



REGULAR MEETING

October 6, 2021

3:00 p.m.

Location: The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream <https://www.youtube.com/watch?v=iEfU53YZMJw>

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 October 6, 2021 – Adoption

PUBLIC COMMENTS (related to Closed Session)

TIME CERTAIN

3:00 p.m.

1. Inter-district Appeal Hearing (closed) – 10062021001I – Saddleback Valley Unified School District to Tustin Unified School District.
2. Inter-district Appeal Hearing (open) – 10062021002I – Orange Unified School District to Tustin Unified School District.
3. Inter-district Appeal Hearing (open) – 10062021003I – Santa Ana Unified School District to Tustin Unified School District.

CLOSED SESSION 1

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)

CLOSED SESSION 2

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION- Orange County Board of Education v. Newsom Case Number S270319 - Government Code §§ 54956.9(a) and (d)(1)

INVOCATION

5:00 p.m.

Rabbi Stephen J. Einstein, DHL, DD
Founding Rabbi Emeritus
Congregation B'nai Tzedek
Fountain Valley, CA

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

(*) MINUTES

Special Meeting of August 24, 2021 – Approval
Regular Meeting of September 1, 2021 – Approval

PUBLIC COMMENTS

(30 minutes)

PRESENTATIONS

4. Special Presentation - Christine Selter

CHARTER SCHOOLS

5. Charter submissions

- (*) 6. Charter School Public Hearing – Scholarship Prep Material Revision
Aracely Chastain, Director, Charter Schools, will facilitate the public hearing.
Discussion Format:
Scholarship Prep Charter School
Public Comments (30 minutes)
Board Questions

- (*) 7. Board Action – Scholarship Prep Material Revision

- (*) 8. Charter School Public Hearing – Explore Academy Countywide Charter Petition
Aracely Chastain, Director, Charter Schools, will facilitate the public hearing.
Discussion Format:
Explore Academy
Public Comments (30 minutes)
Board Questions

- (*) 9. Board Action – Explore Academy Countywide Charter Petition

10. Suncoast Prep Update

BOARD RECOMMENDATIONS

11. Presentation of Legal Opinion on Contracts by Chidester & Rolen (Executive Committee)

- (*) 12. Board action on new Board Policy 100-22: Approval of Grants and Contracts (Executive Committee)

13. FCMAT Discussion (Executive Committee)

- (*) 14. Resolution on Engagement of Educational Pollster (Executive Committee)

- (*) 15. Board action on invoices for Law Offices of Margaret A. Chidester & Associate (Executive Committee)

CONSENT CALENDAR

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

STAFF RECOMMENDATIONS

- (*) 17. Approve the Orange County Department of Education's ESSER III plan pursuant to the American Resource Plan (ARP) Act.

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- HLC Update
- Charter Schools Update

BOARD DISCUSSIONS

- Redistricting

ANNOUNCEMENTS

- Superintendent
- Deputy Superintendent

Legislative Updates

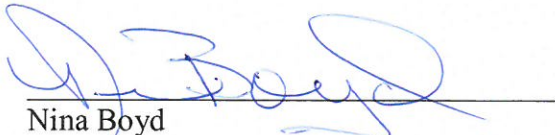
- CSBA Update
- CCBE Update
- NSBA Update
- Capitol News Update
- School Services Update

BOARD MEMBER COMMENTS

COMMITTEE REPORT

PUBLIC COMMENTS

ADJOURNMENT



Nina Boyd
Assistant Secretary, Board of Education

Next Regular Board Meeting: Wednesday, November 3, 2021 at 5:00 p.m. The meeting will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92626 with limited seating and via YouTube live stream.

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

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

MINUTES
Special Meeting
August 24, 2021



ORANGE COUNTY BOARD OF EDUCATION
Special Meeting Minutes

WELCOME

CALL TO ORDER

The Special Meeting of the Orange County Board of Education was called to order by Board President Barke at 6:08 p.m., August 24, 2021 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via YouTube live stream.

ROLL CALL

Present:
Lisa Sparks, Ph.D.
Rebecca "Beckie" Gomez
Tim Shaw
Ken L. Williams, D.O.
Mari Barke

(*) AGENDA

Motion by Williams, seconded by Sparks, and carried by a vote of 5-0 to approve the agenda of the Special meeting of August 24, 2021.

INVOCATION

Pastor Kathleen Espinoza, Associate Pastor, Templo Calvario Church

PLEDGE

Jeff Barke

PUBLIC COMMENTS

- Aneta
- Kim
- Brenda
- Victor
- Emily
- Ellisa
- Catalina
- Kay
- Julius
- Karen
- Kelly
- Marie
- Nathan
- Cecil

INTRODUCTIONS

Board President introduced trustees from Lowell Joint School District, Melissa Salinas and Karen Shaw.

FORUM FORMAT

Board President Barke handed the meeting over to Harriette Reid, Moderator.

Ms. Reid provided an overview of the meeting format and introduced the panelists.

- Elina Kaplan
- James A. Lindsay, Ph.D.
- Joe Nalven, Ph.D.
- D.A. Horton
- Mark MacDonald, M.D.

The panelists made their opening remarks (12 minutes).

Board began first round-robin questions to panelist (6 minutes per Trustee).

- Trustee Gomez
- Trustee Shaw
- Board President Barke
- Board Vice President Williams
- Trustee Sparks

The Board took a recess from 8:48 p.m. to 9:01 p.m.

Closing Remarks (8 minutes per panelist) made by Pastor Horton, Dr. MacDonald, Dr. Nalven, Dr. Lindsay, and Ms. Kaplan.

Ms. Reid thanked the panel and handed the meeting back to Board President Barke.

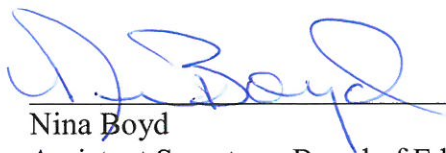
PUBLIC COMMENTS

- Mylinh
- Jiaqi
- Elana
- Mrs. G
- James

Board President closed the meeting.

ADJOURNMENT

On a motion duly made, and seconded, the Special Board meeting of August, 24, 2021 adjourned at 10:00 p.m.



Nina Boyd
Assistant Secretary, Board of Education

Mari Barke
President, Board of Education

Next Regular Board Meeting: Wednesday, September 1, 2021 at 5:00 p.m. The meeting will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92626 with limited seating and via YouTube live stream.

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



MINUTES
Regular Meeting
September 1, 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 Barke at 2:33 p.m., September 1, 2021 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via YouTube live stream.

ROLL CALL

Present:
Lisa Sparks, Ph.D.
Ken L. Williams, D.O.
Mari Barke
Tim Shaw
Rebecca "Beckie" Gomez

AGENDA

Motion by Barke, seconded by Sparks, and carried by a vote of 5-0 to approve the agenda of the Regular meeting of September 1, 2021, with the following amendments:

- Remove item #1- the appeal was withdrawn
- Remove item #4- presentation to Christina Selter postponed to October 6

PUBLIC COMMENTS (related to Closed Session) None

The Board took a recess to go into closed session from 2:36 p.m. to 5:08 p.m.

TIME CERTAIN

2. Inter-district Appeal Hearing (closed) – 09012021002I – Capistrano Unified School District to Newport-Mesa Unified School District.

Motion by Barke, seconded by Williams, and carried by a vote of 4-1 (Sparks, Barke, Williams, and Shaw voted Yes; Gomez voted No) to approve the appeal and allow the student to attend the Newport-Mesa Unified School District for the period of one academic year (2021-22).

Spencer Gooch, Manager, Educational Services facilitated the hearing.

3. Inter-district Appeal Hearing (closed) – 09012021003I – Centralia School District to Cypress School District.

Motion by Gomez, seconded by Williams, and carried by a vote of 5-0 to deny the appeal and uphold the decision of the Cypress School District.

Spencer Gooch, Manager, Educational Services facilitated the hearing.

CLOSED SESSION 1

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)

CLOSED SESSION 2

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION- Orange County Board of Education v. Newsom Case Number S270319 - Government Code §§ 54956.9(a) and (d)(1)

INVOCATION

Ronnie Guyer, Vietnam Veteran

PLEDGE

Lori Kaylor

Closed Session Report Out

Mr. Brenner reported, for Closed Session 1, the Board received an update from counsel. No action was taken with the exception of approval of the Epstein, Green & Becker invoices 1056887 and 1059612. For Closed Session 2, the Board approved legal counsel to draft a letter to Governor Newsom, by a vote of 4-1 (Williams, Barke, Sparks, and Shaw voted Yes; Gomez voted No). If a response is not received by September 10, the board will proceed with litigation.

Board Vice President Williams departed the meeting at 5:17 p.m.

INTRODUCTIONS

Vern Burton, Assistant Superintendent, ACCESS

MINUTES

Motion by Shaw, seconded by Sparks, and carried by a vote of 4-0 (Williams Absent) to approve the minutes of the July 27, 2021 Special Board Meeting, the August 3, 2021 Special Board Meeting, and the August 4, 2021 Regular Board Meeting, amending the time Trustee Gomez departed the August 3, 2021 Special Board Meeting to reflect 4:35 p.m. instead of 4:30 p.m.

PUBLIC COMMENTS

- Kelly
- Lynne
- Love

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- FCMAT – tabled to the October 6th meeting
- Ethnic Studies and Critical Race Theory Forum
- Notification of salary changes in accordance of education Code 1302 (a) and Board Policy 100-10.
- Board Webpage

BOARD DISCUSSIONS

- Redistricting

ANNOUNCEMENTS

Superintendent

- Back to school – all districts will be in session after Labor Day

- ACCESS – independent study support to six Orange County districts
- Parent resources website
- Heritage Science Academy
- Lisa Gonzales-Solomon – community engagement hero of the week

Deputy Superintendent

- Next board meeting is October 6th, submission deadline is September 22nd
- Suncoast Prep

Legislative Update

- Trustee Gomez – Regional meeting on August 27, 2021

BOARD MEMBER COMMENTS

- Trustee Sparks – ISSAC Open House
- Trustee Barke - Vista Condor Ribbon Cutting

The Board took a recess from 5:54 p.m. to 5:56 p.m. to conduct the meeting of the Facilities Corporation.

5. Special Presentation – Orange County’s Red Ribbon Week Campaign - Christine Olmstead, Ed.D., Associate Superintendent, Educational Services

Dr. Olmstead gave an overview of the Orange County’s Red Ribbon Week Campaign and acknowledged special guests from the Orange County Sheriff’s Department and Drug Use is Life Abuse. Don Barnes, Orange County Sheriff; Brian Gunsolley, Sergeant, Orange County Sheriff’s Department; Heather Fisher, Board Member, Drug Use is Life Abuse; Maribel Marroquin-Waldram, Executive Director, Drug Use is Life Abuse.

