

45

REGULAR MEETING

July 7, 2021

2:30 p.m.

Location:

The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92880 and via YouTube live stream at <https://www.youtube.com/watch?v=7zVZsi-Ur1c>

ORANGE COUNTY BOARD OF EDUCATION
AGENDA

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 July 7, 2021 – adoption

WELCOME

PUBLIC COMMENTS

Related to Closed Session Only

TIME CERTAIN

1. Inter-district Appeal Hearing (open) – 07072021001I – Placentia-Yorba Linda School District to Fullerton Joint Union High School District
2. Inter-district Appeal Hearing (closed) – 07072021002I – Irvine Unified School District to Tustin Unified School District
3. Inter-district Appeal Hearing (closed) – 07072021004I – Capistrano Unified School District to Laguna Beach Unified School District
4. Inter-district Appeal Hearing (closed) – 07072021005I – Capistrano Unified School District to Laguna Beach Unified School District

CLOSED SESSION 1

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

CLOSED SESSION 2

CONFERENCE WITH LEGAL COUNSEL-PENDING 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 3

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (d)(2) of Section
54956.9

INVOCATION

5:00 pm

Pastor Sam Pullen
Community Congregational United Church of Christ, Los Alamitos

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

CHARTER SCHOOLS

5. Charter submissions
- (*) 6. Charter School Public Hearing – Samueli Charter School material revisions –
Aracely Chastain, Director, Charter Schools, will facilitate the public hearing.
Discussion Format:
Samueli Charter School
Garden Grove Unified School District
Public Comments (30 minutes)
Board Questions
- (*) 7. Action on the Samueli Academy material revision request to revise the school
enrollment preferences and updates to the charter petition.
8. ISSAC Update
- (*) 9. Charter School Public Hearing – International School for Science and Culture
material revisions – Aracely Chastain, Director, Charter Schools, will facilitate
the public hearing.
Discussion Format:
ISSAC Update
Newport-Mesa Unified School District
Public Comments (30 minutes)
Board Questions

PUBLIC COMMENTS

ORGANIZATIONAL MEETING

10. Election of Officers – President Ken Williams will preside for the election of President of the Board. The new Board President will preside for the election of the Vice President and Clerk of the Board.
- (*) 11. Nominate and approve board member assignments for the 2021-2022 fiscal year.
- (*) 12. Confirm Board meeting dates for July 2021 through July 2022.

INFORMATION ITEMS

BOARD DISCUSSIONS

- Harbor Learning Center North Update
- State Budget Update

ANNOUNCEMENTS

- Superintendent
- Associate Superintendent

Legislative Updates

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

BOARD MEMBER COMMENTS

- Redistricting Update
- Ethnic Studies FAQ

EXECUTIVE COMMITTEE REPORT

- (*)MINUTES 13. Regular Meeting of June 2, 2021 – approval

CONSENT CALENDAR

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

BOARD RECOMMENDATIONS

- (*) 15. Board action – Notice of violation ISSAC Charter School
- (*) 16. Approve disbursement of funds for Orange County Board of Education professional organizations membership dues for 2021-2022 fiscal year.
- (*) 17. Approve registration and travel for Board Members to attend education related events/meetings sponsored by ACSA, CCBE, CCSA, CSBA, NSBA, OCSBA, CUBE, and National Alliance for Public Charter Schools, effective July 1, 2021 for the 2021-22 fiscal year.
- (*) 18. August 24, 2021 Board Meeting – Ethnic Studies Forum Change of Venue
- (*) 19. Approve Resolution #12-21, Orange County Board of Education Resolution on Healthy Children

TIME CERTAIN


- 20. Public Hearing - Renee Hendrick, Associate Superintendent will conduct a public hearing on CSEA's initial proposal to Superintendent.
- 21. Public Hearing - Renee Hendrick, Associate Superintendent will conduct a public hearing on Superintendent's initial proposal to CSEA.

STAFF RECOMMENDATIONS

- (*) 22. Approve submission of the College and Career Preparatory Academy into the DASS program.

PUBLIC COMMENTS (15 minutes)

ADJOURNMENT



Nina Boyd
Assistant Secretary, Board of Education

Next Regular Board Meeting: Wednesday, August 4, 2021 at 5:00 p.m. The meeting will be held via virtual/teleconferencing environment.

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
Regular Meeting
June 2, 2021



ORANGE COUNTY BOARD OF EDUCATION
MINUTES

WELCOME

CALL TO ORDER

The Regular Meeting of the Orange County Board of Education was called to order by Board President Williams at 2:06 p.m., June 2, 2021 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via YouTube live stream.

ROLL CALL

Present:

Lisa Sparks, Ph.D. (virtual zoom)
Rebecca "Beckie" Gomez
Tim Shaw
Mari Barke
Ken L. Williams, D.O.

(*)AGENDA

Motion by Williams, seconded by Barke, and carried by a vote of 5-0 to remove the approval of the minutes from May 5, 2021 and approve the agenda of the Regular meeting of June 2, 2021.

Trustee Williams recessed the board meeting to go into closed session at 2:08 p.m.

TIME CERTAIN

1. Inter-district Appeal Hearing (closed) – 06022021001I – Buena Park School District to Centralia School District

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

2. Inter-district Appeal Hearing (closed) – 06022021002I – Buena Park School District to Anaheim Elementary School District

Motion by Barke, seconded by Shaw, and carried by a roll call vote of 5-0 (Williams, Barke, Sparks, Gomez and Shaw voted Yes) to approve the appeal and allow the student to attend the Anaheim Elementary School District for the period of one academic year (2021-22).

3. Inter-district Appeal Hearing (closed) – 06022021003I – Buena Park School District to Fullerton School District

Motion by Barke, seconded by Sparks, and carried by a roll call vote of 3-1-0 (Williams, Barke, Sparks voted Yes; Gomez voted No; Shaw not present for vote) to approve the appeal and allow the student to attend the Fullerton Joint Union High School District for the period of one academic year (2021-22).

4. Inter-district Appeal Hearing (closed) – 06022021004I – Buena Park School District to Cypress School District

Motion by Barke, seconded by Williams, and carried by a roll call vote of 3-0-1 (Williams, Barke, Sparks voted Yes; Gomez voted No; Shaw abstained) to approve the appeal and allow the student to attend the Cypress School District for the period of one academic year (2021-22).

5. Inter-district Appeal Hearing (closed) – 06022021005I – Buena Park School District to Centralia School District

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

Terrance Dunn, Coordinator, Educational Services facilitated the hearings.

