

**[PRESIDENT WILLIAMS STRIKES THE GAVEL ONCE TO SIGNAL THE  
BEGINNING OF THE REGULAR MEETING]**

**Williams:** Good evening. My name is Dr. Ken Williams. I'm the President of the Orange County Board of Education. If you're a guest here, we appreciate you being here and listening to the significance of public education and its impact upon kids. We welcome you. For the benefit of the record, this regular meeting of the Orange County Board of Education is called to order. It's February 3<sup>rd</sup>, 2021, and the time is about 5:05 PM. For the record, we will start with roll call. Nina?

**Boyd:** Trustee Sparks?

**Sparks:** Here.

**Boyd:** Trustee Shaw?

**Shaw:** Here.

**Boyd:** Trustee Gomez?

**Gomez:** Present.

**Boyd:** Vice President Barke?

**Barke:** Present.

**Boyd:** And President Williams?

**Williams:** I'm here. Okay. Moving on to the Agenda, I need a motion to adopt the meeting today.

**Barke:** Motion.

**Williams:** And I need a second.

**Gomez:** Second.

**Williams:** Second by Beckie. A motion and a second. Any discussion? Barring none, all those in favor say, "aye".

**Board:** Aye.

**Williams:** That's a 5-0 agreement. Next in order for our meeting today, we have a very special guest. He is Imagowaheed Samir. He is a resident scholar and religious director of the Islamic Center of Fullerton. Please forgive me if I hashed your name, sir. Please come on and up and to the podium here. You may remove your mask if you want to speak freely and thank you for coming.

**Imago:** Oh, you have believed when you are told space yourselves in assemblies, then make space, Allah will make space for you. And when you are told arise, then arise Allah will raise those who have believed among you. And those who were given knowledge by degrees and Allah is aware of what you do. This verse is for the purpose for one to extend an education for a higher purpose. Thank you very much.

**Williams:** Very good. Next on our Agenda is the Pledge of Allegiance. I have a colleague who is head of the charter school EPIC her. He is visiting us from, I believe, Oklahoma. You may come up, sir, and lead us in the Pledge of Allegiance. You may remove your mask. Give your full name just for the record.

**Cheney:** My name is David Cheney.

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

**Williams:** Thank you, Mr. Chaney. Moving on with the Agenda: introductions.

**Boyd:** There are no introductions at this meeting.

**Williams:** Very good. Public comments?

**Barke:** Our first public comment will be by Linda Cone.

**Williams:** Ms. Cone, you may lift up your shield if you want.

**Cone:** I would like to take it completely off and leave it here. Good evening, everybody. I was going to begin by updating you on the status of the Ethnic Studies Model Curriculum. It kind of went out the window this morning when I was on a conference call. The bottom line is ethnic studies is being widely taught throughout the state and this is a problem that we have to address, I think, immediately. Whether or not the model curriculum will be passed in March, mid-March, by the state Board of Education and then signed into law as a high school graduation requirement is really up in the air. The bottom line is it's being taught. In the few minutes I have left, I want to talk to you about why this is so controversial.

Let me begin by quoting Clarence Jones, who was the speech writer for Dr. Martin Luther King. This is what he said about this curriculum, "It is morally indecent and deeply offensive to learn that this distorted narrative is being taught or held up by the state of California in a model. It will inflict great harm on millions of students in our state." I have read the framework and I agree with Mr. Jones. Let me describe what the framework is about. What it essentially does is it divides us into two groups - the oppressors and the oppressed. The oppressors are "white supremacists," and I'm quoting from the framework. The oppressed are, "people, groups of color."

Ironically, many of these people, groups of color have come to this country to escape oppression, but that's not the narrative that is being taught. The narrative is that they are now living in this country as victims of systematic racism and under the control of their white oppressive supremacist. I want to just read one sentence which you will have in the handout that I gave you that describes the values and the principles of ethnic studies. Here is one quote from that page. The purpose of ethnic studies is to "build new possibilities for post-imperial life that promotes collective narratives of transformative resistance, critical hope, and radical healing."

Try reading 97 pages of that kind of language peppered with white supremacy and oppression of peoples of color and turn off the light and stare into the darkness as I did. Ask yourself this question: What in the hell are we teaching our children? The handout is just the beginning. Do you have any questions? I've got a lot of other research. As I said, I have read the framework and made notes. I will be looking at the sample lessons. I'm working with a broad range of groups; talking to somebody tomorrow on this issue. I'll probably have a lot more to say, but I do want to pause and give one idea with you. I think it's time to consider perhaps having some informational forum, like you've done in the past, to simply educate parents as to what might be taught in their districts.

My contention is that the majority of parents faced with the prospect of their child taking an elective or requirement in ethnic studies would think that it's probably a good idea. I'm sure the parents of third graders in Cupertino, California, felt the same way until the whole situation blew

up and made national news. If you're not familiar with the Cupertino situation, you might want to look it up. I think my time has elapsed. I am sure, it has. Anyway, I'm finished. Thank you.

**Boyd:** Next up is Mrs. G.

**G:** Yes. Sorry. Good evening. I wanted to come tonight to talk to you all about having more accountability and transparency in our schools of allowing teachers to just go ahead and pick YouTube videos and share with our children. An incident that happened with my fourth grader, a short film, I forget, what do you call it? A movie that doesn't have any words in it was supposed to be shared with my child and in the beginning, right away when that movie or the short film was shown, the teacher should have known right away that it was the wrong video that was chosen. Well, unfortunately, she didn't because, I'm assuming she was teaching in her home at the time of distance learning and the beginning of the school year and walked away from her computer and let it play. 9:30

I was texting her, actually, back and forth because the audio was really loud. I had the earpiece and when I took it out, my son had it in and he turned and looked at me and his eyeballs about popped out of his head. I was like, "what's happening?" I look at the screen and there's a picture of a woman in a bikini. He's just like, "Mom, what am I looking at?" I picked it up and I listened, and I caught the very tail end of it. It says, "Now you look back at the man and he's a dirty old man. He says, "Why am I listening to this?" I shut the computer down and said, "You're done for the day." Went back, found the video later. It was to compare and contrast at the age of nine years old.

It's more in my opinion, and getting some help from others, looking at this short film video more for the ages of possibly the end of eighth grade, but more for high school, if you're into filming and learning that taking that kind of class. It's just not something, I feel like fourth graders should be watching and looking at. It was first you see a mom and a dad, or a mom with her baby on the grass and she is...you feel compassionate for her. Then, okay, let's change it up. Then it's to obviously show you an experience how film can change, but not for fourth graders. Then it turned into kid news. Just to let you know that your parents, you can tell them this is kid news. It's called kid news so it's approved. I'm sorry.

You may think just because it's called kid news, it may be approved, but it's not. It's talking about politics. It's talking about, you know, our current president and everything going on in our world. These kids just wanted to go back to school and do reading, writing math and PE you know, which he loved. And he has to go from at home, listening to the news when it's on or just seeing the rallies in our town that BLM has come in, attacked our city, and then have to go to school and listen to it more there. They don't want that. They got in trouble for answering the questions wrong at the end of the little Kid News. They got graded on it. I just wanted to let you know that. I don't know what we can do to help not allow teachers or just process more to view these videos before being shared to our children. Thank you for your time.

**Williams:** Thank you very much. Moving on with the meeting, we're going to go to information items, and we will start with...Renee, are you going to be talking first or will the good Superintendent be talking?

**Hendrick:** All right. The first one is Harbor Learning Center North. In your red folder, I have given you our latest pictures, which is very exciting. I also put on there, just so you're aware. I know we've talked about the cost, because the state sets what the grant amount is. You can see what is budgeted is the 18.9 million. We've committed 18 million. There's always a gap, because there's going to be some type of change that's going to be required either that'll eat into retention or whatever. As of 1-28, you can see, we actually have structures going up, which is pretty exciting. If you look on the back page, you can see we have storm water requirements that require us to actually have a catchment area for stormwater.

That's what you see these large pipes are. That's actually under the parking lot that captures all the rainwater runoff. Building A framing is going up. Building B is ready for the slab floors. Then Building C is stubbing for electric. They're going to start on Building A, B, C. You can see A's the first one with a structure going up. I was very surprised to hear they're ahead of schedule. I actually thought with the rains that we had, they would have been delayed a little bit, but they're not. They're moving forward, and this is what it looks like this month.

**Williams:** Thank you for sharing that. Just real quick on the site acquisition, because it's been so many years, could you update us? When did we acquire that property, how much, and all the details?

**Hendrick:** All the details, I had my notes last time. I don't think I brought it with me this time. It was in 2012 is when we signed escrow. I believe the property, off the top of my head, I want to say it's like close to \$3 million.

**Williams:** And that's paid off. Is that right?

**Hendrick:** The state funds this program 100 percent%. The state actually gave us all the acquisition costs, the design costs, and now we're on the construction costs. Since we're in financial hardship is 100% funded by the state.

**Williams:** Does the state own the property then?

**Hendrick:** No. You do. It's the Department. Well, let's put it this way. As long as you occupy it, you own it. If you were to decide not to have a school over there, it would revert to the state. If you sold the property, the funds would revert to the state.

**Williams:** Got it.

**Boyd:** Renee, maybe you can, for some of the Board members that are newer, financial hardship, can you explain what that means?

**Hendrick:** Yes.

**Williams:** And also for people who might be listening in.

**Hendrick:** Thank you very much. Sorry about that, Nina. A normal school district would probably have a bond so they would contribute, say, 40% from the state and 60% from the bond, depending on how they're structured for that school district. Because we're not allowed to actually bond to sell bonds as a county office, we're considered in financial hardship. They fund 100% of our project. The one problem with that though, is we are very limited to what the grant amounts are and it's very structured and very strict to what guidelines we follow. You couldn't decide to change things out because once it has the approval of the different state agencies, you kind of are stuck with that. That's a long process.

I'm sure Dr. Williams, you remember we had the SIQUA hearings and it's been a very long process going through it. We couldn't change now if we wanted to, unless we went back and had all that stuff approved, and then the state wouldn't pay for them. It's only for school sites.

**Boyd:** It's only for school sites, not for any other types of buildings that we would want to construct.

**Williams:** And I assume that for any construction, you have to have permits from the county and city?

**Hendrick:** Yes.

**Williams:** They're doing that?

**Hendrick:** Yes. That's all. Yes. It's been completed. Because it's a school site, it has to go through the Department of State Architects. That's who governs the school portion of that is the DSA. Then it's approved by CDE and then the Office of Public School Construction also.

**Williams:** Okay. Any other questions from the Board? Rancho Sonada - what is the update?

**Hendrick:** I guess the biggest update is that we have removed most of the dangerous debris from the site. We were able to get most of that done. The building that had contents, we did have that taken out, cleaned and taken out. It's in storage currently. The one problem we're having is because of the rains, the flooding. The pond area has had numerous mud debris in it. At this point, our consultants are saying it doesn't make a lot of sense to try and fix that right now, because there's not a lot we can do. The next steps we'll start working on is what would it take to start doing rebuilding, kind of what the insurance costs was, what is our parameters. Those types of things. Our highest priority was trying to get the dangerous debris out. It didn't affect any of the neighbors.

**Williams:** Okay.

**Hendrick:** All of that has been completed.

**Williams:** Wow. I'm impressed at how fast you did that. What was the cost for that?

**Hendrick:** I'll have to get back to you first, but it was a couple hundred thousand dollars at least. I don't think that included the removing of the stuff from the building. That was like \$58,000, to clean it and remove it because it had biohazard ingredients on it.

**Williams:** Okay. Awesome. Very good. Moving on to the security.

**Boyd:** Yes. You had asked a question about what different agencies we had looked at. We had looked at the Costa Mesa Police Department. Obviously, that was the first one since that's our jurisdiction. They do not have the ability to guarantee staff for every meeting. They will come on an as-needed basis. They made the comment that the city council doesn't utilize their services either. That's not a service they're used to providing. The Orange County Sheriff's Department, the contract is \$95.30 cents per hour for an average of six hours. Dr. Williams, you had the conversation also with them about what it would take. Right now, it would be just one deputy.

Then we had looked at the Orange County Public Safety, and they deal with school districts throughout the county. They have Centralia, city of Brea, La Habra, Anaheim High School District, city of Eastville, La Habra City Schools, Garden Grove, and Fullerton. Their contract is \$35 per hour per person, an average based about \$420 per hour. They're fully licensed and certified by the state of California. They do usually large-scale events. Dr. Sparks, I believe they

do a lot of work with Chapman, actually. One of the gentlemen does a lot of security for Chapman. That's kind of how we had gotten some of the information. Their officers required two annual trainings, but their company requires all employees to have at least three trainings annually. They require all their staff to be CPR certified.

All staff that are armed must meet the requirements by state regulations and pass all required training. The Orange County Sheriff does have a higher level of training. They do four times a year. Then we had also looked at Nordic Security, which is who you've seen years past. They're actually housed right next door. Last time we used them for a board meeting, it was two officers, and their vehicle was \$450. They didn't have a lot of trained personnel that were available on a regular basis. They're more just a traveling security, I guess we would say. Those are the items that we had looked at. We also did a survey of other school districts and county offices to see kind of what they're doing also.

With that, we don't really have any other school districts that have security personnel at every meeting except for Anaheim High School, which is not having currently having board meetings publicly. Capistrano says they have local law enforcement and additional contractors, security if needed. Garden Grove, they use their local law enforcement, and their school resource officers. Everybody else said they did not have any at the board meetings. That was the information I gathered.

**Williams:** Do you have that document?

**Hendrick:** Yes.

**Williams:** There was the Nordic Security, there was a sheriff and then there was the private security. And what was that fourth one?

**Hendrick:** I'm sorry, what was the what?

**Williams:** The Costa Mesa Police Department was the first one. What was the second one? Is it the Orange County Public Safety, which is the firm we are currently using.

**Williams:** Orange County, that's a private firm?

**Hendrick:** It's a private firm. Yes.

**Williams:** How much were they per hour, total?

**Hendrick:** They are \$35 per hour, per person.

**Williams:** Okay. You said something about 120?

**Hendrick:** We normally have two people for six hours is \$420.

**Williams:** The \$420. That was called California?

**Hendrick:** Orange County Public Safety.

**Barke:** They had three trainings a year? That was their requirements? Is that what you said?

**Hendrick:** Well, they're required, the state requires them to have two annual trainings. Their company requires all of their staff to have three trainings per year.

**Barke:** Then the sheriff has four?

**Hendrick:** I believe so, they have a certain amount of hours they have to meet.

**Williams:** Yes. The sheriffs have the state post. They have requirements for that.

**Hendrick:** Some of the Orange County Public Safety do training and post also. They're actually certified trainers, and some of those have that also. I'm not sure if all of the employees do. If

you'd like to look up their website, you can kind of get a little more information too. I can give you these notes for you if you like.

**Williams:** Yes. If you can just get that for all the board members, I'm not so sure I'm certain on where we want to go with this. I'd love to hear it from my fellow colleagues. Becky, do you have any thoughts on security?

**Gomez:** I kind of would like to look at it, because I'm hearing it and I would like to see it so that maybe we can have a discussion.

**Williams:** We want to do it for the next meeting?

**Gomez:** Yeah. I think that would be best.

**Williams:** Tim?

**Shaw:** That sounds good. Okay.

**Sparks:** Same.

**Boyd:** And if I could remind the Board? Part of this discussion also included whether or not to continue to have security at each meeting or to just bring security for special events, circumstances that are known in terms of large crowds or other issues that might be relevant to have security present. In years past, the Board never had security. Then we had a couple of incidences, but they've been very isolated. I believe to date, over the past 40 years, there has been two that we can remember that were relevant to be heightened to that degree. But beyond that, there hasn't been anything. We know that it's a different time, but from that standpoint, I just want to make sure that in terms of when you're looking at the information, it's the conversation that Dr. Williams and the Executive Committee had brought forward previously was expanded to look at which security or do we even have security on a regular basis.

**Barke:** Before I was elected to the Board, I used to come to the meetings and it seemed like for a long time, we had Jeremy in the back of the room. When did that start?

**Boyd:** That was when we started contracting. We had an incident and Jeremy's with the Orange County Sheriff's Department that she references. Probably three years ago, I would think. About three years ago.