6. Motion by Barke, seconded by Sparks, and carried by a vote of 4-0 (Williams Absent) to adopt Resolution #15-21 in support of October 24 – October 30, 2021, as Orange County’s Red Ribbon Week campaign, and encourage all community members to promote alcohol, tobacco, and other drug prevention education programs and activities, and send copies of this resolution to school districts in Orange County.

The Board took a recess from 6:03 p.m. to 6:06 p.m.

CONSENT CALENDAR

7. Motion by Barke, seconded by Sparks, and carried by a vote of 4-0 (Williams Absent) to approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
8. Motion by Gomez, seconded by Shaw, and carried by a vote of 4-0 (Williams Absent) to approve the recommended changes to Board Policy 400-1, amending language in the policy to reflect County Superintendent in place of Superintendent.

CHARTER SCHOOLS

9. Charter submissions - None
10. Charter School Public Hearing – Scholarship Prep Charter School Material Revision. Aracely Chastain, Director, Charter Schools, facilitated the public hearing.
 - Jason Watts
 - Kristen Crowe

PUBLIC COMMENTS (Scholarship Prep)

- Miles Durfee, CCSA

BOARD RECOMMENDATIONS

11. Motion by Sparks, seconded by Shaw, and carried by a vote of 4-0 (Williams Absent) to approve additional funds to cover expenditures for the Ethnic Studies Forum not to exceed \$35,000.00.

STAFF RECOMMENDATIONS

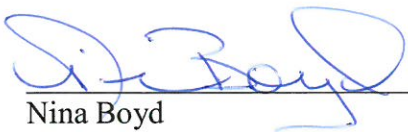
12. Motion by Gomez, seconded by Sparks, and carried by a vote of 4-0 (Williams Absent) to adopt Resolution #16-21 identifying the Gann actual appropriations limit for 2020-21 and the Gann estimated appropriations limit for 2021-22.

PUBLIC COMMENTS

None

ADJOURNMENT

On a motion duly made, and seconded, the board meeting of September 1, 2021 adjourned at 6:39 p.m.



Nina Boyd
Assistant Secretary, Board of Education

Mari Barke
President, Board of Education

Next Regular Board Meeting: Wednesday, October 6, 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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ORANGE COUNTY BOARD OF

BOARD AGENDA ITEM

JB

DATE: October 6, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Aracely Chastain, Director, Charter Schools
SUBJECT: Public Hearing – Scholarship Prep Material Revision

DESCRIPTION:

Scholarship Prep is a countywide charter schools serving students in grades transitional kindergarten through grade twelve with one location in the boundaries of Santa Ana Unified School District. On July 7, 2021, Scholarship Prep submitted a material revision to the school's charter petition requesting to add additional facilities at the following addresses effective the 2022-23 academic year:

- 1821 N. Grand Ave, Santa Ana, CA 92705
- 2780 E. Wagner Ave, Anaheim, CA 92806

Orange County Board of Education held a public hearing on September 1, 2021, to consider the level of support for the material revision.

RECOMMENDATION:

Per California Education Code, on October 6, 2021, the Orange County Board of Education shall hold a public hearing to grant or deny the Scholarship Prep amended charter school petition and material revision. At the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony responsive to the Orange County Department of Education staff recommendations and findings published on September 21, 2021.



MEMO

ORANGE COUNTY DEPARTMENT OF EDUCATION

September 21, 2021

To: Members, Orange County Board of Education
From: Orange County Department of Education Charter Schools Unit
Re: Staff Recommendations and Findings – Scholarship Prep Material Revision

I. INTRODUCTION

The following is a summary of the review conducted by Orange County Department of Education staff of the material revision request submitted by Scholarship Prep in compliance with Education Code section 47607, and recommendations for consideration by the Orange County Board of Education (the Board).

II. BACKGROUND

Scholarship Prep is a countywide charter school that serves students in grades pre-kindergarten through twelve, with one location within the boundaries of the Santa Ana Unified School District. On July 7, 2021, Scholarship Prep submitted a material revision requesting to add two additional facilities at 1821 N. Grand Ave, Santa Ana, CA 92705, and 2780 E. Wagner Ave, Anaheim, CA 92806. A public hearing was held on September 1, 2021, to consider the level of support for the charter petition in accordance with Education Code section 47605.

III. LEGAL STANDARD

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

IV. SUMMARY OF FINDINGS

Orange County Department of Education staff determined that the revised Scholarship Prep charter petition meets the standards outlined in Education Code section 47605.6. Expanding operations to the additional facilities will allow Scholarship Prep to meet the enrollment projections outlined in the updated charter petition.

V. STAFF RECOMMENDATION

Orange County Department of Education staff recommend that the Board approve Scholarship Prep's requested material revision to add two locations to the school's charter, beginning in the 2022-23 academic year.

VI. CONCLUSION

The Board has three options for action regarding a charter petition material revision:

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

* * *

October 6, 2021

[X] Mailed [] Distributed at meeting

ORANGE COUNTY BOARD OF

BOARD AGENDA ITEM IV



DATE: October 6, 2021

TO: Nina Boyd, Associate Superintendent

FROM: Aracely Chastain, Director, Charter Schools

SUBJECT: Board Action – Scholarship Prep Material Revision

DESCRIPTION:

Scholarship Prep is a countywide charter school serving students in grades transitional kindergarten through grade twelve with one location in the boundaries of Santa Ana Unified School District. On July 7, 2021, Scholarship Prep submitted a material revision requesting to add two facilities effective the 2022-23 academic year. A public hearing was held on September 1, 2021.

RECOMMENDATION:

Orange County Department of Education staff recommend that the Orange County Board of Education approve Scholarship Prep's revised charter petition and material revision to add two locations beginning the 2022-2023 academic year.

**ORANGE COUNTY BOARD OF
BOARD AGENDA ITEM**

Item: Charter Schools #8

October 6, 2021

☒ Mailed ☐ Distributed at meeting



DATE: October 6, 2021

TO: Nina Boyd, Associate Superintendent

FROM: Aracely Chastain, Director, Charter Schools

SUBJECT: Public Hearing – Explore Academy Countywide Charter School Petition

DESCRIPTION:

On June 21, 2021, Explore Academy submitted a charter school petition for a Transitional Kindergarten (TK) through grade twelve countywide charter school. The Orange County Board of Education held a public hearing on August 4, 2021, to consider the level of support for the charter school.

RECOMMENDATION:

Per California Education Code, on October 6, 2021, the Orange County Board of Education shall hold a public hearing to grant or deny the Explore Academy countywide charter school petition. At the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony responsive to the Orange County Department of Education staff recommendations and findings published on September 21, 2021.



MEMO

ORANGE COUNTY DEPARTMENT OF EDUCATION

September 21, 2021

To: Members, Orange County Board of Education
From: Orange County Department of Education Charter Schools Unit
Re: Staff Recommendations and Findings – Explore Academy

I. INTRODUCTION

In accordance with the Charter Schools Act, as set forth in Education Code section 47600, et seq., the Orange County of Education (OCDE) staff conducted a comprehensive review of the ExploreK12 petition proposing to establish Explore Academy as a countywide charter school (Charter School). This report summarizes findings from that review and provides recommendations for consideration by the Orange County Board of Education (the Board).

II. BACKGROUND

On June 21, 2021, the Board received a petition proposing to establish Explore Academy as a countywide charter school. The Charter School would be operated by ExploreK12, a California nonprofit public benefit corporation.

On August 4, 2021, the Board held a public hearing on the provisions of the charter petition to consider the level of support for the petition by parents/guardians, teachers and school districts in which the charter school proposes to place facilities. On August 25, 2021, OCDE staff met with charter school representatives to better understand and clarify information in the petition.

The Board is required to take action to either grant or deny the charter within ninety (90) days of receipt of the petition, unless this date is extended by up to an additional 30 days by agreement. Board action is scheduled to take place at the regular meeting of the Board on October 6, 2021.

III. LEGAL STANDARD

The overall statutory scheme of the Charter Schools Act reflects a preference for charter schools that are locally authorized by the school district in which the charter school operates. As a result, in order to approve a countywide charter petition, a county board of education must be able to make certain threshold findings in addition to determining whether the petition satisfies the legal standards and criteria under Education Code section 47605.6(b)(1)-(5). Specifically:

“A county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.” Education Code §47605.6(a)(1)

Additionally, Education Code section 47605.6(b) states:

“A county board may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Education Code section 47605.”

Should the charter school petition meet the threshold requirement for a countywide charter school, the Board must then determine whether the petition satisfies the legal standards and criteria under Education Code section 47605.6(b)(1)-(5). The Board shall deny a petition for the establishment of a charter school if it finds one or more of the following:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a).
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).
- (5) The petition does not contain reasonably comprehensive descriptions of the required elements under Education Code section 47605.6.
- (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
- (7) Any other basis that the county board of education finds justifies the denial of the petition.

Should the Board approve the petition, the Board would become the charter authorizer for the Charter School. Should the Board deny the petition, there is no right to appeal to the State Board of Education (5 CCR § 11966.5). However, the petitioners would have the option to submit charter petitions to the school districts in which they propose to operate under Education Code section 47605.

IV. SUMMARY OF FINDINGS

A. Countywide Justification

The Explore Academy charter petition states multiple reasons to satisfy the countywide justification requirement, specifically: (1) ability for students to enroll in courses at other Explore Academy campuses virtually from their home campus while under the supervision of a credentialed teacher, (2) ability of teachers to transfer to other Explore Academy campuses, (3) ability to implement educational model with fidelity to the plan, (4) ability to secure financing for multiple permanent facilities because lenders will attribute a greater value to a countywide benefit schools, and (5) ability to not give preference to students residing within the boundaries of the school district where each campus is located.

In order to determine whether the Charter School’s justification satisfies the threshold requirement for a countywide charter school, we look at whether the Charter School must operate under a countywide charter rather than one or more locally approved charters under Education Code section 47605.

1. Multiple School Campuses

Page 23 of the charter petition states:

“One of the keys to success of this program is the ability to offer differentiated classes, or seminars, each with their own theme, or ‘flavor’ affording students a nearly endless number of course options. Each school site will have a significant number of courses available onsite. However, each student will also be able to enroll in courses (flavors) at other sites across the Orange County network, accessing them virtually from their home campus and while under the supervision of a credentialed teacher. This sort of “cross-pollination” is a significant differentiator and uniquely requires multiple school sites across the County in order to function at its highest level.”

The charter states that each school will have a “significant” number of courses, making the need for multiple campuses unnecessary. Additionally, if to “function at its highest level” the school needs to operate multiple campuses, the charter provides a misleading description of the educational model students enrolled in the first five years of the charter will experience. During the first charter term, the charter school intends to operate grades TK-6 in year one and grow to TK-10 by its fifth year. For most of its first charter term, only elementary grades will have the option to take courses at other school sites virtually, and that is only if the school is able to open additional campuses. If the school opens the three projected campuses, it is not until the fifth year that students in grades 6-8 will have the choice of one other campus. The two high school grades (grades 9-10) will not have the option of courses on another campus during the entire first charter term.

