacher-based formative assessment and analysis of individual student work and completion of courses will provide evidence that any learning loss a student may have experienced has been or is being addressed. This individualized approach to instruction is a foundation of our alternative education programs and is designed to support student completion of high school requirements, leading to graduation and a successful transition to college and career, with the necessary academic content knowledge and skills.

The most visible aspect of learning loss can be seen in the area of academic achievement, but there are other equally important aspects of learning loss that will be monitored. A teacher's relationship with the student and the frequent (daily) communication, makes that teacher uniquely qualified to notice the more subtle aspect of learning loss such as motivation, engagement or participation. Teachers, administrators, or any staff that interact with students can request interventions for a student that they suspect is struggling. Follow-up surveys and responses will be collected throughout the school year to gather student feedback regarding connectedness to school, coping with stress, and questions to determine basic student needs. These interventions can start with a student-teacher conference, a teacher-parent conference or a more formal Student Intervention Team meeting (SIT). Once these interventions are identified and set up the SIT process will monitor the effectiveness of the intervention via data collection (for example, meetings with a clinician, or assignment to a tutoring group). Student supports can include help from tutors, the school counselor, school nurse, program specialist or administrators. Supports will be individualized to meet the needs of the student.

A description of how parents and guardians of students will be informed of the opportunities for supplemental instruction and support.

As the majority of CCPA students are young adults age 18-25, parental involvement is limited. Therefore, informing students of these supplemental supports will be delivered directly to the students through meetings with their teacher, counselor, community resource specialist and upon enrollment with the student records technicians. Students are in contact with teachers via phone calls, text, and emails, so they can informally assess the students needs and inform them of the additional support that is available to them. Flyers, letters and emails will be created and distributed to all students through school messenger, texting and mailed letters home. Since students are young adults, they must give permission to CCPA to contact their parents. For those students whose permission was given to contact their parents, CCPA will also distribute flyers and emails through school messenger and mailed letters to their home.

CCPA School Advisory Committee and DELAC meetings occur regularly throughout the school year and will include updates on the availability of supplemental instruction and support being offered to all students. These meetings are open to the public including students, parents, staff and other stakeholders which allow for announcements, questions and feedback.

Additionally, CCPA's school website will be used as a source to promote and distribute all information in one location.

A description of the LEA's plan to provide supplemental instruction and support.

CCPA will provide all students expanded learning opportunities that will help them in attaining their educational goals through the following learning recovery program for the 2021-2022 school year.

To Increase instructional learning time CCPA will support students by providing more one-on-one support with educational paraeducators and academic support assistants. This one-on-one support will be available through various hours including late afternoon and evening times.

Currently, all students enrolled receive a chromebook and every student is offered internet connectivity if needed. By providing all students in need with the necessary technology to access academic curriculum via an electronic platform, CCPA will provide virtual support with a Learning Management System (LMS) Support Specialist that will offer students extra hours of nighttime support as they navigate the LMS platform and troubleshoot any problems.

To support the needs of students in breaking down barriers that are hindering their academic achievement, funding will be allocated for a Community Resource Specialist. This position will identify regional networks of resources throughout Orange County for students to access to meet their basic needs, support students in connecting with community resources and monitor their participation. Through surveys collected and student feedback, the Community Resource Specialist will connect CCPA students with community partners to ensure that they are taking advantage of resources available to them and will monitor the increased usage of services utilized by CCPA students. Additionally, the Community Resource Specialist will continue to monitor student needs and effectiveness by gathering data for student positive attendance rates and tracking student's post-graduation data including students planning to enroll in college or work full-time.

Expenditure Plan

The following table provides the LEA's expenditure plan for how it will use ELO Grant funds to support the supplemental instruction and support strategies being implemented by the LEA.

