

ORANGE COUNTY BOARD OF EDUCATION  
PUBLIC HEARING ON THE COMMON CORE STATE STANDARDS  
SPECIAL MEETING

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Costa Mesa, California  
Monday, October 20, 2014

Reported by:  
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ORANGE COUNTY BOARD OF EDUCATION  
PUBLIC HEARING ON THE COMMON CORE STATE STANDARDS  
SPECIAL MEETING

Special Board Meeting taken at Orange County  
Board of Education, 200 Kalmus Drive, Costa Mesa,  
California, beginning at 6:03 p.m. and ending at  
9:07 p.m. on Monday, October 20, 2014, before  
Maria Mahieu, Certified Shorthand Reporter  
No. 13260.

1 APPEARANCES:

2

3 FOR THE ORANGE COUNTY BOARD OF EDUCATION:

4 Al Mijares, Superintendent

5 Nina Boyd, Associate Superintendent

6 Penny Dunseth, Recording Clerk

7 Linda Lindholm, Member

8 John W. Bedell, Member

9 Ken L. Williams, President

10 Robert M. Hammond, Vice President

11 David L. Boyd, Member

12

13 PANELISTS:

14 Claire C. Cavallaro

15 Celia Jaffe

16 Glen Thomas

17 Glen Warren

18 Robin S. Eubanks

19 Lydia Gutierrez

20 Hugh Hewitt

21 Gary Thompson

22

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1 Costa Mesa, California, Monday, October 20, 2014

2 6:03 p.m. to 9:07 p.m.

3  
4  
5 TRUSTEE WILLIAMS: Good morning -- good  
6 evening. I'm still traveling to Malaysia and around the  
7 world, so please forgive me for that one.

8 Welcome to the special meeting of the Orange  
9 County Board of Education. The purpose of this meeting  
10 is to hold a public hearing regarding the Common Core  
11 State Standards. We have assembled a panel of experts  
12 who support and who oppose these standards. The experts  
13 will share their expertise and insight with the members  
14 of the Orange County Board of Education. This meeting  
15 is being held in public pursuant to the Brown Act, and  
16 the members of the public are welcome to look and  
17 listen.

18 There is an opportunity for up to three minutes  
19 of comment from members of the public that are chosen at  
20 random from those requests submitted at the beginning of  
21 the Board meeting before the panel presentations this  
22 evening. While the Board understands that members of  
23 the audience may have strong feelings about these Common  
24 Core State Standards, we ask for your courtesy and  
25 respect through the presentations this evening. Please

1 refrain from clapping, booing or from any emotional-type  
2 noises or conduct that would distract from the viewpoint  
3 and information that is being presented.

4 Please be advised that any untoward activity or  
5 comments is in violation of State Education Code 32210  
6 and Penal Code 403, that a willful disturbance of  
7 willful violation will result in an individual being  
8 found potentially guilty of a misdemeanor. We hope that  
9 you will find this meeting to be informative.

10 And that with that, I will turn the meeting to  
11 our good moderator, Margaret Chidester, to begin the  
12 proceedings. Again, this is a very special event and  
13 we're all here because we do care about our children and  
14 the future of this great nation. There is no blue or  
15 red states. This is -- we're all Americans, and we all  
16 care about the future of this country. So please  
17 silence your phones at this time and we will stand and  
18 have the pledge of allegiance which will be led by a  
19 good former marine and my colleague, Mr. Robert Hammond.

20 (Whereupon the pledge of allegiance was performed.)

21 PENNY DUNSETH: Trustee Boyd?

22 TRUSTEE BOYD: Here.

23 PENNY DUNSETH: Trustee Hammond?

24 TRUSTEE HAMMOND: Present.

25 PENNY DUNSETH: Trustee Williams?

1 TRUSTEE WILLIAMS: Present.

2 PENNY DUNSETH: Trustee Bedell?

3 TRUSTEE BEDELL: Here.

4 PENNY DUNSETH: Trustee Lindholm?

5 TRUSTEE LINDHOLM: Here.

6 TRUSTEE WILLIAMS: We will have public  
7 comments. And will you -- if your name is called, we'd  
8 like you to line up at the aisle here. It doesn't  
9 matter what order you are in, but if your name is  
10 called, you have been selected to be one of those who  
11 present the public comments.

12 We have a motion to accept the agenda for  
13 the --

14 TRUSTEE BEDELL: So moved.

15 TRUSTEE WILLIAMS: I need a second.

16 UNKNOWN SPEAKERS: I second.

17 TRUSTEE BOYD: I have a comment.

18 As you know, last Wednesday, I voted not to  
19 fund this. And as a result, I received a number of  
20 telephone calls and e-mails from individuals who wanted  
21 me to explain how I didn't oppose funding these  
22 meetings. When I reluctantly voted in favor of this  
23 meeting a few months ago, it was on the promise it would  
24 be a joint effort of all Board members to provide a  
25 forum for members of the public with thoughtful,

1 scholarly perspectives on Common Core that assist our  
2 community in understanding it at a deeper level. That  
3 promise was not kept. What I feared, came to pass. At  
4 our Board meeting last Wednesday, the local tea party  
5 leader stated he was satisfied with the organization in  
6 the meeting and the panel. That was approximately an  
7 hour before the elected members of this Board were  
8 informed of who these analysts were going to be. If  
9 there was any doubt about these meetings, it disappeared  
10 when the tea party leader was quoted in the Orange  
11 County Register saying that's why we're putting it on  
12 trial.

13           If the Tea Party wants to hold a political  
14 rally to protest Common Core, I encourage them to do so.  
15 It is election season after all. But it should not be  
16 held under the banner of the Orange County Board of  
17 Education paid by for the taxpayers. Thousands of  
18 taxpayer dollars have been budgeted while many consider  
19 it to be nothing but a political rally. As a political  
20 fiscal conservative, I could not support spending money  
21 on this meeting. Money is better spent in the  
22 classroom.

23           Many our panelists have traveled many miles to  
24 get here and I feel that many, due to the time  
25 limitations being imposed by our president and not voted

1 on by the Board, will not have the opportunity to fully  
2 express their views. Lastly, as an attempt to  
3 apparently defend the cost of holding these meetings,  
4 the Orange County Board of Education website claims the  
5 following: Since the fall months of 2013, there have  
6 been increasing numbers of community members addressing  
7 the Board related to concerns with respect to Common  
8 Core Standards. This is simply false. If anybody goes  
9 to the minutes of our Board meetings which are posted on  
10 line, here's what they'll find: In August 2013, there  
11 were 2 comments on Common Core. In September, there  
12 were 14. In October, there were 14. In November, there  
13 was 6. In December, there was 8. January, 7.  
14 February, zero. March, 2. April, zero. May, 1. June  
15 and July, both zero.

16 So in the six months leading up to this  
17 meeting, when you announced that you wanted to hold it,  
18 there were a total of 30 comments in six months. Now  
19 only when you placed it on the agenda in August  
20 regarding the meeting, that a few people come once  
21 again, but over the 13-month period, only 27  
22 individuals, 27 different individuals, commented on  
23 Common Core. That's an average of about two per month  
24 out of a population of Orange County of what, 3 million.

25 That being said, we have many folks here who

1 have taken the time. I hope this will be a good,  
2 productive meeting. So I am going to vote that we go  
3 forward, and I will ask that the executive committee  
4 will consider the comments I've made in structuring the  
5 meeting that is scheduled for a month from now.

6 TRUSTEE WILLIAMS: Go ahead and please give us  
7 what people that will give public comments now.

8 TRUSTEE HAMMOND: There's a motion on the  
9 floor. All those in favor of adopting tonight's agenda,  
10 say I.

11 TRUSTEE LINDHOLM: I.

12 TRUSTEE BEDELL: I.

13 TRUSTEE WILLIAMS: I.

14 TRUSTEE HAMMOND: I.

15 TRUSTEE WILLIAMS: Motion passed at five to  
16 zero. Moving on with the time certain -- Penny will  
17 give us the public speakers.

18 PENNY DUNSETH: Miles Durfee. Michael Peri.  
19 Kim Anderson. Can you line up so that you'll be right  
20 in line to speak next. Rick Martin. Shanin Ziemer.  
21 Bob Walters. Eric Stoelting. Dan De Carlo. Irene  
22 Yorbak. Connie Callen.

23 TRUSTEE WILLIAMS: Please go ahead and state  
24 your name.

25 MR. DURFEE: My name is Miles Durfee.

1           President of the Board, Superintendent, my name  
2           is Miles Durfee, managing Regional Director for the  
3           California Charter Schools Association for the Southern  
4           California region. I speak tonight to support and to  
5           recognize CCC, the Common Core Curriculum.

6           I wanted to briefly just let you know that we  
7           believe it's very appropriate to have much dialogue and  
8           conversation about how students are educated, and we do  
9           believe that students should have a choice; parents  
10          should have a choice how they go and what programs they  
11          go to. The questions that I expect that you have heard,  
12          I've been in attendance in a couple of your meetings  
13          recently this year. I've heard a number of questions  
14          about Common Core. Our organization has had a number of  
15          questions about Common Core over the last six months to  
16          a year that this district has been moving forward, and  
17          we're satisfied that those answers have been given and  
18          that it's time to move on and try to implement the state  
19          law, and to let the state law sort it out at the state  
20          level.

21          And so speaking in support of this tonight, and  
22          I also, again, want to let you know as we look at it,  
23          you'll be hearing a lot of panelists tonight that when  
24          we talk to our charter leaders, the people that I  
25          represent are about 205 charter schools in the Southern

1 California area and those charter leaders tell us this  
2 makes sense, that these are about standards that are  
3 common, and that they are standards that allow people to  
4 have a broad understanding of depth into their  
5 curriculum.

6 So tonight, I hope that the issue will kind of  
7 go back to where it belongs, where I think is the state  
8 level and to the federal level and that the teachers can  
9 get back to staying focused on what's important which is  
10 giving personalized instruction at the level that every  
11 student needs and that they will have additional choices  
12 to make in Orange County. So thank you.

13 MS. ZIEMER: Good morning, members of the  
14 Board. My name is Shannon Ziemer, and I'm a parent in  
15 Orange County. My daughter went to Oxford Academy which  
16 has been for several years, the number-one rated high  
17 school in the county. My son is currently attending  
18 Kennedy High School in the Anaheim Unified School  
19 District as well. I went there and my mom went there.  
20 We have a long history in the county and schools around  
21 this area.

22 I am here tonight to speak in favor of Common  
23 Core for a few different reasons. My daughter at  
24 Oxford, now in college, and when the Common Core was  
25 being introduced to our school, they had a few parent

1 meetings. Oxford is a very involved parent community.  
2 It turns out that at Oxford, we've been teaching that  
3 way already for several years and that's how we got to  
4 be number one. I'm watching the introduction now as my  
5 son attends a different school, and they're a little  
6 further behind than Oxford was, and I see it as an  
7 incredible progress for our kids.

8           They're learning more in-depth about topics  
9 instead of glazing over the top. I like the idea that  
10 these topics are going to be -- or that the standards  
11 are going to more aligned across the states because a  
12 lot of kids move. It's not their choice. And also  
13 because it will be a lot easier for us to compare our  
14 students' performances across the states. And speaking  
15 of performance, I'm very excited about the new SBAC  
16 testing which will allow us, because of its being  
17 online -- so I know there's a lot of challenges with the  
18 introduction of it. But it will allow our students who  
19 are incredible testers, for example, to finally be  
20 challenged.

21           It will also allow our students who are not  
22 strong testers to feel successful taking these exams, so  
23 as they take the test, the test questions get harder or  
24 easier, because the idea is to figure out where the  
25 students are and find them there and let them have the

1 success of the testing.

2 I look forward to better assessment for our  
3 students that are both formative and summative so our  
4 teachers can make use of that data and as parents we can  
5 have more effective data for where our kids are  
6 standing. Also, I do believe that Common Core is now  
7 the law of our state, and I'm not quite sure why we're  
8 debating something that's already the law. That kind of  
9 puzzles me, and I disagree with our Board using this  
10 much money when I think that money could be better used  
11 to implement some of these things and help our teachers  
12 with teacher preparation and materials. I think that  
13 would have been a much more valuable use of this  
14 funding. Thank you.

15 MR. WALTERS: I'm Bob Walters. I've got seven  
16 grandchildren in Orange County public schools, and I've  
17 been a long-time active person in Orange County  
18 politics. What I want to point out to the Board today,  
19 is simply look at the examples of the states that jumped  
20 into this program early on. New York and Kentucky are  
21 two good examples that have been wrought with failure  
22 and chaos and confusion. That should be temperate and  
23 should be reviewed as to what were the results and what  
24 were the cause and what's the prognosis for the future.