Additionally, California Education Code section 47612.7 provides that from January 1, 2020, to January 1, 2025, inclusive, the approval of the petition for the establishment of a new charter school offering nonclassroom-based instruction, as defined by Education Code section 47612.5, is prohibited. Pursuant to Education Code section 47612.5, nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education.

Although the Charter School model will require students who attend other campuses virtually to come to their home campus to be supervised by a credentialed teacher, petitioners could not identify whether the teacher providing instruction virtually or the teacher who is physically present would be considered the teacher of record and who would be responsible for issuing grades. Simply having a credentialed teacher present while students receive instruction virtually would not prevent the charter school’s educational model from being considered a nonclassroom-based charter school if the teacher of record is the teacher providing instruction virtually. As described, such a classroom would be considered a permissible service and resource for independent study as a “designated learning center or study area staffed by appropriately trained personnel” under Education Code section 51746(a).

- If the teacher who is providing instruction virtually is the teacher of record, each student would be required to have a signed independent study agreement, and the Charter School should be designated as a nonclassroom-based charter school.

- If the teacher who is physically present is the teacher of record, Petitioners would need to provide further justification for a countywide charter school.

The charter petition states that the ability for students to take courses virtually is an integral part of the charter model. Petitioners stated during the clarification meeting that there is no “cap” on the number of students or the number of sessions that a student would be able to take virtually from their home campus. Due to the scheduling format of the charter model, elementary courses are split into two half-days between STEM and Humanities, which means students in the elementary grades who opt to take only one course at a different campus could potentially be on a computer learning virtually for half of the school day. During the clarification meeting, counsel for the charter school stated that the school would need to carefully monitor that no more than 20 percent of instruction is nonclassroom-based in order to not trigger a funding determination. However, the charter petition fails to adequately describe how the school will maintain the 80% threshold to qualify as a classroom-based charter school, while administering the program in an equitable manner for all students. Consequently, based on the model described by the Charter School, the Board may be prohibited from authorizing the Charter School given that it may operate as a nonclassroom-based charter school.

2. Teacher Mobility Across School Locations

Page eight of the charter petition states:

“Additionally, teachers will have the opportunity to move across the multiple school campus locations and teach specialized courses at each campus. Staffing assignments and requests will be reviewed and considered annually. This flexibility will provide teachers with additional opportunities for professional growth and allow the Charter School to retain teachers that it might otherwise lose due to practical and geographic considerations i.e., moving to another part of the County. The ability of teachers to transfer to other Explore Academy campuses will facilitate more opportunities for students at all campuses and enable the school culture to develop across the larger organization. This “cross-pollination” of teachers is unique to the Explore model and, by definition, cannot be offered at one charter school operating in one school district because geographic restrictions in law prohibit school sites outside of school district-authorizer boundaries.”

Charter school representatives clarified that teachers would have the option to change school campuses, as space permits, on an annual basis. Teachers would not be rotating among campuses throughout the school year. Assigning teachers to a school site on an annual basis is currently offered by charter schools with multiple district authorized locations, and is not contingent on having a countywide charter school or only one authorizer.

3. Fidelity to the Instructional Model

Page 10 of the charter petition states:

“It is critically important that these school sites are administered under a single chartering authority as educational models are successful only to the extent that they are implemented with fidelity. Operating under a countywide benefit charter petition will ensure that the Charter School’s educational model is implemented with fidelity to the plan described herein, and not diluted or distorted according to the idiosyncrasies of various school

district authorizers. A common, shared understanding of the Charter School's model by the internal stakeholders—parents, students, teachers, staff, and governing board—will be best communicated with a single chartering authority as a partner in service of educational equity."

Delivery and communication of the instructional model as described in the school's charter is the responsibility of school leadership and the school's governing board, and is not dependent on which entity authorizes the charter school or on having a single chartering authority. Historically, charter schools have demonstrated the ability to successfully implement and communicate their intended educational model with fidelity when authorized by multiple entities, including both district and county office authorizers.

4. Consistent Oversight and Operational Efficiency

The charter petition states (pages 11-12) that operating multiple school sites under different authorizers would be "untenable," would negatively affect the charter school operating its model with fidelity, and would "place an undue burden on a district authorizer to provide appropriate oversight of a charter school offering grade levels outside of the grades offered by that district." Additionally, the charter states that operating with one authorizer would increase operational efficiency, renewal, facilities and finance. Finally, the petition claims that:

"The ability to secure financing for multiple permanent facilities will be greatly enhanced by the Charter School's status as a countywide benefit school. Simply put, lenders will attribute a greater value to a countywide benefit school given the rigorous criteria to achieve such authorization, as well as the respected oversight by the County."

The oversight practices of a district authorizer, including judging the burden of providing oversight to a charter school by an authorizer, is beyond the scope of evaluation by Orange County Department of Education staff for the purposes of providing a recommendation to the Board. Education Code section 47605 specifically provides for a school district to be able to approve a charter school that serves pupils in a grade level that is not served by the school district, so long as the petition proposes to serve pupils in all of the grade levels served by that school district. As stated above, there is historic precedent in Orange County, and across California, of successful charter operators with schools authorized by multiple school districts. In fact, at least half of the charter schools authorized by the Board also successfully operate schools under additional charter authorizers. It is unclear how the charter petitioners determined the burden of charter authorizing on any of the districts in which they propose to locate. Additionally, the petition does not include any discussion or evidence regarding the inability to secure financing without a countywide charter authorization.

5. Enrollment Preferences

The charter petition states that the school will recruit students from throughout Orange County and wishes to do so without the "limitation of preference given to students residing within the boundaries of the school district where each campus is located."

Education Code section 47605.6 specifies that admission to a charter school shall not be determined according to the place of residence of the pupil or the pupil's parent or guardian within this state," and "A charter school shall admit all pupils who wish to attend the charter school." For any charter school, recruitment is not limited to only students that reside within district boundaries. Additionally, the charter

school operators indicated that they would be securing facilities where there is a concentration of their target student population (Hispanic, English learner, socioeconomically disadvantaged students, and students with disabilities). Therefore, denying that enrollment preference has the potential to negatively affect the enrollment of students in the stated demographics the charter deems to serve. In fact, one could argue that by providing that enrollment preference, the Charter School would be better equipped to provide the equity and access that it seeks to promote.

B. The petition does not contain reasonably comprehensive descriptions of the required elements under Education Code section 47605.6.

1. The charter petition fails to provide a reasonably comprehensive description of the non-classroom-based component of the instructional program. The charter petition does not contain legally compliant independent study program descriptions and fails to explain how the classrooms would be structured or staffed for students taking classes virtually. Although the petition states that students would learn remotely in a classroom under the supervision of a credentialed teacher, during the clarification meeting petitioners were unable to articulate how students would be grouped, which teacher would be the teacher of record, whether grade levels would be combined in the same working space, and how this would affect the workload of the teaching staff in this scenario.
2. The charter petition does not comply with Education Code section 47605.6(l), regarding teacher credentialing. The charter petition (page 104) states that teachers “must possess, or be in the process of completing, a current California teaching credential.” Language regarding working toward a credential does not apply to new charter schools. As of July 1, 2020, all teachers must hold a Commission on Teacher Credentialing certificate, permit, or other document required for the teacher’s certificated assignment.

C. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

Charter petitioners point to the success of the Explore Academy model in New Mexico with a similar target demographic. When implemented as intended, it appears that the Explore educational model has had success in New Mexico. However, the educational model executed in New Mexico differs significantly from what is being presented for Orange County. Unlike the New Mexico charter school, the Orange County model proposes to offer remote instruction for all grade levels across multiple school facilities. During the clarification meeting, the developers of the Explore educational model reiterated that the model was not created to be delivered virtually across different school sites. In fact, the model developers stated that they would not recommend implementing a virtual model, particularly at the elementary grade levels. Additionally, the charter petition does not adequately describe how the target student population (Hispanic, English learner, and socioeconomically disadvantaged students, and students with disabilities), principally in the lower grade levels, would benefit from taking classes virtually.

V. STAFF RECOMMENDATION

Orange County Department of Education staff recommend that the Orange County Board of Education deny the ExploreK12 petition to establish Explore Academy as a countywide charter school and recommend that petitioners revise the charter petition, as appropriate, and submit directly to school districts for authorization.

VI. CONCLUSION

The Board has three options for action regarding a countywide charter school petition:

- Option One: Approve the charter petition as written.
- Option Two: Approve the charter petition with conditions. This action would result in the charter petition being approved and require the charter school to address concerns based on the Board's findings at the public hearings.
- Option Three: Deny the charter petition.

* * *

ORANGE COUNTY BOARD OF

BOARD AGENDA ITEM

DATE: October 6, 2021

TO: Nina Boyd, Associate Superintendent

FROM: Aracely Chastain, Director, Charter Schools

SUBJECT: Board Action – Explore Academy Countywide Charter School Petition

DESCRIPTION:

On June 21, 2021, Explore Academy submitted a petition for a countywide charter school. Per California Education Code, the Orange County Board of Education held public hearings on August 4, 2021 and October 6, 2021.

The Orange County Board of Education has three options for action regarding a countywide charter school petition:

- Option One: Approve the charter petition as written.
 - Option Two: Approve the charter petition with conditions. This action would result in the charter petition being approved and require the charter school to address concerns based on the Board's findings at the public hearings.
 - Option Three: Deny the charter petition.
-

RECOMMENDATION:

Orange County Department of Education staff recommend that the Orange County Board of Education deny the ExploreK12 petition to establish Explore Academy as a countywide charter school and recommend that the petitioners revise the charter petition, as appropriate, and submit directly to school districts for authorization.

**RESOLUTION AND WRITTEN FINDINGS
OF THE ORANGE COUNTY BOARD OF EDUCATION
TO APPROVE THE PETITION FOR A
COUNTYWIDE CHARTER SCHOOL FOR EXPLORE ACADEMY**

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

WHEREAS, Education Code section 47605.6 states that a county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county;

WHEREAS, Education Code section 47605.6 states that the county board of education may impose any additional requirements beyond those required by Education Code section 47605.6 that it considers necessary for the sound operation of a countywide charter school.

WHEREAS, Education Code section 47605.6 states that the county board of education may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Education Code section 47605;

WHEREAS, Education Code section 47605.6(b) states that, after receiving a petition, the County Board must hold a public hearing within 60 days to consider the petition, and is required to take action to either grant or deny the charter within ninety (90) days of receipt of the petition, unless this date is extended by up to an additional 30 days by agreement;

WHEREAS, the county board of education shall not deny a petition for the establishment of a charter school unless it makes written factual findings specific to the particular petition setting forth specific facts stating the reasons for the denial of the charter petition;

WHEREAS, on June 21, 2021, the Orange County Board of Education (“Board”) received a petition from ExploureK12, a California nonprofit public benefit corporation, for the operation of Explore Academy (“Petition”);

WHEREAS, on August 4, 2021, the Board held a public hearing on the Petition and received public comment thereon;

WHEREAS, on September 21, 2021, the Board published a Staff Report, with recommended findings, prepared by staff members of the Orange County Department of Education (“OCDE”);

WHEREAS, on October 6, 2021, the Board at its regular meeting held a public hearing, at which the Petitioners had equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings, to grant or deny the petition;

NOW, THEREFORE, BE IT RESOLVED that the Board reviewed and considered the Petition and related information received with respect to the Petition, including information presented at the public hearings and in the Staff Report in accordance with Education Code sections 47605.6;

BE IT FURTHER RESOLVED that the Board approves the Petition for a charter school by ExploureK12, a California nonprofit public benefit corporation, for the operation of Explore Academy.