Supplemental Instruction and Support Strategies	Planned Expenditures	Actual Expenditures
Extending instructional learning time	\$ 109,299	[Actual expenditures will be provided when available]
Accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports	[\$ 0.00]	[Actual expenditures will be provided when available]
Integrated student supports to address other barriers to learning	\$ 30,000	[Actual expenditures will be provided when available]
Community learning hubs that provide students with access to technology, high-speed internet, and other academic supports	[\$ 0.00]	[Actual expenditures will be provided when available]
Supports for credit deficient students to complete graduation or grade promotion requirements and to increase or improve students' college eligibility	[\$ 0.00]	[Actual expenditures will be provided when available]
Additional academic services for students	\$ 74,880	[Actual expenditures will be provided when available]
Training for school staff on strategies to engage students and families in addressing students' social-emotional health and academic needs	[\$ 0.00]	[Actual expenditures will be provided when available]
Total Funds to implement the Strategies	\$214,179	[Actual expenditures will be provided when available]

A description of how ELO Grant funds are being coordinated with other federal Elementary and Secondary School Emergency Relief Funds received by the LEA.

CCPA did not receive funding from Elementary and Secondary School Emergency Relief Funds.

NSB

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
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

- 6:00 p.m. Call to Order, Agenda Adoption, Invocation, Pledge of Allegiance
- 6:05 p.m. Public Comments (1 Minute each)
- 7:05 p.m. Board President hands meeting to Meeting Facilitator,
- 7:05 p.m. Moderator provides overview of meeting format
- 7:10 pm Expert Panel (Five) introductions
- 7:15- 8:05 Expert Panel Opening remarks (10 min per panelist)
(Start in right to left order)
- 8:06- 8:46 p.m. Board begins first Round-robin questions to panelist,
8 min per Trustee)
(Begin with Sparks, Williams, Barke, Shaw , Gomez)
- 8:47- 9:00 p.m. Break
- 9:00 –9:30 p.m. Expert Closing Remarks (6 minutes per panelist)
(Start Left to Right order)
- 9:30 p.m. Moderator Closing remarks to Board President
- 9:31 p.m. Board President closes 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: Board Statement Regarding Vaccination

RECOMMENDATION:

Board action on board statement regarding vaccination.

Board Statement

The Orange County Board of Education ("Board") takes great pride in granting the public a meaningful platform to make their opinions known. Before the April 7, 2021, regularly scheduled Board meeting over 200 community members attended an impromptu rally at the county office of education. Although no action item was on the Board agenda, during the "public comment" portion of the agenda over 100 Orange County residents requested to speak to the board. Subsequent public remarks reflected outrage and were critical over earlier comments purportedly made by the OC Public Health Director who may have suggested mandating Covid-19 vaccinations to children, using schools as student vaccination centers, and perhaps finding legal means to bypass parental vaccination consent. Any comments allegedly made by county officials advocating these policies *in no way* reflects the governance, policy, or beliefs of the Board.

The Board stands side-by-side with Orange County residents against mandatory vaccinations, particularly of school-age children. The Board has repeatedly proven itself to be a strong supporter of parental rights and vehemently condemns and opposes any effort to curtail parents' authority to make the best choices for their children. Schools are for inculcating facts and knowledge, and not advancing vaccination mandates for children who are at very little risk of the Covid-19 pathogen. The Board is grateful to our constituents for coming out to our meeting, sharing your voices, and participating in our great American democratic experiment. And most of all, thank you for advocating for your children and their future.



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 against digital vaccine passport mandates

RECOMMENDATION:

Board action on a resolution against digital vaccine passport mandates.

Resolution Against Digital Vaccine Passport Mandates
Orange County Board of Education
May 5, 2021

Whereas, the Orange County Board of Education (OCBE) favors the preservation of our citizen's free movement, individual liberties and freedoms, free moral agency, security of private healthcare data, and parental rights in the upbringing of their children to make critical healthcare decisions in their children's well-being; and

Whereas, health vaccinations for school entry of children have historically been documented by a yellow-colored vaccine card that is completed by the child's private physician and/or healthcare clinic. These documents have been used for decades as best practices and health standards and record of documentation of vaccinations, and they have been recognized nationally and internationally by government agencies; and

Whereas, the Covid-19 pandemic has already inordinately affected people on the basis of race, gender, and socioeconomic status, and concerns exist that vaccine distribution is not globally equitable. The medical literature has consistently demonstrated that children have significantly lower rates of infection, morbidity and mortality from Covid-19, and this virus is generally not associated with spread in the school site setting by children; and