25 The biggest problem you have with Common Core

1 is its trying to force not only a national standard,  
2 which I'm not too much for, but it assumes that all the  
3 kids fit one mold, everybody needs to do college prep  
4 whether they're college material or not. That's a  
5 serious flaw in the way we are approaching students on  
6 an individual basis. We should have the ability to  
7 decide what each student needs best in order to get --  
8 learn -- educated with the most that they possibly can  
9 learn for the future of their life. They don't all need  
10 to go to college. They're not all college material.

11 That's the assumption of Common Core. I would  
12 urge that that be considered carefully as to the comment  
13 made that this is state law. It's not state law. And  
14 anything of this nature is not written in stone. It can  
15 be changed by majority will in any local or statewide  
16 effort that might emerge. And I think we should look at  
17 the examples of the past with these few states that  
18 jumped into it early and seriously consider the concept  
19 of forcing one view of all students and assume they're  
20 all equal, rather than give them an equal opportunity.  
21 There's a big difference. And I hope you take that into  
22 consideration when you explore the future activity of  
23 this Common Core program.

24 MR. STOELTING: Good evening. Thank you for  
25 giving me the opportunity to speak. My name is

1 Eric Stoelting, and I'm a parent of four. The question  
2 I ask is this: How do California standards stack up --  
3 how do the previous California standards stack up to  
4 Common Core standards in math, language arts and  
5 science? The results might surprise you. Massachusetts  
6 and California standards were the highest in the nation.  
7 California rated number one in math. Massachusetts  
8 ranks number two pre-Common Core. Massachusetts ranked  
9 number one in English Language Arts and California  
10 ranked number two pre-Common Core. California was one  
11 of three states to get an A grade for science standards.  
12 Massachusetts earned an A minus.

13 In sharp contrast, Common Core's next  
14 generation of science standards received a C grade. If  
15 this is true, why would California be so eager to adopt  
16 an un-tested, un-benchmarked set of standards? This  
17 raises a more basic question: If our educational system  
18 is so deeply flawed, why do students from around the  
19 world come to the United States to be educated?

20 Here's another question: Is it appropriate to  
21 compare California, a state with the largest and most  
22 diverse population in the US with countries like  
23 Finland, Singapore and Switzerland? Student test scores  
24 are often presented as the undeniable evidence of the  
25 failure of our education system. Consider Diane

1 Ravitch's comment, "Using data on the US Department of  
2 Education website, I demonstrated that the current  
3 crisis about our nations school is exaggerated. The  
4 test scores were the highest in our history for whites,  
5 African Americans and Latinos and Asians. The  
6 graduation rates were highest and the dropout rates were  
7 the lowest ever in our history. We are the wealthiest  
8 country in the world. We are the most free. We put a  
9 man on the moon. We are not common, and we will not  
10 allow our children to be guinea pigs for the state."

11 Please enter my comments and the supporting  
12 data into the records. Thank you.

13 MS. YORBAK: Good evening, Superintendent and  
14 Board. My name is Irene Yorbak. I'm the mother of a  
15 13-year-old and I've been actively involved for a while.  
16 The surprising homework came home. I'll tell you that  
17 this initiative of Common Core, nationally and locally,  
18 has followed a pattern of secrecy and deception. That's  
19 why these people are here today. This should have been  
20 done before the standards were adopted and it wasn't.  
21 Race-to-the-top money was offered before the standards  
22 were written.

23 If these are so wonderful and rigorous,  
24 in-depth, why was money given? Why wouldn't we be  
25 paying for it? In fact, we will be in this unfunded

1 mandate. The standards were written by one committee  
2 and validated by another behind closed doors in six  
3 months. Sound familiar? The lone mathematician and the  
4 lone language arts educator signed an unprecedented  
5 confidentiality agreement. Why? Why the secrecy? As a  
6 prerequisite for serving on the validation committee,  
7 both refused to sign off on the standards.

8           The standards were written and then advertised  
9 as an international benchmark. State governors only led  
10 the race for money. They played no part in the creation  
11 of standards. Add to that the internationally  
12 benchmarked promise in 2009 have yet to be presented.  
13 We haven't seen that. Other members of these committees  
14 acknowledge it's weak, evidence-based. One report, it's  
15 pretty clear that from the start, nobody thought there  
16 was sufficient evidence for any of these standards. Now  
17 fast forward to 2013, Placentia/Yorba Linda, summer  
18 2013, this is one story, and it's the same with many,  
19 many parents that I have spoken with. And it's happened  
20 to me.

21           A concerned parent calls five times to the  
22 district office and asks, "Is Yorba Linda/Placentia  
23 Unified School District adopting Common Core?"

24           "No," she was told. "No," I was told. Then  
25 her fifth grader started school and they found

1 themselves facing Common Core math, no text book,  
2 incomprehensible problems, a befuddled teacher and  
3 parents unable to help. Her straight A math student was  
4 barely passing. This is not an isolated example. The  
5 same happened with my child. I called and called in the  
6 summer and they said, "We don't have the book list out  
7 yet." Really? I think those are ordered well in  
8 advance. And by the time my child was in school and I  
9 was horrified after three months, I pulled him.

10 So I'm telling you, this is real. This isn't  
11 some made-up Tea Party group. I don't belong to a tea  
12 party. I'm a mom. Take us serious, please. The  
13 creation and implementation of Common Core has been  
14 marred by secrecy and deception. Please enter my  
15 comments on the record. Thank you.

16 MS. ANDERSON: Good evening. My name is Kim  
17 Anderson. I have three children who have all attended  
18 K-12 public schools in the Capistrano Unified. I am a  
19 member of both the California State PTA legislation team  
20 and also the Fourth District PTA advocacy team.

21 I'm speaking this evening in favor of Common  
22 Core which PTA strongly supports. I'm reading this  
23 quote directly from our California State website. It  
24 says, "We don't know what tomorrow's jobs will be, but  
25 we do know that our future depends on a strong workforce

1 in which critical thinking and problem solving skills  
2 can be applied in any context."

3 That's the idea behind Common Core State  
4 Standards. They are guidelines that will help schools  
5 focus on deeper, richer learning to prepare students for  
6 the 21st Century workplace. The Common Core State  
7 Standards initiative was a state-led effort, and it is  
8 based on internationally benchmarked standards that are  
9 designed to ensure success for all students.

10 The Common Core State Standards do this by  
11 promoting equity, setting consistent expectations to  
12 ensure all students, regardless of where they live, will  
13 be prepared for college and career. The Common Core  
14 State Standards do this by making sure that American  
15 students will be competitive, not only in their homes,  
16 states, but also globally. The Common Core State  
17 Standards do this by challenging students to use  
18 demanding thinking processes and collaboration.  
19 Additionally, the standards focus on clarity and  
20 transparency. That means parents will be able to  
21 understand exactly what is being asked of their children  
22 and allow them to assist teachers in preparing students  
23 for college and the global workforce. In California,  
24 involvement with the Common Core State Standards began  
25 under Governor Schwarzenegger and has continued under

1 Governor Brown. The California legislature's actions on  
2 this have been bipartisan. It is important that  
3 education stay a nonpartisan arena. PTA is nonpartisan  
4 and advocates for the good of all children. There is no  
5 room for political agendas in education. There is only  
6 room to do what's in the best interest of children.

7 Thank you for your time.

8 MS. PERI: Hello. My name is  
9 Michelle Peri. I have two children that have gone  
10 through K-12 in the Irvine Public Unified District, K-12  
11 public schools. One is a senior now and the other one  
12 is attending Berkeley engineering. Some people seem to  
13 think that the new Common Core standards will dumb down  
14 what is expected of our children or will be unfair or  
15 represent some esoteric brainwashing power of  
16 impressionable youngsters' brains. Nothing could be  
17 further from the truth. The Common Core standards  
18 represent a well-thought out, evidence-based, best  
19 practice method of a set of expectations that our  
20 children will learn to process information, think for  
21 themselves and apply what they learn to real-world  
22 situations such as, say, voting. Why do so many people  
23 seem to find this so very threatening? Thank you.

24 MR. DE CARLO: Hello. My name is Dan De Carlo.  
25 Thank you for this opportunity. I don't have children

1 in Orange County, but I have grandchildren, and I am  
2 concerned. And I just have a very simple question if  
3 anyone would want to take the opportunity to answer it.  
4 But I happened to see a film of one of the developers of  
5 the math program admitting to the congressional  
6 committee that the program is a substandard program. So  
7 I have one question: Why are we pushing this  
8 substandard program? I have another question: How can  
9 a substandard program be good, the best thing for our  
10 children? Would anyone like to try to answer that?  
11 Thank you.

12 MR. MARTIN: Good evening. My name is Richard  
13 Martin. I'm a parent of two children who have gone  
14 through the Capistrano Unified School District and also  
15 a grandfather with a grandchild ready to begin in a few  
16 years. I support Common Core. The world has changed.  
17 We're living in a global economy. Our students need to  
18 compete globally, where rigor is required, where  
19 students think critically, to understand and analyze  
20 contents, to not just have opinions, but to be able to  
21 back up those opinions with thought and reason to  
22 support their argument. Greater emphasis is on  
23 informational text and not just fiction. Students will  
24 be required to read those types of texts as they compete  
25 in a global economy.

1 Common Core encourages collaborations, students  
2 who can express thought, to be able to work with each  
3 other, to support their argument. Students will be  
4 better prepared to think critically to understand why  
5 they believe something to support it with argument and  
6 rationale. There is data that we currently have that is  
7 state-based to understand how our students are doing on  
8 a national level is important, to be a clear picture of  
9 our education.

10 Common Core promotes creativity and critical  
11 thinking over a remote and rote memorization. It  
12 focuses on internalizing knowledge and not simply  
13 arguing and regurgitating text. We need better prepared  
14 students better prepared for the work force to compete  
15 in an economy that is becoming global. Thank you.

16 MS. CALLEN: My name is Connie Callen. I'm  
17 from Tustin. I'm just going to turn this in for the  
18 record and not speak tonight.

19 NINA BOYD: You can bring it here.

20 TRUSTEE WILLIAMS: Were you for or against  
21 Common Core?

22 MS. CALLEN: Against.

23 TRUSTEE WILLIAMS: You're against Common Core.  
24 You're turning in what you were going to say in public.  
25 Very good. Thank you. Okay.

1           Okay. Quite the lively few comments there.  
2           That's very good. So at this point, we're going to turn  
3           this meeting over to Maggie to help us in the role of  
4           the moderator.

5           Maggie, thank you.

6           MAGGIE CHIDESTER: Thank you, Dr. Williams.  
7           Good evening, astute members of the Board,  
8           Superintendent Dr. Mijares, Ms. Boyd, esteemed panelists  
9           and members of the audience. I'd like to reiterate the  
10          remarks of President Williams this evening concerning  
11          your anticipated courtesy and respect for all speakers  
12          regardless of viewpoint expressed and thank you very  
13          much in advance for your respect and courtesy.

14          Also, just a reminder, cell phones turned off,  
15          please kindly observe time limits. Our vigilant  
16          timekeeper will remind you if, with your enthusiasm, you  
17          are going over. And finally, I'd like the audience to  
18          know our distinguished panel members have offered to  
19          bring a number things -- videos, displays, all kinds of  
20          visual effects but the invitation was extended simply to  
21          speak and present. We thank them for their interest.  
22          We welcome them to list a website or phone number or an  
23          address, but we will be foregoing visual displays this  
24          evening.

25          The format for this evening will be as follows:

1 The panel in support of the Common Core standard will  
2 present first for a maximum of 20 minutes, a total of  
3 five minutes per panelist. The panel in opposition to  
4 the Common Core will then present, again, for a maximum  
5 of 20 minutes, five minutes per panelist. Members of  
6 the Board of Education will then have the opportunity to  
7 question panelists for approximately 30 minutes, that is  
8 approximately five minutes per trustee. We will take a  
9 brief break in the meeting from approximately 8:00 to  
10 8:10, so it's important we try to stay on time. We will  
11 then conclude the trustee questioning of presenters and  
12 finally, the pro-Common Core panel will have a maximum  
13 of 20 minutes to make their closing remarks followed by  
14 the opposition to the Common Core. That panel will have  
15 20 minutes. Finally, Dr. Williams, our Board president,  
16 will conclude the meeting.