BE IT FURTHER RESOLVED that the Board approves the standard Agreement with the understanding that Explore Academy will enter into said Agreement that addresses the operational relationship between the School, the Board and OCDE no later than the Board’s regularly scheduled meeting in April 2022. Should the Petitioner and Board fail to reach agreement by the regularly scheduled meeting in April 2022, the Board reserves the right to take further action, including but not limited to revoking its approval of the charter. The terms of this Resolution are severable.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
_____)

I, Darouny Sisavath, Clerk of the Orange County Board of Education, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the Orange County Board of Education at a regular meeting thereof held on the 6th day of October 2021, and that it was so adopted by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

BY:

Clerk of the Orange County Board of Education

Resolution # _____

**RESOLUTION AND WRITTEN FINDINGS
OF THE ORANGE COUNTY BOARD OF EDUCATION
TO APPROVE WITH CONDITIONS THE PETITION FOR A
COUNTYWIDE CHARTER SCHOOL FOR EXPLORE ACADEMY**

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

WHEREAS, Education Code section 47605.6 states that a county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county;

WHEREAS, Education Code section 47605.6 states that the county board of education may impose any additional requirements beyond those required by Education Code section 47605.6 that it considers necessary for the sound operation of a countywide charter school.

WHEREAS, Education Code section 47605.6 states that the county board of education may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Education Code section 47605;

WHEREAS, Education Code section 47605.6(b) states that, after receiving a petition, the County Board must hold a public hearing within 60 days to consider the petition, and is required to take action to either grant or deny the charter within ninety (90) days of receipt of the petition, unless this date is extended by up to an additional 30 days by agreement;

WHEREAS, the county board of education shall not deny a petition for the establishment of a charter school unless it makes written factual findings specific to the particular petition setting forth specific facts stating the reasons for the denial of the charter petition;

WHEREAS, Education Code section 47612.7 states that from January 1, 2020, to January 1, 2025, inclusive, the approval of the petition for the establishment of a new charter school offering nonclassroom-based instruction, as defined by Education Code section 47612.5, is prohibited. Pursuant to Education Code section 47612.5, nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education

WHEREAS, on June 21, 2021, the Orange County Board of Education (“Board”) received a petition from ExploureK12, a California nonprofit public benefit corporation, for the operation of Explore Academy (“Petition”);

WHEREAS, on August 4, 2021, the Board held a public hearing on the Petition and received public comment thereon;

WHEREAS, on September 21, 2021, the Board published a Staff Report, with recommended findings, prepared by staff members of the Orange County Department of Education (“OCDE”);

WHEREAS, on October 6, 2021, the Board at its regular meeting held a public hearing, at which the Petitioners had equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings, to grant or deny the petition;

NOW, THEREFORE, BE IT RESOLVED that the Board reviewed and considered the Petition and related information received with respect to the Petition, including information presented at the public hearings and in the Staff Report in accordance with Education Code sections 47605.6;

BE IT FURTHER RESOLVED that the Board adopts the summary of findings set forth in the Staff Report published on September 21, 2021, which is attached hereto and integrated herein by this reference

BE IT FURTHER RESOLVED that the Board approves with conditions, the Petition for a countywide charter school submitted by ExploreK12, a California nonprofit public benefit corporation, for the operation of Explore Academy.

BE IT FURTHER RESOLVED that the approval of the Petition is subject to conditions that address the findings as specified in the Staff Report and by the Board. To satisfy the conditions, Petitioner and Board must fully execute an Agreement that addresses all of the findings, as well as the operational relationship between the School, the Board, and OCDE no later than the Board's regularly scheduled meeting in April 2022. Should the Petitioner and Board fail to reach agreement by the regularly scheduled meeting in April 2022, the Board reserves the right to take further action, including but not limited to revoking its approval of the charter. The terms of this Resolution are severable.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
_____)

I, Darouny Sisavath, Clerk of the Orange County Board of Education, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the Orange County Board of Education at a regular meeting thereof held on the 6th day of October 2021, and that it was so adopted by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

BY:

Clerk of the Orange County Board of Education

Resolution # _____

**RESOLUTION AND WRITTEN FINDINGS
OF THE ORANGE COUNTY BOARD OF EDUCATION
TO DENY THE PETITION FOR A
COUNTYWIDE CHARTER SCHOOL FOR EXPLORE ACADEMY**

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

WHEREAS, Education Code section 47605.6 states that a county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county;

WHEREAS, Education Code section 47605.6 states that the county board of education may impose any additional requirements beyond those required by Education Code section 47605.6 that it considers necessary for the sound operation of a countywide charter school.

WHEREAS, Education Code section 47605.6 states that the county board of education may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Education Code section 47605;

WHEREAS, Education Code section 47605.6(b) states that, after receiving a petition, the County Board must hold a public hearing within 60 days to consider the petition, and is required to take action to either grant or deny the charter within ninety (90) days of receipt of the petition, unless this date is extended by up to an additional 30 days by agreement;

WHEREAS, the county board of education shall not deny a petition for the establishment of a charter school unless it makes written factual findings specific to the particular petition setting forth specific facts stating the reasons for the denial of the charter petition;

WHEREAS, Education Code section 47612.7 states that from January 1, 2020, to January 1, 2025, inclusive, the approval of the petition for the establishment of a new charter school offering nonclassroom-based instruction, as defined by Education Code section 47612.5, is prohibited. Pursuant to Education Code section 47612.5, nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education

WHEREAS, on June 21, 2021, the Orange County Board of Education (“Board”) received a petition from ExploureK12, a California nonprofit public benefit corporation, for the operation of Explore Academy (“Petition”);

WHEREAS, on August 4, 2021, the Board held a public hearing on the Petition and received public comment thereon;

WHEREAS, on September 21, 2021, the Board published a Staff Report, with recommended findings, prepared by staff members of the Orange County Department of Education (“OCDE”);

WHEREAS, on October 6, 2021, the Board at its regular meeting held a public hearing, at which the Petitioners had equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings, to grant or deny the petition;

NOW, THEREFORE, BE IT RESOLVED that the Board reviewed and considered the Petition and related information received with respect to the Petition, including information presented at the public hearings and in the Staff Report in accordance with Education Code section 47605.6;

BE IT FURTHER RESOLVED that the Board adopts the summary findings set forth in the Staff Report published on September 21, 2021, which is attached hereto and integrated herein by this reference;

(1) **BE IT FURTHER RESOLVED** that based on the findings as specified in the Staff Report and by the Board the Board further finds as follows: The petition fails to satisfy the legal standards and criteria under Education Code section 47605.6(b)(1)-(5) because:

- a. The petition does not contain reasonably comprehensive descriptions of the required elements under Education Code section 47605.6(b)(5).

b. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petition, as written, may be operated as a nonclassroom-based charter school, as defined by Education Code section 47612.5. Pursuant to Education Code section 47612.7, the approval of a petition for the establishment of new nonclassroom-based charter school is prohibited from January 1, 2020 to January 1, 2022.

BE IT FURTHER RESOLVED that the Board denies the Petition based on the findings herein adopted. The terms of this Resolution are severable. Should it be determined that one or more of the findings is invalid, the remaining findings and the Board action shall remain in full force and effect. Each finding is, in and of itself, a sufficient basis for the denial.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
_____)

I, Darouny Sisavath, Clerk of the Orange County Board of Education, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the Orange County Board of Education at a regular meeting thereof held on the 6th day of October 2021, and that it was so adopted by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

BY:

Clerk of the Orange County Board of Education

Resolution # _____



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: October 6, 2021

TO: Nina Boyd, Deputy Superintendent

FROM: Mari Barke, Board President
Ken L. Williams, D.O., Board Vice President

SUBJECT: New Board Policy 100-22: Approval of Grants and Contracts

RECOMMENDATION:

Board action on new Board Policy 100-22: Approval of Grants and Contracts

ORANGE COUNTY DEPARTMENT OF EDUCATION
Costa Mesa, California

BOARD POLICY

100-22

County Board Approval of Grants and Contracts

The County Board of Education ("Board") recognizes its statutory authority to approve and accept grants, contracts and other entitlements.¹ The Orange County Department of Education ("Department") is a local public agency supported by state apportionment and local tax collections. The Board recognizes and encourages the Department to pursue external revenue sources, including, but not limited to, government entities, private foundations and corporations. By this policy, the Board requires that such applications be consistent with the missions and goals of both the Board and Department.

Prior to Department acceptance and/or implementation of new special projects, entitlements, grants or contracts (hereinafter collectively "new obligation(s)") shall be accepted by the Board. If the Board does not accept any new obligation(s) it shall not proceed. In the event the Department and/or County Superintendent of Schools ("Superintendent") must seek acceptance and/or implementation of any new obligation(s) before the next regularly scheduled Board meeting, the Board Executive Committee is authorized to provide the Department/Superintendent tentative approval for any new obligation(s) subject to subsequent ratification by the full Board. The Department/Superintendent is authorized to reapply for a new obligation(s) that has been previously Board-approved pursuant to this policy. The Board encourages local school districts ("District") to seek approval from local Boards of Education ("school board(s)") prior to accepting and/or implementing any new obligation(s). If a District wishes to participate in any new Board-approved obligation(s) submitted and/or administered by the Department/Superintendent the local district shall seek approval from school board(s). If any new obligation(s) is not approved by the school board(s) the Department/Superintendent shall remove the District from any new obligation(s).

The Board further recognizes that certain administrative responsibilities are vested with the Department/Superintendent.² Hereinafter, in the interest of transparency and good governance, should the Department/Superintendent seek to encumber and/or expend public resources, the Department/Superintendent shall identify the statutory authority upon which the encumbrance/expense was justified. The Department/Superintendent shall provide the Board with the aforementioned justification by a quarterly report at a regular Board meeting. Any and all new obligation(s), encumbrances and/or expenses of \$25,000 or more shall be approved by the Board at each regularly scheduled Board meeting.

Adopted: _____

¹ Education Code §§1251, 1259, 1260, 1271, 1273, 1275, 1277, 1279, 1280, 1602, 1703, 1750, 1751, 1752.
(See also San Diego Office of Education Policy No. 3200, revised April 10, 2013)

² Education Code §§1240, 1252, 1253, 1253.5, 1254, 1256, 1258, 1262, 1263, 1266-1270.1, 1276, 1278.