Whereas, in a WHO Scientific Brief, dated April 24, 2020, ¹ it concluded that "*there is currently no evidence that people who have recovered from COVID-19 and have antibodies are protected from a second infection;*" it is also unclear whether COVID-19 vaccination prevents transmission as vaccinated people may be asymptomatic and unknowingly may spread the virus; and required vaccination of children could create a new cultural divide between those who are vaccinated and those who are not; and

Whereas, currently private businesses and corporate organizations along with government agencies are promoting the concept of a digital passport for vaccinations and healthcare data. This international collaborative effort is to create a global digital vaccine passport also known as immunity passports. These digital passports are being touted as a solution to ending lockdowns around the world by proponents of digital identity, the digital identity industry, think-tanks, and the travel and entertainment industry; and

Whereas, as a result of this concerted effort, there are universal concerns that any initial voluntary participation in a digital passport program will over time likely become compulsory for all American citizens, to include a vaccination mandate and digital vaccination passport for all health records of students, and children in K-12 schools; and

Whereas, there are numerous states in the USA with current or planned bans or limitations on vaccination mandates, and/or vaccine passports or health credentials. They include but are not limited to the states of Tennessee, Texas, Florida, Montana, Georgia, Iowa, and Nebraska ²; thus making the nationwide or universal application of a digital passport moot and non-functional; and

¹ <https://www.who.int/news-room/commentaries/detail/immunity-passports-in-the-context-of-covid-19>

² <https://www.beckershospitalreview.com/digital-transformation/vaccine-passports-10-states-with-bans-limitations-green-lights.html>

Resolution Against Digital Vaccine Passport Mandates
Orange County Board of Education
May 5, 2021

Whereas, based on a lack of medical data the World Health Organization concluded in their February 5, 2021 travel advice ³ that the use of such digital certificates may therefore increase the risks of continued transmission, and stated “*there is not enough evidence about the effectiveness of antibody-mediated immunity to guarantee the accuracy of an immunity passport;*” and

Whereas, digital vaccine and health record software applications are controversial, possessing big government Orwellian concepts about personal data collection, with the potential exploitation of collected data and identities by the corporations providing identity services and software; and the ACLU concurs with the opposition to digital passports by stating it is inherently discriminatory towards those who withhold vaccination(s), or do not possess digital technology; and

Whereas, as vaccine distribution is not globally equitable, a digital vaccine passport separates society into two groups of citizens, and creates the perception that the Covid-19 vaccine is de-facto compulsory, and those that refuse vaccination will face social exclusion; and

Whereas, not every citizen can be offered or has access to a vaccine or digital technology, and vaccine hesitant communities will be adversely impacted by digital passports, further advancing inequality and division; and

Whereas, currently Orange County residents receiving Covid-19 vaccination(s) are given a Vaccination Record Card as proof of vaccination after immunization. In Orange County, California a software application called Othena, currently used for covid-19 vaccination scheduling for residents in the said county, is being transitioned to and designed to function as a digital vaccination passport. The OC Supervisors and Health Care Agency has launched a digital passport pilot program documenting proof of that vaccination. It is touted without guarantees as a secure, digital record which provides a convenience for residents who have been Covid-19 vaccinated through the county; and

Whereas, Orange County Supervisor, Foley in a public statement defended and provided pseudo-assurances of the integrity and security of the digital passport. She stated ⁴, the “*Othena digital vaccination record is a secure, digital record which has been provided as a convenience for residents who have been vaccinated through the County, and need to show proof of that vaccination. It’s a convenient and safe way for those who might need proof for domestic and international travel for business or personal reasons, and/or might be attending business conventions, trade shows or entertainment or sporting events. The record helps protect private information, while providing ease of access;*” and

Whereas, current health and vaccination records for school age children are primarily paper-based, decentralized, and protect family and student privacy. Voluntary or mandated digital health or vaccine passports advance the goals of advocates of digital health data. It unfortunately will result in restrictions of personal freedoms and private choice; loss of privacy of health data and information;