**Barke:** Okay. One thing that I think, is it possibly that the public knows that we have somebody back there perhaps keeps incidents from happening. That's just a thought that I have. When you have security, you don't have as many incidents and people who would come, had seen that we had security and possibly that's why we haven't had issues. Then if word gets out that, "Oh, there's nobody in the back of the room anymore." I kind of like security myself, but we can talk about it next meeting.

**Williams:** Sure. Tim, any thoughts?

**Shaw:** No.

**Williams:** Do you have security at your city council?

**Shaw:** We always have our police chief there.

**Williams:** Oh, you do?

**Barke:** That's nice.

**Shaw:** And he is armed.

**Gomez:** We usually have our police chief as well as usually a couple of captains there. We normally have an officer or two. That's just the way, mostly they're there because of information. If we need information, the police chief is there. There's usually an officer or two in the back of the room.

**Williams:** What about Chapman?

**Sparks:** We have an entire public safety office constantly monitoring everything.

**Barke:** I think it's important in these times.

**Williams:** I just want to obtain a consensus. We're going to put this on the table, bring it back at the next meeting. Look at all the information that Renee presented to us and have more of a formal discussion to make a decision on this. The Executive Committee was looking at whether we should return to the model with the single sheriff deputy or go with the private security firms. Thank you for doing the research on that. I do appreciate that, Renee. Any other questions on this subject matter? Otherwise, let's move on with our meeting here. The next one is the staff communications with the Board. Nina, help me out. That is this document that was in our red folders?

**Boyd:** Yes, that is the document that you sent forward?

**Williams:** Okay. Very good. Part of the idea that the Executive Committee thought came from a meeting, and something that was said was we're missing the Board staff communications, which we had put towards the end of the meeting. The problem with putting in at the end is at 10:30, 11 o'clock at night when we're done, we're not open and up and ready to hear with bright eyes. We kind of put that on secondary priority. Looking back at that, Mari and I thought, well, no, that's important to have that communication. What we did, as you can see now, the information items is put up front instead of at the rear of the meeting. What I also created was this document. It is a working document. This is a draft. It's not finalized.

You have it all in your red folders, and I put down some goals here. The suggested monthly meeting Agenda, which we're basically doing today. We have the Superintendent, Associate Superintendent Nina and Renee. I thought Jeff, as a chief academic officer, I think it'd be interesting to hear what you do. In the previous four months, the type of grants you see, the type of decisions you're making, all of those things we haven't really got to hear from you. Just like we heard today about ethnic studies, I do have some deep concerns about this Ethnic Study and Critical Race Theory. I think it's hurting America's kids. I'd like to hear from you, along with all the other issues.

I know you also have a couple important things to say, so I always want the staff to feel free to communicate that with us. This is a working document for everyone to look at. We'll bring it back next month to talk about, because I know you're just getting it today. We'll talk about it more next month. It is a draft, so I'm open to hearing from you all at the next meeting. Any questions?

**Barke:** No.

**Williams:** Very good. Okay. Moving on with the meeting. Update on governor's proposed budget.

**Hendrick:** I think you had the vaccination one first.

**Williams:** Oh, sorry, vaccination update.



**Mijares:** By the way, we're delighted. It makes good practice to be able to deal with these very important issues that cut all the way down to the core of the classroom and what are we doing in our classes, both ACCESS and giving you the landscape across all 27 districts. Thank you. It is true that often we get to the end of the meeting and we're not ready to engage in heavy duty stuff. Thank you for doing that. Let me just say, too, that the last time we met, I commented about the vaccination process, notifying the Board. I'm on the task force for the vaccination here in our county with the Health Care Agency. We are working about as close as you can with the healthcare officer that anybody can, really.

We meet weekly with Dr. Clayton Chau, and that brings in a host of epidemiologists and pulmonary specialists, pediatricians, and others who come together to figure out what's happening at the state level and the local level. Right now, the big problem we have, of course, as you all know, is getting the vaccine. There was an understanding that by now we would have plenty of it and that's not happening. That's a problem for us. I thought what I do is shift over to Dr. Christine Olmstead, who is our associate superintendent of Educational Services. She's serving with me in this capacity of working with Dr. Chau and his staff. She was just at one of our sites today.

It's the Disneyland pod. As you know, there are pods where we're creating pods across the county. We opened one up at SELPA University and the purpose, of course, is to create a centralized location where people can come be educated on the vaccine and be vaccinated. Then we have doctors to assure that there's no reaction to the vaccine that's going to be problematic. It's the analytics and the logistics are actually being done by our fire authorities, which is great because if anybody knows that kind of dealing with crowds and safety, it's the fire department, working of course with the police department. They are helping us on all the execution of creating an orderly system and making sure we're communicating properly. I'd ask Dr. Olmsted if she can comment to the Board right now and then we'll answer any of your questions.

**Williams:** And, just for the record, state your name.

**Olmstead:** I'm Christine Olmstead, associate superintendent for Educational Services. Like Dr. Mijares said, I've been working closely with the Orange County Healthcare Agency specific to the education sector. Weekly meetings with them, every week to touch base about mainly we started with contact tracing and investigation and the support our districts and schools needed for that piece. It takes a lot of time if you've ever had to trace or do this. We hired short-term employees that are district nurses during the day, and then they're able to extend their hours in the evening and on the weekends to continue supporting contact tracing and investigation. With that also, we've been able to put out a call for employees to also help us with vaccinations when we get to the education sector.

We know we have 150,000 educators in Orange County that we need to offer vaccinations to. That includes all charters, public, privates. I'm getting the information on the universities that we need to actually offer faculty members as part of the education sector, as well as all of our preschools, childcare centers and programs like YMCA and those kind of things.

Ramping up to when Phase 1B opens and currently that's the way the state is structured is 1A was health care workers, 1B tier one is educators. We do know because of lack of vaccine supply, we'll have to do some tiering within the sector like we saw happen with the healthcare sector. Frontline emergency workers were the first ones, and then they less than 10, less than until that whole tier was open. We'll have to do the same for education right now until we get more vaccine supply.

**Williams:** Beckie, you want to start?

**Gomez:** Well, thank you for that update, because I know that we just recently had an Orange County School Board Association meeting and that was the big topic of discussion. It would be great if as you went to the meetings, and I know you meet with the superintendents, if we could make sure the superintendents are sharing that information with their boards so they have most up-to-date information. That would be really helpful.

**Olmstead:** We offered two webinars last week in partnership with the health care agency on vaccinations and what's going on. That recording will be posted later. I think tomorrow we'll have it up on the website so it can be accessed. I do know a lot of board members attended that because their superintendents let them know that we were hosting those. Definitely we will get that information shared.

**Gomez:** Yes. If the recordings are available, because I know a lot of them work and they can't take the time during the day. I think that would give them a level of comfort, because I know they're getting asked by their constituents what's going on. I think the more information that we have the better.

**Olmstead:** Then Ian Hannigan has been doing a great job doing our Newsroom posts too. As much information as we can get out on a daily basis because it's changing every day.

**Gomez:** When that's available, then I'll be sure to share that.

**Olmstead:** We'll make sure you get that information that is posted.

**Gomez:** Okay. That'd be great. Okay. That's all I have. Thank you.

**Shaw:** Are we operating from a premise that schools would not be open to in-person learning unless the teacher and the students are all vaccinated? Is that the premise?

**Olmstead:** No, not at all. We have a majority of our schools are open right now for in-person instruction.

**Mijares:** Thirteen districts.

**Olmstead:** Thirteen and then some of our charters and our privates are open right now for in-person instruction. Because of the mitigation efforts that are already in place with separating the desks, the mask wearing, modified schedules things like that. There's not a requirement that teachers be vaccinated in order to have in-person instruction open.

**Shaw:** The lack of vaccine is not...I realize that in an ideal world we'd have all the vaccines out there immediately, but we're not delaying any in-person instruction due to the lack of vaccine?

**Olmstead:** No, there's currently virtual only instruction going on because of the high rates of COVID that we had over the holidays. Some opted to go to virtual until our numbers went down. Beyond that, most of them have a plan to bring students back as soon as they can. Thank you.

**Barke:** My question was very similar to Tim's. I was going to ask if it was going to be mandatory for teachers and or students? The answer is no. Are you going to rank the teachers by age or how are you going to...?

**Olmstead:** The age ranking is already happening through the state and how they're doing it. If they happen to be able to be eligible for a vaccine and they want to get one sooner, then education sector is open. They should go get their vaccine if they so choose to do that. We have other factors that we need to look out. We have to look at high risk of transmission and exposure. If you think about our teachers and our staff who have the highest risk of transmission and exposure would be those who are working with students with disabilities. They tend not to be able to keep their masks on. There are a lot of bodily fluids exchanged. There are those kinds of things. The Healthcare Agency actually allowed a certain subset of our educators to be part of the health worker phase because of the medical necessities that they provide support to some of our students that are in-person right now.

**Barke:** What about teachers teaching at a high school versus elementary being at a higher risk?

**Olmstead:** Yes, we looked at those type of factors, too, as we looked if we have to end up tiering the education sector. Definitely we're looking at age ranges as well.

**Barke:** Have you had any type of surveying of the teachers to see what percentage wants a vaccine?

**Olmstead:** I know that the Vaccination Task Force did something.

**Mijares:** There's a hesitancy factor in doing a study like this on vaccinating individuals, a community, given the new virus that we have. Most of the people that have weighed in on the survey are educators, frankly. I don't remember what the universe is right now, but there's several thousand that have completed these surveys. They're now doing cross tabulation of that information, but most of them are educators and they seem to have a propensity to want to be vaccinated. But to your question about can it be mandated.

I think that's going to require a legislative remedy because as you know, there's some vaccination that are mandated by employers that you must have vaccination for various diseases if you're going to work here. It's just part of the law. My sense is that probably, eventually, COVID will be required. That's my guess. I don't know. The other thing is whether our children will be vaccinated, which is another thing that will soon be debated in Sacramento.

**Barke:** Well, thank you, I appreciate it.

**Williams:** You brought up a good subject, and that is the transmission of COVID in these high-risk kids who are impacted with major disabilities. Are you aware of any studies that have been done with these kids on the transmission of the virus? I am not, so it is a question out of sincerity.

**Olmstead:** I am going off what our epidemiologists tell us as we look at this and partner with the Healthcare Agency to look at these kinds of things. It's not necessarily that the students are transmitting. It's just exposure to transmission. You're looking at who can carry it and then who can expose yourself to it as well.

**Williams:** You're not aware of any data that published on students with disabilities specific?  
**Olmstead:** No, it's just more of the concern about the close proximity. There could be studies out there.

**Williams:** Sure. It is just an academic question.

**Olmstead:** I can ask her epidemiologist.

**Williams:** I'll be interested in that. Help me out here to understand how we got to this vaccine shortage, not having enough. The vaccine comes to the state and that's the responsibility of Sacramento and the governor. Is that correct, to get it distributed?

**Olmstead:** You're asking me questions way out of my league.

**Mijares:** I can only tell you that, from what I know, there was a misunderstanding of some sort between the federal government and these pharmaceutical companies. Pfizer, Moderna, AstraZeneca is one new one that's produced in the UK. Johnson and Johnson is now coming out with a vaccination or a vaccine that will have a live virus, which is another problem that concerns people, whereas Pfizer is not a live virus. There was an understanding that we were going to be getting...you heard the media. I think that we were going to be getting millions and we were going to be vaccinating millions. We all ramped up for that and it was almost like we had this big party and it didn't show up.

In fact, we had, I think, it was really a bad situation when we first opened the Disneyland pod. We had elderly people in line and the vaccine wasn't there. It wasn't enough. We had to send them home. It was terrible because a lot of those people that took great effort to get themselves to that location. We're also thinking about ways to take the vaccine out into the public. That's all governed by the Healthcare Agency because you're having to handle the vaccine with great care. Some of it has to be, as you know, Dr. Williams, refrigerated. Before you can just say, "Okay, we're going to send all these doses to a high school, that has to be certain that we're doing the job professionally with integrity. I think that's the problem.

And now these companies are ramping up. Pfizer had a few setbacks. Just sort of the natural tendencies of organizational or behavioral missteps, perhaps, or people who just encountered a problem they didn't anticipate. I'm hoping that we get through with that. And I think now that more for pharmaceutical companies that are producing vaccines, that probably will close the gap.

**Williams:** Just a couple of words from an old family doctor. The emergency authorization youth use of this. As you know, there's no animal study. That's why it got the FDA approval for emergency use. I don't think you can legally or ethically mandate it for kids just as an FYI.

**Olmstead:** This would not be a mandate, if it came through, that would come from the Orange County Department of Education. Yes, we're very aware of that.

**Williams:** As a matter of practicality, if you've had COVID, I know this from a patient. He got COVID, but he went and got the vaccine and guess what happened? He had a reaction to the vaccine because his immune system was already activated, and he had the same COVID-like symptoms. That should be an active screen, Dr. Mijares.

**Mijares:** Yeah, oh yeah.

**Williams:** Make sure that if they've had COVID, they should have documented IDG antibodies, but make sure that they know they can have a more severe reaction.

**Mijares:** Right.

**Olmstead:** I think that was shared in our webinar with the Healthcare Agency and the epidemiologist last week as well, that the reactions to the vaccine.

**Williams:** Well, there's reaction to the vaccine.

**Olmstead:** Also the reaction, because if you get the vaccine prior to your three months of having COVID, there's a stronger reaction.

**Williams:** Your immune system's already activated. Right. Your immune system is already activated and you just reactivated it.

**Olmstead:** The guidance has been that, and this comes out from CDC, CDPH and our epidemiologists confirmed that if you have had COVID within the last three months, you don't need to be the one rushing out to get the vaccine. You actually should be one to let other people go ahead who choose to want to have the vaccine. Yes. Right there with you on that.

**Mijares:** And to your point, Dr. Williams, to vaccinate children is going to be a whole new calculus in terms of how that's executed. Because as you know, when the legislature passed a legislation, when we had that measles outbreak, that all students had to be vaccinated, if you're going to go into the public school system. There was a major concern on the part of many parents. We want to respect the parents' rights to grieve and to show their displeasure. I don't know how it's going to get solved at the end of it all, but hopefully we can do it without it being just a meltdown.

**Williams:** Very good. I think this conversation's very important. Thank you for coming, Dr. Olmstead. Maybe we can have you next month. Give us an update of what's happening?

**Olmstead:** Okay.

**Williams:** If that's the interest of the Board?

**Board:** Yes.

**Williams:** Yes? Okay.

**Gomez:** I think things are changing so fast. I think it would be helpful.

**Williams:** It's changing so fast. I think. Yes,

**Gomez:** I was going to say probably tomorrow it will be different.

**Williams:** This entire virus is so academically interesting, and it has changed so much how we do things. I'm learning new things every single month. It's amazing.

**Barke:** I would say every day.

**Williams:** Every day. Okay. Moving on with the meeting, updated on the governor's proposed budget.

**Hendrick:** I think they're going to bring Dean West up. He's participating from Zoom. He's going to give you a state and county level. While we're doing that I will share with you some updates. Dr. Olmstead started to talk about. In the First Interim, we had showed you an increase due to the Healthcare Agency contract for these contract tracing nurses. They have also given us additional funds for a total of \$800,000 that you would see in the next budget, mostly to hire more of these nurses. They had additional federal funds. They felt that we were doing a great job. The other part that Dr. Olmstead didn't mention is that her staff is also helping write the curriculum to help explain the vaccines to students also. That's just an update on that piece of it.

Dean is now here to talk. In your red folder, we did print out, instead of doing a full presentation, we did print out a small presentation that should be in your folder. It says budget update. This is data from School Services of California who's where we go to get most of our information - one of many. Dean's going to kind of walk you through the state and county, and then I'll fill in at the back end of what that means for OCDE.

**West:** Hopefully you can hear me. I am Dean West, associate superintendent of Business Services. I work with our districts throughout the county. Some of the guidance that we have here from the state and the governor is the plan is really focused in on the recovery, or obviously the health and the economic crisis, investments to protect small businesses, a job creation package, and equitable access to housing, healthcare, and education. That's the major theme of the budget. I'm going to move through these slides pretty quickly and hit some of the highlights, because you have the detail in your packet. Our education partners noticed that we've gotten 4.1 million more payroll jobs back since April. April through December.