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: October 6, 2021

TO: Nina Boyd, Deputy Superintendent

FROM: Mari Barke, Board President
Ken L. Williams, D.O., Board Vice President

SUBJECT: Resolution regarding Engagement of Educational Pollster

RECOMMENDATION:

Board action on resolution regarding Engagement of Educational Pollster

Resolution on Engagement of Educational Pollster

ORANGE COUNTY BOARD OF EDUCATION

OCTOBER 6, 2021

WHEREAS, on April 7, 2021, ORANGE COUNTY DEPARTMENT OF EDUCATION Chief Academic Officer Jeff Hittenberger presented a public summary on the recently approved California Ethnic Studies Model Curriculum (“ESMC”); and

WHEREAS, on May 5, 2021, the Board passed a Resolution to Establish a Public Forum-California Ethnic Studies Model Curriculum (“ESMC”); and

Whereas, on June 2, 2021, July 7, 2021, August 4, 2021, the ORANGE COUNTY BOARD OF EDUCATION discussed the Resolution and Forum; and

WHEREAS, on July 27, 2021, the ORANGE COUNTY BOARD OF EDUCATION conducted a Special Board Meeting/Public Hearing, California Ethnic Study (“ESC”) and Critical Race Theory (“CRT”) Forum (“Forum”) to provide testimony, evidence-based scientific data and related legal and scholarly information to inform the public on the implementation of California’s ESC and CRT. The Forum was well attended and widely discussed; and

WHEREAS, on August 24, 2021, the ORANGE COUNTY BOARD OF EDUCATION conducted Special Board Meeting/Public Hearing, California Ethnic Study (“ESC”) and Critical Race Theory (“ CRT”) Forum (“Forum”) to provide testimony, evidence-based scientific data and related legal and scholarly information to inform the public on the implementation of California’s ESC and CRT. The Forum was well attended and widely discussed; and

WHEREAS, the ORANGE COUNTY BOARD OF EDUCATION publicly stated that they are committed to providing the public with ongoing information concerning ESC and CRT; and

WHEREAS, in-depth local information concerning specific community attitudes on ESC and CRT shall necessarily be helpful to parents, educators, and school board members; and

WHEREAS, John Nielsen (“Mr. Nielsen”) of NP Consultants has offered to provide the ORANGE COUNTY BOARD OF EDUCATION free comprehensive polling data on ESC and CRT; and

WHEREAS, Mr. Nielsen has offered to disaggregate the polling data by each of the Orange County’s 28 school districts; and

WHEREAS, the ORANGE COUNTY BOARD OF EDUCATION shall provide disaggregated polling data on the ORANGE COUNTY BOARD OF EDUCATION website.

THEREFORE, the ORANGE COUNTY BOARD OF EDUCATION hereby resolves as follows:

1. Pursuant to its authority under California Education Code §1042(d), the ORANGE COUNTY BOARD OF EDUCATION seeks to engage the services of a person with special expertise; and
2. Mr. Nielsen assembled a group of experienced educators to consult on education related matters (“NP Consultants Educational Advisory Council”); and
3. The ORANGE COUNTY BOARD OF EDUCATION shall engage Mr. Nielsen, NP Consultants and the NP Consultants Educational Advisory Council to perform the polling services Set forth in this Resolution.

Agenda language regarding follow-Up?



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: October 6, 2021

TO: Nina Boyd, Deputy Superintendent

FROM: Mari Barke, Board President
 Ken L. Williams, D.O., Board Vice President

SUBJECT: Law Offices of Maggie Chidester- Invoices

RECOMMENDATION:

Board action on invoices from the Law Offices of Maggie Chidester.

LAW OFFICES OF
MARGARET A. CHIDESTER & ASSOCIATES
17762 COWAN, 1ST FLOOR
IRVINE, CALIFORNIA 92614
(949) 474-5040

May 25, 2021

Orange County Board of Education
200 Kalmus Drive, P.O. Box 9050
Costa Mesa, CA 92628-9050

CONFIDENTIAL
ATTORNEY-CLIENT
PRIVILEGE

Attention: Dr. Ken Williams
President
drkenlwilliams@gmail.com

Invoice No. 9595
Federal Tax ID# 33-0216030

Professional Services Rendered During April 2021:

MAC	2.2 hrs. at \$325/hr.	[NO CHARGE]	\$0.00
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MAC	.1 hrs. at \$325/hr.	\$32.50	\$32.50
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MAC	9.0 hrs. at \$325/hr.	[NO CHARGE]	\$0.00
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ATTORNEY TIME:			\$32.50
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TOTAL AMOUNT DUE:			\$32.50
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LAW OFFICES OF
MARGARET A. CHIDESTER & ASSOCIATES
17762 COWAN, 1ST FLOOR
IRVINE, CALIFORNIA 92614
(949) 474-5040

June 15, 2021

Orange County Board of Education
200 Kalmus Drive, P.O. Box 9050
Costa Mesa, CA 92628-9050

CONFIDENTIAL
ATTORNEY-CLIENT
PRIVILEGE

Attention: Dr. Ken Williams
President
drkenlwilliams@gmail.com

Invoice No. 9620
Federal Tax ID# 33-0216030

Professional Services Rendered During May 2021:

MAC	5.1 hrs. at \$325/hr.	\$1,657.50
MAC	1.4 hrs. at \$325/hr.	[NO CHARGE]
OLB	27.1 hrs. at \$185/hr.	<u>\$5,013.50</u>

\$6,671.00

ATTORNEY TIME:

\$6,671.00

TOTAL AMOUNT DUE:

\$6,671.00

LAW OFFICES OF
MARGARET A. CHIDESTER & ASSOCIATES
17762 COWAN, 1ST FLOOR
IRVINE, CALIFORNIA 92614
(949) 474-5040

August 27, 2021

Orange County Board of Education
200 Kalmus Drive, P.O. Box 9050
Costa Mesa, CA 92628-9050

CONFIDENTIAL
ATTORNEY-CLIENT
PRIVILEGE

Attention: Dr. Ken Williams
drkenlwilliams@gmail.com

Invoice No. 9668
Federal Tax ID# 33-0216030

Professional Services Rendered During July 2021:

LJK	10.5 hrs. at \$295/hr.	\$3,097.50
LJK	4.3 hrs. at \$295/hr.	[NO CHARGE]
MAC	3.7 hrs. at \$325/hr.	\$1,202.50
MAC	.5 hrs. at \$325/hr.	[NO CHARGE]
OLB	16.1 hrs. at \$185/hr.	\$2,978.50
OLB	.3 hrs. at \$185/hr.	[NO CHARGE]

\$7,278.50

ATTORNEY TIME:

\$7,278.50

COSTS ADVANCED

Copying \$43.50

\$43.50

TOTAL AMOUNT DUE:

\$7,322.00

LAW OFFICES OF
MARGARET A. CHIDESTER & ASSOCIATES
17762 COWAN, 1ST FLOOR
IRVINE, CALIFORNIA 92614
(949) 474-5040

September 13, 2021

Orange County Board of Education
200 Kalmus Drive, P.O. Box 9050
Costa Mesa, CA 92628-9050

CONFIDENTIAL
ATTORNEY-CLIENT
PRIVILEGE

Attention: Dr. Ken Williams
drkenlwilliams@gmail.com

Invoice No. 9694
Federal Tax ID# 33-0216030

Professional Services Rendered During August 2021:

MAC	1.1 hrs. at \$325/hr.	\$357.50	\$357.50
ATTORNEY TIME:			<hr/> \$357.50
TOTAL AMOUNT DUE:			<hr/> <hr/> \$357.50



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: October 6, 2021
TO: Nina Boyd, Deputy Superintendent
FROM: Vern Burton, Assistant Superintendent
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

Pages 43-44 removed (CONFIDENTIAL STUDENT INFORMATION)

**ORANGE COUNTY BOARD OF
BOARD AGENDA IT**

Item: Board Recommendations #17
October 6, 2021
[X] Mailed [] Distributed at meeting



DATE: October 6, 2021

TO: Nina Boyd, Deputy Superintendent of Operations

FROM: Christine Olmstead, Ed.D., Interim Chief Academic Officer
Vern Burton, Assistant Superintendent, ACCESS
Analee Kredel, Chief, Special Education Services

SUBJECT: Elementary and Secondary Emergency Relief III (ESSER III) Plan

DESCRIPTION:

The ESSER III funding assists schools with offering in-person instruction to the greatest extent possible during the 2021-22 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.

RECOMMENDATION:

Approve the Orange County Department of Education's ESSER III plan pursuant to the American Resource Plan (ARP) Act, which requires a plan to be adopted by October 29, 2021.

ESSER III Expenditure Plan

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
Orange County Department of Education	Patricia Banuelos, Administrator Fiscal Services, Orange County Department of Education	(714) 966-4365 PBanuelos@ocde.us

School districts, county offices of education, or charter schools, collectively known as LEAs, that receive Elementary and Secondary School Emergency Relief (ESSER) funds under the American Rescue Plan Act, referred to as ESSER III funds, are required to develop a plan for how they will use their ESSER III funds. In the plan, an LEA must explain how it intends to use its ESSER III funds to address students' academic, social, emotional, and mental health needs, as well as any opportunity gaps that existed before, and were worsened by, the COVID-19 pandemic. An LEA may also use its ESSER III funds in other ways, as detailed in the Fiscal Requirements section of the Instructions. In developing the plan, the LEA has flexibility to include community input and/or actions included in other planning documents, such as the Local Control and Accountability Plan (LCAP), provided that the input and actions are relevant to the LEA's Plan to support students.

For more information please see the Instructions.

Other LEA Plans Referenced in this Plan

Plan Title	Where the Plan May Be Accessed
Orange County Department of Education 2021-2024 Local Control and Accountability Plan (LCAP)	https://ocde.us/ACCESS/CurriculumInstruction/Documents/LCAP/2021-22%20OCDE%20LCAP%20with%20Annual%20Updates.pdf

Summary of Planned ESSER III Expenditures

Below is a summary of the ESSER III funds received by the LEA and how the LEA intends to expend these funds in support of students.

Total ESSER III funds received by the LEA

\$21,136,493

Plan Section	Total Planned ESSER III
Strategies for Continuous and Safe In-Person Learning	\$4,000,000
Addressing Lost Instructional Time (a minimum of 20 percent of the LEAs ESSER III funds)	\$8,000,000
Use of Any Remaining Funds	\$9,136,493

Total ESSER III funds included in this plan

\$21,136,493

Community Engagement

An LEA's decisions about how to use its ESSER III funds will directly impact the students, families, and the local community. The following is a description of how the LEA meaningfully consulted with its community members in determining the prevention and mitigation strategies, strategies to address the academic impact of lost instructional time, and any other strategies or activities to be implemented by the LEA. In developing the plan, the LEA has flexibility to include input received from community members during the development of other LEA Plans, such as the LCAP, provided that the input is relevant to the development of the LEA's ESSER III Expenditure Plan.