³ <https://www.who.int/news-room/articles-detail/interim-position-paper-considerations-regarding-proof-of-covid-19-vaccination-for-international-travellers>

⁴ <https://bos2.ocgov.com/pr-othena-digi-vaccination-record>

Resolution Against Digital Vaccine Passport Mandates
Orange County Board of Education
May 5, 2021

and potentially creates social stratification by denying key public services and access to a free society of citizens who are not vaccinated or do not possess digital technology; and

Therefore, the OCBE declares its opposition to vaccine or health digital passports, mandatory Covid-19 vaccination, and any future legal use of digital documentation of health care records; and

Furthermore, the OCBE advocates that any proposal for vaccine credentials must be primarily paper-based, decentralized, and protect family and student privacy.

YB

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.



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

Whereas, AB 1316 is supported by the California Teachers Association and it imposes and triples the current cap on authorizer oversight fees, prescriptive minimum daily instructional minutes laws and 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 (presumably 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 "full SACS-compliant" financial data in the same format as school districts, thereby mandating implementation of complex and costly accounting software, systems, and practices,

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 with a brute force cut; 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 district; 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 with a brute force cut; 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; and

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 myriad additional duties and paperwork 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 disallows average daily attendance during days dedicated to undefined “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 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

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 with a brute force cut; 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; and



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 myriad additional duties and paperwork 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 disallows average daily attendance during days dedicated to undefined “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 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 denounces Assembly member O'Donnell for his purposeful legislation that weakens California's great charter schools, and the board strongly opposes AB 1316 because of its imposition of devastating restrictions and additional costs on California's charter schools.



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: April 29, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Ken L. Williams, D.O., Board President
SUBJECT: Executive Committee Recommendations – Approval Legal Contract

BACKGROUND:

Pursuant to Education Code section 1042(d) and the Settlement Agreement entered into between the Board and Al Mijares on February 22, 2021, in Orange County Superior Court Case No. 30-2018-01023385-CU-MC-CJC, in light of ongoing conflict of interest with Jeff Riel, approve a new contract with the Law Offices of Margaret Chidester for the purpose of obtaining a legal opinion on the following matters, including, but not limited to: 1) the respective legal authority and responsibilities of the County Board and County Superintendent with regard to processing state, federal, and private grants; 2) the respective legal authority and responsibilities of the County Board and County Superintendent with regard to processing vendor contracts; and 3) best practices, including, but not limited to the Ralph M Brown Act, regarding agenda placement, discussion, ratification and approval of the aforementioned grants and contracts.

RECOMMENDATION:

Approve a new contract with the Law Offices of Margaret A. Chidester & Associates.

**RETAINER AGREEMENT
BETWEEN ORANGE COUNTY BOARD OF EDUCATION
AND THE LAW OFFICES OF MARGARET A. CHIDESTER & ASSOCIATES**

THIS AGREEMENT is made and entered into effective April 1, 2021 by and between the ORANGE COUNTY BOARD OF EDUCATION of Orange County, California, "OCBOE," and the LAW OFFICES OF MARGARET A. CHIDESTER & ASSOCIATES, "Attorneys."

W I T N E S S E T H

WHEREAS, the OCBOE desires to obtain from Attorneys certain specialized legal services pursuant to Education Code section 1042(c), and the Settlement Agreement entered into between the OCBOE and Superintendent Al Mijares in Orange County Superior Court Case No. 30-2018-01023385-CU-MC-CJC, and in light of the ongoing conflict of interest with counsel to the Superintendent;

WHEREAS, the governing Board has determined that it is in the best interest of the OCBOE to appoint Attorneys to represent the OCBOE in the matters specified herein;

In consideration of these mutual promises, the parties agree as follows:

1. **Services**: The OCBOE retains Attorneys for the purpose of providing specialized legal services pertaining to OCBOE business and related matters as may be specifically directed by the governing Board and the Board President, including, but not limited to: 1) the respective legal authority and responsibilities of the County Board and County Superintendent with regard to processing state, federal, and private grants; 2) the respective legal authority and responsibilities of the County Board and County Superintendent with regard to processing vendor contracts; and 3) best practices, including, but not limited to the Ralph M Brown

Act, regarding agenda placement, discussion, ratification and approval of the aforementioned grants and contracts.