CLOSED SESSION 1

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

CLOSED SESSION 2

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

The Board approved the following:

1. Haight, Brown & Bonesteel Invoices # 3243116 and 3243117, dated May 14, 2021 by a vote of 4-1 (Williams, Barke, Sparks and Shaw voted Yes; voted No)
2. Epstein, Becker & Green invoices # 1051182 and 1051183, dated May 31, 2021 by a vote of 4-1 (Williams, Barke, Sparks and Shaw voted Yes; Gomez voted No)

INVOCATION

Rev. Sarah Averette-Phillips (Virtual)
Brea Congregational United Church of Christ

PLEDGE OF ALLEGIANCE

Trustee Shaw

INTRODUCTIONS

None

PUBLIC COMMENTS

- Lori – School mask for children
- Michelle – item #19&21 support
- Allison – student of charter school
- Sara - Item #19
- Mrs. Co - CRT, masking of students
- Kelly – Ethnic Studies, no CRT
- Brian – Operation Dark Winter, etc
- Lori – AB1316, Ethnic Studies
- Dorothy – CRT, Ethnic Studies
- Nate – Multiple items
- Grandfather - CRT, mask of students, Common Core, Zero Tolerance Policy

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- Board Webpage
- Questions re: URL
- Questions re: Mapping
- Request for Board photo at a future meeting (Executive Committee will respond)

SUPERINTENDENT REPORT

- \$50,000 award from Cox Communications for Digital Literacy and Translation
- 3 OC 2021 State Classified Employees of the Year
- 2 OC Middle Schools earn top honors at 2021 National Academic Pentathlon

ASSOCIATE SUPERINTENDENT REPORT

- Next Board meeting – June 16, 2021
- CCBE
- CSBA
- July Organizational Meeting

PRESENTATIONS

Jeff Hittenberger, Chief Academic Officer and Analee Kredel, Chief, Special Education Services presented the Local Control and Accountability Plan (LCAP) for the Orange County Department of Education.

Analee Kredel, Chief, Special Education Services, conducted the public hearing regarding the LCAP for the Orange County Department of Education.

Dave Connor, Principal, presented the Local Control and Accountability plan (LCAP) for the College and Career Preparatory Academy.

Jeff Hittenberger, Chief Academic Officer, conducted the public hearing for the LCAP for the College and Career Preparatory Academy.

Renee Hendrick, Associate Superintendent, Business Services, presented the Orange County Department of Education budget for the 2021-2022 fiscal year.

Renee Hendrick, Associate Superintendent, Business Services, conducted the public hearing regarding the Budget for the 2021-2022 fiscal year.

CONSENT CALENDAR

Motion by Williams, seconded by Barke, and carried by a roll call vote of 5-0 to approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.

Trustee Sparks left the meeting at 7:23 p.m.

CHARTER SCHOOLS

Motion by Barke, seconded by Williams, and approved by a roll call vote of 4-0 (Barke, Williams, Gomez and Shaw voted Yes; Sparks absent) to approve the contract execution of Orange County Workforce Innovation High School's amended resolution extending the deadline for the execution of an agreement on May 31, 2021.

Charter School Public Hearing

Tomorrow's Leadership Collaborative Charter School material revisions - Aracely Chastain, Director, Charter Schools, facilitated the public hearing.

Motion by Barke, seconded by Gomez, and approved by a roll call vote of 4-0 (Williams, Barke, Gomez and Shaw) to approve Tomorrow's Leadership Collaborative Charter School's requested material revisions.

Aracely Chastain facilitated the public hearing for Samueli Academy. No action will be taken until the July board meeting.

ISSAC Material Revisions were discussed.
Update to be provided at the July board meeting.

BOARD RECOMMENDATIONS

Motion by Barke, seconded by Shaw, and approved by a roll call vote of 3-1 (Williams, Barke and Shaw voted Yes; Gomez voted No) to approve the Board's action in opposition to AB 1316.

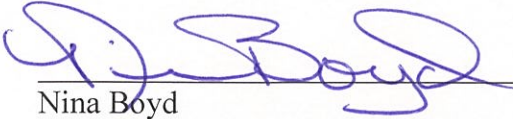
Motion by Shaw, seconded by Barke, and carried by a roll call vote of 4-0 (Williams, Barke, Shaw and Gomez voted Yes) to approve the Redistricting Contract to include designated scope of work, not to exceed \$50,000.

Motion by Williams, seconded by Barke, and carried by a roll call vote of 3-1 (Williams, Barke and Shaw voted Yes; Gomez voted No) to approve using the Rossmoor Auditorium for the Ethnic Studies Community forums on July 27th and August 24th, with a budget of \$7,500.

The board recessed from 9:15 pm – 9:26 pm.

ADJOURNMENT

On a motion duly made, and seconded, the Board meeting of June 2, 2021 adjourned at 9:34 p.m.



Nina Boyd
Assistant Secretary, Board of Education

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

Next Regular Board Meeting, Wednesday, June 16, 2021 at 5:00 p.m. - The meeting will be in the Board Room at 200 Kalmus Drive, Costa Mesa, CA and via virtual conference.

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

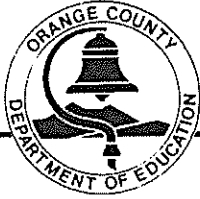
DATE: July 7, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Aracely Chastain, Director, Charter Schools
SUBJECT: Public Hearing – Samueli Academy Material Revision

DESCRIPTION:

Samueli Academy is a countywide charter school serving students in grades seven through twelve with one location within the boundaries of the Garden Grove Unified School District in the city of Santa Ana. On May 14, 2021, Samueli Academy submitted a material revision to change the school's enrollment preferences in order to continue to qualify for SB 740 Charter School Facility Grants and Funding. The Orange County Board of Education held a public hearing on June 2, 2021, to consider the level of support for the material revision.

RECOMMENDATION:

Per California Education Code, on July 7, 2021, the Orange County Board of Education shall hold a public hearing to grant or deny Samueli Academy's 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 June 17, 2021.



MEMO

ORANGE COUNTY DEPARTMENT OF EDUCATION

June 17, 2021

To: Members, Orange County Board of Education
From: Orange County Department of Education Charter Schools Unit
Re: Staff Recommendations and Findings – Samueli Academy 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 Samueli Academy in compliance with Education Code section 47607, and recommendations for consideration by the Orange County Board of Education (the Board).

II. BACKGROUND

Samueli Academy is a countywide charter school that serves students in grades seven through twelve, with one location within the boundaries of the Garden Grove Unified School District in the city of Santa Ana. On May 14, 2021, Samueli Academy submitted a material revision request to change enrollment preferences to include students who are currently enrolled in Riverdale Elementary School and students that reside in the Riverdale Elementary School attendance area. A public hearing was held on June 2, 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 Samueli Academy charter petition meets the standards outlined in Education Code section 47605. The change to the

school's enrollment preferences allow Samueli Academy to meet the eligibility requirements for SB 740 Charter School Facility Grants and Funding.

V. STAFF RECOMMENDATION

Orange County Department of Education staff recommend that the Board approve the Samueli Academy material revision to the school's enrollment preferences and the updated charter petition.

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.

* * *

ORANGE COUNTY BOARD OF
BOARD AGENDA ITEM

Item: Charter Schools # 7

July 7, 2021

[X] Mailed [] Distributed at meeting



DATE: July 7, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Aracely Chastain, Director, Charter Schools
SUBJECT: Board Action – Samueli Academy Material Revision

DESCRIPTION:

Samueli Academy is a countywide charter school serving students in grades seven through twelve with one location within the boundaries of the Garden Grove Unified School District in the city of Santa Ana. On May 14, 2021, Samueli Academy submitted a material revision to change the school's enrollment preferences in order to continue to qualify for SB 740 Charter School Facility Grants and Funding. The Orange County Board of Education held a public hearing on June 2, 2021, to consider the level of support for the material revision.