For specific requirements, including a list of the community members that an LEA is required to consult with, please see the Community Engagement section of the Instructions.

A description of the efforts made by the LEA to meaningfully consult with its required community members and the opportunities provided by the LEA for public input in the development of the plan.

The Orange County Department of Education views its school programs as dynamic educational communities comprised of students, staff, and other stakeholders with each group bringing a unique perspective to discussions on how best to support student needs. Throughout unprecedented times, OCDE has remained connected to stakeholders, and teams have worked collaboratively to navigate a changing educational landscape. Below is an overview of the stakeholder engagement process used to prepare the 2021 ESSER III Expenditure Plan, including applicable feedback received during the recent gathering of input for the 2021-22 OCDE LCAP.

OCDE

- Staff from OCDE's Educational Services, Administrative Services, and Business Services divisions offered guidance and support with preparation of the ESSER III Plan.
- OCDE Executive Cabinet provided ongoing feedback and leadership regarding the focus of the services and supports to be provided to students by ESSER III funds.

- Feedback gathered from stakeholder groups (instructional staff, non-instructional staff, students, and families) during recent electronic LCAP surveys was reviewed and evaluated in light of the ESSER III Plan requirements.

DIVISION OF ALTERNATIVE EDUCATION (ACCESS)

- OCDE school programs are located throughout Orange County. The new norm of virtual staff meetings has made it convenient for school administrators to interact collectively with their full school teams regardless of location, thereby allowing for a weekly, and sometimes daily, dialogue among administrators, teachers, and school staff regarding the needs of students. This continual flow of information and input from staff has provided tremendous insight into the direction of our school programs and the needs of students.
- Weekly ACCESS Extended Leadership Team meetings provided an ongoing forum for school leaders to discuss the needs of students as they relate to academics, mental health, and interpersonal challenges, including ideas for addressing gaps that existed before, or were exacerbated by, the COVID-19 pandemic. These virtual meetings consisted of the Assistant Superintendent, school administrators, ACCESS Directors, and management staff from Title I, Title III, Human Resources, and Attendance and Records.

DIVISION OF SPECIAL EDUCATION SERVICES (SES)

- SES teachers and ancillary staff received information about the requirements of the ESSER III Plan and conducted discussion groups to prioritize the needs of the students served by their program.
- SES administrative team meetings provided opportunities for school leaders to discuss the feedback provided by their staff and collaborate with colleagues in the ACCESS program regarding staffing and services that would most effectively address learning loss among the student groups.

PARENTS/GUARDIANS AND FAMILIES OF OCDE STUDENTS

- Ongoing virtual and in-person meetings, including DELACs, Open Houses, Coffee with the Principal chats, IEPs, and parent/teacher attendance reviews, offered parents, guardians, and family members an opportunity to share their areas of concern regarding student academic progress and needs. The virtual format of some of these meetings allowed for enhanced participation by families and school personnel, which allowed a greater number of school staff to be present to hear the comments and brainstorm ideas for support. Bilingual support was provided at these events to allow for equitable engagement by non-English speaking families.
- A virtual focus group was held to provide a space for a targeted conversation with OCDE families regarding ESSER III funds, Plan requirements, and the greatest areas of student need. Bilingual support was provided at this event to allow for equitable engagement by non-English speaking families.

COMMUNITY STAKEHOLDERS

- As with the previous stakeholder groups, feedback gathered during the 2021-22 OCDE LCAP development process from our community partners was essential to the creation of ESSER III Plan, as their concerns and ideas for supporting student progress continued to be relevant to the current educational climate.
- As a county office of education, OCDE's schools serve some of the most vulnerable and diverse student populations in Orange County, and OCDE's community partners are an integral component of an effective school program. OCDE school teams continued to meet regularly, virtually and in person, with Orange County community stakeholders such as representatives from the Juvenile Court, Social Services, Probation, Foster Youth Services, and the Health Care Agency to gather feedback and discuss the needs of the students.

OCDE STUDENTS

- As the intended recipients of the services provided in the ESSER III Plan, OCDE's students were at the forefront of discussions during the development of the Plan. Direct student feedback to teachers, as well as student assessment results, attendance percentages, and requests for mental health support, played a vital role in assessing the most beneficial uses of ESSER III funds.

BARGAINING UNITS

- OCDE Administrative Services team members met regularly with both employee Associations, OCSEA and CSEA, to discuss the current needs of students as relayed to Association leadership by the staff who work directly with the students and their families.

A description of how the development of the plan was influenced by community input.

OCDE is grateful to its stakeholders for their contributions which led to the development of the ESSER III Plan. Similar to the feedback received during the recent LCAP stakeholder engagement process, three main areas of focus continue to be a priority: student re-engagement; social, emotional, and health supports for students, and an extension of the school day.

STUDENT RE-ENGAGEMENT

Concern among stakeholders was high regarding students whose lack of attendance has indicated a disinterest in returning to the school environment. In many instances, time spent away from the classroom has resulted in lost learning for students, and stakeholders are eager to re-engage students in the school program and bring them back to grade level and beyond. OCDE will address this need by providing dynamic environments that will re-ignite an interest in learning, creativity, and possibility with new resources and activities, as well as additional staff to support learning goals. As a result, the following actions in the ESSER III Plan were developed to create welcoming school environments for students and families where students are able to participate in updated, enhanced programs and activities designed to address learning loss and allow for continued academic and pro-social development:

- Student and Family Outreach
- Targeted Academic Interventions
- Enhanced Career and Life Skill Development
- English Language Development
- School Climate

SOCIAL, EMOTIONAL, AND HEALTH SUPPORTS

The need to support students by providing social, emotional, and health Interventions was a frequent topic of discussion among OCDE's stakeholder groups in light of the challenges faced by youth during the pandemic and resulting quarantine. Stakeholders communicated an interest in providing students with additional of services and supports for interpersonal challenges that will remove barriers to learning and allow students to experience academic success. The action listed below was designed to address this need:

- Social, Emotional, and Health Interventions

EXTENDING THE SCHOOL DAY

Stakeholders are strong supporters of OCDE school programs and expressed an interest in continuing the positive benefits of daily attendance through opportunities for students to extend their school day by engaging in educational activities before or after school or on Saturday. Parents, in particular, are eager for their children enrolled in OCDE schools to engage in additional learning beyond the school day. Stakeholders shared that the academic instruction and supplemental supports offered by school staff are valuable resources for students and more time spent in those safe and supportive environments will be beneficial and contribute to positive student outcomes. The following actions in the ESSER III Plan respond to this feedback received by stakeholders:

- Extended School Day Learning Opportunities
- Flexible Learning Environments
- Health and Safety Preparedness

Actions and Expenditures to Address Student Needs

The following is the LEA's plan for using its ESSER III funds to meet students' academic, social, emotional, and mental health needs, as well as how the LEA will address the opportunity gaps that existed before, and were exacerbated by, the COVID-19 pandemic. In developing the

plan, the LEA has the flexibility to include actions described in existing plans, including the LCAP and/or Expanded Learning Opportunity (ELO) Grant Plan, to the extent that the action(s) address the requirements of the ESSER III Expenditure Plan. For specific requirements, please refer to the Actions and Expenditures to Address Student Needs section of the Instructions.

Strategies for Continuous and Safe In-Person Learning

A description of how the LEA will use funds to continuously and safely operate schools for in-person learning in a way that reduces or prevents the spread of the COVID-19 virus.

Total ESSER III funds being used to implement strategies for continuous and safe in-person learning

\$4,000,000

Plan Alignment (if applicable)	Action Title	Action Description	Planned ESSER III Funded Expenditures
Not applicable.	Educational Technology and Support	Remote learning demonstrated the immediate need for students to have access to technology and the ability to use the devices effectively for learning. As students have returned to the classroom, technology continues to be a valuable instructional tool for academic development. Funds will be set aside to purchase hardware, software, and connectivity for OCDE students and staff to support them in the classroom and during times when remote teaching and learning are necessary, including additional programs to provide remote technological support to students and staff when they are using devices outside of the school environment.	\$2,000,000
Not applicable.	Health and Safety Preparedness	OCDE is committed to providing schools and offices with essential supplies for sanitation to minimize the spread of infectious illnesses and ensure safe environments for students and staff. ESSER III funds will be used to maintain the supplies needed to carry out this objective.	\$1,000,000
Not applicable.	Flexible Learning Environments	The pandemic illustrated the need for flexible learning environments in which students may engage in educational activities in safe, open areas. To create these multi-use educational spaces, ESSER III funds will be allocated to establish outdoor learning areas to conduct classes and before and after school activities.	\$1,000,000

Addressing the Impact of Lost Instructional Time

A description of how the LEA will use funds to address the academic impact of lost instructional time.

Total ESSER III funds being used to address the academic impact of lost instructional time

\$8,000,000

Plan Alignment (if applicable)	Action Title	Action Description	Planned ESSER III Funded Expenditures
Not applicable.	Extended School Day Learning Opportunities	Students benefit when they are able to participate in educational activities conducted in safe and supportive environments with their peer groups. When the need for remote learning required students to learn at home, those opportunities for engagement were not possible, resulting in lost learning and abbreviated pro-social development. To mitigate the impact of the pandemic on student development, ESSER III funds will be used to support before and after school learning activities and Saturday school programs designed to re-engage students in school, promote positive, collaborative learning environments, and extend opportunities to accelerate academic and personal growth.	\$3,000,000
Not applicable.	Student and Family Outreach	OCDE will increase outreach efforts to students with a focus on those who are disproportionately affected by lost learning, including low-income students, students with disabilities, English learners, homeless students, and foster youth. ESSER III funds will be used for staff to target interventions for students with attendance challenges to re-engage them in the school community, promote a positive, culturally-responsive school climate, and accelerate learning recovery. OCDE will also leverage family engagement as a strategy to address attendance barriers leading to improved student outcomes.	\$2,000,000

Plan Alignment (if applicable)	Action Title	Action Description	Planned ESSER III Funded Expenditures
Not applicable.	Targeted Academic Interventions	The majority of students enrolled in OCDE school programs entered the program credit-deficient, disenfranchised, and with significant gaps in their knowledge of essential core academic skills. The pandemic compounded these deficits. To enhance the existing model of support for student achievement, ESSER III funds will be used to provide additional instructional staff and programs to students in need of academic, evidence-based interventions and essential skill building. Based on assessment results, IEPs, input from teachers and school staff, and feedback from families, students will be identified for additional, individualized supports.	\$3,000,000

Use of Any Remaining Funds

A description of the how the LEA will use any remaining ESSER III funds, as applicable.