Upon specific direction of the Board or its President, Attorneys will interpret relevant statutes, constitutional provisions and case law as deemed necessary by the OCBOE; prepare, review, and comment on legal documents in correspondence; render legal opinions as appropriate and requested; advise and represent the OCBOE in any court or administrative proceeding, provide other specialized legal advice and legal services as requested; work with the OCBOE in the development of policy; and attend meetings in-person or telephonically as necessary and requested.

In rendering services, Attorneys shall comply with all federal, state, and local laws, regulations, and rulings to the extent that such laws are applicable to the Firm in its capacity as a OCBOE's specialized legal representative.

2. **Rates and Payment:** The OCBOE shall not be required to pay in advance for any retained services. The OCBOE shall pay Attorneys for services at the rates set forth in Exhibit "A", attached and incorporated by this reference. *Billing shall be reported in increments of 1/10 of one hour.* Billing shall separately specify related costs including authorized consultants providing services on behalf of OCBOE.

3. **Costs:** The OCBOE shall pay and reimburse Attorneys for any actual and necessary costs and expenses incurred in the course of providing services, including actual charges that Attorneys directly incur such as filing fees, reproduction of documents, messenger and delivery services, postage, travel expenses, mileage for travel at the fixed IRS rate, lodging, court reporting costs, hearing officer and arbitrator fees, and consultant services.

Attorneys will supply all necessary equipment, tools, supplies, offices, personnel, transportation, support services, and insurance required to perform legal services under this Agreement.

4. Statements: Attorneys shall present statements for services rendered during the preceding month. The OCBOE shall pay upon presentation or within forty-five (45) days thereafter. Invoices not paid within 60 days of the date issued may be assessed a late charge of 1.0% per month. Statement shall include (1) a detailed, confidential account of the legal matters, strategies, and work on behalf of the OCBOE, and (2) a summary invoice containing only amounts, dates, and general descriptions of legal services provided that is suitable for the Board President to transmit to accounts payable staff or, if required, to present in response to a Public Records Act request. Invoices shall be sent directly to the attention of the Board President unless we are otherwise directed in writing by the Board President or the governing Board.

5. Conflicts: The OCBOE acknowledges that Attorneys presently represent and in the future will represent other districts, charter schools, county superintendents, and education agencies that may, from time to time, have transactions with the OCBOE. The OCBOE consents to such continued and future representation without the need for any further consent from the OCBOE, provided that Attorneys shall promptly notify the OCBOE in writing of any direct conflict and of the OCBOE's options in such case.

Attorneys shall not represent any person or entity in any action against the OCBOE or in any investment matter before the OCBOE.

6. Related Post-Investigation Services: If an attorney who conducted an investigation for the OCBOE is subsequently asked or required to prepare for and/or testify, including, without limitation, at deposition, trial, arbitration, or any other proceeding, because of services rendered under this Agreement, and/or if the investigating attorney must respond to subpoenas or discovery or otherwise respond or perform services with respect to any matter relating to or arising out of services performed for the OCBOE, the OCBOE agrees to pay Attorneys for time expended, including preparation time, at the investigating attorney's then current hourly rate and to reimburse Attorneys for reasonable costs and expenses incurred.

7. Indemnification: Except as provided below, the OCBOE will indemnify, defend and hold harmless Attorneys from and against all claims, suits or causes of action arising out of the services rendered herein. The OCBOE will provide legal representation for Attorneys in any litigation relating to such services if Attorneys are sued, deposed, or otherwise required to provide information or testimony concerning services provided under this contract. ***This provision does not apply to any actions resulting from Attorneys' negligence or willful and/or malicious conduct in the course of rendering services.***

The indemnity provisions of this section shall survive the expiration or termination of this Agreement.

8. Electronic Communication, Confidentiality and Publicity: The OCBOE authorizes Attorneys to communicate with the OCBOE and the OCBOE's authorized representatives via electronic mail when such communication is desirable for timely communications,

efficiency of transmission, or to avoid the need for re-creating documents.