RECOMMENDATION:

Orange County Department of Education staff recommend that the Orange County Board of Education approve Samueli Academy's requested material revision to revise the school's enrollment preferences and updates to the charter petition.

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: July 7, 2021

Item: Charter Schools # 9

July 7, 2021

☒ Mailed ☐ Distributed at meeting

TO: Nina Boyd, Associate Superintendent



FROM: Aracely Chastain, Director, Charter Schools

SUBJECT: Public Hearing – International School for Science and Culture Material Revision

DESCRIPTION:

International School for Science and Culture is a Transitional Kindergarten through eighth grade charter school located within the boundaries of the Newport-Mesa Unified School District. On June 2, 2021, the charter school submitted a material revision to add a second school facility at the Boys and Girls Club of Central Orange Coast at 2131 Tustin Ave, Costa Mesa.

RECOMMENDATION:

Per California Education Code, on July 7, 2021, Orange County Board of Education shall hold a public hearing on the provisions of the International School for Science and Culture amended charter petition to consider the level of support for the material revision.

July 7, 2021

[X] Mailed [] Distributed at meeting



**ORANGE COUNTY BOARD OF EDUCATION
2021-22
BOARD MEMBER ASSIGNMENTS**

Assignment	2020-21 Fiscal Year	2021-22 Fiscal Year
Executive Committee (monthly)	Barke Williams	
CCBE Board of Directors (3 meetings)	Gomez	
CSBA Delegate Assembly (2 meetings)	Gomez	
Political Action Group Effort (PAGE)/Legislative (3 meetings)	Williams	
OCSBA (3 ACSA/OCSBA dinner meetings; 4 Board of Directors Meetings; 3 Fiscal Seminars)	Gomez	
PTA Liaison (4 meetings)	Shaw Sparks	

RECOMMENDATION:

Nominate and approve Board member assignments for the 2021-22 fiscal year.



ORANGE COUNTY BOARD OF EDUCATION
BOARD AGENDA ITEM

DATE: July 7, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Darou Sisavath, Recording Clerk
SUBJECT: Board Meeting Dates

The Orange County Board of Education regular board meetings are held on the first Wednesday of each month. All board meetings listed will begin at 5:00 p.m. unless otherwise noted.

Board Meeting Dates

Wednesday, July 7, 2021
Wednesday, August 4, 2021
Wednesday, September 1, 2021
Wednesday, October 6, 2021
Wednesday, November 3, 2021
Wednesday, December 1, 2021
Wednesday, January 5, 2022
Wednesday, February 2, 2022
Wednesday, March 2, 2022
Wednesday, April 6, 2022
Wednesday, May 4, 2022
Wednesday, June 1, 2022
Wednesday, June 15, 2022
Wednesday, July 6, 2022

RECOMMENDATION:

Approve new Board Meeting dates for July 2021 through July 2022.

Date, time, and location of Board meetings subject to change by Board order



ORANGE COUNTY BOARD OF EDUCATION
BOARD AGENDA ITEM

DATE: July 7, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Jeff Hittenberger, Chief Academic Officer
SUBJECT: Granting of Diplomas

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

RECOMMENDATION:

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

LS:sl

Page 19-25 removed (CONFIDENTIAL STUDENT INFORMATION)

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: July 7 , 2021

Item: Board Recommendations # 15

July 7, 2021

[X] Mailed [] Distributed at meeting

TO: Nina Boyd, Associate Superintendent



FROM: Aracely Chastain, Director, Charter Schools

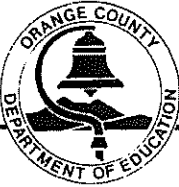
SUBJECT: Board Action – Notice of Violation International School for Science and Culture

DESCRIPTION:

The Executive Committee of the Orange County Board of Education has requested for the Board to consider issuing a Notice of Violation at the June 16, 2021, regular meeting, pursuant to Education Code section 47607 and the California Code of Regulations, Title 5, sections 11965 and 11968.5.2, regarding concerns of non-compliance by International School for Science and Culture.

RECOMMENDATION:

The Orange County Board of Education shall consider and may take action at the July 7, 2021 regular meeting to issue a Notice of Violation to International School for Science and Culture that will give the school a reasonable opportunity to remedy the violations identified.



MEMO

ORANGE COUNTY DEPARTMENT OF EDUCATION

June 11, 2021

To: Orange County Board of Education

From: Nina Boyd, Associate Superintendent

Re: Request for Issuance of Notice of Violation – International School for Science and Culture

The Executive Committee of the Orange County Board of Education (the Board) has requested for the Board to consider issuing a Notice of Violation at the June 16, 2021, regular meeting, pursuant to Education Code section 47607 and the California Code of Regulations, Title 5, sections 11965 and 11968.5.2, regarding concerns of non-compliance by International School for Science and Culture (ISSAC). The Board reserves the right to consider additional evidence presented to substantiate the violations delineated in this memo. Accompanying this memo is all significant and relevant evidence relied upon in determining the charter school engaged in acts or omissions identified in Education Code 47607 subdivision (f)(1) that necessitate the issuance of a Notice of Violation by the Board.

BACKGROUND

On March 6, 2019, the Board granted ISSAC's appeal of its petition to establish a charter school after a denial by Newport-Mesa Unified School District, to operate a Transitional Kindergarten through eighth grade charter school for five years, beginning July 1, 2019 to June 30, 2024, and entered into an Agreement with ISSAC incorporated as part of the petition. ISSAC began operations in August 2019 on a Proposition 39 facility in the Newport-Mesa Unified School District at 1776 Tustin Ave, Costa Mesa, CA 92627.

An update was provided to the Board in a memo dated May 3, 2021, summarizing ongoing issues identified at ISSAC by Orange County Department of Education (OCDE) staff, which included (1) California Department of Education's (CDE) notification regarding funding adjustment due to the school's misreporting ADA information, (2) the school's use of facilities that are not zoned for K-12 instruction, and (3) allegations of unlawful pupil fees being charged by the school during the school day. In addition to informal conversations, ISSAC was notified in a series of Notices of Concern and Requests for Information dated April 7, 2021, April 13, 2021, April 23, 2021, April 27, 2021, and June 3, 2021, that memorialized the continuing issues and lack of compliance.

Representatives from ISSAC attended the June 2, 2021, regular meeting to respond to the allegations and answer questions from the Board. At that meeting, the Board requested that ISSAC submit a response to the concerns in writing and to provide further updates at the Board's next regular meeting on June 16, 2021. At the request of the Board, a second Notice of Concern was issued by OCDE staff on June 3, 2021, in an attempt to acquire additional information and address outstanding concerns.

Following the June 2, 2021 meeting, the Executive Committee of the Board requested that a Notice of Violation to ISSAC be drafted for discussion and action at the June 16, 2021 meeting.