You'll see in the third slide there, you'll see, obviously, previous economic reports talked about the depth of the loss of jobs and the immediacy of it. Then the recovery back, response. And I know we've gotten even from our county treasurer the property taxes have been strong. The state took the position last year of, we need to brace for impact in lost revenues. And I think what we've seen is those revenues be held strong because of the high-income earners and what the focus of this year really is on the expenditure side and restoring some of those fiscal balances that were cut out of the previous budget. Slide four kind of gives you a little bit more detail of showing that related to the blue being the high wage earners, dipping to 8% loss and recovering to 5%, the 22% loss in the low wage sector and recovering to 10% by November.

That kind of shows you what the state's impact, and last year. In taking a revenue budget, a budget, and moving a lot of revenues out. Remember we got hit in March. They're establishing a budget in June- July for the coming 20-21 year. They had to take a conservative approach and pull those revenues. But, because of the high-income earners and that stock market too, as well, they provided the revenue side as it remains strong. But, the expenditure side about the impact of lost jobs, unemployment, the need for all the other things has really become the focus in the 21-22 budget. As this is a January plan and the governor will work with the legislature and then may come out with a revision and adopt by June.

This slide five in your packet, kind of shows those revenues versus expenditures. It shows the dipping of the use of Rainy Day funds as we in the last decade, recovering from the great recession had restored a protection and they were able to use half of that money in any one year following those issues. A lot of that hit education and deferrals, and we're going to get that in a future slide. The Rainy Day fund in next budget fiscal year would be restored and reaching up to 16 billion. Basically, this budget really plans to put all those resources back in reserve in preparation for the unknown related to the recovery as well. On slide six, you see some surpluses in what we're getting those revenues that remain strong at the end of 19-20 in this 20-21 year and 21-22, as they are preparing a budget that is fiscally sound.

But as you look at those out years, the concern is the recovery of that recession and what does those ongoing obligations for the state? Although there's healthy dollars to restore what was

taken away, the state is still on guard related to future years and their projected deficits within their budgets in the 22-23, 23-24 and 24-25 year. Seven and eight slide show where your Prop 98 is. Prop 98 is that minimum guarantee for education. We're in a test one. We've been in test one for a couple of years, and 21-22 is projected to be a test one. Test one is when you get a percentage of the general fund revenues. I think this is when we say a "healthy state budget is a healthy education budget." In this case, 38% of every dollar under that, is dedicated to education under Prop 98.

That's intended to be a floor, not a ceiling. There are some elements within the governor's budget that relate to supplemental payments that we want to continue to keep in there on the education side. You can see the growth factor of education after we're growing out of the Great Recession and all the cuts from that period of time. We didn't feel that right? We did have a zero COLA last year. We had a lot of deferrals that was lost cash, but the impact by having the deferral let us spend while they didn't give us the cash. They gave us the appropriations authority at a zero level instead of taking a 10% cut. This plan here right here with the 21-22 estimates shows states perspective is as they look at education as a whole, but that can be very significantly different for every educational agency as they take that to their agency.

Slide nine talks about the compounded COLA, and I would use that term compounded. We've had different types of COLA's in the past, a super COLA, a no COLA, unfunded COLA, funded COLA. This one we were talking about a compounded COLA because last year, although there was a 2.31% statutory COLA, the COLA was set at zero out of fiscal prudence of not being concerned about the revenue showing up at the state. That 2.31 was added to what is the projected COLA up to 1.5 for a compounded rate of 3.84% in the governor's plan at this point in January. There will be money put into what's called a school's reserve, and that is some of those things that are met on the reserve deposit that's on page 10.

Feel free either in between, if you want to stop me or at the end. You can make a note and we can jump back to some of these. Page 11 talks, you can see about 75% of the deferral that was enacted last year, is under the plan that would be restored in the next year. He's not going to restore it here when the deferral happened. We'll actually get those full 12 billion, 11, \$12 billion in deferrals this year. They'll be paid back in the 21-22 year and won't reoccur, at least 75% of them won't reoccur. Now that depth of that deferral is the same size as the magnitude, as our deferrals grew in the Great Recession when we had the cuts to education that grew to a maximum, I think, to 10 billion. And in one year, immediately we took 11 billion.

It took a lot of cash. Everybody, a lot of agencies had to go out and get kind of replacement funds if they were in need. We have in place a borrowing mechanism with the county treasurer for districts and community colleges. They were safeguarded with us not having to go out and incur any financing costs related to that for of handful of agencies that had to do it. A lot of our agencies did not have to do it in the sense that they either have a strong ending balance, or they have a strong property tax base, meaning they're not as dependent on as much state aid. Page 12 is the new funded rates. You can see there that 3.84% COLA is about \$300 per student. There's different ranges for grade great spans, but that kind of shows you kind of how each grade level is funded per pupil.

You're seeing in the range of the base grants from anywhere from 8,000 up to \$10,000 depending on the grade level. Then again, there's a 20% enhancement for supplemental grants and there's also concentration dollar increases for districts that have lots of students that are in that supplemental nature of counting or the unduplicated pupil count. The traditional kindergarten full-day incentives continue to be a focus as the lower grades is a focus of the governor and the plan coming out of the state. This is making up some of those things that would enable a district to either construct or modify facilities and enhance that kindergarten, that full-day type of program.

Page 14 is an important note. Although we have that compounded COLA, restoring the COLA from last year and this year in our base funding of the LCFF, the special education and other types of grants that get or categorical nature only will receive the 1.5 COLA from 21-22. Not everything receives that funding level. It continues advocacy of this organization and at schools in general to try to advocate on that federal side related to their meeting some of those special education funding needs. We have early intervention grants on 15. Page 16 talks a little bit about additional funding focused on either community schools, those that are supporting in high poverty communities, mental health programs and responding to those needs that we know are prevalent in this time period especially, and 10 million for school climate surveys.

Slide 17 is the professional development. It seems to be a recurring theme every year that we're supporting staff development of that profession. They're categorized into these different teacher initiatives. A lot of times, those dollars are competitive in nature and rolled out throughout the state to support teacher learning. We have some meal reimbursements. Obviously, that's been a big issue in the Cares Act and other funding. We did receive a new federal stimulus that was passed in late December. That sizable package will provide probably as much resources, although it comes out in the Title I basis, but as much resources were received in all the other segments of stimulus together.

A sizable amount that is coming in that federal stimulus bill that is being rolled out, that would be called, it's still ESSER. It was our first round of federal funding this is still being called ESSER. There was Cares Act, but this is ESSER 2. It's a Title I based funding. On 21, is the reopening schools funding incentive. Probably the most challenged part of the plan from the governor. Not that everybody doesn't want to reopen, but just the timing and natures and deadlines of submitting that has already passed so this law has not passed. Yet, the deadlines to kind of this program is has passed, but they were intended to be 450 for February, 337 for March. That is probably the most likely.

Zero percent chance of passing the way it's written, but there will be some talk about how that might be modified to support schools. It may be you'll have the extended learning. There's a 4.6 billion out there for extended learning and that could be a summer school, could be after school, before school, could be mental health supports and other pupil supports that go in line. That one is a big one. That will be part of it and this may have some kind of rolling into that. And then we have the CalPERS and CalSTRS rates still stabilized in this year. The possibility for somebody based on some of the actuarial studies that we could still see over the next three years an increase to four or five percent from where we are at now.



There's still a threat out there related to those costs. Right now, the last couple of years, they've stabilized after severe growth to make those plans solvent. With that, I think that pretty much takes us through that. I think Renee was going to talk more specifically about the county office.

**Hendrick:** Dean did talk a little bit about the Reopening Schools Plan. That plan had to be posted to our website by February 1<sup>st</sup>. Our plan was posted. At this point though, what the governor was requiring was a testing cadence of all staff and all students every two weeks, which would have cost us probably more than the grant award. At this point, we've kind of held back. There is actually not any of our schools in Orange County, everybody's poised and ready, but since the legislature hasn't even voted on this yet, we don't want to get into something that's going to cost us more money. I think we're waiting for a little more guidance on that piece of it.

Since we're already reopened, it'd be great to be able to get those funds if we could. That testing cadence right now is really only required if you have an outbreak at a site. Just to give you an estimate, if we did just students only every two weeks, it'd be about \$275,000 a month. You can see that would eat up that fund pretty quickly, which is what most of the school districts are saying right now. That's one of the areas we're just kind of waiting to see what that looks like. As Dean explained, the legislature hasn't acted on it yet. We think that's going to change what we're hearing through the budget process. The other thing is unlike school districts, for county offices and charter schools, we get based on current year Average Daily Attendance.

We are anticipating an enrollment drop, which we've already had, but we're protected by that prior year. Because of the COVID Hold Harmless, we won't have that Hold Harmless for 21-22, whereas districts are going to get another year of a Hold Harmless. They won't see that impact until 22-23. For the county office and for our charters, that's going to be a big issue for us. How do we budget for that? What does that look like? The other piece for us as a county office is that COLA that they talk about is only on the Local Control Funding Formula. And as you remember, we have a lot of contracts and grants, and we have a large special schools program which will only be funded at the 1.5% COLA.

When you give a salary increase, say, for example, the staff, you don't get to say, "Well, you get this amount and you get this amount based on what program you work at," because these are collective bargaining agreements. That will lead us into some analysis we'll need to do to see what that impact is. Those are kind of the big things that we're looking at in the budget. I was very concerned by the states deficits that they're showing in those future years. I think, Dr. Williams, you're the only one that was on the Board in 2007-08. What we did see is the federal stimulus gave us a lot of extra cash for a year or two, which is great. Then when that goes away, if you haven't reduced those expenditures, what do you do?

I think that's something we'll have to continue to look at and to be cognizant of. A lot of these federal stimulus dollars coming out aren't going to be ongoing. They're a one-time deal. The ESSER dollars that Dean talked about though, if it's based on the Title I numbers that we currently have, that will be about \$9 million for us. That would be incorporated into the next year's budget also. I talked about Dr. Olmstead's, the Healthcare Agency. We do have a new Stop the Violence Program, which is money that we're getting through the Bureau of Justice.

That is for active shooter training. You'll see that in your next budget. We have a couple other things that they're looking at.

The difficult part for us right now, is that the state will say, "Oh, we could have this money for teacher training." We anticipate getting funds for all these different grants he shows here, but we don't actually know until the trailer bill is written or they decide who's going to get those funds. That's a little bit just timing-wise to figure out what that looks like. Did I answer most of your questions?

**Williams:** This was very good. I really appreciate this. Dr. West, thank you so much out there. Just a thought, when we have someone who is streaming live, maybe we can share the computer screen. We can show everybody else what we're seeing up here with the handouts. That would be really helpful. Yes, sharing screens are good. A couple of questions, then we'll go around to the Board. The Hold harmless, that is an unfamiliar term to the Board. Can you help explain what that is and its significance and why it affects our entity, as well as charter schools and why it doesn't affect the other school districts?

**Hendrick:** Normally, our Average Daily Attendance is based on an annual year. Because of COVID, they actually said that we're going to give you the same attendance of what you looked like in February of 2020. That actually gave us an increase as a county office, because that's kind of a shortened year. For school districts also, it kind of gave them probably a higher attendance than they would have if they would've gone all the way through June. They did that because of the impact of COVID. They knew they wouldn't have a lot of students. We closed schools, all those types of things. That Hold Harmless basically says, "Even if your enrollment is lower, we're not going to take it from you. You're going to get this set amount."

We've had that many for 2019-2020, and then for 2020-2021. We've had that same amount we've been funded for, and then for school districts, they get either their current year or the prior year, whatever is higher. That's how their regular formula works right now. Unfortunately, county offices and charters don't have that same language and statute. We lose it in whatever the current year is.

**Williams:** Did that happen because of a stake purposeful in Sacramento, or is that just something that they overlooked?

**Hendrick:** For county offices, we've tried approaching it numerous times through the years. This is not a new phenomenon. It's been there a while, but remember we have the largest student program in the state. Most county offices don't run as many student programs as we do. It's not a huge voice to be able to say, "This is a real problem." For charter schools, that's something they're going to need to advocate on also. For most charters they're growing, they don't necessarily see the same decline. I don't think it's been a huge issue for them yet either.

**Barke:** Didn't they fight it? What is the original bill? Was it SB 98? Didn't charters originally?

**Hendrick:** They were fighting a cap. They put a cap that their enrollment couldn't grow.

**Barke:** Right.

**Hendrick:** That's what they were fighting is that growth.

**Barke:** And did they get some relief? Because I remember talking to Sycamore where they had like 69 students last time and it was going to be capped at that. But they grew to like 129, and I believe they got relief.

**Hendrick:** They got relief if they were doing in-person instruction and they were able to show that prior to a specific time period. I think you had also heard, I think, Vista Heritage had also, and Samueli, because they already had a grade span, they had been approved way ahead. They granted all of those things. What they didn't want to grant was charters that were maybe all distance learning that were going to take enrollment from a school district or whatever. Those are the ones they were capping.

**Barke:** That's why they did it. I remember we had the homeschool charter talk about that. How they had tremendous growth and they had to actually get rid of the growth and fire the teachers. Okay. It's because they felt...I gotcha. That makes sense.

**Williams:** Any questions from the remainder of my Board here? Barring that I don't see any, let me ask one more question and then we will move on. The Stop Violence Grant, is that federal or state?

**Hendrick:** It's from the Bureau of Justice Assistance. I'm assuming that's federal, but it's not through our normal federal. It's not through the Department of Education.

**Williams:** Okay.

**Hendrick:** It's Department of Justice probably. Yes.

**Williams:** Okay.

**Shaw:** If I could, Dr. Williams? I was caught on the slides 22 and 23 looking at the pension costs, jeez. Looking at those CalPERS projections. We're at 20.7% projected by 2026-27 to grow to 27.6%. It doesn't show that for CalSTRS, or there's no projection going forward on this page.

**Hendrick:** Yes. CalPERS is set annually. CalSTRS is in statute. The legislature would have to take action to actually increase it.

**Shaw:** Oh, okay. I understand that. I'm assuming the same actuarial assumptions that are going into the CalPERS would probably tend to inform the CalSTRS actuarial assumptions I would guess, people's life expectancy and that sort of thing.

**Williams:** Yes, you would assume, yes.

**Shaw:** I'm just thinking about if we're having that kind of increase in the pension obligations, to the extent there is an increase in funding, isn't it likely to be kind of consumed in those pension costs?

**Hendrick:** I think that is the concern we have to look at. We're seeing it's taking up a larger amount of dollars that are available for that yes, Since I have two city council members available, I will say just remember, schools are a little bit different because school employees have been also contributing to their pensions since the day they start. They have had an employer contribution for many years. When I talked to my colleagues in either city or other governments, they are just now starting to contribute their employee portion. Educators and school employees are required the day that they're hired. They've increased those rates also over the last few years. The employees are sharing more in that cost than some of the other agencies.

**Shaw:** Thank you.

**Williams:** Very good. Any other questions?

**Sparks:** I have a couple of questions. Related to that, what are going to be the strategies to mitigate and handle that increase?

**Hendrick:** We'll probably be looking at reducing expenditures.

**Sparks:** Just across the board?

**Hendrick:** No, I don't think it will be across the board. I think it's more targeted. We do that constantly. I don't think it's a new thing for us. I think that's what we're constantly doing. Evaluating all staffing needs and what that looks like. That's just what the Board's policy has been. It has to be conservative and to keep our budget balanced. It's also the Superintendent's philosophy. I think we just have to be very conscious of it and to really keep looking at what that looks like. Is there a way to decrease our health insurance or make that flatten? Because what we don't want to have is to have both things growing astronomically at the same time.

**Sparks:** Right, and are the increases going to continue? I mean, to what extent are they going to continue?

**Hendrick:** Right.

**Sparks:** Yes, that's a concern for everyone. My other question is, I'm wondering about the mental health programs, the 450 million. How you came about or how the team came about that number?

**Hendrick:** This is state dollars. These are not our dollars. This is the state. This is a difficult thing. We know what the state is proposing. We have no idea what that may mean to us as an agency sometimes.

**Sparks:** Okay.

**Hendrick:** It's trying to figure out what that means. A lot of the state's philosophy has been centered more around at-risk or our unduplicated count. I will say as a county office, we do have a high unduplicated also, because most of our students are incarcerated or whatever. School districts that have a higher unduplicated counts means that they're going to be low-income, foster youth.