Total ESSER III funds being used to implement additional actions

\$9,136,493

Plan Alignment (if applicable)	Action Title	Action Description	Planned ESSER III Funded Expenditures
Not applicable.	Support for OCDE Staff and Students	As a county office of education, OCDE is a leader in the education community and strives to ensure educational services can continue to be provided to OCDE students consistent with all Federal, State, and local requirements. ESSER III funds will be used to assist in the coordination of COVID response efforts by providing safe environments for students and staff and by addressing the needs of staff to preserve and promote wellness, which will allow them to be at their most effective when providing services to students, families, districts, and community partners.	\$2,000,000

Plan Alignment (if applicable)	Action Title	Action Description	Planned ESSER III Funded Expenditures
Not applicable.	Enhanced Career and Life Skill Development	For OCDE students to lead the nation in college, career, and life readiness, schools must provide opportunities for students to participate in meaningful activities that will introduce them to the modern workforce and 21st competencies. The pandemic significantly limited hands-on experiences for students. The ESSER III funds allocated in this action will support the development of innovative, interactive educational experiences, career-exploration opportunities, and collaborative problem-solving activities designed to address each student's unique needs and interests.	\$1,000,000
Not applicable.	Social, Emotional, and Health Interventions	Being able to recognize and support student social, emotional, and health needs is a critical component to academic achievement as conditions left unaddressed can be a barrier to skill development. For the students in OCDE's school programs, especially those who have had Adverse Childhood Experiences (ACES), the pandemic was particularly challenging, and additional services are needed to create an enhanced network of support during this difficult and uncertain time. ESSER III funds will be used to increase the number of staff who provide trauma-informed care to students.	\$3,000,000
Not applicable.	English Language Development	For students learning English, the quarantine significantly limited opportunities to practice their emerging English language skills, and for newcomers who are at the beginning of their language development journey, this time away from class had a pronounced impact on their language skills. To provide these special student populations with the additional services necessary to mitigate lost learning, ESSER III funds will be used to develop programming and provide staff specific to identified students' language development needs.	\$1,000,000
Not applicable.	School Climate	ESSER III funds will be used to create safe, welcoming, dynamic schools for students which will support increased attendance leading to improved academic performance and student engagement. OCDE students who experienced a loss of learning due to the pandemic will be encouraged to	\$2,000,000

Plan Alignment (if applicable)	Action Title	Action Description	Planned ESSER III Funded Expenditures
		attend school regularly by providing them with updated learning environments where they can access core curriculum, participate in co-curricular activities with their peers, and explore their interests. Students will be provided new resources and guided activities designed to appeal to the four types of learners: visual, auditory, kinesthetic, and reading/writing, and families will be encouraged to be a part of the school community and contribute to the ongoing development of the school program.	
Not applicable.	Evaluation of Actions Supported by COVID-19 Relief Funding	To monitor the effectiveness of the actions supported by COVID-19 Relief Funding, staff will be hired to monitor the metrics and student outcomes for evaluative purposes.	\$136,493

Ensuring Interventions are Addressing Student Needs

The LEA is required to ensure its interventions will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students most impacted by the COVID–19 pandemic. The following is the LEA’s plan for ensuring that the actions and expenditures in the plan are addressing the identified academic, social, emotional, and mental health needs of its students, and particularly those students most impacted by the COVID–19 pandemic.

Action Title(s)	How Progress will be Monitored	Frequency of Progress Monitoring
Educational Technology and Support	Progress in this action will be measured by <ul style="list-style-type: none"> Technology survey for students and instructional staff Use of technology support help line 	<ul style="list-style-type: none"> Monthly: Technology survey for students and instructional staff Monthly: Use of technology support help line
Health and Safety Preparedness	Progress in this action will be measured by <ul style="list-style-type: none"> Purchase orders for PPE supplies for school sites and offices 	<ul style="list-style-type: none"> Bi-Annually: Purchase orders for PPE supplies for school sites and offices

Action Title(s)	How Progress will be Monitored	Frequency of Progress Monitoring
	<ul style="list-style-type: none"> The number of positive COVID-19 cases among students and staff 	<ul style="list-style-type: none"> Monthly: The number of positive COVID-19 cases among OCDE students and staff
Flexible Learning Environments	<p>Progress in this action will be measured by</p> <ul style="list-style-type: none"> Number of outdoor learning spaces available to students at OCDE school sites Purchase orders for mobile learning equipment 	<ul style="list-style-type: none"> Annually: Number of outdoor learning spaces available to students at OCDE school sites Annually: Purchase orders for mobile learning equipment
Extended School Day Learning Opportunities	<p>Progress in this action will be measured by</p> <ul style="list-style-type: none"> Number of hours of extended day activities offered to students Record of student participation 	<ul style="list-style-type: none"> Bi-Annually (by semester): Number of hours of extended day activities offered to students Bi-Annually (by semester): Record of student participation in extended learning activities
Student and Family Outreach	<p>Progress in this action will be measured by</p> <ul style="list-style-type: none"> Number of family engagement events held at OCDE school sites Student school attendance data 	<ul style="list-style-type: none"> Annually: Number of family engagement events held at OCDE school sites Monthly: Student school attendance data
Targeted Academic Interventions	<p>Progress in this action will be measured by</p> <ul style="list-style-type: none"> Student assessment results Graduation rate 	<ul style="list-style-type: none"> Quarterly: Student assessment results Annually: Graduation rate
Support for Districts and OCDE School Programs	<p>Progress in this action will be measured by</p> <ul style="list-style-type: none"> Number of COVID tests administered Staff retention rates Staff wellness survey 	<ul style="list-style-type: none"> Quarterly: Number of COVID tests administered Quarterly: Staff retention rates Annually: Staff wellness survey

Action Title(s)	How Progress will be Monitored	Frequency of Progress Monitoring
Enhanced Career and Life Skill Development	<p>Progress in this action will be measured by</p> <ul style="list-style-type: none"> • Number of OCDE students concurrently enrolled in a college course • Number of vocational certificates earned • Number of career and life skill development activities 	<ul style="list-style-type: none"> • Annually: Number of OCDE students concurrently enrolled in a college course • Annually: Number of vocational certificates earned • Annually: Number of career and life skill development activities
Social, Emotional, and Health Interventions	<p>Progress in this action will be measured by</p> <ul style="list-style-type: none"> • Number of referrals for services received by support staff • Number of additional specialized staff assigned to support students' social, emotional, and health needs • Student school attendance data 	<ul style="list-style-type: none"> • Annually: Number of referrals for services received by support staff • Annually: Number of additional specialized staff assigned to support students' social, emotional, and health needs • Monthly: Student school attendance data
English Language Development	<p>Progress in this action will be measured by</p> <ul style="list-style-type: none"> • English Language Proficiency Assessment for California (ELPAC) assessment results • Number of students enrolled in English Language Development (ELD) classes • Number of students obtaining passing grades in ELD classes 	<ul style="list-style-type: none"> • Annually: English Language Proficiency Assessment for California (ELPAC) assessment results • Bi-Annual (by semester): Number of students enrolled in English Language Development (ELD) classes • Bi-Annual (by semester): Number of students obtaining passing grades in ELD classes
School Climate	<p>Progress in this action will be measured by</p> <ul style="list-style-type: none"> • Student school attendance data • Number of family engagement events held at OCDE school sites 	<ul style="list-style-type: none"> • Monthly: Student school attendance data • Annually: Number of family engagement events held at OCDE school sites

Action Title(s)	How Progress will be Monitored	Frequency of Progress Monitoring
Evaluation of Actions Supported by COVID-19 Relief Funding	Progress in this action will be measured by <ul style="list-style-type: none"> Evaluation report prepared by staff 	<ul style="list-style-type: none"> Annually: Distribution of evaluation report to OCDE leadership

ESSER III Expenditure Plan Instructions

Introduction

School districts, county offices of education (COEs), or charter schools, collectively known as local educational agencies (LEAs), that receive Elementary and Secondary School Emergency Relief (ESSER) funds under the American Rescue Plan (ARP) Act, referred to as ESSER III funds, are required to develop a plan for how they will use ESSER III funds to, at a minimum, address students' academic, social, emotional, and mental health needs, as well as the opportunity gaps that existed before, and were exacerbated by, the COVID-19 pandemic.

The plan must be adopted by the local governing board or body of the LEA at a public meeting on or before October 29, 2021 and must be submitted for review and approval within five days of adoption. A school district must submit its ESSER III Expenditure Plan to its COE for review and approval; a COE must submit its plan to the California Department of Education for review and approval. A charter school must submit its plan to its chartering authority for review and to the COE of the county in which the charter school operates for review and approval.

In addition, consistent with the requirements of the ARP, Volume 86, *Federal Register*, page 21201, April 22, 2021, the ESSER III Expenditure Plan must be:

- Written in an understandable and uniform format;
- Written in a language that parents can understand, to the extent practicable;
 - If it is not practicable to provide written translations to a parent with limited English proficiency, the plan must be orally translated for parents
- Provided in an alternative format to a parent who is an individual with a disability as defined by the Americans with Disabilities Act, upon request; and
- Be made publicly available on the LEA's website.

For additional information regarding ESSER III funding please see the ARP Act Funding web page at

<https://www.cde.ca.gov/fg/cr/arpact.asp>.

For technical assistance related to the completion of the ESSER III Expenditure Plan, please contact EDReliefFunds@cde.ca.gov.

Fiscal Requirements

- The LEA must use at least 20 percent (20%) of its ESSER III apportionment for expenditures related to addressing the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs.
 - For purposes of this requirement, "evidence-based interventions" include practices or programs that have **evidence** to show that they are effective at producing results and improving outcomes when implemented. This kind of evidence has generally been produced through formal studies and research. There are four tiers, or levels, of evidence:

- **Tier 1 – Strong Evidence:** the effectiveness of the practices or programs is supported by one or more well-designed and well-implemented randomized control experimental studies.
- **Tier 2 – Moderate Evidence:** the effectiveness of the practices or programs is supported by one or more well-designed and well-implemented quasi-experimental studies.
- **Tier 3 – Promising Evidence:** the effectiveness of the practices or programs is supported by one or more well-designed and well-implemented correlational studies (with statistical controls for selection bias).
- **Tier 4 – Demonstrates a Rationale:** practices that have a well-defined logic model or theory of action, are supported by research, and have some effort underway by a State Educational Agency, LEA, or outside research organization to determine their effectiveness.
- **For additional information please see the Evidence-Based Interventions Under the ESSA web page at <https://www.cde.ca.gov/re/es/evidence.asp>.**
- The LEA must use the remaining ESSER III funds consistent with section 2001(e)(2) of the ARP Act, including for:
 - Any activity authorized by the Elementary and Secondary Education Act (ESEA) of 1965;
 - Any activity authorized by the Individuals with Disabilities Education Act (IDEA);
 - Any activity authorized by the Adult Education and Family Literacy Act;
 - Any activity authorized by the Carl D. Perkins Career and Technical Education Act of 2006;
 - Coordination of preparedness and response efforts of LEAs with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to COVID-19;
 - Activities to address the unique needs of low-income students, students with disabilities, English learners, racial and ethnic minorities, homeless students, and foster youth, including how outreach and service delivery will meet the needs of each population;
 - Developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs;
 - Training and professional development for staff of the LEA on sanitation and minimizing the spread of infectious diseases;
 - Purchasing supplies to sanitize and clean the facilities of an LEA, including buildings operated by such agency;
 - Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under IDEA, and ensuring other educational services can continue to be provided consistent with all Federal, State, and local requirements;
 - Purchasing education technology (including hardware, software, and connectivity) for students who are served by the LEA that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and children with disabilities, which may include assistive technology or adaptive equipment;
 - Providing mental health services and supports, including through the implementation of evidence-based full-service community schools;
 - Planning and implementing activities related to summer learning and supplemental after school programs, including providing classroom instruction or online learning during the summer months and addressing the needs of underserved students;

- Addressing learning loss among students, including underserved students, by:
 - Administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiated instruction,
 - Implementing evidence-based activities to meet the comprehensive needs of students,
 - Providing information and assistance to parents and families of how they can effectively support students, including in a distance learning environment, and
 - Tracking student attendance and improving student engagement in distance education;

Note: A definition of “underserved students” is provided in the Community Engagement section of the instructions.