LEGAL AUTHORITY

Pursuant to Education Code section 47607, subdivision (g), the chartering authority shall notify the charter school of any violations and give the school a reasonable opportunity to remedy the violations before revocation, unless the chartering authority determines, in writing, that the violations constitute severe and imminent threat to the health or safety of the pupils. Under section 47607, subdivision (f), the authorizing entity may revoke the charter of a charter school if it finds, through a showing of substantial evidence, that the charter school did any of the following:

- 1) Committed a material violation of any of the conditions, standards, procedures set forth in the school's charter.
- 2) Failed to meet or pursue any of the pupil outcomes identified in the charter.
- 3) Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
- 4) Violated any law.

REASONABLE TIME TO REMEDY VIOLATIONS

Pursuant to Education Code section 47607, subdivision (g), and California Code of Regulations, Title 5, section 11968.5.2, should the Board consider issuing a Notice of Violation, ISSAC is entitled to at least 72 hours' notice and all relevant documents related to the proposed action, which was provided to the school via electronic mail and U.S. mail on June 11, 2021. Upon receipt of a Notice of Violation, the charter school's governing board, may choose to respond to each identified violation to remedy, propose a remedy or refute the identified violations. If the charter school's governing board chooses to respond, the following will be required within a reasonable period of time as determined by the chartering authority.

- 1) A detailed, written response addressing each identified violation which shall include the refutation, remedial action taken, or proposed remedial action by the charter school specific to each alleged violation.
- 2) Attached to the written response, supporting evidence of refutation, remedial action, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation.

After conclusion of the reasonable opportunity to remedy, the Board, as the chartering authority, shall evaluate the response of the charter school's governing body to the Notice of Violation and any supporting evidence, if submitted, and shall take one of the following actions:

- 1) If the chartering authority has substantial evidence that the charter school has failed to refute to the chartering authority's satisfaction, or remedy a violation identified in the Notice of Violation, continue revocation of the school's charter by issuing a Notice of Intent to Revoke to the charter school's governing body; or
- 2) Discontinue revocation of the school's charter and provide timely written notice of such action to the charter school's governing body.

If the Board, as the chartering authority, does not act as specified in Education Code section 47607 subdivision (d), within 60 calendar days of the conclusion of the remedy period specified in the Notice of Violation, the revocation process is terminated and the Notice of Violation is void.

Enclosures: Notice of Violation (Draft dated 6/16/2021)

Exhibit 1 – Agreement OCBE and ISSAC Org Inc (7/17/2019)

Exhibit 2 – Second Notice of Concern and ISSAC Response (6/3/2021)

Exhibit 3 – 2019-20 Second Interim Budget Notice of Concern and ISSAC Response (4/21/2020)

Exhibit 4 – Request for Information and ISSAC Response (4/23/2021)

Exhibit 5 – ISSAC Growth Funding Application (10/20/2020)

Exhibit 6 – CDE Final Determination ISSAC Growth Funding (5/27/2021)

Exhibit 7 – Notice of Concern and ISSAC Response (4/7/2021)

Exhibit 8 – Request for Information and ISSAC Response – Redacted (4/13/2021)

Exhibit 9 – Request for Information and ISSAC Response – Redacted (4/27/2021)

Exhibit 10 – CDE Fiscal Management Advisory 20-01 (7/23/2020)



ORANGE COUNTY BOARD OF EDUCATION

REBECCA "BECKIE" GOMEZ, DISTRICT 1
MARI BARKE, DISTRICT 2
KEN L. WILLIAMS, D.O., DISTRICT 3

Tim Shaw, District 4
LISA SPARKS, PH.D., DISTRICT 5
AL MIJARES, PH.D., SECRETARY

July 8, 2021

Sent via electronic mail and U.S. Mail

Sally Chou, Ph.D., Board Chair, ISSAC Org, Inc
International School for Science and Culture
2131 Tustin Ave.
Costa Mesa, CA, 92627
sally.chou@issaccharter.org

Re: Notice of Violation – International School for Science and Culture

Dear Dr. Chou:

This letter serves as a Notice of Violation regarding concerns of non-compliance by International School for Science and Culture (ISSAC), pursuant to Education Code section 47607, and California Code of Regulations, Title 5, sections 11965 and 11968.5.2. On June 11, 2021, ISSAC received at least 72 hours' notice that included all evidence relied upon in determining the charter school engaged in acts or omissions identified in Education Code 47607 subdivision (f)(1) that necessitate the issuance of this Notice of Violation by the Orange County Board of Education (the Board).

BACKGROUND

On March 6, 2019, the Board granted ISSAC's appeal of its petition to establish a charter school after a denial by Newport-Mesa Unified School District, to operate a Transitional Kindergarten through eighth grade charter school for five years, beginning July 1, 2019 to June 30, 2024, and entered into an Agreement with ISSAC incorporated as part of the petition (Exhibit 1). ISSAC began operations in August 2019 on a Proposition 39 facility in the Newport-Mesa Unified School District at 1776 Tustin Ave, Costa Mesa, CA 92627.

An update was provided to the Board in a memo dated May 3, 2021, summarizing ongoing issues identified at ISSAC by Orange County Department of Education (OCDE) staff, which included (1) California Department of Education's (CDE) notification regarding funding adjustment due to the school's misreporting ADA information, (2) the school's use of facilities that are not zoned for K-12 instruction, and (3) allegations of unlawful pupil fees being charged by the school during the school day. In addition to informal conversations, ISSAC was notified in a series of Notices of Concern and Requests for Information

dated April 7, 2021, April 13, 2021, April 23, 2021, April 27, 2021, and June 3, 2021, that memorialized the continuing issues and lack of compliance.

Representatives from ISSAC attended the June 2, 2021, regular meeting to respond to the allegations and answer questions from the Board. At that meeting, the Board requested that ISSAC submit a response to the concerns in writing and provide further updates at the Board's next regular meeting on June 16, 2021. At the request of the Board, on June 3, 2021, a second Notice of Concern (Exhibit 2) was issued by OCDE staff to ISSAC, in an attempt to acquire additional information and address outstanding concerns.

Following the June 2, 2021 meeting, the Executive Committee of the Board requested that a Notice of Violation to ISSAC be drafted for discussion and action at the June 16, 2021 meeting.

LEGAL AUTHORITY

Pursuant to Education Code section 47607, subdivision (g), the chartering authority shall notify the charter school of any violations and give the school a reasonable opportunity to remedy the violations before revocation, unless the chartering authority determines, in writing, that the violations constitute severe and imminent threat to the health or safety of the pupils. Under section 47607, subdivision (f), the authorizing entity may revoke the charter of a charter school if it finds, through a showing of substantial evidence, that the charter school did any of the following:

- 1) Committed a material violation of any of the conditions, standards, procedures set forth in the school's charter.
- 2) Failed to meet or pursue any of the pupil outcomes identified in the charter.
- 3) Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
- 4) Violated any law.

GROUND FOR NOTICE OF VIOLATION

I. Fiscal mismanagement or specific failure to follow generally accepted accounting principle pursuant to Education Code section 47607(f)(3)

ISSAC was in poor fiscal health throughout the 2019-2020 school year, as documented in an April 21, 2020, Notice of Concern issued to the school by the OCDE staff (Exhibit 3). Specifically, the school projected negative ending net assets, no cash reserves, and projected increasing payables. OCDE staff determined that timely and appropriate action by ISSAC's governing board was critical in addressing and mitigating the serious decline of the school's fiscal health.