**Sparks:** Right. That is what I was wondering, is it per pupil kind of calculation, or is it targeted for more at-risk?

**Hendrick:** Until we see the guidelines, it's really hard to say. Most of their latest proposals have been more targeted.

**Sparks:** Okay. That's all I had for now.

**Williams:** Any other questions, barring none. Reopening school's plans?

**Hendrick:** Dean.

**West:** Yes. I can take this one, too. I think what we want to say on the reopening schools is we talked a little bit about the incentive funding, but [inaudible] kind of missed that date. Where we're really distinguishing for agencies is that there is guidance that's coming out through CDPH, which you need to do. Then there's this incentive plan that hasn't been approved by the [inaudible] and try to demystify that. What we have sent out information that schools that are already opened, regardless if they pulled back a little bit in the high peak, they can continue to

reopen. All they need to do is post their plan within alignment with the consolidated guidance. They can continue to go out there. They don't need to get a plan approved.

They've already worked through that process with the Healthcare Agency. There was waivers out there early on. Now for schools that have not yet reopened, that's where the waiver process kind of goes away. It's turned the tables where you're not waiting for an approval per se of a process, but by default, you submit that to the local agency and the state team. If you don't hear back, then you're good to go. The intent is that as long as you've updated your documents to comply with the guidance that you're doing that. This is really focused on K-6 submissions. As long as you're in kind of the purple tier, you cannot open at the grade 7-12 related to that.

What we've done is California has not had good data on schools if they're open or not. We were the CCE, which is a collaborative funded through the state, is supporting the California Department of Ed. to provide and resource that data. They're asking us to reach out and we've reached out to our district's, county offices, charter schools, private schools as well, just to say, "Hey, sign up, put your contact in, and make sure that you're submitting data." Then we are better informed for stakeholders and decision makers to kind of make decisions about the knowledge base of who's open and who's not, and what kind of programs they have. And to kind of build that database over the time. That's kind of where we're at in the reopening schools.

We're really saying, "Hold off on this incentive grant. You may want to submit documents, but they're not really official applications, because there's not really any program related to that \$2 billion from the state." I know we had a lot of districts that probably have been opened, a lot of them that are open and said, "Okay, well that's easy money. I might as well take it." Obviously, the intent of the incentive was to try to get those harder-reach to kind of open. That response has been that money is not the challenge there. There's a different situation there. That's being discussed in the legislature, but as far as reopening, that's kind of the message that we're putting out there is post your plan and submit data. That's kind of going to be twice a month.

**Williams:** Any questions from the Board? Dean, President Biden has made reopening schools a national effort. Have we received any information from the federal government, or do we have any insight as to what that plan looks like?

**West:** We don't act on federal information particularly, we get federal funding. Unlike a city that kind of gets that directly, our funding runs through the Department of Ed., the California Department of Ed. There have to be sign off on a certain [inaudible] and there could be extra hoops and things like that. When they're really prescriptive like the money that came out late December, that's going to be Title I. They prescribed more what it's going to be. You kind of get a good sense that all those things kind of aligned with the older programs in the sense that all those things were going to comply. There's going to be more expansive timeline and deadline.

And you kind of got an idea on what that money, and Renee shared with you what that might mean for OCDE. But we don't act directly from federal information for the most part. Unless there's some legal compliance related to something that's not coming out through the funding side of it, that's applied to all employers or something like that. Normally we're getting our direction from, because the California Department is the recipient and we're the sub-recipient.

**Hendrick:** If I could add a little bit, too? Sometimes the federal government won't put as many restrictions, but as it goes through the California Department of Ed., they may add some restrictions. I will tell you, the federal government and the last relief bill that Dean talked about, they were specific on those Title I schools. A lot of times that could be California saying that. I will tell you, it's very hotly contested among school districts right now, because there's a lot of school districts that feel they have the same need. But, if they don't have a high Title I count, which is going to be your unduplicated students, again, they're not going to receive any funds.

There's over 100 school districts in California that will receive zero funds from this. That makes a lot of angst, too. I think that's what makes it really difficult to give you an example. Our normal federal grants, we start the year July 1<sup>st</sup>. We may not get the grant award letters for the year that we're currently working in until February, the following February. You're saying use what you had last year as your estimate. A lot of times, it's the state level that's holding it up. We're kind of working on, we guess this is what we think it is. Then we won't get that actual award until late.

**Mijares:** Just a clarification, too. When you hear unduplicated count, I think you know this, that's what we're referring to. Those students who have historically been considered the high-risk students, poverty level, English learners, foster care, kids who are incarcerated. The other thing to remember is that we went from No Child Left Behind to Every Child Succeeds Act recently. That act pretty much defanged the federal government. We report to the state. Those federal dollars that you might hear about in the media go to the California Department of Education. They go to the legislature, and the legislature determines how it is doled out.

**Williams:** Was that under President Trump?

**Hendrick:** No. Every Child Succeeds Act that one, that was under Obama.

**Williams:** Okay. And by defang, you define that as?

**Mijares:** With No Child Left Behind, if you read the law carefully, which was under President Bush. The federal government actually had the authority to seize control of a school, no less a district, for underperformance. For those schools that didn't meet their annual performance goals and were underperforming. Now that was the law, but in reality, how can you manage 50-some million students and thousands of schools. You really can't. It deferred to the state authorities, but this next time around, they made it sure.

I think Lamar Alexander was one of the primary voices that this should be held by the state and not the federal government.

**Williams:** By the way, just out of curiosity, was there any school that was taken over by the federal government because of failing?

**Mijares:** No.

**Williams:** Okay. Very good. Is that it for reopening? Thank you. This has been very informative. Very good. For Board discussions, we're going to hold that to information items at the very end. We'll go to the superintendent announcements and associate superintendent announcements.

**Mijares:** Mr. President, members of the Board. Just wanted to point out two important things. Right now, we are celebrating the National School Counseling Week. The Orange County Department of Education has put on a conference to enrich the lives of counselors. It's a

professional development conference. Dr. Olmsted and her folks, Dr. Hittenberger have helped to sponsor this. I just wanted you to be aware of that. As you know, school counselors are certified and licensed educators. They're active school leaders. Their mantra is to be proactive and data driven. Their goal is to help our students. Of course, the pandemic has increased more of a need for counseling for our students, whether it be loneliness, depression, chronic depression, and a number of maladies have affected many, many students.

The counselors are doing much of that work and we're grateful for them. I also wanted to remind you that right now, we are celebrating the high schools. Our high schoolers are competing in the 53<sup>rd</sup> Annual Orange County Academic Decathlon. I think you will remember that Dr. Peterson started this program in 1968. In 1981, it went national. The Academic Decathlon program gives kids, our scholars, a chance to compete with each other. That happened right here in Orange County, and it is now a national competition of great distinction. Districts compete vigorously. We have done well over the years as a county.

I wanted to advise you of that. There is 350 students that are taking part in this. It is now over and there will be an event taking place on February the sixth. Then there'll be a virtual awards on February the 17<sup>th</sup>. Other than that, you saw, I think, that the Orange County School Boards Association honored the Orange County Superintendents with the Maureen DiMarco Award. Maureen DiMarco was a former secretary of education and a former school board member, as you know, and every year there's a person who receives that award. This year, the OC School Board Association here in Orange County gave it to all of the superintendents for the superintendents work and leadership dealing with COVID-19. That's all I have under my report, Mr. President.

**Boyd:** In your red folders, there's also a charter schools reopening update. I wanted to provide you information that's current. Also, if you'd review your OCBE calendar at a glance. We're trying to make sure that we're incorporating all the carry-over items year-to-year so that it gives you the four months. If there's anything on there that you don't wish to continue, or that you have questions about, please let me know. It's also Form 700 time of the year again. We want to make sure to remind you that those are due by April 1<sup>st</sup>.

**Williams:** Could you help us out on the Form 700, send it out to every Board member with a link? Because I believe that goes to the county?

**Boyd:** The county sends that out directly.

**Williams:** The county is going to send that out?

**Boyd:** Yes.

**Barke:** Remember last year, though, they had trouble with mine and I never got it. Hopefully, I will get it this year.

**Hendrick:** Since they send it directly, the only thing I will get is if you haven't responded, they'll send us a notice saying you haven't responded. I'll see if I can find out the exact date, and we'll see if we can get that to you.

**Barke:** When do they usually send it?

**Gomez:** It is usually about 30 days ahead.

**Hendrick:** I know that we've just sent ours out to our office. I would think they should have sent it by now.

**Boyd:** It is usually about six weeks ahead of time. I think by sometime next week or the week after, you would get an alert from them is what we've been seeing. But, as Renee said.

**Barke:** I remember not getting the alert until I was like 30 days late, and I'd never gotten anything.

**Hendrick:** We will check and see.

**Boyd:** As Renee said, we're getting notified that you didn't comply. That comes in after the date. We don't know anything prior to that. The next Board meeting is Wednesday, March 3<sup>rd</sup> at five o'clock. Submission deadline is Wednesday, February 17<sup>th</sup>, so that we can ensure we have packet delivery on Friday to the Board members on the 26<sup>th</sup>. Our office is closed on two days this month, for Lincoln's Birthday and President's Day. That would be Monday, February 8<sup>th</sup> and Monday, February 15<sup>th</sup>. Also, Renee has an update on the Esplanade quarterly report, which is in your red folders.

**Hendrick:** In your red folder is the Esplanade report. It's maintaining well as it has been. We had our average occupancy rate is now 80%. That's because we had that building under remodeling. I think we only have two suites left in that building. We had moved some people from one building to the next, because we have three models of that building. I am starting to see a little bit of concern of people maybe not renewing their spaces as their lease comes up for renewal because their businesses aren't performing well. The property manager is trying to see if we can help them with downsizing a suite or offering something different to see if that will keep them in there.

You are hearing some conversation right now about industrial buildings are having a really tough time with their leases and stuff. We're not necessarily seeing that yet, but it's something we'll keep an eye on. We will outperform our budget that we had anticipated. Currently, remember we have 10.7 million outstanding, and this loan will be paid off earlier than we had originally set the term for when we refinanced it last year. It will be paid off in June of 2029, which isn't really far away now.

**Williams:** Very good. Is that it?

**Barke:** Can I ask a question?

**Williams:** Sure.

**Barke:** Actually, to Dr. Mijares regarding your memo, January 28<sup>th</sup>. I was actually gone for the weekend, so I didn't get it until a couple of days ago, regarding the FCMAT. I did a little bit of research. I appreciate you communicating with us on that. From what I understand, and correct me if I'm wrong, and maybe we need somebody to research this, but I believe that superintendents can order audits on districts, but can you order it on yourself or on the superintendent? That's my first question. It just doesn't make sense that you could actually order it on yourself.

**Mijares:** Yes. First of all, we do have an auditing firm that looks at our records as you know. That's a part of the responsibility under the law. Secondly, we do have the authority to request



that the Fiscal Crisis Management Assistance Team comes in and gives us an idea as to how we're doing. That's basically what we did. That was largely in reaction to the Board's resolution. You pointed out that you wanted us to look at certain deficiencies in the organization. That's why we went ahead with that. It's not atypical for a county office to request the support of FCMAT. It's probably good practice to bring them in every so often just to have them reconfirm that the checks and balances are in the system to assure the integrity of tax dollars. I'll also have Renee chime in too, because she's been the lead on this project.

**Hendrick:** I think what you're referring to is that specific audit. The county superintendent can call for an audit of a school district for specific purposes.

**Barke:** Sure.

**Hendrick:** Any school district superintendent can also ask for a review of their processes. It's called a Management Study Review, which is different than an audit.

**Barke:** Okay. That is what's been ordered is a Management Study Review versus an audit? Is that right?

**Hendrick:** Right.

**Barke:** Okay. Yes, because that was my other question. It seems like it's much smaller scope. It has, I think, two points that they're really looking at. I think that we outlined about eight items that we wanted to look at. The scope doesn't seem to me that it's nearly as broad.

**Hendrick:** We did give them the Board resolution of the items that you were requesting, and they actually, most of them, fit into those two categories. They're worded differently, but it's about the process and the organization of those. That was one of the areas that we gave them from the resolution saying these are the areas you had concerns. That was incorporated into their formatting of how they ask their questions and things like that. What I think you're talking about for the superintendent is an extraordinary audit. Normally to have those audits, you have to have a specific thing you are looking for. Usually if there's an incidence of fraud or something like that you're looking for, you have to have some substantial guidelines to do that. This is different than that.

**Barke:** Okay. Is this meant to be in addition to what we're doing?

**Hendrick:** It's an addition to what our normal auditors look at, yes. The auditors are going to look at what the state audit guide requires them to look at. This is looking at our processes and procedures, and to see, are we meeting the best practices of other organizations of schools.

**Williams:** Are you intending it to replace what we have ordered as the other audit? Are you thinking that this is replacing that?

**Mijares:** Yes. Our goal was to respond to the Board's resolution and you outlined concerns. We engaged FCMAT by showing them those concerns. They helped to define the scope of their review based on what they read. What we rested on was the law that empowers FCMAT. FCMAT was established by the legislature in the early 2000's to help districts who were going belly up, so to speak, and county offices that were not responsive and helping them stay in the black with strong fiscal reserves. It also was established to support and strengthen the county office. We have a direct tie, if you will, with FCMAT. We also have the authority as a department to place a fiscal advisor into a school district with or without the permission of the district board.

In some cases where you have extreme financial concerns, where people cannot meet their annual obligations with the law. It actually changed recently to empower the county superintendent in concert with the state superintendent to place a super trustee in that district, which basically, strips the authority of the local board and the superintendent. It's a pretty broad responsibility. By having FCMAT come in, you save money. It's much more cost-effective. They have way more fraud auditors than you're going to probably find on a normal auditing firm. That's exactly what these people are skilled to do to, to look at dollars - tax dollars, and are they use properly. That seemed to be the logical choice for us to follow.

**Barke:** I understand as far as auditing districts or even charters that have been done by FCMAT. I just didn't realize that was actually just the county auditing themselves. Has it ever been done by a county where they actually call in FCMAT to audit themselves?

**Hendrick:** You can actually go on their website and there's multiple studies. Every study that is done will be posted on their website. I think there was one just recently by San Diego County Office of Education. Sometimes they're requesting it, or there's another one. You'll see for the districts that are under state trustee, the state will also require an audit of the county office to see what oversight they permitted. You'll see some on there for those county offices in that condition to see how well did they do administering their duties as a county office. They're a little bit separate, but if you went on FCMAT's website, you can see all those reports on there.

**Barke:** Do you feel that the eight points that we wanted to review all fit into these two points? Even the cost of it, it was like \$15,000. I felt like maybe that was a week's worth. It seemed to me that this was a little bit more.

**Hendrick:** Remember, this is a state program. That's why the cost is also less. FCMAT is an arm of the state. They basically receive state funding. They have a much lower rate for what they're charging than an outside firm would.

**Barke:** I thought that I had heard when we'd done it to a charter that it had been closer to 100,000. It was only 15,000 when we've audited charters and districts?

**Hendrick:** It depends on what the scope is that they're looking for. They did take your resolution. I also gave them the transcripts from the Board meetings from the budget where you ask the questions and stuff. That helped form the opinion for the scope of study.

**Barke:** I don't know. It just seems to me like it became very narrow.

**Hendrick:** It doesn't feel very narrow to me right now. I will tell you that.

**Barke:** Yes. I don't know. It feels like when we look at others that we look much more broadly. When we look out the window than when we look in the mirror. I could be wrong. It seemed very narrow. One other question I had, and then I'll let my fellow mates here, see if they have any questions. I believe that one of your concerns with the firm that we had chosen is that they weren't on the list. My understanding is FCMAT's not on that list either, the list of what was it, the California State Controller's List of certified accounting firms. I don't think FCMAT is on there either.

**Hendrick:** FCMAT's whole purpose is to do these type of review sessions and to do financial help for school districts. That's what they're mandated by the state to do. That is their sole purpose.

**Mijares:** Yes. FCMAT wouldn't be on that list, because they're an arm of the government. You wouldn't treat them as a client like you would a normal school district.