- School facility repairs and improvements to enable operation of schools to reduce risks of virus transmission and exposure to environmental health hazards, and to support student health needs;
- Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and nonmechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door replacement;
- Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance from the Centers for Disease Control and Prevention (CDC) for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff;
- Other activities that are necessary to maintain the operation of and continuity of services in LEAs and continuing to employ existing staff of the LEA.

Other LEA Plans Referenced in this Plan

In developing the plan, the LEA has flexibility to include community input and/or actions included in other planning documents, such as the Local Control and Accountability Plan (LCAP) and/or the Expanded Learning Opportunities (ELO) Grant Plan, provided that the input and/or actions address the requirements of the ESSER III Expenditure Plan.

An LEA that chooses to utilize community input and/or actions from other planning documents must provide the name of the plan(s) referenced by the LEA and a description of where the plan(s) may be accessed by the public (such as a link to a web page or the street address of where the plan(s) are available) in the table. The LEA may add or delete rows from the table as necessary.

An LEA that chooses not to utilize community input and/or actions from other planning documents may provide a response of “Not Applicable” in the table.

Summary of Expenditures

The Summary of Expenditures table provides an overview of the ESSER III funding received by the LEA and how the LEA plans to use its ESSER III funds to support the strategies and interventions being implemented by the LEA.

Instructions

For the ‘Total ESSER III funds received by the LEA,’ provide the total amount of ESSER III funds received by the LEA.

In the Total Planned ESSER III Expenditures column of the table, provide the amount of ESSER III funds being used to implement the actions identified in the applicable plan sections.

For the ‘Total ESSER III funds included in this plan,’ provide the total amount of ESSER III funds being used to implement actions in the plan.

Community Engagement

Purpose and Requirements

An LEA’s decisions about how to use its ESSER III funds will directly impact the students, families, and the local community, and thus the LEA’s plan must be tailored to the specific needs faced by students and schools. These community members will have significant insight into what prevention and mitigation strategies should be pursued to keep students and staff safe, as well as how the various COVID–19 prevention and mitigation strategies impact teaching, learning, and day-to-day school experiences.

An LEA must engage in meaningful consultation with the following community members, as applicable to the LEA:

- Students;
- Families, including families that speak languages other than English;
- School and district administrators, including special education administrators;
- Teachers, principals, school leaders, other educators, school staff, and local bargaining units, as applicable.

“Meaningful consultation” with the community includes considering the perspectives and insights of each of the required community members in identifying the unique needs of the LEA, especially related to the effects of the COVID-19 pandemic. Comprehensive strategic planning will utilize these perspectives and insights to determine the most effective strategies and interventions to address these needs through the programs and services the LEA implements with its ESSER III funds.

Additionally, an LEA must engage in meaningful consultation with the following groups to the extent that they are present or served in the LEA:

- Tribes;
- Civil rights organizations, including disability rights organizations (e.g. the American Association of People with Disabilities, the American Civil Liberties Union, National Association for the Advancement of Colored People, etc.); and
- Individuals or advocates representing the interests of children with disabilities, English learners, homeless students, foster youth, migratory students, children who are incarcerated, and other underserved students.
 - For purposes of this requirement “underserved students” include:
 - Students who are low-income;

- Students who are English learners;
- Students of color;
- Students who are foster youth;
- Homeless students;
- Students with disabilities; and
- Migratory students.

LEAs are also encouraged to engage with community partners, expanded learning providers, and other community organizations in developing the plan.

Information and resources that support effective community engagement may be found under *Resources* on the following web page of the CDE’s website: <https://www.cde.ca.gov/re/lc>.

Instructions

In responding to the following prompts, the LEA may reference or include input provided by community members during the development of existing plans, including the LCAP and/or the ELO Grant Plan, to the extent that the input is applicable to the requirements of the ESSER III Expenditure Plan. Descriptions provided should include sufficient detail yet be sufficiently succinct to promote a broad understanding among the LEA’s local community.

A description of the efforts made by the LEA to meaningfully consult with its required community members and the opportunities provided by the LEA for public input in the development of the plan.

A sufficient response to this prompt will describe how the LEA sought to meaningfully consult with its required community members in the development of the plan, how the LEA promoted the opportunities for community engagement, and the opportunities that the LEA provided for input from the public at large into the development of the plan.

As noted above, a description of “meaningful consultation” with the community will include an explanation of how the LEA has considered the perspectives and insights of each of the required community members in identifying the unique needs of the LEA, especially related to the effects of the COVID-19 pandemic.

A description of the how the development of the plan was influenced by community input.

A sufficient response to this prompt will provide clear, specific information about how input from community members and the public at large was considered in the development of the LEA’s plan for its use of ESSER III funds. This response must describe aspects of the ESSER III Expenditure Plan that were influenced by or developed in response to input from community members.

- For the purposes of this prompt, “aspects” may include:
 - Prevention and mitigation strategies to continuously and safely operate schools for in-person learning;

- Strategies to address the academic impact of lost instructional time through implementation of evidence-based interventions (e.g. summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs);
- Any other strategies or activities implemented with the LEA's ESSER III fund apportionment consistent with section 2001(e)(2) of the ARP Act; and
- Progress monitoring to ensure interventions address the academic, social, emotional, and mental health needs for all students, especially those students disproportionately impacted by COVID-19

For additional information and guidance, please see the U.S. Department of Education's Roadmap to Reopening Safely and Meeting All Students' Needs Document, available here: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.

Planned Actions and Expenditures

Purpose and Requirements

As noted in the Introduction, an LEA receiving ESSER III funds is required to develop a plan to use its ESSER III funds to, at a minimum, address students' academic, social, emotional, and mental health needs, as well as the opportunity gaps that existed before, and were exacerbated by, the COVID-19 pandemic.

Instructions

An LEA has the flexibility to include actions described in existing plans, including the LCAP and/or ELO Grant Plan, to the extent that the action(s) address the requirements of the ESSER III Expenditure Plan. When including action(s) from other plans, the LEA must describe how the action(s) included in the ESSER III Expenditure Plan supplement the work described in the plan being referenced. The LEA must specify the amount of ESSER III funds that it intends to use to implement the action(s); these ESSER III funds must be in addition to any funding for those action(s) already included in the plan(s) referenced by the LEA. Descriptions of actions provided should include sufficient detail yet be sufficiently succinct to promote a broad understanding among the LEA's local community.

Strategies for Continuous and Safe In-Person Learning

Provide the total amount of funds being used to implement actions related to Continuous and Safe In-Person Learning, then complete the table as follows:

- If the action(s) are included in another plan, identify the plan and provide the applicable goal and/or action number from the plan. If the action(s) are not included in another plan, write "N/A".
- Provide a short title for the action(s).
- Provide a description of the action(s) the LEA will implement using ESSER III funds for prevention and mitigation strategies that are, to the greatest extent practicable, in line with the most recent CDC guidance, in order to continuously and safely operate schools for in-person learning.

- Specify the amount of ESSER III funds the LEA plans to expend to implement the action(s); these ESSER III funds must be in addition to any funding for those action(s) already included in the plan(s) referenced by the LEA.

Addressing the Impact of Lost Instructional Time

As a reminder, the LEA must use not less than 20 percent of its ESSER III funds to address the academic impact of lost instructional time. Provide the total amount of funds being used to implement actions related to addressing the impact of lost instructional time, then complete the table as follows:

- If the action(s) are included in another plan, identify the plan and provide the applicable goal and/or action number from the plan. If the action(s) are not included in another plan, write “N/A”.
- Provide a short title for the action(s).
- Provide a description of the action(s) the LEA will implement using ESSER III funds to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs.
- Specify the amount of ESSER III funds the LEA plans to expend to implement the action(s); these ESSER III funds must be in addition to any funding for those action(s) already included in the plan(s) referenced by the LEA.

Use of Any Remaining Funds

After completing the Strategies for Continuous and Safe In-Person Learning and the Addressing the Impact of Lost Instructional Time portions of the plan, the LEA may use any remaining ESSER III funds to implement additional actions to address students’ academic, social, emotional, and mental health needs, as well as to address opportunity gaps, consistent with the allowable uses identified above in the Fiscal Requirements section of the Instructions. LEAs choosing to use ESSER III funds in this manner must provide the total amount of funds being used to implement actions with any remaining ESSER III funds, then complete the table as follows:

- If the action(s) are included in another plan, identify the plan and provide the applicable goal and/or action number from the plan. If the action(s) are not included in another plan, write “N/A”.
- Provide a short title for the action(s).
- Provide a description of any additional action(s) the LEA will implement to address students’ academic, social, emotional, and mental health needs, as well as to address opportunity gaps, consistent with the allowable uses identified above in the Fiscal Requirements section of the Instructions. If an LEA has allocated its entire apportionment of ESSER III funds to strategies for continuous and safe in-person learning and/or to addressing the impact of lost instructional time, the LEA may indicate that it is not implementing additional actions.
- Specify the amount of ESSER III funds the LEA plans to expend to implement the action(s); these ESSER III funds must be in addition to any funding for those action(s) already included in the plan(s) referenced by the LEA. If the LEA it is not implementing additional actions the LEA must indicate “\$0”.

Ensuring Interventions are Addressing Student Needs

The LEA is required to ensure its interventions will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students most impacted by the COVID–19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.

The LEA may group actions together based on how the LEA plans to monitor the actions’ progress. For example, if an LEA plans to monitor the progress of two actions in the same way and with the same frequency, the LEA may list both actions within the same row of the table. Each action included in the ESSER III Expenditure Plan must be addressed within the table, either individually or as part of a group of actions.

Complete the table as follows:

- Provide the action title(s) of the actions being measured.
- Provide a description of how the LEA will monitor progress of the action(s) to ensure that they are addressing the needs of students.
- Specify how frequently progress will be monitored (e.g. daily, weekly, monthly, every 6 weeks, etc.).

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