After a review of the P-1 LCFF entitlement calculations for charter schools, OCDE staff noticed a discrepancy between ISSAC's projected growth of 100 students (95 ADA), as documented in the 2020-21 budget adopted by the school's governing board, and ISSAC's P-1 funding basis of 150 students (143.20 ADA). A review of the documents showed that ISSAC reported to the California Department of Education (CDE) 150 students for projected enrollment and the supporting documents submitted to CDE included a

different budget than was adopted by ISSAC's governing board on June 19, 2020 (Exhibit 4 and Exhibit 5). The budget submitted to CDE allowed the school to be paid at a higher rate than eligible according to Education Code section 43505.

Education Code section 43505 states that a charter school is eligible for growth funding if the charter school demonstrates growth in pupil enrollment from its actual 2019-20 level to its projected 2020-21 level, as documented in its 2020-21 budget adopted by the board on or before June 30, 2020.

On May 27, 2021, CDE sent a letter (Exhibit 6) to Dr. Srinivasan notifying that the projected growth funding for ISAAC would be adjusted to match the school's 2020-21 adopted budget, with projected enrollment of 100 students, as opposed to the 150 students submitted by the school on their growth funding application. ISSAC was overpaid in Principal Apportionment funds, in-lieu property tax transfers and Education Protection Account (EPA) entitlement.

Since ADA and LCFF will be proportionally decreased, CDE has determined that ISSAC will not receive a second principal apportionment, or P-2, payment. ISSAC will not receive a fourth quarter EPA payment, and LCFF state aid will be reduced by the amount of the EPA overpayment. Any additional overpaid amounts will be carried over into the next fiscal year and reduce the 2021-22 apportionments beginning with the Advance Apportionment. ISSAC will need to return overpaid in-lieu property tax transfers back to Newport-Mesa Unified School District in July 2021.

II. Material violations of conditions, standards, or procedures set out in the school's charter pursuant to Education Code section 47607(f)(1) and Specific provision(s) of law that the charter school failed to follow pursuant to Education Code section 47607(f)(4), as appropriate

On March 22, 2021, the OCDE Charter Schools Unit received a complaint alleging that ISSAC was charging students to attend in-person instruction. Prior information communicated by Dr. Srinivasan to OCDE staff was that the Boys and Girls Club would be running a childcare program utilizing ISSAC instructional assistants to supervise students in attendance due to school campus closure due to the COVID -19 pandemic.

OCDE staff visited the school during school hours on March 30, 2021, and observed students receiving instruction from ISSAC's certificated staff. In response to inquiries by OCDE staff, Dr. Srinivasan revealed that ISSAC had been running the "childcare program" since its inception and fees were being charged by ISSAC.

Upon review of requested documentation submitted by ISSAC (Exhibit 7, Exhibit 8, and Exhibit 9), OCDE staff determined that the school is charging pupil fees to students attending in-person during regular school hours in violation of article IX, section 5, of the California Constitution regarding free public education, Education Code section 49011, and the school's charter. As of March 2021, ISSAC has collected from parents approximately \$64,000. This amount may increase pending responses from ISSAC to the Notice of Concern sent to the school on June 3, 2021.

III. Material violations of conditions, standards, or procedures set out in the school's charter pursuant to Education Code section 47607(f)(1) and Specific provision(s) of law that the charter school failed to follow pursuant to Education Code section 47607(f)(4), as appropriate

ISSAC moved from the school's inaugural location to the Boys and Girls Club of Costa Mesa at 2131 Tustin Ave, Costa Mesa, CA 92627 in July 2020. OCDE staff contacted the City of Costa Mesa to verify that the property was zoned correctly for a school. Willa Bouwens-Killeen, Principal Planner for the city of Costa Mesa, confirmed that the location (Boys and Girls Club of Costa Mesa) is not zoned for K-12 educational use and would require a Conditional Use Permit (CUP). Furthermore, she indicated that the school could not occupy the site until it had the proper CUP.

As of June 2021, the current school location is not zoned for K-12 educational use and the school is in the process of acquiring a CUP. During multiple conversations that took place from June 2020 through March 2021, Dr. Srinivasan continually acknowledged understanding that no in-person instruction could take place until a CUP for K-12 educational use was granted.

In March 2021, OCDE staff received a telephone call from an ISSAC parent stating that students were attending a hybrid instructional program on the school's campus and that fees were being charged to attend in-person class. A visit was conducted at the school site where Dr. Srinivasan confirmed that in-person instruction was indeed taking place on campus and that the school had not been granted a CUP for educational use.

On April 7, 2021, a Notice of Concern (Exhibit 7) was sent to ISSAC for operating in-person instruction at a location not zoned for K-12 educational use and corrective action was due on April 30, 2021. On May 3, 2021, in response to the Notice of Concern, ISSAC submitted a CUP for a defunct preschool that at one time operated at the Boys & Girls Club. The preschool CUP only allowed instruction to children ages three to five years on limited days of the week and do not allow for K-12 instruction at that location. ISSAC continues to operate in-person instruction at the Boys & Girls Club in violation of zoning laws and the Agreement with the chartering authority.

REASONABLE TIME TO REMEDY VIOLATIONS

Upon receipt of a Notice of Violation, the charter school's governing board may choose to respond to each identified violation to remedy, propose a remedy or refute the identified violations. The Board, as the chartering authority, concludes that 30 days is a reasonable period of time for the charter school's governing board to remedy or refute the identified violation(s). If the charter school's governing board chooses to respond, the following must be submitted by July 16, 2021.

- 1) A detailed, written response addressing each identified violation which shall include the refutation, remedial action taken, or proposed remedial action by the charter school specific to each alleged violation.
- 2) Attach to the written response supporting evidence of the refutation, remedial action, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation.

After conclusion of the 30-day opportunity to remedy period, the Board, as the chartering authority, shall evaluate the response of the charter school's governing body to this Notice of Violation and any supporting evidence, if submitted, and shall take one of the following actions:

- 1) If the chartering authority has substantial evidence that the charter school has failed to refute to the chartering authority's satisfaction, or remedy a violation identified in the Notice of Violation, continue revocation of the school's charter by issuing a Notice of Intent to Revoke to the charter school's governing body; or
- 2) Discontinue revocation of the school's charter and provide timely written notice of such action to the charter school's governing body.

If the Board, as the chartering authority, does not act as specified in Education Code section 47607 subdivision (d), within 60 calendar days of the conclusion of the remedy period specified in this Notice of Violation, the revocation process is terminated and this Notice of Violation is void.

Enclosed is all evidence relied upon in determining the charter school engaged in any of the acts or omissions identified in Education Code 47607 subdivision (f)(1).

Failure to refute the allegations or remedy a violation identified in this Notice of Violation to the chartering authority's satisfaction, will result in issuance of a Notice of Intent to Revoke pursuant to Title 5 of the California Code of Regulations Section 11965(f).