**Barke:** Okay. All right. That's all I have for now.

**Williams:** I'm a little troubled by all this because the Board, again, was not involved in the process. We didn't find out about this until just last week in the communication. It wasn't brought up in your report today. The county superintendents, they give work to FCMAT. FCMAT gets paid for what they do. The big problem I have is that, the way that FCMAT is structured is that it has 12 representatives from the county offices of education, then another 12 from school districts, then there is the California Department of Education, and there's a couple of other individuals in there. If you look at all of those individuals, like you serve on the board, correct?

**Mijares:** No, I don't. I have in the past, yes.

**Williams:** In the past, in 2017, you served on that board?

**Mirajes:** Perhaps that is when I did that?

**Williams:** Who's the District Nine representative now?

**Mijares:** I believe it's Paul Gavel from San Diego.

**Williams:** San Diego. You rotate it every so often?

**Mijares:** Correct. We rotate.

**Williams:** Right. Are you going to be up for review, because it's been four years?

**Mijares:** No, I'm not up for review. It would be probably the county superintendent in Imperial.

**Williams:** Imperial County. Okay. Then also, there's the conflict of interest on the board of directors is Ted Alejandra, who you're very close with at San Bernardino. Then we have the former Chief Analyst, John Von Flue who was a former Kern County Superintendent, another fellow county superintendent. These were the same people that were on our Budget Review Committee that was put on by the State Superintendent of Education, Mr. Thurmond. That's the subject of ongoing litigation. There's all these conflicts here. How can you have someone who you have personal – it's kind of like an incestuous relationship – and how can you have someone who you have personal relationship with sit on the same board?

There seems to be an inherent conflict of interest here. I think you're going to have trouble convincing other people in Orange County that this may not be a very fair forensic accounting. I'm not so sure a Management Study Review is what the Board wanted or what we voted for. We really looked for more of a forensic audit. There's the personal relationships. There's the structural relationships and that FCMAT is probably going to give you a good review and not going to look very deep, or not looking under every haystack there because of the relationship between the county superintendents and FCMAT.

There's this inherent concern with that, Al. Education Code 1241.5, says that you're allowed to do audits on other districts, but doesn't empower you to give the auditing for this county office of education. The Board wanted a little bit something more. We wanted something a little bit fair, and something that's taken out of the political context with all these conflicts of interest.

**Williams:** Again, can you see?

**Mijares:** I can see. I can also see the reasonability of the state establishing this organization with people who are in the know and know how these processes work. As opposed to finding somebody that has never worked in a school district or a county office. The process that FCMAT uses, these are skilled, they're certified auditors. That's their background. In many, many cases, they have conducted fraud audits, they've detected fraud, and they've actually been involved. We've had it here in our county where FCMAT came in and found pilfering and things going on that ended up in the DA's office. This is the way the state has chosen to run its affairs. Can I see the conflict of interest? I think I can see it in terms of the optics, but when you get into the integrity. These people call strikes and balls. They're not supposed to use favoritism or be influenced.

**Williams:** You sat on the board of directors for FCMAT. You're going to sit on it again when your rotation comes up. It's just not good. It doesn't leave, at least for me, I don't know how my fellow Board members feel, but it doesn't leave me with a real good feeling that this is going to be a fair and honest audit. You look at the individuals who we are already in conflict and actually in litigation with. We understand conflict of interest very well from the general counsel litigation that we're involved in. I just see another big problem with this. Whatever comes back, obviously we don't know what it is, but I'm still going to doubt it.

**Mijares:** That's up to the Board. You'll have to make your own decision on that. I can tell you that such as in the case of our State Superintendent of Public Instruction, he had the authority to create the committee. The law empowers him to create it. It's his discretion that determines who gets on that committee. We may take issue with that, but nonetheless, he was elected by the people to represent the people. That's what I defer to. FCMAT has been around for probably 20 years, approximately.

**Williams:** Yes.

**Hendrick:** It was in the newspapers. It was a big story.

**Williams:** Yes. In concluding the remarks, we'll be talking about this as an Executive Committee, but I'd love to hear any thoughts from my Board members now on the forensic audit, the resolution and going forward.

**Sparks:** What comes to mind for me is, anytime someone has a cancer diagnosis, a lot of times they want to get a second opinion. I think having second opinions is a healthy thing.

**Barke:** I agree. An outside opinion, somebody, right?

**Williams:** Is the FCMAT auditor's going to talk to the Board members since we're the one that is so keenly interested? I'm just curious why are we excluded from the process?

**Hendrick:** Right now, they picked who they were going to talk to. They asked for organizational charts. They are looking at the path of travel for all of our expenditures and things like that. They're asking people within those areas is who they had started their interviews with. It's based on who normally sees an expenditure, who signs off on it, who does this, who does that? They're looking through those chains to see if we're following those procedures. They will test documents as they go through the process, which was in the resolution.

**Barke:** I actually have the paragraph, the final paragraph of your letter. Actually, it's a letter from your attorney. It's not you. In any event, as stated above, "the Superintendent is willing to

provide a reasonable audit by FCMAT to address the Board's account and concern subject to an agreement on a reasonable scope to avoid overburdening the department, staff, and budget. I urge you to advise the Board to consider this more cooperative and fiscally prudent approach rather than the cost of litigation-oriented approach suggested by the resolution approved by the Board on October 7.” This never told us that you were going to override it. He was suggesting that we do it, and we just haven't done anything. We had no idea by that paragraph that it would actually be ordered.

**Gomez:** Again, if we're looking at a letter from October and then, Dr. Mijares, you started the FCMAT audit. Sorry about that. In January-ish, there was a three-month gap. I think that in lieu of us not responding, I think, it was probably an attempt to meet what we were looking for or what the resolution was.

**Mijares:** There were a couple of factors. You had the Board's request via its resolution and comments that were made in open session, and me believing that it made sense to use this as an opportunity to test ourselves. Nobody has to give me permission to do that. It's good practice to have somebody come in and look at the procedures. Are we following them in accordance with the law or the Ed. Code? I did that, and that's what we're doing now. We're in the midst of it. The goal here is to make sure that we're prudent, that we're wise, that we're people of integrity doing the right thing. And as I say, FCMAT, the cost FCMAT has mitigated is because of the fact that it's a state funded organization. There's other organizations that do - we have a state auditor.

We have a number of state organizations that are funded by tax dollars who have the authority to come in and do a review that would be just as extensive as any other private system.

**Hendrick:** If you look at the reports on the FCMAT website that they've done, I will tell you the first thing they told us is if you're looking for a glowing review of what you're doing, you're not going to get it from us, because we don't tell you what you're doing well. That's not what the purpose of their studies are for. They're only going to list our deficiencies, and I'm sure no matter how hard we try, there will be deficiencies. I think if you look at some of the reports that they've done, they're not always favorable to the districts. I think they try to be fair, and they look at the best practices and look at the processes. We use the basis from the resolution and the comments from the Board meeting of what you felt that you had concerns with, and that's what the direction we gave for them to look at and how we got that scope of work.

**Barke:** I guess from my point, it would've just been nice to communicate, because we had no idea what was going to be ordered, but you guys ordered it, which has been nicer because maybe we could have helped even outline the questions. I just think the lack of communication and finding out four months later, almost five months later, that it's actually been ordered and is already in process, just seems like...maybe these earlier communications and meetings will help that going forward. There just seems to be a lack of communication that, by that letter, there was no indication to me that you would order it on yourselves. I think we were just, we had a lot going on and we're just going to get to that soon.

**Williams:** Remember, we were in trial in October, November and December. And then the letter was attorney to attorney.

**Gomez:** No. That is not true, because the Executive Committee saw it. The rest of the Board

didn't see it.

**Williams:** That is right.

**Gomez:** That was October.

**Williams:** I don't know if that was the date that we saw it.

**Gomez:** I think this is a good first step. Can we agree that at least that that is a good first step? Then perhaps, depending on the outcome of the FCMAT audit, then we can have further discussion as to do we need something else?

**Barke:** Yes. It sounds like it's been ordered, and it's too late anyway. I think it's going to be done. Whether we decide to go forward with an additional audit, we'll have to decide. It doesn't sound like we can negotiate one or the other at this point. It sounds like one's already in process.

**Gomez:** The other thing, too, that we can't really take any action, because this isn't on the Agenda either.

**Williams:** Exactly.

**Gomez:** I think that we probably need to hold the discussion, because I think we're going to go down a path that's probably not a good idea.

**Williams:** That's why you don't know about it. You didn't know about it until the Superintendent said it.

**Mijares:** If you think about it, that was back in October, that's four months probably. I thought you all saw the letter and you go into closed session, I don't know what you're doing in the closed session it's your business. Potentially you would have read the letter, because it was in direct response to your resolution. And by the way, your resolution was very detailed. That's why I acted. Our job is to have the audacity and the courage to look critically at ourselves. We're not perfect, but I'm not above saying, leave us alone. We don't need your help. I'm trying to do my job based on what the law says it is and to represent the voters in that way.

**Williams:** I agree with Beckie. We can accept it as is. Can you give me the privilege of looking at all of the documentation, the communication that you've had with FCMAT, the email that went out, the emails that went in, the letters, anything that gives us insight to what's going on? We'd like to see that as a Board, and the \$15,000 at \$1,000 an hour.

**Barke:** Fifteen hours.

**Hendrick:** I can give you a copy of the contract. There's a contract. You want that to show what the scope is and what they're -

**Williams:** Can we see? Everything's subject to, any sort of public record request, so just as a Board, we would like to see all the communication back and forth.

**Mijares:** Yes, we can get that to you.

**Williams:** It's \$15,000, so it's \$1,000 a day.

**Hendrick:** It's not. It's less than that. It's like \$400. I don't know the exact number off the top of my head.

**Gomez:** But these are already employees that are getting paid.

**Hendrick:** The employees are getting paid by FCMAT. Really, the money goes to the state agency.

**Mijares:** It is a state-supported agency.

**Williams:** You're going to pay for this, correct?

**Mijares:** Yes. I think we need to keep emphasizing the fact that all, Mike Fine, FCMAT and all of this stuff, they get paid by the state. They're not out there making money.

**Williams:** I know, but who's going to pay them at the end?

**Mijares:** We will pay it.

**Williams:** It comes out of the account?

**Mijares:** Yes, I'm sorry.

**Williams:** That's all I meant. Any other questions?

**Shaw:** I just want to understand, do you have a date you're anticipating it would be done by, this FCMAT?

**Hendrick:** They said six weeks after they conclude. We're still transmitting documents to them. They have asked for quite a few documents. I'm not sure exactly the timeframe. I think we're looking at March would be the anticipated time.

**Mijares:** Probably March.

**Gomez:** Okay. Could we put it on the Agenda just to get an update as far as where the study is or an anticipated date in the next month?

**Hendrick:** We should have a better idea.

**Williams:** We will talk to Mr. Rolen, and we'll get back to you on that. I have not thought of that. Okay. Any other questions on this subject matter? Otherwise, let's move forward with our meeting. I'd like to have a motion to adopt the Minutes from the January 6<sup>th</sup> meeting.

**Barke:** So moved.

**Williams:** I'll second that. Any questions or corrections?

**Gomez:** I would just like a notation made in the Minutes that I attended remotely as opposed to being here in person.

**Boyd:** We can add that. I was going to add that. Then I thought, well, does it matter because she was on screen? Yes, certainly we can add that.

**Gomez:** There were some things I couldn't vote on in closed session because I couldn't see some documents. I just wanted that to be clear.

**Williams:** Very good. Any other corrections to the Minutes? Barring none, all those in favor say, "aye."

**Board:** Aye.

**Williams:** Opposed? Abstain? Motion passes 5-0. Moving on to the consent calendar, I need a motion for the consent calendar.

**Shaw:** I will move approval.

**Barke:** Second.

**Williams:** Motion by Mr. Shaw and second by Mrs. Barke. Any questions? Barring none, all those in favor say, "aye."

**Board:** Aye.

**Williams:** Opposed? Abstain? Motion passes 5-0. Moving on to charter schools, number five.

**Gomez:** Mr. President? Could I engage you in about a five-minute stretch break?

**Williams:** A five-minute stretch break? Yes. The Board will be in recess for five minutes.

**[PRESIDENT WILLIAMS STRIKES THE GAVEL ONCE TO SIGNAL THE BEGINNING OF RECESS. UPON CONCLUSION, HE STRIKES THE GAVEL TWICE TO SIGNAL THE CONTINUATION OF THE MEETING]**

**Williams:** Okay. The Board of Education is back in session. Time is now about 7:20. Moving on to item number five, charter submissions, Nina, are there any?

**Boyd:** There are no charter submissions at this meeting.

**Williams:** Very good. Moving on to item number six. This is the charter public school hearing for the Excellence Performance Innovation Citizenship Charter School renewal. Aracely?

**Chastain:** Good evening, President Williams, Trustees and Superintendent Mijares. Today, the Board will hold a hearing to consider input regarding the renewal for Excellence Performance Innovation Citizenship Charter School. Epic was approved for a five-year renewal from July 2016 through June 2021. On January 5<sup>th</sup>, Epic submitted a renewal charter petition, and the school is eligible for a five-year charter renewal. The petitioner has agreed to a one-day extension beyond the 90 days allotted in Education Code in order to accommodate the Board's regularly scheduled meetings. Prior to public comments, representatives from Epic and the Anaheim City School District are allotted 15 minutes each to address the Board. Epic submitted a video presentation that they have asked to be viewed. Please play that video now.

**[THE VIDEO PRESENTATION FOR EPIC PLAYS]**

**Voice 1:** The great thing about the Epic charter school model is that it's not a one size fits all school. Every student is different. Every student has their own reasons for coming to Epic, and the school accommodates all of those reasons personally to the student.

**Voice 2:** Epic charter school is the best. I really like it, because the environment is beautiful, because you choose your environment.

**Voice 1:** Whereas in a facility-based school, the classroom is only as fast as it's slowest student. At Epic, the school is personalized to the student. Every student at Epic Charter School has a California credentialed supervising teacher that is accountable for that student's success. We look at the education team as the parent, the student and the teacher; and together they all play a role in the success of that student.

**Voice 3:** One of my favorite things is getting to connect with the whole family unit rather than working with the student in isolation in the classroom. Although I did try and connect with families as much as I could when I worked in a brick-and-mortar school, I love that that's just built into our model here at Epic.

**Voice 4:** They were so warm. They were so inviting, and they so made me feel comfortable with how you guys see teaching, but also in the freedom of things.

**Voice 5:** But he's really good at like incorporating my music. Incorporating the way that I love health, and the way that I love exercising and stuff into everyday school.

**Voice 1:** Epic Charter School allows students to learn on their own time. It's personal to their schedule when they can get their work done during each day.

**Voice 6:** When I realized that she was something different than a normal dance student, I spoke with her mother and said, "We've got to do something different about her education."



**Voice 1:** For whatever reason, that student needs an alternative modality of delivery of education. Epic can personalize that for the student. Epic Charter School is a WASC accredited school, which means for students and families, that we are accredited by the Western Association of Schools and Colleges that allows a diploma from Epic Charter School for a student to be recognized just as any diploma at any other California public school would be recognized.

**Voice 7:** Everyone has a different way of learning. I like being independent and then doing my work and having my own space. It makes you think more about your future rather than your present. It makes you think about what you want to be, what you want to do.

**Macgregor:** Good evening, Orange County Board of Education Trustees, Dr. Mijares, and distinguished staff of the Orange County Department of Education. My name is Paul Macgregor and it's my great honor to represent the families, students, staff, and board of directors for Epic charter school at our charter renewal public hearing. I've had the privilege of serving as Epic's executive director since our charter was approved in 2016, and I'm grateful every day for the opportunity we have to impact the lives of students in Southern California. The mission of Epic Charter School is fulfilling every student's individual potential by personalizing an educational plan that focuses on school and family partnership to achieve optimal student performance.

This mission is more important than ever in the times of the COVID-19 pandemic. Families are searching for a proven and successful distance learning option that is a true partnership with the school and focuses on the individual needs of the student. That is exactly what Epic does. Epic Charter School qualifies for the middle tier, five-year charter renewal as determined and confirmed by the California Department of Education and under Assembly Bill 1505. The opening video gave an overview of our school. And in the short time we have this evening, I'll provide some additional information on our academic program, school data, and Epic's operations, and governance.