17 This time I'd like to make a very brief  
18 introduction of the first panel to present and then  
19 prior to the presentations of the opposition panel, we  
20 will introduce them. I need to tell the members of the  
21 audience that all of the speakers this evening have  
22 considerable expertise and experience and are very  
23 passionate, and if I were to read all their  
24 qualifications, which they justly deserve to have read,  
25 you would hear more of me than you would of them, so

1 forgive me for being brief.

2 With respect to the first panel presenting in  
3 support of the Common Core, Dr. Claire C. Cavallaro  
4 served as the first dean of the College of Education at  
5 California State University Fullerton. She has served  
6 in that position since 2006. Prior to that, she was  
7 Chief of Staff to the President at California State  
8 University of Northridge. She was a professor and chair  
9 of the Department of Special Education at California  
10 State University Northridge. She founded the CHIME,  
11 C-H-I-M-E, Institute, implementing a model of inclusive  
12 education. She's the author of numerous publications on  
13 teacher education. She serves on the Transitional Board  
14 of Directors of the Carnegie Project on the Education  
15 Doctorate and the Executive Committee of the CSU Deans  
16 of Education.

17 Joining her on the panel is Ms. Celia Jaffe.  
18 Ms. Jaffe has been a PTA leader in Orange County for  
19 20 years, her children having attended public school  
20 from kindergarten through 12th grades. She's the  
21 immediate past president of the Fourth District PTA and  
22 the vice-chairman of the California State PTA Education  
23 Commission. She has served as an elected trustee of the  
24 Huntington Beach City School District and she serves on  
25 the Delegate Assembly California School Board

1 Association. She holds a Master's Degree from Stanford  
2 and taught high school English for five years.

3 Following her will speak Dr. Glen Thomas who  
4 served as Secretary of Education under Governor  
5 Schwarzenegger, shepherding the adoption of the Common  
6 Core State Standards. Dr. Thomas served as a teacher  
7 and administrator at the school, district, county office  
8 and state levels. He served as the executive director  
9 of the California County Superintendents Educational  
10 Services Association, the assistant superintendent for  
11 the California Department of Education and Executive  
12 Director of the California State Curriculum Commission  
13 and as a clinical professor of education at the  
14 University of Southern California.

15 Last, but not least, on the supporting panel is  
16 Glen Warren who is the Vice President of Government  
17 Relations for the California School Library Association.  
18 Mr. Warren is a consultant to various county offices,  
19 school districts and nonprofit education organizations.  
20 He holds two Master's, one in educational leadership  
21 from California State University Fullerton and also a  
22 Master's degree in Educational Librarianship from  
23 California State University Long Beach. He has over  
24 14 years of leadership experience in education  
25 technology and informational literacy.

1           Thank you for your patience. Now for those  
2 speakers. Dr. Cavallaro, would you like to begin?

3           GARY THOMPSON: Mr. Williams, I'm sorry to  
4 interrupt. Prior to this meeting -- well, during the  
5 meeting, it was inferred that everyone on this panel was  
6 a member of a right-wing group and member of the Tea  
7 Party group. When I testified in the State of  
8 Wisconsin, a person on the panel made a similar  
9 accusation which resulted in death threats and problems  
10 of safety for my wife and family. So in order for me to  
11 continue on this panel, I need someone from this Board  
12 on the record to state that they have absolutely no  
13 knowledge of me being a part of any type of political or  
14 activist organization and that I am here clearly as a  
15 doctor of clinical psychology and a father.

16           TRUSTEE WILLIAMS: Okay, Mr. Thompson, I was  
17 unaware of any those events that happened in your past.  
18 I will reassure you that we don't -- specifically me,  
19 because you were one of those who I thought would be  
20 good to be on this panel. I don't know any of your  
21 activities, your political parties. So I'm sorry you  
22 had to experience that. That is terrible.

23           TRUSTEE BOYD: I'd also like to make it clear  
24 that I did not infer that any panelist was affiliated  
25 with any particular organization.

1           GARY THOMPSON: That's how it came across.  
2 There's been multiple death threats in my family, sir.  
3 It is important that we do not get political in this.  
4 The issues of child abuse and educating our children are  
5 not Republican, Democrat, white, black, Latino.

6           TRUSTEE WILLIAMS: Thank you.

7           LYDIA GUTIERREZ: I'm sorry. I'm a public  
8 school teacher. I am not a member of any Tea Party  
9 group. Thank you.

10           MAGGIE CHIDESTER: Speakers, you're free to  
11 declare your affiliation or lack thereof when called on.  
12 Thank you very much for bringing that up to the  
13 audience.

14           And now without further ado, Dr. Cavallaro,  
15 would you like to make your five minutes of remarks?

16           CLAIRE C. CAVALLARO: Good evening, Trustees  
17 and Superintendent. Thank you for inviting me to speak  
18 this evening. Like most of you, I have held multiple  
19 roles as an educator, a teacher, professor, researcher,  
20 charter school founder and a university administrator.  
21 In my 40 years in education, I found Common Core  
22 standards to be unique to the extent they have been  
23 embraced by teachers, parents and the business  
24 community. My remarks will focus on the higher  
25 education role. Few educators will deny the

1 long-standing gap between the standards for high school  
2 graduation and the skills needed for beginning college  
3 coursework.

4           Too many students graduate from high school  
5 lacking the scope they need to get in college. For  
6 example, almost one-third of regularly admitted freshman  
7 entering the California State University need remedial  
8 courses in English or math. In 2013, these students  
9 actually had a mean high school GPA of 3.36, but they  
10 still weren't ready for college course work. The  
11 California State University has partnered with the State  
12 Board of Education and the California Department of  
13 Education for over a decade in the early assessment of  
14 the program which provides opportunities for students to  
15 measure their readiness for college level English and  
16 math in their junior year.

17           The program has been very successful in  
18 reducing remediation rates, but it hasn't entirely  
19 solved the problem. The Common Core standards were  
20 developed to address this issue. The standards are not  
21 entirely new, but as noted earlier, they are based on  
22 the best existing state standards such as those in  
23 California and also the standards of high-performing  
24 nations as well as on research and college readiness and  
25 career readiness. The standards were developed by

1 panelists that includes teachers, content experts and  
2 university faculty.

3           They started with the expectations for  
4 beginning college students and then developed the 12th  
5 grade standards and worked backwards through the levels  
6 down to kindergarten. They were subjected to a  
7 validation study as noted and also multiple independent  
8 reviews. For example, one independent study found that  
9 most college instructors surveyed believe that the  
10 standards are an accurate reflection of the knowledge  
11 and skills needed for success in introductory college  
12 courses.

13           A study by the Thomas B. Fordham Institute  
14 which is a conservative think tank concluded that the  
15 Common Core standards are clearer and more rigorous than  
16 the majority of previous state standards. In August of  
17 this year, the heads of California's three public higher  
18 education systems and the Association of Independent  
19 California Colleges and Universities submitted a letter  
20 to the State Board of Education. The letter expresses  
21 confidence in California's implementation of Common Core  
22 standards and its aligned assessments.

23           These leaders join a national coalition of over  
24 250 higher education leaders who support the Common  
25 Core. So why are we having this conversation? Why has

1 support started to erode? It's because the Common Core  
2 is driving a major transformation in our schools. As  
3 with any major change, it can be disruptive,  
4 uncomfortable. Some teachers are finding it challenging  
5 to align instruction to the new standards. Parents may  
6 have difficulty understanding the report cards or  
7 helping their children with homework and students may be  
8 frustrated because the standards require different  
9 skills and habits of mind that they need to develop.  
10 Such challenges can and should be expected, but they're  
11 not reason to abandon the course. I would add that we  
12 need to address these challenges and we need to be  
13 helping teachers and administrators to address the  
14 challenges. Full implementation will take time. It  
15 will require resources and collaboration across all  
16 sectors.

17           Teacher preparation and professional  
18 development are critical for both new and experienced  
19 teachers. Universities have worked and are working to  
20 align curriculum with the new standards, the teacher  
21 preparation programs and first year of college  
22 coursework. Throughout the state, higher education  
23 partnered with K-12 to support professional development  
24 and implementation. We can also play a critical role by  
25 partnering school districts to study the implementation

1 standard and identify any adjustments that may be  
2 needed. We hope that in Orange County we can work  
3 together to make the implementation of Common Core  
4 successful. There are going to be challenges, but if we  
5 examine them together, there will also be solutions.  
6 With a collaborative, evidence-based approach, we in  
7 Orange County can achieve the best implementation of the  
8 Common Core to be found anywhere.

9           Along with our partners in K-12, those of us in  
10 higher education have our work cut out for us. I look  
11 forward to the conversation and I especially look  
12 forward to extending our partnership as we collaborate  
13 to prepare and support schools and teachers in the  
14 implementations. Thank you.

15           MAGGIE CHIDESTER: Thank you very much,  
16 Dr. Cavallaro. Perfect timing. Ms. Jaffe, would you  
17 like to begin?

18           TRUSTEE WILLIAMS: By the way, Maggie, we had  
19 discussed at a previous Board meeting that if you do not  
20 finish in the five minutes, whatever you have to say,  
21 you may put in as part the record, so don't feel rushed.

22           CELIA JAFFE: Good evening.

23           My qualifications have been mentioned, but I  
24 want to give you some insight into how they've been --  
25 in my remarks today. Being a parent leader in Orange

1 County for 20 years, during that time our Fourth  
2 District PTA which is the county level, extends to all  
3 the school districts in Orange County. So over my years  
4 of PTA leadership, I've gone to PTA meetings and events,  
5 trained parent leaders and so on throughout our county,  
6 so I feel I know our area and parents in our area.

7 My experience for 10 years on the school Board  
8 in Huntington Beach makes me aware of tasks that are  
9 left to school districts during the implementation of  
10 the Common Core, what things are determined for them and  
11 what things they determine. It also means that I have  
12 been in multiple classrooms in multiple schools during  
13 all these last 10 years and seeing lessons with my own  
14 eyes in action. I'm going to describe a couple of those  
15 in my closing remarks.

16 Thirdly, my children were in Orange County  
17 public schools. The first set of standards, the  
18 California standards in 1990 were coming in, so I was  
19 actually a parent in the schools during that whole  
20 transition, all of the worries during that transition,  
21 the beginning of the program No Child Left Behind being  
22 passed by the Feds and so on. So I've experienced some  
23 of the same kinds of things before. But for the most  
24 part, I'm coming from the PTA perspective.

25 Common Core standards have been supported by

1 California State PTA from early on. Our State  
2 Vice-President of Education spoke in favor of Common  
3 Core, but at a public meeting of the State Board of  
4 Education in August 2010 when the state was considering  
5 the adoption of Common Core standards, we supported  
6 legislation that same year, assembly joint resolution  
7 39, calling for continuing development of related  
8 standards. We were part of the call two years ago for  
9 help with implementation of Common Core standards that  
10 resulted in state funds that have been given to the  
11 school districts over these two years to work on  
12 implementation.

13 Why does PA support Common Core? Several  
14 reasons. We want the latest research and learning and  
15 the most renowned experts in the field to inform the  
16 learning standards and progression of skills for our  
17 children. We want our children to develop what we used  
18 to call critical thinking skills which is now part of  
19 the habits of the mind and mathematical practices in  
20 Common Core. These are the skills that lead to deeper  
21 understanding. These are the skills that will be  
22 adaptable to future jobs and circumstances that we can't  
23 necessarily foresee right now. This sets up children  
24 for the future. We want to stimulate -- we want  
25 stimulating real-world applications for knowledge. We

1 want group activities and other relevant and engaging  
2 aspects of the new standards to boost student interests  
3 and engagement in school to make sure learning is  
4 relevant.

5           The way I see these goals and aspirations being  
6 worked on right now by my own school district includes  
7 teachers piloting new instructional materials, the  
8 teacher committee working with the administration to  
9 redesign a report card, teachers and administration  
10 committee working out revisions to our existing  
11 benchmark assessments which are tests that are given at  
12 specific times of the year so that the teachers can see  
13 how their students are doing and what concepts are being  
14 absorbed. These are all district-level work that is  
15 being done for implementation.

16           Our district administration and school  
17 principals are setting up professional development for  
18 our teachers to learn more about the standards and to  
19 develop teaching strategies and lessons that are  
20 effective. To me, Common Core State Standards are the  
21 most recent and perhaps most meaningful revision or  
22 remodeling, one might say, of our educational system in  
23 California. We've been anticipating them for four years  
24 already as they were passed by the State Board four  
25 years ago -- or adopted, I should say. And now they're

1 implementation coincides with our new funding formula  
2 and new local control accountability plan.