Sincerely,

Ken Williams, D.O.
Chair, Orange County Board of Education

Enclosures: Exhibit 1 – Agreement OCBE and ISSAC Org Inc (7/17/2019)
Exhibit 2 – Second Notice of Concern and ISSAC Response (6/3/2021)
Exhibit 3 – 2019-20 Second Interim Budget Notice of Concern and ISSAC Response (4/21/2020)
Exhibit 4 – Request for Information and ISSAC Response (4/23/2021)
Exhibit 5 – ISSAC Growth Funding Application (10/20/2020)
Exhibit 6 – CDE Final Determination ISSAC Growth Funding (5/27/2021)
Exhibit 7 – Notice of Concern and ISSAC Response (4/7/2021)
Exhibit 8 – Request for Information and ISSAC Response – Redacted (4/13/2021)
Exhibit 9 – Request for Information and ISSAC Response – Redacted (4/27/2021)
Exhibit 10 – CDE Fiscal Management Advisory 20-01 (7/23/2020)

cc Al Mijares, Ph.D., County Superintendent of Schools
Nina Boyd, Associate Superintendent, Orange County Department of Education
Padmini Srinivasan, Ph.D., Executive Director, International School for Science and Culture

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

Item: Board Recommendations # 16
July 7, 2021
☒ Mailed ☐ Distributed at meeting



DATE: July 7, 2021

TO: Nina Boyd, Associate Superintendent

FROM: Darou Sisavath, Board Recording Clerk

SUBJECT: Board Memberships – 2021-2022

ACSA Educational Institution Service	\$880.00
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California Charter Schools Association	\$500.00
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California School Boards Association

CSBA Membership dues	\$11,030.00	
Ed. Legal Alliance dues	\$2,758.00	
California County Boards of Education	\$6,600.00	
		\$20,388.00

National School Boards Association	\$12,975.00
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Orange County School Boards Association	\$175.00
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2021-22 PTA Membership	\$50.00
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TOTAL	\$34,968.00
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RECOMMENDATION:


Approve disbursement of funds for Orange County Board of Education professional organizations membership dues for 2021-22 fiscal year.

NB:ds

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

Item: Board Recommendations # 17
July 7, 2021
[X] Mailed [] Distributed at meeting

DATE: July 7, 2021 

TO: Nina Boyd, Associate Superintendent

FROM: Darou Sisavath, Board Recording Clerk

SUBJECT: Registration and Travel for Board Members

In accordance with specified statutory regulations, County Board Members are reimbursed for expenses incurred when attending education related events/meetings. In order to simplify these reimbursement procedures, it is requested that approval be given for advance payment of fees as required by meeting sponsor.

RECOMMENDATION:

Approve registration and travel for Board Members to attend education related events/meetings sponsored by Association of California School Administrators (ACSA), California County Boards of Education (CCBE), California Charter Schools Association (CCSA), California School Boards Association (CSBA), National School Boards Association (NSBA), Orange County School Boards Association (OCSBA), Council of Urban Boards of Education (CUBE), and National Alliance for Public Charter Schools, effective July 1, 2021 for the 2021-22 fiscal year.

NB:ds

**Orange County Board of Education
2021 – 2022 Conference Schedule**

September 10-12, 2021

CCBE Fall Conference – Monterey, CA

Registration Fee - \$349.00

September 16-18, 2021

NSBA CUBE Annual Conference, Atlanta, GA

Registration Fee - \$550

November 30 – December 1, 2021

CSBA Delegate Assembly – San Diego, CA

No Registration Fee

December 2-4, 2021 In-Person, or December 9-10, 2021 Virtual

CSBA Annual Education Conference – San Diego, CA

Registration Fee - \$595.00 In-Person, \$399.00 Virtual

January 23-25, 2022

NSBA Advocacy Institute – Washington, D.C.

Registration Fee - \$695 (approximate)

March 14-17, 2022

California Charter Schools Conference – Long Beach, CA

Registration Fee - \$695 (approximate)

April 2-4, 2022

NSBA Annual Conference – San Diego, CA

Registration Fee - \$765 (approximate)

May 21-22, 2022

CSBA Delegate Assembly – Sacramento, CA

No Registration Fee

June 19 – 22, 2022

NCSC Annual National Charter Schools Conference – Washington D.C.

Registration Fee - \$625.00 (approximate)



ORANGE COUNTY DEPARTMENT OF EDUCATION

BOARD AGENDA ITEM

DATE: July 7, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Ken L. Williams, D.O., Board President
SUBJECT: Change of Venue for Ethnic Study Forum

RECOMMENDATION:

Action on request for change of venue from Rush Auditorium to Yorba Linda Community Center for OCBE Ethnic Study Forum on August 24, 2021.



Yorba Linda Community Center Room Capacity Chart

4501 Casa Loma Avenue Yorba Linda, CA 92886
(714) 961-7186 office (714) 986-1025 fax
Email: YLCCEventRentals@yorbalindaca.gov Website: www.yorbalindaca.gov



Banquet Rooms	Dimensions LxW	Area Sq. Foot	Ceiling Height	Maximum Room Capacity Based on Seating Style						
				Theater	Classroom	Conference	U Shape	Reception	Banquet w/Dance Floor	Banquet w/out Dance Floor
Yorba Room	82'x49'	4,018	15'	506	192	96	80	502	248	328
Yorba Room 1/3	27'X49'	1,323	15'	168	72	48	40	165	32	112
Yorba Room 2/3	55'X49'	2,695	15'	352	144	72	56	336	144	224
Imperial Room	75'x44'	3,300	13'	400	176	88	76	394	184	240
Imperial Room 1/3	24'x44'	1,056	13'	100	48	40	32	132	32	88
Imperial Room 2/3	48'x44'	2,112	13'	260	120	64	52	264	120	176
Meeting Rooms										
Activity Room A	32'x21'	672	9'	55	32	24	20	84	N/A	40
Activity Room B	32'x21'	672	9'	55	32	24	20	84	N/A	40
Club Room	31'x24'	744	10'	52	24	24	20	93	N/A	40
Game/Meeting Room	38'x29'	1,102	10'	70	40	32	28	134	N/A	64
Multi-Purpose Room	58'x28'	1,624	14'	120	64	64	56	203	N/A	80

Note: Room setups are based on maximum capacity of tables and chairs for each setup. Additional setup of bars, DJs, buffet tables, aisles etc. will reduce the maximum capacity. Capacity for the division of banquet rooms, 1/3 and 2/3, may vary based on room and setup. Please see individual room diagrams

Banquet

Generally used for wedding receptions and parties with meals and/or meetings involving small group discussions. Seating capacity is based on using five foot round table, seating eight people comfortably.

Classroom

The most desirable setup for medium to large-size lectures with extensive note-taking. Tables provide attendees with space for spreading out materials and taking notes. Eight foot rectangular tables seat four people comfortably.

Conference

Appropriate for interactive discussions and note-taking sessions, similar to "boardroom" style setups. Eight foot rectangular tables seat four people comfortably.

Reception

Stand-up social function where beverages and light foods are served. Cocktail tables are available and accommodate four people comfortably.