Then, you'll get to hear from Epic families and team members on how our school has made an impact on their lives. Epic exists as an alternative education delivery option for students that don't fit the mold of a traditional classroom-based environment. Every student that comes to Epic has their own reason why. Oftentimes, Epic is a student's last hope for successful public education after trying numerous other school options. No matter what a student's reason for coming to Epic was, once they are here, their personalized education begins. A California credentialed supervising teacher meets with the student and family to get an understanding of the student's schooling background, helps select the California state standards-based core curriculum that will best fit the student's personal learning style.

Then they conduct an academic assessment using the NWEA measure of academic progress tool. The teacher will utilize the results of the assessment to help supplement the core curriculum with additional resources to help fill in the gaps the student may have in certain subject areas. All Epic students receive a computer, internet service and 24/7 access to online homework help and support. Epic is a WASC accredited and NCAA certified school. We have grown our high school A through G participation, and now offer 54, A through G approved courses and have 26 students on the A through G graduation track. This is an increase of participation from 11

students in 2019-2020. Of the 11 students that were on the eighth 3G track last year, 91% of credits attempted were successfully earned.

We are proud of this growth, because most high school students that transfer into Epic are too far behind in credits to graduate with an A-G diploma. This high mobility rate is evident with this year's new high school transfer enrollments. Of Epic's 33 new enrolled 10<sup>th</sup> grade and higher high school students for the 2020-21 school year, all but six of them, 82% of these students came to Epic behind in credits. The students that should be juniors or higher, are almost all at least one year behind grade level and credits. Despite the fact that students that come to Epic from another school typically have a lot of scholastic ground to make up, Epic works extremely hard with all students to ensure academic success and an opportunity to graduate.

Our California state Dashboard data shows that Epic is improving each year in both math and English language arts outcomes. State testing was suspended in 2020 due to the COVID-19 pandemic, but Epic worked with NWEA to conduct school-wide online proctored math testing. Based on NWEA's SBAC equivalency scale, Epic shows another year of score increases. As our school continues to improve in all areas of operations year after year, so do our students educational outcomes. From a board and governance perspective, Epic is very fortunate to have an outstanding board of directors that represent a large cross segment in the community we serve. Four of our five board members have been with Epic since inception.

Our newest member was added at the beginning of the 2019-2020 school year only after our former chairman moved to Indiana. One of our board members is the parent of a former Epic student. Epic is audited annually by one of the largest and most well-respected audit firms in the country, Baker Tilly, formerly known as Squar Milner. Epic is extremely proud of the fact that in four completed school year audits, the school has never received a finding or material recommendation from our auditors, which I've been told is an extremely rare thing for a startup distance learning school.

Epic is financially stable and projected to have an ending fund balance of nearly \$600,000 at the end of the 2021 fiscal year. We have a great funding partner and charter school capital that is available to help financially bridge our conservative forecasted growth if needed. Epic employees and families want to share with you what Epic means to them and how the school has impacted their lives.

**Voice 8:** Epic has been beneficial for us for many reasons. One is that it's flexible and that's really what we need for our schedule. But the teaching and the curriculum is incredibly strong. My child at Epic is completely thriving. He was at a great school before as well, but he was, I'd call it, surviving there. Here, he is thriving.

**Voice 9:** What I've noticed about the Epic model, and something that I really come to appreciate is that it truly is built around the student's needs, specific particular needs. We know that students may find themselves on a spectrum. They may have very specific social needs or academic needs, or maybe they are deeply involved in some activity that is their passion or they are going to pursue that professionally at some point. The ability to have something like the Epic model, where they can still pursue their academic goals and meet those standards, and then eventually

go to college, university, whatever they're trying to do. At the same time, minding those specific needs, I think it's great.

**Voice 10:** This has been easier for us because we can move forward. We can work at our own pace, and then if we need to stop, or if he's super interested in a subject, we can pull off a little to the side and delve deeper into that subject.

**Voice 11:** A lot of parents in traditional schools struggle whether it's because they can't afford tutoring or anything like that. And Epic just does a really great job, whether it's reach out to your teacher, or it's to find a tutor who helps you, or to supplement or to help your child find a new classroom that will get their brain going. And I love that.

**Voice 12:** When I talk about what I like most about working for Epic, of course, it's the kids. I love working with my students. I love seeing them succeed, but secondary, I also really love working with all of the other staff here at Epic. We all work together really well. I find this to be a really innovative place to work. When there's a problem, it's never a brick wall. It's, "What's next? How do we solve this? How can we better Epic?" I feel like working here is exciting because there's always that next step. "What's going to happen next? What's our next program? What are we going to do next to help our students even more?"

**Voice 13:** The flexibility and innovation that we have in our school has allowed us to provide a full continuum of services for students with disabilities. Other independent studies schools typically don't take that consideration to ensure that all students can be included with their peers; whereas here, we've been allowed to create programs that serve all students.

I think that differentiates us from other schools, both brick-and-mortar as well as independent study schools like our own.

**Voice 14:** The most important part about Epic, and what I love the most about Epic, is that students come to Epic with a purpose. My roster of students are here because of their interest in the need for balance in academics and the extra curriculum activities, or their career goals. Epic is perfect to provide that for the students that have those in mind, that regular, traditional brick-and-mortar schools are not able to provide or even accommodate.

**Voice 15:** I'm so thankful for Epic. The teachers are there for support. If he feels like he needs extra help or tutoring, they're there. He talks to Mrs. Rue. He added actually a second math class, because one day a week wasn't enough. We're just so happy with everything that's happening, because it really is benefiting him. They're there to support him, and we couldn't be more grateful.

**Macgregor:** We had so many Epic supporters that wanted to present public comments to you this evening, but I wanted to follow the lead of other charter schools that have presented before me and preserve some of your time this evening. Rather than have the public comments read out loud, please review the public comments that were submitted at your convenience. You will get to see some of the personal impact the school you have allowed to exist, has made on families and students in our community. I am very proud of the school the Epic team and community has

built over the past four-and-a-half years with the support of the Orange County Board of Education and Charter Unit team. I am also extremely excited about what the future holds if we are granted our five-year charter renewal. We are committed to helping every student that needs an alternative option to their local classroom-based school have a chance to succeed. Thank you for your time and attention this evening together. Let's continue to make the next five years Epic.

**Chastain:** Paul Macgregor, executive director of Epic Charter Schools [inaudible] asked to briefly address the Board. Mr. Macgregor, please approach the podium. You have about a minute left of your allotted time.

**Macgregor:** Good evening, I couldn't have said it better myself. Thank you for watching the video. I'm available for questions after public comments. We also have Sonja Clause our principal and Jeshanna Ray, our vice principal available for questions as well. I'll defer, I guess, to questions after public comments. I think that's how the flow goes, right, Aracely?

**Chastain:** That's correct, thank you.

**Macgregor:** Thank you.

**Chastain:** The next speaker is Dr. Mary Grace, assistant superintendent of Educational Services with Anaheim Elementary School District. Dr. Grace, you have the floor.

**Grace:** Thank you, Aracely. Good evening, members of the Board, Superintendent Mijares and staff. I am Dr. Grace, the assistant superintendent in the Anaheim Elementary School District. After reviewing the renewal charter including the appendices submitted by Epic, and reviewing publicly available information, the district strongly opposes the renewal of Epic charter. In making your decision, we encourage you to consider all of the available information regarding this charter school and its parent corporation - Next Generation Education, as well as the company managing the school - Community Strategies, Inc. A not-for-profit Oklahoma corporation that is also known as Epic One-on-One Charter Schools and is, in turn, affiliated with Epic Youth Services, a for-profit company based in Oklahoma.

For my comments today, I will refer to the CMO as Community Strategies and the parent corporation as NGE. While the district recognizes that Epic made some efforts to revise this renewal charter in an attempt to comport with the multitude of changes to the Charter School Act since Epic's charter was approved. It notably failed to update or revise a number of items to reflect current legal requirements. Epic's failure to make these changes is not only a reflection of Epic's lack of understanding of California's legal requirements under which it must operate, but it also indicates an unwillingness to comply with changes specifically made to ensure access for all California students.

The charter fails to comply with one of the basic requirements for charter renewal, namely that that the renewal charter petition must include a reasonably comprehensive description of any new requirements of charter schools enacted into law after the charter was originally granted or last renewed and also be updated to reflect the charter school's current program as required by Education Code section 47607. Epic charter is governed by NGE a California nonprofit corporation. It is our understanding that after this charter was granted in 2016, NGE contracted with Community Strategies to manage this school. The contract is appendix five of the renewal charter, thus while the Orange County Board of Education granted the charter to Epic and NGE, it is actually operating under the control of another entity far removed from California.

This management agreement runs for the duration of the charter term and for the period of any and all renewals of Epic's charter. This means that for all intents and purposes, this charter is really being granted to this third party - Community Strategies, and Epic has committed to allow Community Strategies to operate the school throughout the term of the charter. This agreement grants Community Strategies significant control over Epic's operations. This agreement is clearly not an arms-length transaction, and instead, NGE is really just a shell corporation to protect Community Strategies against liability and/or avoid full transparency. Much of our surprise and shock, the contract provides that the principal, the educational leader of the school, is hired by the CMO and not by the charter board.

It is clear that it is Community Strategy rather than NGE, that is seeking and being granted the charter and thereby has management control over the school including the administration and supervision of the personnel materials, equipment and facilities necessary for the provision of educational services to the students. For these services, Community Strategies receives an indirect cost allocation equal to 12% of Epic's collected revenues. The charter is also obligated to pay an additional administrative fee, which surely should be covered by the 12% allocation. In the 2021-2022 school year, the fees Epic will pay to Community Strategies exceeds \$1 million and rises each year.

Given its role and the amount of public dollars being paid to Community Strategies to carry out these educational and operational functions, it is imperative that it operate with the requisite transparency and public accountability. We bring this information to your attention because while the renewal charter states that the school itself will comply with the Brown Act, the Public Records Act and the requirements of the Political Reform Act and Government Code Section 1090, it fails to commit that NGE or Community Strategies will do so. The renewal charter's omission of a commitment that those entities will also comply with these important transparency and accountability requirements is concerning and inconsistent with the requirements of the law.

The NGE bylaws submitted with the charter also fail to acknowledge and provide for the mandatory compliance with these legal requirements. Instead, Epic submitted the bylaws adopted five years ago when the charter was initially approved. Despite the fact that those bylaws should have been updated to reflect these legal requirements when they became effective more than a year ago. Epic did not provide the bylaws or any other documents explaining Community Strategie's governance structure. This is particularly concerning because Epic's CMO must be specifically held accountable for compliance with these laws. And since it is actually located in Oklahoma, it may not be familiar with or planning to comply with these important requirements.

It is also unclear if NGE has filed the required statements of economic interest in accordance with the FPPC and NGE's Conflict of Interest Code. NGE board members and other officials are required to file statements of economic interest. The Form 700 you were reviewing earlier in accordance with the Government Code Section 87200 and adopted Conflict Code. The Conflict of Interest Code provides that the charter school's filing officer shall make and retain a copy of the statement and forward the original to the County Board of Supervisors. It appears that office has not received a single Form 700 from the NGE board members for the past five years. Other fiscal concerns regarding Community Strategies, a particular concern to the district are the state

of Oklahoma's recent audit findings of the fiscal improprieties uncovered about Community Strategies.

The audit report prepared by the Oklahoma State Auditor and the inspector, at the request of the Oklahoma governor, includes numerous gravely concerning adverse findings related to Community Strategie's fiscal operation, and its relationship to Epic Youth Services, a for-profit charter school management company. For example, the auditor alleged that the co-founders of Epic Youth Services were having Oklahoma teachers teach for this charter school. The auditor is quoted as saying, "I have seen a lot of fraud in my 24 years, and this situation is deeply troubling." Education Code 47604B1, specifically prohibits operations of a charter school by a for-profit company.

And the governance of this school appears to be a shell game of multiple levels of corporate identity to hide the relationship between the corporations, including the for-profit Epic Youth Services. Furthermore, the audit found that 125.2 million of the \$458 million allocated to Community Strategies for educating public school students during the past six years actually ended up in the coffers of Epic Youth Services. According to media reports, this organization has reportedly made millionaires of school co-founders Ben Harris and David Chaney. The district implores this Board to fully consider the audit findings, which form a clear basis for denying this renewal request.

We hope that county staff will carefully consider these audits, and we will provide them links to the reports as well as the response that Epic posted on its website before you render your decision. Millions of California tax dollars will continue to be paid to these corporations if you renew this charter, and it is your responsibility in considering whether to reauthorize Epic to ensure that those funds are spent on students and not vague and overinflated fees. Unfortunately, the CMO's history indicates that far too many of taxpayer dollars are spent on administration costs rather than on educating students. We implore you to ask Epic the hard questions about these fiscal irregularities and hold them accountable for how they have and will spend these educational dollars.

The Orange County Board of Education may deny renewal of a charter under Education Code 47607E if it finds that the school is unlikely to successfully implement the program due to substantial fiscal factors, substantial governance factors, or the charter school is not serving all pupils who wish to attend. Given the audit findings, we strongly encourage the Orange County Board of Education to issue such a notice. There are clear substantial governance and fiscal issues that must be investigated, remedied and explicitly prohibited prior to any renewal of the charter. At minimum, if this charter were to be renewed, it is imperative that there be a clear and specific mandate that both the parent corporation and the CMO acknowledge that they will comply with all requirements of Education Code Section 47604.1.

That Education Code unequivocally applies important transparency laws to entities managing charter schools. The acknowledgement is important to ensure that there is no risk that one or both of these corporations will attempt to argue that they are not bound by these laws, which would strip the public of the right to monitor and provide input into how this California public charter school has operated and could severely restrain the county's ability to properly oversee

Epic's operations. Concerns with racial and ethnic balances, we also wanted to bring to your attention a few other glaring lack of updates to the renewal.

AB 1505 updated the law to require that all charters now include a reasonably comprehensive description of how the school that achieve a balance of racial and ethnic students, special education students, English learner students, including re-designated fluent English, proficient students, which is reflective of the general population residing within the territorial jurisdiction of the local school district. The Epic charter renewal fails to acknowledge or address this change and does not include the mandated plan for ensuring that it is properly recruiting and serving all of these student groups. This demonstrates Epic's failure to understand and comply with the applicable legal standards, and also indicates that the school will not be fully inclusive and take necessary steps to reach students as required by this change in the law.

From the time of its enactment, the Charter Schools Act has required that each charter school include a reasonably comprehensive description of the school's governance structure, including the process to be followed by the charter school to ensure parental involvement. This requirement is included in the governance charter element and requires a means of ensuring parental involvement in the school's governance, not simply involvement in their child's education or school social activities. However, Epic's renewal petition and past and current practices do not make any provision for parental involvement in the governance of the school.

If the Orange County Board of Education is going to renew, it should mandate the charter be updated to provide a legitimate means of ensuring parental involvement in governance, which could include a parent on the board, which should be selected by the other parents. Alternatively, we recommend the County Board of Education place a parent on the board as the Orange County Board of Education representative in accordance with Education Code 47604. Including local parents and the governance structure, would help keep the school accountable to students, family, and the local community by helping ensure that the monies are appropriately spent on educating California students.

In addition, some of the educational concerns we have, while I have devoted a lot of my time to the Epic, NGE and Community Strategie's fiscal and governance concerns. I also want to bring your attention to some of our concerns regarding the educational program. Contrary to the statements made in the renewal charter and the previous video, Epic has not provided a sound or rigorous educational program for students. In reviewing the 2019 California Dashboard, when Epic's graduation rates are compared to Anaheim Union High School District, you will note, that Epic's graduation color on the Dashboard is red as it has decreased to a dismal, 42.9% while Anaheim Union High School District is in the green and has increased to 88.8%. Quite simply, Epic's graduation rate is unacceptable.

As for chronic absenteeism, Epic is in the orange at 27.6% of their students chronically absent. Anaheim Union High School District was also in the orange and only has 9.6% of their students chronically absent. When you look at their enrollment, more than a quarter of Epic students are chronically absent. For the college and career indicator, Epic is in the red at 0%. Anaheim Union High School District on the other hand, is yellow and has maintained a rate of 44.2%. Epic's number is simply astonishing, and you should consider it unacceptable. The renewal charter

indicates that in 2019-2020, only 13 students took A-G classes. And yet, it congratulates itself on doubling that number to 26 in the current school year, which is still less than 5% of its students.