3 This means there's a lot of change, adaptation  
4 and revision going on, but it's also an opportunity for  
5 parents to see their children becoming more engaged in  
6 school and having a deeper understanding of key concepts  
7 and to have public input into the process and the way  
8 our local districts are handling this transition through  
9 the local control and accountability plan. Deep  
10 understanding of concepts, adaptable skills for the  
11 future and engaging school experiences. These are worth  
12 fighting for. We're putting up with the stress of  
13 transition. Our children's futures are worth it.

14 MAGGIE CHIDESTER: Thank you very much.

15 Dr. Thomas, would you like to begin?

16 GLEN THOMAS: Thank you Dr. Williams, Board  
17 President, Board Members. It's a pleasure to be here,  
18 and I appreciate you trying to play out the facts and  
19 background on what we've done here in California. I  
20 hope we can focus on what we've done here in California  
21 as opposed to some of the misunderstandings and things  
22 that have happened in other states. I was invited by  
23 Dr. Mijares, one of the most respected superintendents  
24 in the state. He serves on the Board of Trustees of  
25 Biola University and I was fortunate to be able to go

1 there for my undergraduate work and went on to USC.

2 I'm a public school person. I went through  
3 public school. My kids went through public school. My  
4 wife is a public schoolteacher. And I grew up in Orange  
5 County so I'm glad to be here. I do believe that  
6 parents -- I do believe that parents are the child's  
7 first and foremost educator and so in that vein, I've  
8 always supported the parental options for home schooling  
9 or for private schooling if the parents so choose.

10 I want to speak just a little bit about local  
11 control and then history of standards in our state.  
12 First of all, we're a local-control state. That means  
13 that local district boards have the say -- they have to  
14 approve the curriculum, what is taught in their schools.  
15 Standards are not the curriculum. Any standards --  
16 standards outline what we expect students to learn and  
17 be able to do. That has to be translated into courses  
18 and lessons and a scope and sequence, if you will, for  
19 those of us that are educators.

20 Some of the examples of not-so-useful lessons I  
21 see sometimes in the press are not part of the Common  
22 Core, and we need to differentiate between standards and  
23 other pieces. The Common Core suggests that Algebra I  
24 be located at the 9th grade. We have a history here in  
25 California of having Algebra as -- did I say that right?

1 Common Core, 9th grade, and we have a history and our  
2 mathematic framework, it's just one of many diagrams in  
3 our framework. We lay out a variety of options,  
4 suggestions for local districts as they decide whether  
5 Algebra is appropriate at the 7th grade, 8th grade, the  
6 9th grade and what courses build to that. That's a  
7 local decision. There's a variety of options laid out.

8 Now as far as the -- and I must just say that  
9 the Common Core do not require any data collection. And  
10 EdWeek said last week that California has the strictest  
11 student privacy laws in the country, so data collection  
12 is not an issue -- should not be an issue in California.

13 Now, as far as standards -- standards were  
14 first talked about back when President Reagan was in  
15 office and they've always been -- forgive me -- they've  
16 always been led by the National Governors Association,  
17 going clear back to when Bill Clinton was Governor of  
18 Arkansas. During the Deukmejian era when Bill Honig was  
19 State Superintendent, we tried to -- California tried to  
20 take it a step further and really clarify what students  
21 should be able to know and be able to do. We developed  
22 curriculum frameworks for each grade and each subject.  
23 Now these are suggestions with a lot of information  
24 around them for local districts to use, for schools to  
25 use for teacher preparation. Some people call that the

1 first stage of standards. Those frameworks became  
2 well-accepted. They were adopted -- very similar ones  
3 were adopted by Virginia and Massachusetts and some the  
4 other states. That led to Governor Wilson wanting to  
5 base a more formal academic content standards.

6 There was Governor Wilson that established  
7 academic standards content commission of which I was  
8 appointed a staff too by Governor Wilson. And the State  
9 Board eventually approved those, that first official  
10 round of standards for California. And there were some  
11 no votes then and public hearings in the State Board.  
12 All those Board members, by the way, were appointed by  
13 Governor Wilson.

14 And again, those standards were put in the  
15 context of curriculum frameworks which hopefully will be  
16 useful for our broad public and for Board members. When  
17 I was Secretary of Education for Governor  
18 Schwarzenegger, I went to a number of National Governors  
19 Association Meetings where standards discussions were  
20 held. And, I'm sorry, I was there, and I did not see  
21 any federal people at those meetings. There were lots  
22 of staff and governors. There was a -- there were a few  
23 other organizations, but no federal people.

24 When we began our process, the legislature  
25 required a standards commission to be set up and for --

1 and as those draft standards came out, to be vetted.  
2 And they were all those -- the majority of members were  
3 appointed by Governor Schwarzenegger. We vetted those.  
4 There were a number of documents produced during that  
5 period.

6 MAGGIE CHIDESTER: Dr. Thomas, I apologize for  
7 interrupting you, but to be fair to all speakers, if you  
8 wish to submit any written remarks to the Board  
9 secretary, the Board will be glad to receive them.

10 TRUSTEE WILLIAMS: And those will go on to the  
11 official transcript. We are transcribing every word  
12 that is said because at the end of this, the Board is  
13 going to create a white paper with the outcome. If you  
14 have anything to submit, Dr. Thomas, please do, as well  
15 as any other of the panelists who want to submit  
16 anything as part of the formal transcript of record,  
17 please do so.

18 MAGGIE CHIDESTER: Thank you very much,  
19 Dr. Thomas.

20 Mr. Warren, would you like to begin your  
21 remarks?

22 GLEN WARREN: Yes. Yes, I would.

23 Members of the Orange County Board of  
24 Education, honored guests, Mr. Superintendent, I'd like  
25 to thank you for providing this informational forum

1 around the Common Core standards.

2 My name is Glen Warren, and I'm a middle school  
3 teacher, librarian, at a magnet school in the Orange  
4 Unified School District. I also serve as Vice President  
5 of the California School Library Association. My  
6 teaching focus areas are information literacy, English  
7 Language Arts, career technical education for 7th and  
8 8th grade students.

9 I'm one of the 2014 Orange County Teachers of  
10 the Year and semi-finalist for the 2000 California  
11 Teachers of the Year. And it is as a classroom teacher  
12 I would like to share with you my perspective on Common  
13 Core standards, especially as it pertains to my content  
14 areas. Equipping students with not only the content  
15 knowledge, but also the process of learning is  
16 essential. It is as a teacher like (inaudible) who is  
17 one of the writers of the models selected by the State  
18 Board of Education in 2010. I am committed to students  
19 learning how to research information. Students in the  
20 21st Century need to be able to access, evaluate, integrate  
21 and use information safely, ethically and legally.

22 The Orange County Department of Education's  
23 strategic plan for the next five years supports this  
24 commitment for Orange County students to lead the nation  
25 in college and career readiness and success through the

1 five c's, advancing creativity, critical thinking,  
2 collaboration, communication and good citizenship.

3           The need for students to have more than just  
4 content knowledge has been confirmed by higher  
5 education. The University of California Librarian  
6 Association, representing all the University California  
7 campuses wrote an official resolution to the California  
8 State Board of Education in 2010 that said, I quote some  
9 of it, "Whereas students in California higher education  
10 institutions are expected prior to the admission to be  
11 prepared to conduct information research, think  
12 critically by having instruction at the secondary level  
13 and identifying, locating and evaluating and using  
14 information effectively and ethically and whereas  
15 students are overwhelmed with the information of all  
16 sorts and need guidance in learning how to become  
17 information literate so that they can identify, locate,  
18 evaluate and use information effectively and ethically  
19 and whereas the 2001 research study, quote, 'Information  
20 Competence at UCLA,' revealed that there are many gaps  
21 in undergraduate students, understanding of resources  
22 and information researching methods."

23           The California Common Core State Standard has  
24 opened new exciting doors for my students to start the  
25 process of heading down the road to information

1 literacy.

2           One of the most powerful examples of how the  
3 Common Core standards have helped bring this educational  
4 sea of change is found in writing standards 6, 7 and 8.  
5 I'm quoting 6, 7 and 8. Here's 6: "Use technology,  
6 including the Internet to produce and publish writing  
7 and present the relationship between information and  
8 ideas efficiently as well as to interact and collaborate  
9 with others."

10           7 says, conduct short research projects to  
11 answer, including a self-generated question, driving on  
12 several sources and generating additional related focus  
13 questions that allow for multiple avenues of  
14 exploration. And finally, to gather relevant  
15 information from multiple print and digital sources  
16 using search terms effectively; assess the credibility  
17 and accuracy of each source and quote or paraphrase the  
18 data and conclusions of others while avoiding plagiarism  
19 and following a standards format for citation.

20           When students asked me in the past to pursue  
21 programming, I was unable to say yes to them. But now  
22 as a result of these short research based studies that  
23 students are now being asked to do, I can now say yes,  
24 you can. The students have asked about information  
25 about robotics. Yes, you can. When students pursue

1 information about educational gaming which they love,  
2 the answer is, yes, you can. And the list goes on.

3 My students have been identified as winning  
4 areas in all the previous mentioned areas. Common Core  
5 State Standards has helped move education towards  
6 greater inquiry and information literacy. It helps to  
7 break down walls between content areas so that we are  
8 more interdependent. It has helped the career technical  
9 education surface as a more powerful project based  
10 learning for college bound students. The CCSS  
11 implementation depends on the leadership, creativity and  
12 professionalism of the classroom teacher. Responding to  
13 the needs of interests of children is the most exciting  
14 part of the Common Core standards as well as responding  
15 to the needs of higher education and the requirements of  
16 an ever-changing workforce for equipped and passionate  
17 life-long learners.

18 MAGGIE CHIDESTER: Thank you very much.

19 At this time, I would like to introduce briefly  
20 the distinguished experts in opposition to Common Core.  
21 With us this evening, the first speaker, Ms. Robin S.  
22 Eubanks, who holds a Bachelor's Degree from Davidson  
23 College and a Juris Doctor magna cum laude from the  
24 University of Georgia School of Law. Ms. Eubanks is an  
25 attorney specializing in the field of education. She

1 previously served as General Counsel, Vice President and  
2 Secretary of Health Images, Inc., and also as an  
3 Associate Attorney at Sutherland, Asbill and Brennan in  
4 Atlanta, Georgia. Ms. Eubanks is the author of the  
5 publication "Credentialed to Destroy: How and Why  
6 Education Became a Weapon, 2013," and also various blog  
7 posts related to Common Core.

8           Also joining us this evening is Mr. Hugh  
9 Hewitt. Mr. Hewitt is a lawyer, Professor of  
10 Constitutional Law at Chapman University here in Orange  
11 County. He hosted the program "Life and Times" on KCET  
12 from 1992 until 2007. He's a graduate of Harvard  
13 College and of the University of Michigan Law School.  
14 Mr. Hewitt has numerous publications, too numerous to  
15 mention here. He writes for a daily blog. He's a  
16 weekly columnist for the "Washington Examiner." He also  
17 served in the Reagan Administration. He's a resident of  
18 Orange County.

19           Next, I'd like to introduce Gary Thompson.  
20 Dr. Thompson is the Director of Clinical Training at the  
21 Early Life Child Psychology and Education Center. He's  
22 a national speaker on Common Core issues. The validity  
23 of SBAC testing and neuropsychological issues regarding  
24 Common Core testing and curriculum.

25           Joining us is Ms. Lydia Gutierrez. She

1 received a Bachelor of Arts Degree from Pepperdine  
2 University, a Master's Degree in Multicultural Bilingual  
3 Education from California State University Dominguez  
4 Hills. Ms. Gutierrez holds a multiple subject teaching  
5 credential as well as a bilingual credential.  
6 Ms. Gutierrez is a master teacher for UCLA's Math  
7 Project Center X, a fellow from California State Long  
8 Beach in the Writing Project, lecturer for the Los  
9 Angeles County Teachers Mathematics Association. She  
10 served on the Coastal San Pedro Neighborhood Council and  
11 she sits on the Education and Budget Finance Committee  
12 chairing the Cultural Committee.