Theater

Appropriate for large sessions and short lectures that do not require extensive note-taking. This is a convenient setup to use before breaking into groups as the chairs can be easily moved.

U-shape

Appropriate for groups discussions and ideal for interaction with a presenter situated at the front of the room. Eight foot rectangular tables seat four people comfortably.



ORANGE COUNTY DEPARTMENT OF EDUCATION

BOARD AGENDA ITEM

DATE: July 7, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Mari Barke, Board Member
SUBJECT: Resolution #12-21- Healthy Children

RECOMMENDATION:

Action on Orange County Board of Education Resolution #12-21 – Healthy Children.

Orange County Board of Education Resolution on Healthy Children

WHEREAS, the World Health Organization (“WHO”) and UNICEF both state that children 5 years and under should not be required to wear masks, and advise that decisions whether to impose a mask requirement upon children ages 6-11 should be made based on several factors, including the impact of wearing a mask on a child’s psychosocial development ^{1,2}; and

WHEREAS, the WHO also recommends against children wearing masks during exercise or play, as it accurately recognizes that masks can be harmful because they compromise a child’s ability to breathe; and

WHEREAS, recent studies have shown that repeated exposure to mask wearing over longer periods can be extremely harmful ³; and

WHEREAS, numerous studies have shown that children are less likely to transmit and less likely to get symptomatic COVID-19 than adults ^{4,5,6,7,8,9}; and

WHEREAS, children do not typically spread COVID-19, even without wearing masks ¹⁰ and teachers are no more likely to be hospitalized due to Covid-19 than in other occupations ¹¹; and

WHEREAS, the ability to see, appreciate and communicate through facial expressions is crucial to a child’s social development ¹², mental health ¹³, physical well-being ¹⁴; and

WHEREAS, compared with 2019, the proportion of mental health reported by the United States Centers for Disease Control beginning in April 2020—related visits for children aged 5–11 and 12–17 years increased approximately 24% and 31%, respectively ¹⁵; and

WHEREAS, in Orange County, persons 0-17 years old account for ONE total deaths due to Covid-19; and

WHEREAS, the majority of adults and children over 12 years old—including those at high risk of adverse outcomes from COVID-19— have had ample opportunity to get vaccinated; and

WHEREAS, mask wearing also disproportionately impacts children who are attempting to learn English as a second language, as it impedes their ability to process their non-native language ¹⁶; and

WHEREAS, many highly credentialed, well-respected medical professionals have recently and publicly advocated for the universal elimination of mask mandates for children. ¹⁷

NOW, THEREFORE BE IT RESOLVED, that the Orange County Board of Education (OCBE) establishes the following goals:

- Assist in the return of governing power for school safety protocols to the School Districts themselves
- Advocate for Parental Choice for masking and vaccinating their children

- Work toward removal of Orange County State of Emergency status
- Ensure that mask guidelines will NOT be based on vaccination status

BE IT FURTHER RESOLVED, that OCBE is committed to assisting the local school districts in giving students an opportunity to return to normalcy in the classroom, including optional face coverings and removal of discriminatory vaccination status practices; and

BE IT FURTHER RESOLVED, that OCBE will seek out the assistance of any and all government agencies involved in the decisions regarding safety protocols in the school, specifically requesting assistance to make masks optional and relinquishing safety protocol decision making power to the school district itself; and

BE IT FURTHER RESOLVED, that OCBE will send a written request to CDPH requesting them to revise its guidance to eliminate any mask mandate for children in all settings throughout the state of California (at a minimum in Orange County), including in the classroom, at summer camp and while participating in youth sports and/or exercise ; and

BE IT FURTHER RESOLVED, that the OCBE directs the clerk to transmit official copies of this resolution to the following: superintendents for all school districts within Orange County, Orange County Department of Public Health, California Congressmembers, California Governor, Cal Osha, California Department of Public Health, and any other entities the board deems appropriate for this resolution.

1. [https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-\(2019-ncov\)-outbreak](https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-(2019-ncov)-outbreak); and <https://www.who.int/news-room/q-a-detail/q-a-children-and-masks-related-to-covid-19>
2. https://www.who.int/publications/i/item/WHO-2019-nCoV-IPC_Masks-Children-2020.1
3. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8072811/>
4. Children under 10 represent less than 1% of all COVID-19 cases.

Kelvin, A. A. & Halperin, S. COVID-19 in children: the link in the transmission chain. *Lancet* 20, 633–634 (2020); Wu, Z. & McGoogan, J. M. Characteristics of and important lessons from the coronavirus disease 2019 (COVID-19) outbreak in China: summary of a report of 72,314 cases from the Chinese center for disease control and prevention. *JAMA* 323, 1239–1242 (2020).

5. Pediatric patients (0–17 years) comprise an extreme minority of nationwide COVID-19 deaths and there were ZERO pediatric deaths from COVID-19 in the United States from January to March of this year.

<https://covid.cdc.gov/covid-data-tracker/#demographics>; and Havers FP, Whitaker M, Self JL, et al. Hospitalization of Adolescents Aged 12–17 Years with Laboratory-Confirmed COVID-19 — COVID-NET, 14 States, March 1, 2020–April 24, 2021. *MMWR Morb Mortal Wkly Rep.* ePub: 4 June 2021. DOI: <http://dx.doi.org/10.15585/mmwr.mm7023e1>

6. Children have about a one in a million chance of death from COVID-19, as opposed to 600 deaths per million in the U.S. from adults.

<https://www.wbur.org/onpoint/2021/05/11/should-kids-be-vaccinated>

7. As compared to children, the risk of death from COVID-19 is between 1,100 to 7,900 times higher for adults over the age of 65—most of whom are now protected through vaccination.

<https://www.nature.com/articles/s41390-021-01590-8>

8. The number of pediatric deaths is significantly less than the CDC estimate of almost 600 pediatric deaths from influenza in the 2017-2018 season, despite wide distribution of an influenza vaccine.

<https://www.cdc.gov/flu/spotlights/2019-2020/2019-20-pediatric-flu-deaths.htm>

9. <https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/children-and-covid-19-state-level-data-report/>

10. Norway has never required children under 13 to wear a mask. As seen in a study of Norwegian children that tested all contacts of children who had tested positive for COVID-19 which concluded that "transmission of SARS-CoV-2 from children under 14 years of age was minimal in primary schools in Oslo and Viken, the two counties with the highest COVID-19 incidence."

<https://www.eurosurveillance.org/content/10.2807/1560-7917.ES.2020.26.1.2002011>

11. Data from Sweden in Spring of 2020 (when schools for children ages 1-16 remained open without requiring masks) found that only 15 children were hospitalized in the ICU, out of 1,951,905 children (0.77 per 100,000), with zero deaths, and only 30 teachers were hospitalized in the ICU (19 per 100,000) – a rate similar to other occupations.

<https://www.nejm.org/doi/full/10.1056/NEJMc2026670?query=TOC&fbclid=IwAR3fY8mbKoRontMlt-PNhZ7QK1h0SXxJ6Hoq7AOe4wn2TTIK6OPHApy7ISA>

12. "The outward emotional displays of one's peers' faces is a critical and necessary component of social interaction in schools. It helps pupils and teachers to modify their behavior in order to align with social communication and behavioral norms. When these emotional displays are inhibited by face masks, our ability to communicate effectively with one another is reduced and we are primarily left with mimicking negative (frown) emotions."