Additionally, the renewal charter indicates that the school will still only provide student learning fund for laptops and internet for families who request this equipment. This statement not only raises concerns regarding student fee issues, but also equity issues, particularly in these trying times during the pandemic, when nearly all learning takes place in a virtual environment. Again, on behalf of the Anaheim Elementary School Board and Superintendent Downing, in considering your decision on this request for renewal, we ask that you consider all of the available information and make a decision that is in the best interest of students in the state of California. Thank you for your time and good evening.

**Chastain:** The hearing is now open for public comments. Associate Superintendent Boyd, are there any additional public comments for this Agenda item?

**Boyd:** There are none.

**Chastain:** This concludes the public hearing. The Orange County Department of Education Staff Report will be published on March 23<sup>rd</sup>, and the Board will take action at the April 7<sup>th</sup> Board meeting. Representatives for Epic charter school are available in-person and via video conference to answer questions. President Williams, I now close the public hearing and turn the meeting back over to you.

**Williams:** Very good. Thank you, Aracely. Paul, thank you for coming up here. I first want to bring my Board members who were not present in 2016 here. Beckie knows us very well, but from my other three colleagues, this school has been under a lot of scrutiny back there in Oklahoma, as well as out here. Our good Superintendent actually, because this was an overwhelming task to kind of figure out all the intricacies, he asked for a FCMAT audit back there in 2016, I think it was.

**Mijares:** Approximately.

**Barke:** I think I was on the Board, no?

**MacGregor:** Initially 2016, it concluded in 2017.

**Williams:** What I wanted to do is, bear with me here. I wanted to read the findings from that FCMAT. It did go into kind of the same intricacies and complexities that Mary Grace talked about here. Here it is, August of 2017 is the actual letter. They did a very thorough review of incorporation, bylaws, contracts, purchase orders, MOU loan payments that Michael Fine and they're findings, because it was a fairly large comprehensive study, about \$75,000. They're finding at the very end, please bear with me.

**Sparks:** It was \$75,000?

**Williams:** That's what it was proposed. I don't know what the final figure was. Who paid for that? Do we know?

**Boyd:** The state of California paid for it.

**Williams:** The state of California paid for it. Okay. They looked at all the transactions. They looked at all the relationships with the NGE and Epic and all those things that Mary Grace



brought up here, but through it all...

**Barke:** Didn't we get an updated about a year ago? Maybe that is where I heard about it.

**MacGregor:** Yes.

**Williams:** I've got to read this.

**Barke:** Oh yes, please read it.

**Williams:** The drum roll is here. The final recommendation by FCMAT, this is what they said. In accordance with Education Code 47604.4, FCMAT focused on the allegations and misappropriation of assets, questionable contracts with third party vendors and conflict of interest to determine whether Epic school and or personnel were involved in or may have committed fraudulent activities. Based upon the findings in this report, FCMAT concludes no evidence to demonstrate that fraud or misappropriation of funds or assets or any other legal activities occurred.

**MacGregor:** It was interesting to hear about FCMAT today, as much as you guys were talking about it, because as everyone knows that is going through the process it sounds like there is no bigger transparency organization to expose everything to the surface, then FCMAT. The initial concerns I think that were had in our first year, and the governance has not changed since then were researched and documented by that organization that you guys discussed. We've operated to the full extent of the law as I think Aracely and the Charter Unit can attest to. I don't think because I went through a FCMAT audit my first year there is any executive director with as much PTSD as I have in complying with the law and being transparent. If you ask the California Charter Schools Association, Miles Durfee who I know many of you know, or Jeff Rice with A plus, which is the non-classroom based charter school association. I'm almost annoying to them, because I'm always asking for what, you know, what's the latest in rules and regulations?

Are we doing the right thing? Are we doing what we're supposed to be doing? If there's ever a concern from our authorizer, we work together to fix it, to make sure that we're never categorized in that class of a school that's, not operating to the full extent of the law. Am I allowed to make a comment or respond to it? I really appreciate Dr. O'Neill's comments, and I get it. We're a charter school in their backyard in their yard. They fought like heck with Anaheim Union High School District during our charter approval, to get our charter denied. After it was approved 4-1 by the Board, they sued the Board for approving our charter, which the lawsuit was thrown out and then they appealed. That was also, basically settled, because Anaheim Elementary pulled out of the appeal and then a settlement was basically made to drop the appeal.

We have had zero communication or issues with any of the school districts in Anaheim. In fact, I have a very friendly relationship with some of the office staff at the Anaheim Elementary office when I used to go in and pick up documents for monthly pickups because of the in-lieu process. I was kind of surprised that today was the first time I heard these comments or concerns, because I'm a very open person. If Dr. O'Neill or anybody in Anaheim would've wanted to meet with me or with the Charter Unit, Aracely to get together to address those concerns. We would definitely address them. We will, I'm sure the concerns, spoken about will go through with the Charter Unit and then they'll report back, I think, before the vote. We take it very seriously. I think you guys know, and we have the FCMAT to prove that our governance and our structure is sound, and there was a lot of mis-comments in that statement by Dr. O'Neill.

**Williams:** For the record. Did anyone from Anaheim Union Elementary contact you about any of the allegations that they say?

**MacGregor:** No.

**Williams:** Okay. You went through an extra ordinary audit, which is different than a management, would did we call it here? You didn't go through a simple one. You didn't go through a management study review, you went through an extraordinary audit, which looked at every detail.

**MacGregor:** At the end of the day, I appreciated, you know? Because we did get some of that management consulting ability from them. Because we worked so closely with FCMAT, I learned a lot. That was our first year, and we learned a lot that made us better and we continue to make us better Also that fear of God of never having to go through that again, you know, is always there. I think anybody you ask, that's worked with Epic, that knows our team, knows our principal and our administrative staff and our teachers, we don't run from anything we want to sit down and resolve things and make sure that we're doing everything right. If we're not, let's correct it and work together on if there's concerns, especially with, you know, the neighbors that are in our community.

We will look at all the things listed and address them all. I do want to make sure you guys understand that Next Generation Education is our nonprofit California organization. It's the five-person board that directs our school. Community Strategies California, not Community Strategies is the nonprofit entity that they contract with for our charter management organization that contracts out with service providers to provide the aspects of the contract. And that was all vetted by FCMAT during our first year. And the Orange County Board of Education also prior to the charter being approved, there was a stipulation in the approval of that charter at the time, which was before my time, that it was laid out and structured that specific way. Just want to make sure everybody kind of knew the history, because five years was a long time ago. I It kind of seems like yesterday, so I'm happy to address any questions about our school. Anything you want to know now, I think the process is you review the petition and then before the vote, you have a lot more questions perhaps.

**Williams:** I will start to my left with Trustee Sparks. Do you have any questions?

**Sparks:** You really already answered the questions. I was wondering, you and your counterparts response to this sort of surprise set of sort of allegations, that apparently were settled in 2017 and cleared.

**MacGregor:** Yes. For our school in California, absolutely. In Oklahoma where Epic was founded 10 years ago and is now the largest school district in Oklahoma with over 60,000 kids that they serve in Oklahoma. There was some...

**Sparks:** My home state by the way.

**MacGregor:** Pardon me?

**Sparks:** My home state by the way.

**MacGregor:** Right on. Yeah. Excellent. I love sports, so OU and Oklahoma state, big fan...Now I'm thinking about football and okay.

**Gomez:** Nice going.

**MacGregor:** President Williams mentioned that we were here a while ago. I think it was probably September of 2019. 2020 just doesn't exist, right? 2019. Big headlines broke out in Oklahoma about Epic in Oklahoma. If you just read the media and take that as fact, you're like, oh my gosh, you know, this is awful. Fast forward to, you know, the last six months when everything is almost resolved. It's not even near what it started out as. If you heard her quote, that auditor said, "I've seen a lot of fraud in my time, and this is concerning?" I don't want to get political, but there was no fraud. There was no criminal activity. There was nothing found. I brought the co-founder of Epic charter school, David Cheney just in case there was any specific questions about Epic in Oklahoma because I'm not at liberty to really talk about that or answer it.

In fact, when we came to present in front of the Board in September of 2019, the attorney for Epic charter school, who's been their attorney since the beginning of the founding of the school came and presented to the Board and was fully transparent, answered every question. That was back when the headlines were just what was awful. Well now, when everything is settled and if you have any questions specifically about the audit that they went through, which is basically the equivalent of a FCMAT audit, that's why Mr. Chaney is here to address any of those questions. Regarding Epic California, I'm happy to answer anything you want to know. Our Principal Sonja Clause and Vice Principal are available.

**Barke:** Do you have a lot of students from Anaheim?

**MacGregor:** Not really. We actually serve all five counties in Southern California. Four counties that are contiguous to Orange County, so Orange, San Bernardino, Riverside, San Diego and LA. We can't pick where our students come from. We can do targeted marketing, you know, and try and get more clicks. I've gone to the Orange County Rodeo multiple times and done a booth. We do a lot of grassroots marketing in Garden Grove and Anaheim, and then all the communities, but we can't control who signs up for our school. We take everybody. If you qualify to join the charter school in the counties we serve, we accept you. You hear a lot in the press about charter schools, cherry picking, their students. It's impossible for us.

We absolutely cannot. Our special education percentage tells that. We have 11% special education students in our school. Then another 3% that have 504 Plans. We're very proud of our special education service to our students. We have about 30 kids currently from the Anaheim School District. That's, you know, the size of Anaheim, it's not a very, and that's out of about 800 students that we serve currently.

**Barke:** Yes. I figured they were spread because of the nature of your program. How has COVID 19 affected, have you had increased enrollment, but not funding for it? How does all that work out for you?

**MacGregor:** Let's rewind to February of 2020 when we first started learning about COVID. You first started kind of hearing about it. It was like, you know, I think the first outbreak was in Seattle, Washington happened by now. Our P2, which I think everybody knows is what your school is funded on. Right. Your P2 for your school year, dictates your funding for the next year. Our P2 cutoff date was I think, March 26. Okay. Our ADA up until March 26<sup>th</sup> is what we were to be funded for. I remember it like it was yesterday, because it was Friday the 13<sup>th</sup>, last year. It

was two days after Tom Hanks got COVID, right. It was when the world shut down. It's when everything stopped. In between February, when COVID was starting to be a buzz and Friday the 13<sup>th</sup>, we got quite a few new enrollments. Cause I think people were like, this is coming, this is going to hit schools, so we enrolled all those families. When Friday the 13<sup>th</sup> happened and the world basically stopped, we continued to enroll families. In fact, we got 60 new families enrolled when their local district school shut down.

**Shaw:** Did you say 60 or 16?

**MacGregor:** Six zero. We were told at no fault of their own by our attorneys and by our association, this is great, enroll them because the state has said your funding will not change. Your P2 is still your P2. Then all of a sudden, about a week and a half after March 13<sup>th</sup>, they said, hey, good news, all schools will be funded through February 28<sup>th</sup>. Well, I raised my hand, because I was like, that's not really good news, because we just enrolled a boatload of new kids that had no place to go. Their school shut down. The answer we got by the end of the school year was, sorry your P2 is actually February 7<sup>th</sup>. In independent study, your P2 ends at the last day of a completed learning period within the window, and the learning period is 20 school days.

So not only did we not get paid through March 26, we didn't get paid through February 28. Ours was cut off, I think February 7<sup>th</sup>. We served those kids. We didn't kick them out of our school. We didn't say, sorry. We served them, and when we took the hit. This is a long answer to your short question.

**Barke:** No. I am interested.

**MacGregor:** Then there was the Hold Harmless, which we talked about already this evening, and that freezes funding, which is great from a financial perspective for a school. Hey, don't worry, you're going to get the same funding. You're going to get next year for this year. It's insurance for your staff. You can exhale a little bit that you don't have to make a bunch of cuts right away. Except there's so many families looking for a good distance learning option, because their district school did not even have a remote learning option yet. Or theirs was just not up to par.

**Barke:** They couldn't pivot quickly, and you were already there.

**MacGregor:** We had to cap enrollment. We had to stop enrolling new kids because we were already full. We were over-full. We capped enrollment, and our waiting list grew to over 500 families. I know you've heard that from some other independent study charter schools. What happened was, and it's not just a kid or family trying to leave their school that they love, the teachers they love, and the online program that they've created. It was really a lot of inner-city schools that had no computers, no internet access to provide the kids, basically no school at all, looking for a place to go. They called up their local independent study charter school, and they said, sorry, we can't.

They started calling any school in the five counties, because they can go to any [inaudible] school that's a charter and everybody was capped out. I think it accomplished what they were

hoping, it kept those kids secured into that district. Right. But then it didn't help that kid's education. We still have a waiting list of over 200 plus families, because we've enrolled some as we go throughout the year. We're trying to manage around that ADA number from last year.

**Barke:** Well, thank you for doing that.

**MacGregor:** I hope that answers your question.

**Barke:** No, you did. Thank you. I did want to hear all the details, so I appreciate it. That's my only question for now. I think you've answered everything else.

**Shaw:** I wanted you to speak a little bit about the special ed. program and how you serve those kids. Eleven percent seems pretty substantial. I just think about, I think of special education student, probably you need a lot of hands-on. How do you accomplish that given your model?

**MacGregor:** I will start the answer if you don't mind. Then I'll ask our Vice President Johanna Ray who helps manage our special programs. I think she might be in the same room. She's on screen, too. I think our special education percentage is higher than many independent study schools, because we do a great job. It's kind of like the secret gets out in the community, which is fantastic. We love it, and we love supporting these kids. A lot of kids with special needs that go to a district-based school if they do not have a good special needs program for students with extraordinary needs, those kids could fall through the cracks extremely, very easily. A lot of schools will just do what they need to do to get by, not to really help that student excel.

When you go into a personalized learning format where your supervising teacher is basically creating a personalized learning plan based on your needs, and then your special education case manager is working with your SAI teacher. Then all your related service providers, per your IEP, that are all contracted out or supplied by the school. Now all of a sudden as long as that student has a place to do their school every day at home, they have a good home environment, or a learning center environment that they go to. They are now getting a very personalized education that is wrapped around their special, extraordinary need, uh, versus just being in a classroom with a bunch of other kids and kind of put to the side. We have testimonials of families that we're in a district-based school and were not progressing academically at all.

They would just address the special need of the student, but they weren't focused on learning gains for that student. Then they came to Epic and they said, they're progressing year after year, grade after grade, which is outstanding. This is our Vice Principal Jeshanna Ray, who actually as one of the first employees of Epic California. She, I think, was the first employee hired after me in California. She started because of her special education background, our special education department. We work with the El Dorado County SELPA, who you probably all know is the largest charter SELPA for special education in California. We've been members of them since inception and again, from a compliance and transparency perspective. They'll also tell you we're kind of a pain, cause we're always like, what do we do with this? How do we do this? But they're so helpful, and we're grateful for them. I don't know if you had anything to add, Johanna?

**Ray:** I think you really covered it. We just, you know, really focus on the individual needs of each one of our students and really feel like we serve our students well. If anybody has any other questions, please feel free to ask.

**Shaw:** I'm thinking about like a student with autism who perhaps, sitting them in front of a

computer and keeping them focused, I would imagine is quite challenging. But you're able to accomplish that, it sounds like.

**MacGregor:** Yeah, we have a lot of great adaptive technologies for our students from software, from different iPad technologies that they use depending on what their needs are for their IEP. Then the different services that our services providers provide them as well remotely. If independent study is not a good fit for a student, they won't be in our school. They will typically, or the family will self-select out and say, this isn't a good fit, I'm going to go find the best solution for the student. But what happens is, they typically come to our school and say, you guys work to find the best solution for our student and that's why we love it. We had a lot of moderate to severe special education students in our school.

And to your point, it's like, how do you serve these kids? Right? How do you, how do you get these kids on a path to graduate high school? Our special education director worked somewhere where they started the idea of what has become our SOAR Program, which stands for students overcoming adversity through rigor. It's basically moderate, severe, special education students getting an education that is going to help them learn standards as well as help bring them along, as close to grade level as possible with the ultimate goal of, if they cannot achieve a high school diploma, they do not have the capability to earn the credits that a general education student may have. They can earn a certificate of graduation with us, and our board approved that program and it's growing like crazy. Again, that's how word gets out and then our program grows. Thank you. We just hired another special education teacher Monday just to serve the population.