13 Ms. Eubanks, would you like to begin?

14 ROBIN EUBANKS: Thank you for having me.

15 I am both an attorney who tracks the actual  
16 implementation. I look at Common Core in terms of who  
17 has the legal authority to mandate what goes on in a  
18 classroom and what they are requiring. I'm also a  
19 parent, which matters in this case. I'm at PTA  
20 meetings. I listen to presentations. I live in a  
21 state, Georgia, which has performance standards piloted  
22 what would become nationally the Common Core. I also  
23 live in a school district that by its own admission is  
24 pushing to be cutting edge. It's a member both of  
25 what's called EdLeader 21 which is the national school

1 district kind of professional learning community that  
2 emphasizes what's common -- end game of Common Core and  
3 what it looks like in the classroom. They're also a  
4 member of the congressionally created Digital Promise  
5 League of Innovative Schools.

6           So when I look at Common Core, it's not just  
7 where it is now; it is also in terms of where it's  
8 going. I want to talk a little bit -- the panel  
9 mentioned several times that the Common Core are what  
10 are called learning standards. Learning standards have  
11 a specialized meaning in the education world. Standards  
12 means goals and aims. I think the term "expectation"  
13 was also used several times as a synonym. So we're not  
14 talking necessarily about content. It should not be  
15 used synonymously. Learning in education means changing  
16 values, attitudes, beliefs or behaviors.

17           So when we're talking about Common Core State  
18 Standard, we're talking essentially about coming up with  
19 common goals nationally on what every student should  
20 value, what their beliefs should be, what their  
21 attitudes should be and what their behavior should be.  
22 The focus is consistently on the whole child in terms of  
23 social and emotional learning.

24           One of the primary creators of the Common Core  
25 is a Stanford professor by the name of Linda

1 Darling-Hammond. She went on the record and said the  
2 purpose of content in the Common Core is only to be used  
3 as a vehicle for the social and emotional learning  
4 goals. One of the common terms used a great deal  
5 involving both curriculum and assessment with the Common  
6 Core is a term called "rigor." Rigor was mentioned not  
7 by name, but in terms of challenging. Rigor is a  
8 concept that seeks to find out what concepts and  
9 strategies does a student use in a situation where they  
10 have never been taught the content or if there is an  
11 affixed answer or is an ambiguous situation. That's the  
12 kind of data that's been thrown off by the typical  
13 assessment and when we talk about formative assessments,  
14 which are where Common Core is going, which are embedded  
15 in every-day class work, that's the kind of information  
16 that's going to be thrown off.

17 When I talk about Common Core, I kind of see it  
18 as a bucket -- what other things are coming in under  
19 this label? An example is in April of 2012, the Feds  
20 decided that the Individuals with Disabilities Education  
21 Act should be interpreted to require that responses to  
22 an intervention, social and emotional learning be  
23 applied in every classroom in the country with all  
24 students, that there would be stigma attached if it was  
25 only with the student who had previously had problems.

1 So that came across the board.

2 In July of 2012, President Obama issued an  
3 executive order requiring what he called a positive  
4 school climate. Again, every school in the country,  
5 every student, and if it's brought in, if you notice  
6 there are changes in the curriculum or class work, it  
7 simply gets attributed to the Common Core. I think the  
8 Common Core discussion ought to include all the changes  
9 in the classroom, practices and curriculum that are  
10 coming in in its name.

11 Also being changed typically under the waivers  
12 involved in Common Core is the definition of what  
13 constitutes student achievement. It does not have its  
14 traditional meaning. And again, includes the changes in  
15 values attitudes and beliefs and behaviors.

16 Under the typical state No Child Left Behind  
17 waiver, what constitutes being an effective teacher is  
18 tied to student personal growth. Personal growth,  
19 again, is changing values, attitudes, beliefs.

20 MS. CHIDESTER: Ms. Eubanks, thank you very  
21 much. If you have additional information that you'd  
22 like to submit in writing, please do so.

23 Mr. Hewitt, would you like to make your  
24 remarks?

25 HUGH HEWITT: Thank you, Mr. President, members

1 of the Board, Mr. Superintendent, members of the panel.  
2 Thank you for having me. Congratulations on convening  
3 this forum. I cannot think of a better expenditure of  
4 your budget than airing this issue. I'll tell you why  
5 in a moment.

6 By way of background, I've spent the last  
7 15 years as a member of the Orange County Children and  
8 Family Commission working with this department to see  
9 children are ready to learn by the age of five and six.  
10 Prior to that, I co-chaired the Measure 8 Committee in  
11 Irvine speaking of property tax increases that fund  
12 public schools with funding Board members of the Irvine  
13 Unified Public Schools Foundation. I'm a public school  
14 guy too with three kids who put 14 years each or 13  
15 years each into the public schools.

16 I belong to no organized group with the  
17 exception of the long-suffering Cleveland Browns of  
18 Southern California. I am, however, a Professor of Law  
19 and indeed most of the people in my First Amendment  
20 seminar are here at my request so that they can see in  
21 action exactly how the First Amendment is supposed to  
22 work in convening of those who oppose and support a very  
23 controversial proposition so they will hear each other  
24 and hopefully in that exchange, benefit from the  
25 exchange and also sharpen the understanding of those

1 arguments which they must confront in order to persuade  
2 and promote the common good.

3 I bring tonight only one key thing: Common  
4 Core cannot succeed in the United States if at least  
5 10 percent -- I believe it's much larger than that --  
6 are actively involved in its destruction. That is where  
7 we are right now in a very divided country. I've spent  
8 more time than any other broadcast journalist, I'm  
9 confident of saying, on my nationally syndicating radio  
10 show exploring Common Core. In doing so, I hope with a  
11 sense of balance. Yes, it included Patricia Levesque,  
12 who is the CEO of the Foundation for Excellence in  
13 Education and Emmett McGroarty who is a huge opponent of  
14 Common Core with the American Principals Project.

15 I've had featured interviews at length with  
16 Governor Jeb Bush who is a proponent and with Senator  
17 Marco Rubio, an opponent. I also included former  
18 Secretary of Education Bill Bennett who is ambivalent  
19 and Jay Matthews, who's perhaps the primary education  
20 writer in America.

21 I serve on the Board of Trustees at the Great  
22 Hearts Public Choice School Organization in Arizona  
23 where this is debated continually, and I bring just one  
24 perspective: It is a local-control issue that has been  
25 trampled on, and I ask that the record reflect there is

1 one thing that I would ask each member of this Board to  
2 do, and it would be to seek out and read the forthcoming  
3 interview by Professor Derek Black of Vanderbilt Law  
4 Review. He's a very widely respected Professor of  
5 Constitutional Law at the University of South Carolina,  
6 and he's written an article, "Federalizing Education By  
7 Waiver."

8           The problem with Common Core -- and I'll read  
9 to you quickly -- in summary is that first, the use of  
10 the educational waiver by Secretary Arne Duncan in the  
11 fall of 2012 was an unconstitutional exercise of  
12 administrative prerogative, unprecedented in American  
13 educational history and by doing so, called into  
14 question, a choice of every state and every local  
15 district that participate in Common Core. It is my  
16 earnest hope at this point investigate whether it has  
17 standing to challenge it, and if it does have standing  
18 to challenge it, sue the Secretary of Education for  
19 doing unconstitutional injury to the traditional  
20 approach to local and state control of education in the  
21 United States. That waiver which condition exceptions  
22 from the No Child Left Behind Act on accepting new  
23 conditions which include Common Core and the oversight  
24 of teacher evaluation is unprecedented and was rejected  
25 by congress when the administration asked for it. This

1 represents a turning point in American education.

2           And I believe this Board's very important role  
3 would be to raise this issue, consult with its counsel  
4 perhaps with outside counsel as well and ask, "Can we  
5 challenge the secretary's actions here?" Because in  
6 federalizing Common Core, he destroyed the ability to  
7 actually make it work where it would be welcome. I've  
8 always viewed it as an effort to raise the floor for  
9 some districts and never to be a ceiling for others.

10           Unfortunately, it has become a source of  
11 suspicion in the public at large, and if it remains  
12 such, will not succeed.

13           I, again, urge you to continue holding -- and  
14 with all due respect, Member Boyd, this is the best  
15 thing you can have in America -- a room full of  
16 interested people. And you're not supposed to clap,  
17 guys, but my students aren't clapping. You're not  
18 supposed to do that. You can't do it enough and I will  
19 soon be participating in the Irvine Unified School  
20 District Public District's public committee to hear from  
21 parents, because if parents don't think they're being  
22 heard, they will never support it, so please keep  
23 holding public hearings and invite both critics and  
24 supporters and sometimes people in the middle like me.

25           MAGGIE CHIDESTER: Thank you very much.

1 Dr. Gary Thompson.

2 GARY THOMPSON: Thank you, members of the  
3 Board. Can you hear me?

4 I brought with me 27 peer review research  
5 articles and similarly situated scholarly articles to be  
6 officially entered on the record, and I will present  
7 that to you. Under the categories of special-needs  
8 students -- issues related to trauma, anxiety and mental  
9 health, developmental needs of young school-aged  
10 children, neurological implications of Common Core math,  
11 evaluated models and educational assessment of teacher  
12 evaluations, controversial research methods and ethical  
13 issues and implementation of stealth behavioral computer  
14 game assessments in public schools and ethical issues  
15 associated with using children's data for marketing  
16 purposes.

17 I'd like to have that entered into the record.  
18 I don't have a speech prepared. This is not the best  
19 format for me, but I have just a few general comments.  
20 The history of clinical psychology has a long-storied  
21 history of abuse of children and we have done our best  
22 to rectify these abuses by following a strict code of  
23 ethics and character-related practices.

24 I'm here today primarily because of the  
25 psychology and learning implications of children who are

1 learning disabled, African American, Latino, following  
2 under the autistic spectrum, who are dual exceptional  
3 and are gifted, who are depressed, who are anxious and  
4 have mood disorders. It is very, very difficult to  
5 become quote, unquote "career and college ready" when  
6 you suffer from these conditions. And it is very  
7 important that we rely upon not propaganda, but  
8 peer-reviewed research as well as voices of parents in  
9 this community when making decisions, not only for these  
10 children, but for every child in your district. I am  
11 concerned about the developmental effects on little ones  
12 from K through 3. Kids need to play. They don't need  
13 to be tested. There's absolutely no peer-reviewed  
14 research whatsoever which would support the increase in  
15 academic rigor, quote, unquote "in K through 3  
16 classrooms and testing whatsoever." Kids needs to play.

17 In terms of the SBAC test, I will just be very  
18 blunt. There's absolutely no validity studies  
19 whatsoever that have ever been published to anyone from  
20 SBAC stating that these tests measure what they claim to  
21 measure in their promotional brochures which is  
22 academics. When you compare that practice to private  
23 practice, if we ever gave a test to any students without  
24 receiving full and informed parental consent, we would  
25 shut down and sued. Parents are and must always be the

1 resident experts of their own children.

2 And so I would implore the members of the Board  
3 whenever you are hearing from anyone from either panel  
4 and when you go discuss these issues, don't rely upon  
5 propaganda or basically anything from anyone that has a  
6 financial interest whatsoever. Independent peer-review  
7 research, period. Thank you very much.

8 MAGGIE CHIDESTER: Thank you very much.

9 Ms. Gutierrez?

10 LYDIA GUTIERREZ: I want to thank the Orange  
11 County Board for this opportunity to speak to you today  
12 about the major concerns I have in regards to meeting  
13 the academic needs of the disadvantaged children,  
14 English language learners and special needs children.

15 Having taught for 20 years -- over 20 years in  
16 low-income schools where the majority of my students  
17 have been disadvantaged children and English language  
18 learners. The importance of how and what is taught in  
19 the classroom is crucial for their academic achievement.  
20 Teaching the foundation of reading, writing and  
21 arithmetic is like laying down a solid, concrete  
22 foundation for their success.

23 I will be outlining how the Federal and State  
24 Laws do not validate the use of Common Core State  
25 Standards in California.

1 (Discussion off the record.)

2 In 1965, President Johnson signed "War on  
3 Poverty" which created the Elementary and Secondary  
4 Education Act now referred to as "No Child Left Behind."  
5 Funds were established for professional development,  
6 instructional materials for resources to support  
7 educational programs and promote parental involvement in  
8 an effort to close the achievement gap by giving fair  
9 and equal opportunity to disadvantaged children. And in  
10 1975, the Individuals with Disability Education Act was  
11 created to support special needs children.

12 In both acts, stipulate that any academic  
13 standard before a disadvantaged or special needs child  
14 must be scientific evidence-based, meaning it is proven  
15 to be age and developmentally appropriate. Whenever  
16 possible, the educational interventions being used must  
17 be strongly supported by evidence from well-conducted  
18 research studies.

19 We must have sound research design, testings  
20 strategies, quality data analysis. Researchers must be  
21 sure to carefully collect, store and examine the data  
22 that also must be reported in a journal so other  
23 researchers can review the methods used and repeat the  
24 research in other settings.