Attorneys shall make reasonable efforts to label electronic communications as confidential and privileged. The OCBOE acknowledges that electronic communications may be intercepted and that confidentiality cannot be guaranteed. If e-mail is intercepted or confidentiality is otherwise compromised, the OCBOE will hold Attorneys harmless for any resulting injury.

The OCBOE will not modify any document transmitted to the OCBOE electronically by Attorneys, except as expressly authorized by Attorneys.

Both parties agree not to knowingly transmit any materials to the other party in violation of the copyright of another or of any other applicable law.

Attorneys shall retain all OCBOE confidential information in the strictest confidence and shall neither use it nor disclose it to anyone without prior written consent of the OCBOE. The OCBOE may seek to enjoin any unauthorized disclosure. Attorneys shall not issue public announcements concerning the OCBOE without the OCBOE's prior written consent.

9. No Guarantee of Outcome. Attorneys do not promise or guarantee an outcome for any particular legal matter. Attorneys shall provide periodic reports and opportunities for OCBOE input and direction. Actual fees will vary from initial estimates and may be higher or lower based upon OCBOE direction for specialized legal work.

10. Files and Ownership of Documents. When legal services conclude, or periodically as individual matters conclude, Attorneys will, upon the OCBOE's request, deliver closed files to the OCBOE at the OCBOE's cost, along with any funds or property of

the OCBOE's in Attorneys' possession. Attorneys will retain closed files for a period of up to one (1) year. If the OCBOE does not request delivery of the file before the end of the one (1) year period from closure of the file, Attorneys shall have no further obligation to retain files and may, at Attorneys' discretion, destroy them without further notice.

11. Assignment. This Agreement is not assignable without the written consent of the OCBOE.

12. Independent Contractor. Attorneys, while engaged in performing the terms of this Agreement, are an independent contractor and are not employees of the OCBOE.

13. Insurance. Attorneys shall maintain workers' compensation insurance, general liability insurance, and legal malpractice coverage in force at all times at their sole expense in amounts deemed sufficient under current industry standards to protect the interests of the OCBOE under this Agreement. Attorneys shall, on request, provide the OCBOE with certificates of insurance evidencing compliance with coverage requirements of this Agreement.

14. Nondiscrimination. Attorneys shall not, in the performance of this Agreement, unlawfully discriminate against any employee, applicant for employment, or OCBOE student or employee because of race, religion, color, national origin, ancestry, disability, medical condition, marital status, age (over 40), immigration status, sex, gender, gender identity or sexual orientation.

15. Audit. The OCBOE shall have audit access to its accounts with Attorneys on request during the term of this Agreement. Attorneys shall cooperate with such auditors or investigators authorized to audit OCBOE activities and provide information regarding OCBOE legal matters that the OCBOE may need to defend itself against legal challenges.

16. Governing Law. This Agreement shall be governed by the laws of the state of California.

17. Authority. The parties hold the positions set forth below their signatures and are authorized to execute this Agreement on behalf of their respective parties and to bind their respective parties hereto.

18. Term. This Agreement is effective April 1, 2021. It may be extended or modified by mutual agreement.

This Agreement is terminable by either party upon thirty (30) days written notice.

19. Entire Agreement. This Agreement contains the entire agreement of the parties. No other agreement, statement, or promise made on or before the effective date of this Agreement will be binding on the parties.

ORANGE COUNTY BOARD OF EDUCATION

Date: _____, 2021

BY: _____
Dr. Ken Williams, President

LAW OFFICES OF MARGARET A.
CHIDESTER & ASSOCIATES

Date: _____, 2021

BY: _____
Margaret A. Chidester

EXHIBIT "A"

Rates are guaranteed through June 30, 2022.

PARTNERS	\$325 per hour
SENIOR ATTORNEYS	\$295 per hour
OTHER ATTORNEYS	\$275 per hour
LAW CLERKS/PARALEGALS	\$185 per hour

COSTS

PHOTOCOPIES AND FAXES	\$0.25 per page
COLOR COPIES	\$0.50 per page
POSTAGE	actual charges
MILEAGE	IRS authorized rate
TELEPHONE CALLS AND TEXT MESSAGES	no charge