**Williams:** Beckie, you're last.

**Gomez:** There's probably some things that you won't be able to answer tonight just because you probably don't have the data handy. Maybe our Charter School Unit can also help with this. There is a chart on page eight of your packet, that shows the bar chart that shows the enrollment counts. I'd really like to see what those enrollments are by grade, as well as by your demographics. You showed the Anaheim demographics, but you didn't show your school's demographics. I'd like to see that.

**MacGregor:** I do have that data with me. If you want me to verbally provide it to you.

**Gomez:** I'd like to see it.

**MacGregor:** I can give you this before I leave, or I can email it to the whole Board. Whatever you'd like.

**Gomez:** Yes. I think probably the whole Board should have it. I'd also like to know, just because looking at this bar chart, you did increase quite a bit from 2018-2019 to 2019-2020. Then you took a little bit of a dip.

**MacGregor:** That was due to SB98.

**Gomez:** Yes. I'd like to see what happened with your faculty, your teachers at that point? Did you hire teachers and what is your faculty to student ratio so that it kind of makes sense to me as to what you're trying to deliver here? I also saw that you gave parent workshops annually to track achievement levels and progress on each child. I'm not sure if that was meant to say that, but really only annually kind of concerns me if that's the only time parents are getting information. Maybe it's not written correctly?

**MacGregor:** It's not, or it's not interpreted.

**Gomez:** Okay. Maybe you could give me some more information on that? I always raise this question with every charter that comes up. Parent involvement and governance, that was an issue that was raised tonight, but I'm not raising that because of that, that's usually my question. In your governance section Element D, it is just very vague as to what the parent involvement is in governance. I'd like to get some more information on that. Your ADA rate, your attendance, you said you were going to maintain 95%, but your own data shows you've never gotten above 92%. Maybe we need some additional things in there. Parent participation, what would be successful to you? When you talk about parent participation, what's your measure of success?

**MacGregor:** May I defer to our Principal Sonja Clause? She manages our teachers and the interaction that they have with them, then I can add. Plus, I made her stay up all this time.

**Clause:** Sorry if you heard me shushing my dog. Can you hear me ok? Parent participation, I think the question was, what would be considered ideal parent participation in your mind? Yeah. Gosh, I mean, obviously that can look a lot of different ways. But I think my ideal is that the parent has a supervising teacher who is readily available to discuss the needs of the student to craft their learning that is highly engaging and effective so that we're seeing high levels of engagement. I strongly believe that what motivates student learning is student success. A partnership where student voices, parent voices are respected, valued and heard. Obviously, the team is not necessarily going to see things exactly the same way, but do they have a way of approaching learning with an awareness that the focus is on the student and supporting the student?

I think that's mostly it. Again, that partnership for learning. I'll take another approach to a realistic approach. It's a relationship and sometimes those relationships work really well from the very beginning between a teacher and the family. But as in every school setting in which I have been employed over the past 30 years in education. Sometimes things don't go well. When they don't then, I want our families to know that there are avenues to work through situations. I guess I'm getting a little bit off topic here, sorry, it's been a long day. But it does come to mind. I actually earlier was on my phone checking an email from a parent, and it started off, it was follow-up. My first thought was, oh my gosh, did I forget to follow up with a family?

And to the contrary, it was a parent thanking me because we had made a change in terms of the teacher they were working with. They were expressing their appreciation that they felt that they were now partnered. It was just a better match. Not that there was, you know, not saying anything negative about the previous teacher, she's got great relationships with other families. But for whatever reason, this one wasn't working as ideal as we would have liked. I don't know, maybe I just took that opportunity to go off topic because I felt good about that. But anyway, at least close enough.

**Gomez:** Well, I'd like to focus on something in the application, and that was on page 43, we're talking about parent involvement. It says maintain a high level of parent participation on the parent advisory group. That's why I asked, what would you consider to be successful? And again, if we don't have that answer tonight, I'd just like to get it later. Because if that's something

that you're trying to achieve, we'd like to know, you know, what that looks like. As well as how do you, you know, you're asking for parent feedback on the annual satisfaction surveys. How was that information given back to parents? In other words, how do you share that information with the parents?

**Clause:** Okay. Yes. I took the question just from what was posed in terms of an ideal relationship. I think I'll defer to Paul and get back with you on that one.

**MacGregor:** Okay. Yes, absolutely. And just so the Board knows, our model is our teachers meet with their student one-on-one with the parent and guardian, once every 20 days. It's basically I think of a parent teacher conference, but for much longer than the 10 minutes I got with my teacher online, last week. There's really no time limit. Usually, it's at least an hour. It could go many multiple hours depending on what needs to be accomplished during that learning period meeting. That's a total open forum for that parent, teacher and student to work together to make sure that they're progressing, make sure that they're on pace, great work, do assessments, whatever needs to get done during that time. In addition to that, that required monthly learning period meeting. Our parents have usually such a personal relationship with their teacher. They really have access to them, within reason, anytime.

**Gomez:** There may be some informal conversations between official 20 days?

**MacGregor:** Absolutely, absolutely. Exactly. And then at the end of every email signature of our teachers is Sonja our principals, phone number, cell phone number, and email address so that if there's ever feedback or issues, they know immediately who to contact. We have an ongoing parent-teacher, student administration feedback loop going constantly. One of the areas we definitely want to continue to evolve and improve because we've tried it and not succeeded as well as I'd hoped it was our school site council. Our ELAC has been great, but it needs to evolve, because we have such a small EL population, which is unusual. They really helped create our English learner master plan. I've heard some best practices from some of the other charter schools like Coffee with the Principal. Instead of having nominated and voted upon school site council roles, which hasn't been effective for us. They show up to one meeting and they never come back.

We're going to just open up for the whole school to attend. Parents and anybody can attend to help. We'll present the issues and the things we need to discuss, get feedback. And then, we'll have multiple opportunities for them to attend. We'll record it and send it out to all the families. That's an area where we're evolving with going into our next trip.

**Gomez:** I have a few more questions. On page 52, you talk about developing an incentive program for teachers. Can you provide some information on that? It says, develop an incentive program for teachers to encourage research innovation, learning methods and model effective strategies. Are we, do you have an incentive program now?

**MacGregor:** Our compensation plan is incentive-based. Based on the production of the student and the things the school is measured on. I think this might be different. This might be more related to professional development opportunities outside of what's provided to all the staff like



attending conferences and things like that.

**Gomez:** It is in the same section.

**MacGregor:** Our incentive program, we have a unique compensation plan for our teachers. They do receive a base salary, but then they're also paid based on student test participation, student performance and student retention, which are the things that make a good school.? So that could be what that sentence [inaudible].

**Gomez:** Could you provide the Charter Unit with some information on that?

**MacGregor:** Absolutely.

**Gomez:** There's also a plan for the students achieving above grade level. There's some conversation about concurrent enrollment for students needing more college level rigor. But again, I don't see a plan there. I'd like to know how many students are actually taking that option. If you can get us that information? On page 56, it says, Epic may employ an EL specialist. You touched upon this a minute ago. Does the school have one now?

**MacGregor:** We do.

**Gomez:** That concludes my questions for now. I'm sure if you get us information on that. That would be [inaudible.]

**MacGregor:** Absolutely. Yeah. We'll provide that prior to the next meeting. Thank you.

**Williams:** Very good. Okay. Barring that there is no other questions. Thank you for coming. When is the actual vote? Is that in April?

**Boyd:** Yes, it's correct.

**Williams:** Very good. Moving on with our Board meeting, we're going to be on item number seven, which is the Resolution in the Healthy Communities by Trustee Barke. Being that you are the author of that, would you like to make the motion?

**Barke:** I would. I would like to make a motion to adopt, the Healthy Communities Resolution. Just a little background that this was adopted in the State Senate. It has been adopted by our local board of supervisors. I thought that it had some great language. I adapted it a little bit from what the Board of Supervisors used to include in [inaudible] the board of education. I really liked this resolution, and I would like to make a motion for us to adopt it.

**Williams:** Got a motion and a second, any other conversations or dialogue, Comments? Okay. Being that there's no comments. This is a resolution, so Nina, will you do a roll call?

**Boyd:** I'm sorry. Trustee Sparks?

**Sparks:** Yes.

**Boyd:** Trustee Shaw?

**Shaw:** Yes.

**Boyd:** Trustee Gomez?

**Gomez:** Yes.

**Boyd:** Vice President Barke?

**Barke:** Yes.

**Boyd:** President Williams?

**Williams:** Yes. Motion passes 5-0. Moving on. Do we have any public comments?

**Boyd:** We have another item.

**Williams:** I am so sorry. Moving on to number eight, I will make the motion to accept the

Education Plan, county-wide for the 2021-2024 years. I need a second?

**Barke:** Second.

**Williams:** Very good. Motion and a second. For historical review, Nina, could you give us a little bit of background? It doesn't happen all the time.

**Boyd:** Every three years, the County-wide Expulsion Plan is brought before this Board. It's also sent out to districts. Districts all adopt an expulsion plan as well. This is the initial plan. In June, the final plan will be brought back to you. That gives us time to collect the information from districts, and then our team will put that information together and present that to the Board as a final document in June. This document you had asked if there were any major changes from the last time when we met with Executive Committee, there were not major changes in terms of expansion, but there was a good footnote that previously there was a gap five that was identified.

It had to do with the difficulty of students returning to their district of residence after expulsion and not meeting graduation requirements. As a result of that, districts as well as our office had created a mechanism for students to do A-G requirements online. As a result of that, the lag that was identified previously has been diminished. The districts and our students have been really successful in utilizing that. Everyone is proud of the fact that that gap five is no longer identified.

**Williams:** Very good. For the record, we are assessing this outline draft, is that correct? Then we're going to be finalizing it a few months from now?

**Boyd:** Correct. You will accept this initial for our students and our internal program. It has all the detail and so forth in terms of what happens when students come and how they could come into our program as well. Then in June, is when you will adopt the final countywide expulsion plan that is for the three-year period.

**Williams:** Okay. Very good. Any other questions on this matter? Barring none, all those in favor say, "aye."

**Board:** Aye.

**Williams:** Opposed? Abstain?

**Gomez:** Do we need to do a roll call?

**Boyd:** No, I don't have to do a roll call on this.

**Williams:** Yes. This isn't a resolution. Beckie, you were thumbs up?

**Gomez:** Yes. I just wanted to be sure we didn't have to roll call. That was all.

**Williams:** Motion passes 5-0. Any public comments for closed session?

**Boyd:** I have one public comment, but I don't think it's related to closed session. Is this related to closed session?

**Williams:** You've been very patient.

**Gomez:** Could we do it now?

**Williams:** Sir, you may come up. We're going to be going into closed session. We don't want you waiting. We're going to take you out of turn out of courtesy.

**Chuang:** Thank you, Dr. Williams, Board of Trustees, Superintendent. Good evening. This is Steven Chuang from Irvine International Academy. We want to share good news with you. This is our fourth week accepting exceptions and we have 230 students enrolled in the program. The parents in Irvine and neighboring cities, they are excited about this program. We want to share this good news with you and thank you for your support. Thank you.

**Williams:** Thank you. Any information items, any legislative update, CSBA?

**Gomez:** Yes. We had a meeting. OCSBA had a meeting on January 27<sup>th</sup>. A couple of things that are coming up. There's a Brown Act workshop on February 24<sup>th</sup>, as well as a seminar on the May Revise, the budget on May 19<sup>th</sup>. Both of these are at 4:00 p.m. With some of the elections, some of the folks didn't return. They're looking for some reps for the elementary, as well as the unified school districts. They're accepting nominations for the Marian Bergeson Award. There was some more conversation about mental health advocacy and advocacy for vaccines for teachers quite a bit. That's kind of why I brought that up earlier on our earlier conversation. They will be producing a newsletter. Most of that will be just all the new folks on many of the boards. A lot of the boards had significant shifts. People either were not reelected or chose not to run. We'll have some new colleagues throughout the County on that. That's just the gist of that meeting.

**Williams:** Thank you, Beckie. I so appreciate you being on top of that. CCBE, NSBA anything there?

**Gomez:** No.

**Williams:** No? Okay. Very good. Committee report. Tim,, do you want to talk about the website?

**Shaw:** Yes. I would like to ask the staff if there's been any movement towards updating our website. I don't know if that was something that, we had talked about a while back. I don't know if anyone was working on that. Our Board of Education website, I had kind of felt was maybe in need of a little TLC. It could be updated, maybe. I don't know if that was something that's in the works already?

**Boyd:** Staff had started to have conversation and was looking at the website and were putting together some ideas. But several months ago, Dr. Williams indicated that you and he were going to be working on that and were working with a third-party person. We backed off, because we understood from those comments was also that you were going to dialogue with us. I thought that you were going to bring something forward. We have not heard anything. We haven't done anything else, but our team had looked at it prior to you even coming on board several months prior. There were some conversations last year with regards to the website. The media department individuals who look at the website and so forth, had started brainstorming and putting some things together, so I can circle back with them. I'm not sure the consulting company, you said you were working with if you were?

**Shaw:** Dr. Williams and I did speak with a potential I guess, vendor, for lack of a better word, who had some ideas. I just don't want to, I'm not sure exactly where we left it with them. I wanted to make sure we're not duplicating efforts. That's why I wanted to make sure we were communicating good as far as what was happening with the staff, or should we be looking to engage this vendor or some other vendor.

**Williams:** What we're doing as a committee, we should get as much information as we can then present back to the Board here. I think that it would be good to talk to the staff, get their input, see what they can do, get their vision. Then we'll get together and chit chat about that. Could we arrange something like that?

**Boyd:** I can certainly do that. It would also be helpful, because we identified some areas that we thought needed cleanup. But we haven't received anything from the Board in terms of, I know you say it loosely that some things don't fit, just looking at it and so forth. But specifics would be helpful because then they could drill into those areas in terms of bringing back some recommendations.

**Williams:** Maybe we can do a Zoom call with whoever the staff here is responsible for that. We can do that. Tim, are you open to that?

**Shaw:** Absolutely.

**Williams:** Okay. Very good. Any other Board member comments before we go on the closed session?

**Barke:** I just have a brief one. I think I told you trying to get out and see some charters. I was out to see Vista Heritage Condor. Very impressive, they've done a lot of construction, which I've been very anxious to see. I don't know if you guys, I'm sure, you know, their outdoor stuff was in the back parking lot where there's all sorts of automotive. They have this amazing indoor gym now, and they have all sorts of new classrooms and a big public room. It was pretty nice. I had a great tour, a lot of construction stuff going on. They were very nervous about trip and falls, but it's just amazing the changes they are making. Unfortunately, it was a time when they were not doing in-person, because they've had some concerns. But they were looking to bring them back.

The kiddos weren't on site, but a lot of staff were. I had a tour with a Collin Felch, the principal there. It was really neat to see all the construction and all the new space that's going to be there for the kids when they return. Bigger classrooms, we looked at some of the old classrooms and you could never social distance in them. They were too small before. It's really exciting what they're doing. That's my update.

**Williams:** Very good. Any other comments by the Board? Barring none, we're going to go into closed session, and we will be back in session probably about 30 minutes.

**[PRESIDENT WILLIAMS STRIKES THE GAVEL ONCE TO SIGNAL THE BEGINNIG OF THE CLOSED SESSION. UPON CONCLUSION, HE STRIKES THE GAVEL ONE MORE TO SIGNAL THE CONTINUATION OF THE REGULAR BOARD MEETING]**

**Williams:** Okay. The County Board of Education is in session. We're at that point in our meeting where we are reporting out from the closed session one and two. Is there any public comments just for the record?

**Boyd:** There are none.

**Williams:** Okay, sir.

**Brenner:** Good evening, Mr. President, members of the Board, good to be with you. This is the report out for the closed session number one and closed session number two on today's Agenda. The Board held both closed sessions, received an update from council, had a discussion with council, and took no action, except the Board approved Epstein Becker and Green's invoices dated January 31, 2021, in the general counsel litigation and budget litigation matters. The vote, with respect to each approval was four in favor and one against. Members Shaw, Barke, Sparks,

and Williams voting in favor; and Trustee Gomez voting against. That concludes the report out for the closed session. Thank you.

**Williams:** That included both the GC and the budget?

**Brenner:** Yes, it did.

**Williams:** Okay, great. Good. Motion for adjournment by Barke?

**Barke:** Motion.

**Williams:** Everybody, let's go. Thank you.

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