25 There has been no evidence that Common Core

1 State Standards has gone through any kind of rigorous  
2 testing given scientific proven data to validate they  
3 are true professional education standards. Title 1 of  
4 the Elementary and Secondary Education Act, it states,  
5 and there are 12 provisions -- I've highlighted 1, 2, 6  
6 and 9. And 9, I will read.

7 Promoting school wide reform and ensuring the  
8 access of children to effective scientifically based  
9 instructional strategies and challenging academic  
10 content." And within the individual -- within  
11 disability education acts, statute 2650(E) it states to  
12 ensure that such personnel have the skills and knowledge  
13 necessary to improve the academic achievement and  
14 functional performance of children with disabilities,  
15 including the use of scientifically-based instruction  
16 practices to the maximum extent possible, No Child Left  
17 Behind requires each state must have a yearly state  
18 test. For that state test to be valid, the test must  
19 coincide with material has been taught. California is  
20 still under the guidelines of No Child Left Behind. It  
21 clearly states it is forbidden to establish a national  
22 curriculum in addition to two other federal laws which I  
23 put in my document.

24 There are eight school districts, including  
25 Santa Ana Unified School District, within California who

1 have received a waiver from No Child Left Behind and  
2 accepted Race to the Top obligations and funding.  
3 Within the Race to the Top obligations was the  
4 requirement of accepting Common Core State Standards  
5 which contradicts three federal laws making the waiver  
6 invalid.

7 In the No Child Left Behind bill, section 9401,  
8 Waivers of Statutory and Regulatory Requirements which  
9 give grounds to the way of No Child Left Behind  
10 requirements. There are restrictions that disavow the  
11 waiver. Section 9401(c) Restrictions -- the Secretary  
12 shall not waive under the section any statutory or  
13 regulatory requirements relating to applicable civil  
14 rights requirements.

15 Therefore, any standard/curriculum before a  
16 child that has not been scientifically vetted cannot be  
17 used for instruction or to measure academic success if  
18 that school district is receiving No Child Left Behind  
19 funding. It is a responsibility of the state/district  
20 to prove to the public that the curriculum being used  
21 has gone through this process. The state cannot  
22 backtrack, creating documentation of scientifically  
23 based standards. They must have been validated before  
24 the passing of law SB X5 1, 2010. The No Child Left  
25 Behind waiver is invalid because the civil rights of

1 California's disadvantaged children are not receiving a  
2 fair and equal education by not having Common Core State  
3 Standards validated through the threshold of a  
4 scientific validation process.

5 MAGGIE CHIDESTER: Ms. Gutierrez, thank you  
6 very much.

7 I'd like to thank all of our panel members. At  
8 this point in time, we will begin with the opportunity  
9 for three of our trustees each to have five minutes of  
10 questions to present to panel members, then we will have  
11 a brief break, I believe.

12 PENNY DUNSETH: All five members.

13 NINA BOYD: All five members before and five  
14 after.

15 TRUSTEE HAMMOND: I'd like to make a motion,  
16 President. Am I allowed to make a motion? I'd like to  
17 make a motion. It seems like Ms. Gutierrez was  
18 diligently trying to go through that. I'd like to move  
19 we give her at least another 15 seconds to finish up  
20 because it seemed like with the interruption, it was a  
21 bit unfair. No one else had such an interruption.

22 TRUSTEE WILLIAMS: What is the consensus?  
23 Go ahead and finish your last paragraph.

24 LYDIA GUTIERREZ: In Education Code 6065.8, the  
25 standards shall be internationally benchmarked.

1 Therefore, there has been no proof by the Federal and  
2 state level to validate Common Core State Standards as  
3 being scientifically vetted or internationally  
4 benchmarked. Therefore, every district throughout the  
5 State of California has the right and obligation to drop  
6 Common Core State Standards and return to the previous  
7 standards. Thank you.

8 MAGGIE CHIDESTER: Thank you.

9 Trustee Lindholm, would you like to pose any  
10 questions this evening?

11 TRUSTEE LINDHOLM: Yes, I would. Thank you  
12 very much. But first I'd like to thank each and every  
13 one of you for coming, for taking the time from the  
14 front row to the back row. And I do feel this is a good  
15 use of our time. When we have the public engaged,  
16 that's exactly what we should do. We should hear what  
17 you have to say if you're a parent of those students  
18 that we think are so wonderful. I want to express my  
19 appreciation to all our teachers. This doesn't have to  
20 do with any issues with them. I am very grateful to all  
21 the wonderful teachers we have.

22 Now, I'm on a time frame too, so I have to be  
23 careful about that. I hope you all continue to show  
24 respect to each and every person who speaks.

25 I'd like to direct a question, if I may, to

1 Dr. Glen Thomas who's the former Director of Education.  
2 I'm wondering how the Common Core Standards are  
3 improving STEM, Science Technology Engineering and Math.  
4 How are they doing that? When I've seen the math and  
5 the lattice work which goes from a 27-step to like a  
6 52-step to answer a simple question, that bothers me.  
7 My son wants to study engineering. I want him to be the  
8 best engineer he can be, not convoluted. What is it  
9 doing for STEM?

10 GLEN THOMAS: I don't think we have evidence  
11 that would point to either way on that.

12 TRUSTEE WILLIAMS: If I could ask for civility,  
13 please.

14 GLEN THOMAS: My testimony earlier was cut off  
15 and I wouldn't mind finishing mine as well. All the  
16 CSU's are changing their programs. My daughter is a  
17 structural engineer, went through Cal Poly. They are  
18 modifying their program to fit with the Common Core.  
19 But it's the California Common Core, Trustees. What I  
20 think we have is a little confusion here and that most  
21 of the what's been said is not exactly relevant to  
22 California in my judgment. We take standards. We built  
23 out a framework, then we look for instructional  
24 materials or we make up our own. Teachers, that is,  
25 develop their own to implement those curriculum

1 frameworks. It's the framework that carries out  
2 California Standards. We didn't have a state waiver.  
3 We don't have Race to the Top.

4 We have created our own path, and I appreciate  
5 and I really thank the people here in the audience who  
6 want to know and are concerned. I'm not aware of any  
7 attitudes, beliefs, values in our curriculum frameworks  
8 to the extent that has been said here. I would be  
9 offended personally and wouldn't want to be a part of  
10 that. That vetting process, that process of  
11 implementing is still ongoing. We haven't -- there's a  
12 lot that has not been implemented yet.

13 And I might just add one last thing if this is  
14 helpful. We heard some discussion about testing, and we  
15 don't know what the full tests look like. This is not a  
16 criticism. We just don't know. We participated in a  
17 pilot of four million students nationwide that  
18 participated in a pilot of SBAC. Three million of them  
19 were from California. However, it wasn't a full test.  
20 So we have yet to see that all. In my opinion, this  
21 discussion should focus on the Common Core standards  
22 because it tests the curriculum and until we get further  
23 deeper into the curriculum, the standards are not  
24 curriculum. So we have not seen the curriculum.

25 TRUSTEE LINDHOLM: If there's someone who can

1 answer this -- I'm looking right now to the proponents  
2 to answer this particular question. Consistent with the  
3 California Education Code Section 49069, it says,  
4 "Parent and legal guardians have the right to access any  
5 and all pupil records."

6 I've heard that with some of the testing that  
7 the parents cannot see what the results are. Is that  
8 correct? Is that accurate? If someone would like to  
9 answer that.

10 GLEN THOMAS: Well, I'm not a testing expert,  
11 but during the pilot, there were no individual scores  
12 given back to the students. I'm not sure that will be  
13 the case next year. I don't know if it will be a pilot.  
14 Again, California is doing its own thing. But as of  
15 this date, that's not the purpose of the test. I might  
16 just say that I heard a comment about embedded  
17 assessment. For 15 years, we required publishers of  
18 Language Arts materials to have embedded assessments  
19 because we wanted them tightly aligned to the curriculum  
20 and teachers if they wanted and districts could get  
21 feedback every week, every two weeks, every month.  
22 That's not something new. We've required that. Now --

23 TRUSTEE LINDHOLM: My time is up. Thank you  
24 very much.

25 MAGGIE CHIDESTER: Trustee Hammond, would you

1 like to pose any questions?

2 TRUSTEE HAMMOND: Yes, I would. I'd like to  
3 yield, if that's okay, to Dr. Bedell, my esteemed  
4 colleague.

5 TRUSTEE BEDELL: I think that's call a hand  
6 off. I, again, would like to thank everybody as my good  
7 colleague and friend and Trustee Lindholm said, I  
8 appreciate everybody being here tonight, the panelists.  
9 Thank you very much.

10 My questions are hopefully a synthesis of what  
11 I have personally heard or read and about and what I've  
12 continued to have as some confusion and some questions  
13 which is not an unusual condition for me. Most, if not  
14 all, I don't want a narrative. I don't want a Ph.D.  
15 dissertation. My questions are going to lend themselves  
16 to two, three or four word answers, so we're going to go  
17 fast. All right.

18 First of all, this was approved. This was  
19 before President Obama came in. This started before  
20 him, right? This is not his idea, correct? Secondly,  
21 that the implementation of Common Core has happened in  
22 the Department of Education on his watch; is that  
23 correct?

24 GLEN THOMAS: Just a point of correction, if I  
25 might. I'm sorry, but when we --

1 TRUSTEE BEDELL: Few words.

2 GLEN THOMAS: When we approved -- the State  
3 Board of Education approved Common Core, President Obama  
4 was in office. Governor Schwarzenegger was governor.

5 TRUSTEE BEDELL: Thank you. We've heard a lot  
6 about the private data that we're going to get on these  
7 kids. We've heard corneas are going to be measured,  
8 saliva from their mouths. We've heard all sorts of  
9 stuff. Just what are the data? For example, as a  
10 sociologist, I want to know race and gender to see how  
11 girls are doing in math and how boys are doing in  
12 English. Will we get that?

13 GLEN THOMAS: Yes, you get that now.

14 TRUSTEE BEDELL: That's no change. So we can  
15 do cross tabs on the proficiency by gender, race,  
16 ethnicity, region?

17 GLEN WARREN: No change.

18 TRUSTEE BEDELL: We have heard that several  
19 states have opted out. I have also heard that some of  
20 the states that have opted out quote, quote, "are now  
21 doing it," but under a different name to reduce the  
22 political trauma of it. Does that make any sense?

23 HUGH HEWITT: No.

24 TRUSTEE BEDELL: So states have opted out?

25 HUGH HEWITT: Yes.

1 TRUSTEE BEDELL: Such as?

2 HUGH HEWITT: Indiana.

3 TRUSTEE BEDELL: Out?

4 HUGH HEWITT: Out.

5 TRUSTEE BEDELL: Not doing Common Core in any  
6 way, shape or form?

7 HUGH HEWITT: Doing education reform, rejecting  
8 the use of Common Core State Standards.

9 TRUSTEE BEDELL: Anybody else?

10 HUGH HEWITT: Oklahoma. I don't know. People  
11 are saying that. I don't know that. I believe that's  
12 the case, but I don't know they've opted out.

13 TRUSTEE BEDELL: Thank you.

14 MAGGIE CHIDESTER: Ladies and Gentlemen, no  
15 help from the audience, please.

16 TRUSTEE BEDELL: I need all the help I can get.

17 GLEN THOMAS: In the California legislature, we  
18 set up a process that vet the standards and the  
19 California State Board adopted the standards. So no one  
20 is making anyone here do something. We did that  
21 ourselves.

22 TRUSTEE BEDELL: The State of California?

23 GLEN THOMAS: The State of California.

24 TRUSTEE BEDELL: So if somebody says, "It's the  
25 law," Glen, what does that mean then?

1           GLEN THOMAS: That means the State Board of  
2 Education has adopted and now we have the local control  
3 funding formula and what's called the Local Control  
4 Accountability Plan that is referenced back to the goals  
5 of the district and one -- sorry -- eight state  
6 priorities. One of those priorities the districts are  
7 to speak to is how they're implementing standards.

8           TRUSTEE BEDELL: Thank you.

9           GARY THOMPSON: Sir, I'd like to make a  
10 clarification on one of these answers. There's not a  
11 person in this room or in the entire -- probably only  
12 100 people on this planet who know exactly what type of  
13 data that the tests -- that the psychometricians from  
14 Pearson Incorporated are developing. So that is  
15 absolutely false that it will be just minor data. We  
16 have absolutely no idea.