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7417296/>

13. Masks frequently cause anxiety and psycho-vegetative stress reactions in children, with an increase in psychosomatic and stress-related illnesses and depressive self-experience, reduced participation, social withdrawal and lowered health-related self-care.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8072811/>

14. Masks can cause adverse physical changes, including significant increases in heart rate, decreased oxygen saturation, headaches, increased skin temperature, difficulty breathing, dizziness,

listlessness, impaired thinking and concentration problems. Masks interfere with temperature regulation, and impair the field of vision and of non-verbal and verbal communication.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8072811/>

15. Leeb RT, Bitsko RH, Radhakrishnan L, Martinez P, Njai R, Holland KM. Mental Health–Related Emergency Department Visits Among Children Aged <18 Years During the COVID-19 Pandemic — United States, January 1–October 17, 2020. MMWR Morb Mortal Wkly Rep 2020;69:1675–1680. DOI: [http://dx.doi.org/10.15585/mmwr.mm6945a3external icon](http://dx.doi.org/10.15585/mmwr.mm6945a3external%20icon).

16. “Non-native speakers watch the mouth more than native speakers, regardless of their level of second language expertise.” Attention to a speaker’s mouth increases whenever speech-processing becomes more challenging, even when an individual is highly competent in that language.

Joan Birulés, Laura Bosch, Ferran Pons & David J. Lewkowicz (2020) Highly proficient L2 speakers still need to attend to a talker’s mouth when processing L2 speech, Language, Cognition and Neuroscience, 35:10, 1314-1325, DOI: 10.1080/23273798.2020.1762905

17. Dr. Monica Gandhi (infectious disease specialist), Dr. Tracy Beth Hoeg (epidemiologist and sports medicine physician), Dr. Allison Krug (epidemiologist), Dr. Lucy McBride (internal medicine physician) and Dr. Jeanne Noble (director of COVID-19 response for UCSF emergency department).

<https://www.sfchronicle.com/opinion/openforum/article/Is-it-safe-to-fully-reopen-California-schools-16224689.php>; and <https://www.washingtonpost.com/opinions/2021/05/26/its-time-children-finally-get-back-normal-life/>

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Ken Williams, President of the Board of Education of Orange County, California, hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the seventh day of July 2021 and passed by a vote of _____.

IN WITNESS THEREOF, I have hereunto set my hand and seal this seventh day of July 2021.

Ken Williams,
Orange County Board of Education



ORANGE COUNTY BOARD OF EDUCATION



BOARD AGENDA ITEM

DATE: July 7, 2021
TO: Nina Boyd, Associate Superintendent
FROM: Jeff Hittenberger, Chief Academic Office, OCDE and Dave Connor, Principal, College and Career Preparatory Academy
SUBJECT: Dashboard Alternative School Status (DASS) Eligibility Certification for the College and Career Preparatory Academy

Description: The College and Career Preparatory Academy is requesting to participate in the Dashboard Alternative School Status (DASS) as it is a charter school that serves high-risk students. The DASS criteria requires a school to have an unduplicated count of at least 70 percent of the school's enrollment composed of the following high risk student groups: expelled; suspended, wards of the court; pregnant and/or parenting; recovered dropouts; habitually truant or habitually insubordinate and disorderly; retained more than once in kindergarten through grade eight; students who are credit deficient; students with a gap in enrollment; students with high level transiency; Foster Youth; or Homeless Youth. On April 27, 2021 data showed that 99.6% of the College and Career Preparatory Academy student population met the criteria to be eligible for the Dashboard Alternative Status. The DASS status is granted for a three-year period upon approval.

RECOMMENDATION: Recommend that the board approve submission of the College and Career Preparatory Academy into the DASS program.

Dashboard Alternative School Status (DASS)
Eligibility Certification

CDE Use Only
Date Reviewed
Date Approved
Date Denied
Reviewer

This Certification Covers a Three-Year Period

School Type (*check one*): ☐ Alternative School of Choice ☒ Charter School

School Information

30 10306 0132910

County-District-School (CDS) Code

College and Career Preparatory Academy

School Name

Orange County

County Name

Orange County Department of Education

District Name

DASS Coordinator

Dave Connor

Coordinator's Name

714-796-8795

Area Code and Phone Number

Principal

Title

DConnor@ocde.us

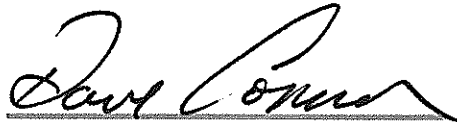
E-mail Address

Signatures of Certification

The undersigned, hereby certify that the percentages of high-risk students stated on the DASS Participation Form are true and correct.

Dave Connor

School Principal's Name



Signature and Date Certified

Dr. Al Mijares

Superintendent's or
Charter School Administrator's Name

Signature and Date Certified

Dr. Ken Williams

Board President's Name

Signature and Date Certified

Note: This form and all supporting documents must be submitted to CDE for DASS Participation.



School Status Form

4. **Percent of Students Served by Eligibility Criteria**

Note: The percent of students served must be calculated based on unduplicated counts and status upon first entry to the school. Please count each student **once** and only in **one** category. The total percent of students must be at least 70 percent to be eligible for DASS.

a) **Expelled** (*EC* Section 48925[b] including situations in which enforcement of the expulsion order was suspended (*EC* 48917))

0

b) **Suspended** (*EC* Section 48925[d]) more than 10 days in a school year

0

c) **Wards of the Court** (WIC Section 601 or 602) or dependents of the court (WIC Section 300 or 654)

0

d) **Pregnant and/or Parenting**

0

e) **Recovered Dropouts** - SBE define recovered dropouts based on *EC* Section 52052.3(b) as students who: (1) are designated as dropouts pursuant to the exit and withdraw codes in the California Longitudinal Pupil Achievement Data System (CALPADS), or (2) left school and were not enrolled in a school for a period of 180 days.

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f) **Habitually Truant** (*EC* Section 48262) or Habitually Insubordinate and Disorderly whose attendance at the school is directed by a school attendance review board or probation officer (*EC* Section 48263)

0

g) Retained more than once in kindergarten through grade eight	0	
h) Students who are credit deficient (i.e., students who are one semester or more behind in the credits required to graduate on-time, per grade level, from the enrolling school's credit requirements)	81	
i) Students with a gap in enrollment (i.e., students who have not been in any school during the 45 days prior to enrollment in the current school, where the 45 days does not include non-instructional days such as summer break, holiday break, off-track, and other days when a school is closed)	1	
j) Students with high level transiency (i.e., students who have been enrolled in more than two schools during the past academic year or have changed secondary schools more than two times since entering high school)	35	
k) Foster Youth (EC Section 42238.01 [b])	0	
l) Homeless Youth	1	237
Total Percent (%) of High-risk Students	99.58%	
Total Number of Students Enrolled at Time of Survey	238	