17           TRUSTEE BEDELL: So to follow you up, which I  
18 appreciate, we don't know?

19           GARY THOMPSON: We have absolutely no clue.

20           TRUSTEE BEDELL: Collecting these kind of data,  
21 Dr. Thompson, we don't know that, right?

22           GARY THOMPSON: They have the capacity to  
23 collect.

24           TRUSTEE BEDELL: That's different. We don't  
25 have a definitive answer. I really appreciate your

1 input. We don't know exactly the data that they're  
2 going to be collecting and running.

3 GARY THOMPSON: We're running an experiment on  
4 our children.

5 MAGGIE CHIDESTER: Thank you, Dr. Bedell.  
6 Dr. Williams?

7 TRUSTEE WILLIAMS: Following up on that,  
8 Ms. Eubanks, about the data, Jose Ferreira -- are you  
9 familiar with Mr. Ferreira, the founder of the new  
10 publication?

11 ROBIN EUBANKS: Somewhat. I'm aware Pearson  
12 brought him, I'm aware of that platform, yes.

13 TRUSTEE WILLIAMS: I went to his YouTube video,  
14 and I just want to ask you some questions in response to  
15 the comment that he says in that YouTube video. He says  
16 the human race about to enter a total data-mined  
17 existence. It will be very hard to watch. The world in  
18 the next 30 years will be unrecognizably data-mined.  
19 Education today happens to be the world's most  
20 data-mining industry. Healthcare is close, but  
21 education beats all. He talked about 5 to 10 million  
22 actionable data per day that he has from students right  
23 now to take all the content according to how they answer  
24 these questions and how they input into the computer.

25 He also said you can unlock trapped, hidden

1 data. And he bragged about the future of data through  
2 Pearson Publishing in light of all the abuse of the  
3 government with the NSA. Is this an issue that we  
4 should be concerned with as parents?

5 ROBIN EUBANKS: I can't speak to the NSA issue,  
6 but we should be very concerned as parents at the level.  
7 That's why these open-ended questions are so  
8 enlightened. The digital learning adaptive software  
9 will know you better than you know yourself. A number  
10 of panelists have used the term repeatedly, "habits of  
11 mind." Habits of mind are what you do at an unconscious  
12 level, and that's the kind of information that's being  
13 gathered on students. We take a great deal of  
14 consolation in the fact that it's not personally  
15 identifiable. Big data doesn't care whose name it's  
16 attached to. Big data cares about what the personal  
17 characteristics are of the student and typically what it  
18 takes to create what kinds of changes in students with  
19 those characteristics over what time period, and that is  
20 what's being collected.

21 The extent to which you talk about that YouTube  
22 video, and I have seen it, it is actually fairly typical  
23 of the kind of open admissions that are out there, and  
24 they're not out there by people who don't have power.  
25 They are out there by people who have contracts within

1 school districts from states and they talk about the  
2 kind of learning analytics that they're deriving. They  
3 talk about the creating -- one of the panelists talked  
4 about how much the students enjoy the computer gaming.  
5 The computer games designed -- the Ed Games have talked  
6 about how they're creating the kind of experiences of  
7 virtual reality that the students will be immersed in so  
8 that take away from those virtual reality experience  
9 which you may not be able to control a natural world,  
10 but you can control the virtual world. It will act  
11 however that software designer set it up.

12 TRUSTEE WILLIAMS: Can I toss this in to  
13 Dr. Thompson, because I know this is something you  
14 mentioned in your open remarks. Can you expand upon  
15 this gaming impact upon kids and your concern with  
16 Common Core State Standards?

17 GARY THOMPSON: Well, just the amount of  
18 control that video games stealth-embedded assessment and  
19 instruction that it would have, but we just don't know  
20 and again, it goes back to informed consent down to  
21 parents. If a client come into our clinic and wants an  
22 assessment and wants to know exactly the variables on  
23 the test and what is being tested, we will tell the  
24 parent and we will get that information in an informed  
25 written consent.

1           The power of embedded video games in terms of  
2 data gathering and psychological manipulation potential  
3 is simply mind boggling, and I did present the Board  
4 probably about 70 or 80 pages and four separate peer  
5 review articles which goes into this much further. We  
6 need to open up this Trojan horse and look at it as  
7 parents and Board members. And remember we are dealing  
8 with a private psychological corporation that is  
9 devising these tests without the same limits that we  
10 have in the private practice in terms of privacy and  
11 ethics and first and foremost, do no harm.

12           MAGGIE CHIDESTER: Trustee Hammond, would you  
13 like to pose any questions?

14           TRUSTEE HAMMOND: Yes, ma'am, thank you.

15           Glen, I'm going to start with you and just kind  
16 of go right down the line here.

17           Mr. Warren, would you ever enforce a law that  
18 was unconstitutional.

19           GLEN WARREN: I'm going to yield to counsel. I  
20 really don't know how to answer that question. I would  
21 like to say that I'm a patriotic American who's  
22 100 percent behind the Constitution.

23           TRUSTEE HAMMOND. Thank you.

24           Dr. Thomas, same question. Would you enforce a  
25 law that was unconstitutional?

1 GLEN THOMAS: I don't know why we would be  
2 enforcing a law that's unconstitutional. If someone  
3 declared it unconstitutional, why would we want to do  
4 that? If you're talking about the Common Core, again,  
5 we're the ones that adopted it.

6 TRUSTEE HAMMOND: No. A simple "yes" or "no"  
7 on that.

8 Ms. Jaffe, same question, please. Would you  
9 enforce a law you felt was unconstitutional?

10 CELIA JAFFE: I would challenge a law I felt  
11 was unconstitutional.

12 TRUSTEE HAMMOND: Thank you very much.

13 Dr. Thompson, same question.

14 GARY THOMPSON: Absolutely 100 percent no.

15 TRUSTEE HAMMOND: Thank you.

16 HUGH HEWITT: I would challenge the law.

17 TRUSTEE HAMMOND: I knew what your answer was  
18 going to be.

19 Ms. Eubanks?

20 ROBIN EUBANKS: I would do the same. I would  
21 challenge the law.

22 TRUSTEE HAMMOND: Thank you.

23 I will start over here. Ms. Eubanks, do you  
24 see anywhere in the US Constitution where the Federal  
25 Government may be involved in education?

1 ROBIN EUBANKS: No.

2 TRUSTEE HAMMOND: Mr. Hewitt?

3 HUGH HEWITT: Article 1, section 8, clause 1  
4 under the spending clause does give them the right to  
5 bribe you, not the right to coerce or blackmail you.

6 TRUSTEE HAMMOND: But does it allow them to be  
7 involved in education?

8 HUGH HEWITT: Yes.

9 TRUSTEE HAMMOND: Okay. That's what I was  
10 asking.

11 Ms. Jaffe, what is your understanding of the  
12 smarter balance, the SBAC testing?

13 CELIA JAFFE: My understanding of the SBAC  
14 testing is that it's still under formulation. The  
15 reason that the field test results did not go anywhere,  
16 meaning they didn't come to schools or the state  
17 department of ed or parents, is that it was a test of  
18 the test. That's the lay test. Writers validate  
19 testing materials as they put a lot of questions out  
20 there to figure out which ones really work. It's the  
21 statistical way they validate it. The field tests and  
22 the pilot that went before it did not have the adaptive  
23 testing mechanism in place.

24 Adaptive testing, to my understanding, is that  
25 if one misses a question, you get some slightly easier

1 questions related to the same field to see sort of  
2 where -- why you missed it, where that level of  
3 understanding dropped off. By the same token, if you've  
4 proven that you understand the concepts, you can kind of  
5 skip to the other concepts more quickly. So the idea  
6 that the rigor of it would kind of adapt to the test  
7 taker and that the information about where the  
8 misunderstanding or lack of mastery of concept is kind  
9 of within.

10 TRUSTEE HAMMOND: Thank you very much.

11 Ms. Gutierrez, what's your understanding of the  
12 smarter balance testing, please?

13 LYDIA GUTIERREZ: Well, I had the opportunity  
14 to do the practice test that they are offering the  
15 public. And when I found out that many criticisms had  
16 been given on the rote success, many of the children  
17 that would take that test would have to know rote. They  
18 would have to know their math facts right off the bat.  
19 No child is given a piece of paper or pencil, so this  
20 lattice of exercise making boxes of hundreds, tens,  
21 ones, children will not be able to have that  
22 opportunity. They will have to figure out in their  
23 head, and the only way they can do that is to actually  
24 answer it correctly while they're practicing in the  
25 classroom.

1 TRUSTEE HAMMOND: Thank you.

2 Dr. Thompson, what is your understanding of the  
3 SBAC testing, smarter balance testing?

4 GARY THOMPSON: It is the largest experiment  
5 ever performed on children in the history of the United  
6 States of America without informed parental consent of  
7 parents such as myself.

8 TRUSTEE HAMMOND: Dr. Cavallaro, we're running  
9 out of time, but going back to you as well, what is your  
10 understanding of the smarter balance testing? I saw you  
11 nodding your head a little bit there with Ms. Gutierrez.

12 CLAIRE C. CAVALLARO: My understanding really  
13 concurs with Ms. Jaffe's explanation that it's still  
14 under development. It is an assessment that is based on  
15 Common Core State Standards separate from the standards,  
16 and if the standards are not equivalent to the  
17 assessment. And at this point, validation studies  
18 including a study by university faculty were looking at  
19 the extent to which it actually measures.

20 TRUSTEE HAMMOND: Do you have any idea how much  
21 it will cost the taxpayers to fully implement Common  
22 Core State Standards?

23 CLAIRE C. CAVALLARO: I do not.

24 TRUSTEE HAMMOND: Ms. Jaffe?

25 CELIA JAFFE: I don't. I don't know how much

1 the previous testing program, the STAR test cost.

2 TRUSTEE HAMMOND: Mr. Hewitt, any idea?

3 HUGH HEWITT: No.

4 TRUSTEE HAMMOND: Ms. Eubanks?

5 ROBIN EUBANKS: Everything I've ever seen, it's  
6 a multiple of about as much as ten times what the  
7 typical tests did in the past. It's usually expressed  
8 that way.

9 TRUSTEE HAMMOND: Thank you.

10 MAGGIE CHIDESTER: Thank you very much.

11 Trustee Boyd, would you like to pose a  
12 question?

13 TRUSTEE BOYD: Yes, I would, thank you.

14 Mr. Hewitt, I'm going to go down this road with  
15 a great deal of apprehension. You're a great debater,  
16 and apparently most of my supporters are watching Monday  
17 Night Football. But you've know William Bennett for  
18 many, many years, correct?

19 HUGH HEWITT: Yes.

20 TRUSTEE BOYD: Consider him a friend?

21 HUGH HEWITT: Yes.

22 TRUSTEE BOYD: Great deal of respect for this  
23 gentleman?

24 HUGH HEWITT: I was with him last week for two  
25 days.

1 TRUSTEE BOYD: He was arguably one of the best  
2 Secretaries of Education ever.

3 HUGH HEWITT: The only good one actually. No.  
4 He's really good, terrific.

5 TRUSTEE BOYD: Well, here's what Mr. Bennett  
6 wrote in the Wall Street Journal just last month with  
7 respect to Common Core, and he shared a concern of all  
8 of us, and I'm quoting here: "The Federal intrusion in  
9 the Common Core, however unwelcome and unhelpful does  
10 not change the basic truths. Common voluntary standards  
11 are good, conservative policies. Principles behind  
12 Common Core affirm the great intellectual traditions."

13 Sounds to me like he is not so much on the  
14 fence anymore. That with respect to the standards  
15 themselves, he's on board.

16 HUGH HEWITT: This will take a minute of your  
17 time, but I'd like to elaborate on what Bill believes is  
18 that the standards were originally conceived voluntary  
19 standards available to local and state authorities --

20 TRUSTEE BOYD: I only have five minutes.

21 HUGH HEWITT: I just discussed this with him.  
22 Did you watch the Sopranos? When Tony Soprano took over  
23 the sporting goods store and began to suggest to them  
24 how to market their goods, that's what's happened here.  
25 The feds have taken over the store.

1 TRUSTEE BOYD: But your objection to the  
2 standards are -- is your objection based on a  
3 Constitutional basis? Or the standards themselves?  
4 Let's assume that the Federal government had never  
5 weighed in on this issue, would you be sitting here  
6 today?

7 HUGH HEWITT: No, I wouldn't be sitting here  
8 today, but they did. And places like Santa Ana have had  
9 to make coerce choices which ought to make this Board  
10 sue.

11 TRUSTEE BOYD: You mentioned the possibility of  
12 a lawsuit. This came up a number of months ago. And at  
13 the time, I met with one of my constituents who  
14 encouraged the Board to sue the Federal government at  
15 that point in time, and we received estimates from our  
16 counsel on what that would take. In round figures I  
17 think it was three firms, and it would take about a  
18 million dollars to take that from start to finish. The  
19 recommendation was that I meet with John Eastman to talk  
20 about this. John has strong feelings on this as well.  
21 John is clearly brighter than I am, and if he sees a  
22 constitutional issue, I would be willing to sit down and  
23 speak with him. But, in fact, I offered to buy lunch.  
24 That meeting never took place, and you have to  
25 understand that we don't have a million dollars in our

1 budget for litigation fees. We serve very, very special  
2 students, and in a perfect world, yeah, that's a  
3 challenge. I would like to go down that road. But  
4 we're talking about hard dollars and hard dollars that  
5 would be taken out of the classroom.

6 HUGH HEWITT: I think you ought to be able to  
7 find a firm that would pursue it under a 1983 action  
8 that would get their attorney fees reimbursed upon  
9 success and that would do it at all risk to themselves,  
10 and I believe Brad Dacus has made that offer.

11 TRUSTEE BOYD: There's been no offer made to  
12 this Board that I'm aware of. I've been on this Board  
13 four years now.

14 HUGH HEWITT: I think you ought to be able to  
15 find counsel to proceed on a pro bono capacity on a 1983  
16 action which would return --

17 TRUSTEE BOYD: If that would be the case, if  
18 you'll have them contact me, and I will be happy to meet  
19 with them.

20 MAGGIE CHIDESTER: Trustee Boyd, did you have  
21 any other questions?

22 TRUSTEE BOYD: No, thank you, ma'am.

23 MAGGIE CHIDESTER: At this time I will inquire  
24 of the president, Dr. Williams, is this an appropriate  
25 time for a brief ten-minute break?

1 TRUSTEE WILLIAMS: Yes, it would be.

2 (Recess.)

3 TRUSTEE WILLIAMS: We can begin.

4 MAGGIE CHIDESTER: Trustee Boyd, would you like  
5 to begin your round of questions. You have five  
6 minutes.

7 TRUSTEE BOYD: Yes, I would. Thank you very  
8 much.

9 Ms. Eubanks, I have your book. On the agenda  
10 here, I recognize you're an attorney specializing in  
11 education and as your book indicates, you're an honors  
12 graduate from the University of Georgia Law School,  
13 which I congratulate you on. I was certainly not an  
14 honors graduate. You talk about your past career as  
15 general counsel of a New York stock exchange company in  
16 the healthcare industry.

17 ROBIN EUBANKS: Right.

18 TRUSTEE BOYD: It looks like -- and correct me  
19 if I'm wrong -- at some point in time, you decided it  
20 was more important to be a stay-at-home mom than to be a  
21 full-time attorney.

22 ROBIN EUBANKS: The company I was general  
23 counsel for was bought out.

24 TRUSTEE BOYD: You do identify yourself as  
25 stay-at-home mom?

1 ROBIN EUBANKS: For a certain time of my life.

2 TRUSTEE BOYD: Don't get me wrong, I wish we  
3 all had that luxury. Do you represent clients in the  
4 education field? If so, could you name a couple? Or is  
5 this a situation where you just got an interest in  
6 education because of what your children were going  
7 through?

8 ROBIN EUBANKS: Well, Georgia's governor, I'm  
9 making a deal with him as competitive counsel because of  
10 my expertise in education. He didn't pay me anything to  
11 be on it, but he certainly recognized that expertise.  
12 Georgia State School superintendent asked me to be part  
13 of his advisory committee. He was elected in 2010.  
14 Again, because he had heard from other people that I  
15 understood what was going on in education.

16 TRUSTEE BOYD: As I understand it, one of the  
17 goals of Common Core is to increase critical thinking of  
18 our students as opposed to merely memorizing facts. In  
19 your book, you write, and I'm quoting here, "Common Core  
20 incompetency has increased social and emotional  
21 learning. My definition of literature all seek the  
22 limit what an individual can know and be able to do and  
23 what he values and believes. Could you expand on that?

24 ROBIN EUBANKS: Okay. The definition of  
25 knowledge that is typically used under Common Core is

1 tied to conceptual understanding -- sometimes they are  
2 called enduring understandings of belief. That came up  
3 during the presentation. Instead of your understanding  
4 as we traditionally know it being built up from a body  
5 of facts, you come up with your own framework.  
6 Typically under Common Core, we have what we call  
7 conceptual frameworks that are created to sort of  
8 pre-supply the terms that we want students to be  
9 familiar with. And the idea is that they will filter  
10 concepts through those curriculum. It will be -- the  
11 term that is frequently used is what CCSSO uses in the  
12 social studies framework. It's the next generation  
13 learning is the concept -- that these concepts like  
14 race, diversity, class, adaptation, revolution, will be  
15 concepts that the students will learn to see -- it's  
16 intimately tied into what close reading means under the  
17 Language Arts standards of Common Core, that all tie to  
18 these concepts.

19 TRUSTEE BOYD: How does Common Core limit what  
20 an individual could know?

21 ROBIN EUBANKS: Typically what almost all of  
22 the presentations I've seen on Common Core is that the  
23 assessments drive what goes on in the classrooms.  
24 That's why it's always been so essential if you wanted  
25 to reform American education that you also had to change

1 the nature of the assessments. Press at UCLA was set up  
2 originally about 30 years ago when John Goodlad was  
3 still the Dean of the Ed School there precisely because  
4 he knew that the model of education that he wanted to  
5 create in American education that is outlined in that  
6 book would require a different kind of assessments.  
7 That's what we are getting now. Those assessments  
8 consistently -- everyone I've seen said it's going to be  
9 based on Norman Webb's depth of understanding and his  
10 definition of rigor. It involves a willingness to apply  
11 concepts involving untaught situations, ambiguous  
12 situations. Says that's what it's assessing for as  
13 well.

14 TRUSTEE BOYD: One other -- I don't know if  
15 you'll have time to respond to this. You write that  
16 there's a tight fit -- repeated essential links between  
17 a Marxist view of education and practices of education  
18 and the Soviet Union has been pushed in the west in the  
19 past and now with Common Core. Could she make a brief  
20 response?

21 TRUSTEE WILLIAMS: Okay.

22 ROBIN EUBANKS: I do say that because it is  
23 factually true, and there are people intimately involved  
24 with the theories that are being implemented with  
25 Common Core who talk about that that's their purpose.

1 It's not -- it's a psychological view. It's cultural  
2 Marxism. The idea is that you can change society by  
3 changing prevailing beliefs.

4 TRUSTEE BOYD: Thank you, ma'am.

5 MAGGIE CHIDESTER: Trustee Hammond, any  
6 additional questions you'd like to pose?

7 TRUSTEE HAMMOND: I do, unless, Dr. Bedell,  
8 would you like to go first?

9 Mr. Warren, I didn't get a chance to get down  
10 there. Have you heard by any chance about how much it  
11 would cost to fully implement Common Core State  
12 Standards?

13 GLEN WARREN: I have no idea.

14 TRUSTEE HAMMOND: Dr. Cavallaro, how do we find  
15 out if this is an unfunded mandate? Any ideas?

16 CLAIRE C. CAVALLARO: How do we find out if  
17 it's an unfunded mandate?

18 TRUSTEE HAMMOND: Yes, ma'am. If you don't  
19 know, that's okay.

20 CLAIRE C. CAVALLARO: I mean, we have always  
21 had -- for many, many years, we have had standards in  
22 California. I think one could call that an unfunded  
23 mandate as well. This is what we do in education. We  
24 have standards and we have goals for students, and we  
25 all care about making sure that our students learn and

1 they can meet these goals.

2 TRUSTEE HAMMOND: Mr. Hewitt, how do we find  
3 out if this happens to be an unfunded mandate?

4 HUGH HEWITT: You bring a lawsuit. Actually, I  
5 have no expertise in that.

6 TRUSTEE HAMMOND: Ms. Gutierrez, I've heard  
7 that the Common Core State Standards are going to  
8 actually be benchmarked, but it appears to me that they  
9 are not. So my question to you is, as far as you're  
10 concerned, are the Common Core State Standards  
11 internationally benchmarked?

12 LYDIA GUTIERREZ: There is no proof. If you  
13 look at any website, if you call the Federal government,  
14 Board of Education, they won't give you information. If  
15 call the State Board of Education, they will give you no  
16 information. If you go to your own district, they will  
17 give you no information. So with that I come to the  
18 conclusion that it may not have been benchmarked.

19 TRUSTEE HAMMOND: Ms. Cavallaro, any thoughts  
20 on that?

21 CLAIRE C. CAVALLARO: One of our faculty at Cal  
22 State Fullerton has for several years been on the Board  
23 of the National Council of Teachers in Mathematics,  
24 Dr. Mark Ellis, who's an expert middle school math, and  
25 he tells me that -- he's worked with and for quite some

1 time. He tells me that the ways that the high-ranked,  
2 high-performing nations teach math, particularly in  
3 middle school all the way through are quite different  
4 than the way we have been teaching math. I understand  
5 in my reading that when the standards were developed,  
6 they did look at the ways and standards that are used in  
7 some of these more high-performing nations.

8 LYDIA GUTIERREZ: Let me make it clear. She  
9 said the "ways." She did not say the validated research  
10 indicated it was appropriate for our children. They  
11 just look at ways.

12 TRUSTEE HAMMOND: Dr. Cavallaro, it appears  
13 that Dr. (inaudible) was one of the lead writers for  
14 Common Core math standards, and I've seen a YouTube  
15 video -- I had to rely on YouTube, but my daughter would  
16 be proud. He said Common Core math standards, they do  
17 not meet STEM requirements. Here is one of my concerns.  
18 How will this impact a student attempting to meet the  
19 C requirement of the A through G entrance requirements  
20 for the system?

21 CLAIRE C. CAVALLARO: My understanding is that  
22 the standards are aligned and the assessments are being  
23 aligned with the requirements.

24 TRUSTEE HAMMOND: Dr. Thomas, I'm confused  
25 about that. According to Dr. Jason Zimba, there's

1 not -- Common Core Standards do not meet STEM  
2 requirements. If that is the case, do you see that as a  
3 problem for students trying to meet the C requirement of  
4 A through G entrance requirements for the UC system,  
5 sir?

6 GLEN THOMAS: Well, UC and CSU say that the  
7 Common Core do meet the A to G requirements, so I think  
8 we have to take their word for it. I don't know what  
9 STEM requirements he would be referring to though.  
10 Because STEM is not just math and technology and  
11 engineering.

12 TRUSTEE HAMMOND: I would assume that it's just  
13 the -- that the Common Core Standards do not meet the  
14 math of STEM requirements.

15 GLEN THOMAS: I think we have to defer to the  
16 ones that set up AIG and that's the higher ed. And if I  
17 might, Mr. Hammond, you asked earlier -- if I might just  
18 take a second. On the website, I don't defend what  
19 everyone -- all the vetting, but there are a number of  
20 comparisons of California Common Core Standards against  
21 international standards --

22 TRUSTEE HAMMOND: Submit that for me. I read  
23 everything that's submitted.

24 Ms. Gutierrez, do you know where anywhere in  
25 the Common Core State Standards that children are taught

1 mathematical rote memorizations?

2 LYDIA GUTIERREZ: I know my district is  
3 allowing us to do it. In the materials I have seen that  
4 has been submitted to me, I'm unaware under Common Core.

5 TRUSTEE HAMMOND: Ms. Jaffe, do you know of any  
6 place?

7 CELIA JAFFE: The Common Core Standards would  
8 talk about skills that the students should have such as  
9 adding two digit numbers and two digit numbers that  
10 involve carrying and things like that. So the skill to  
11 be able to do those problems would be what they would be  
12 being taught. I don't know exactly where you would call  
13 rote memorization as part of that.

14 TRUSTEE HAMMOND: Thank you.

15 MAGGIE CHIDESTER: Dr. Williams?

16 TRUSTEE WILLIAMS: Ms. Eubanks, I'm going to  
17 ask you a question if you could just answer real  
18 quickly. For the first time -- you mentioned something  
19 that occurred in July of 2012. I never heard of this  
20 before -- the executive order by President Obama about a  
21 positive school climate. How does that impact us here  
22 locally?

23 ROBIN EUBANKS: There's a national -- what used  
24 to be called a National Center for Social and Emotional  
25 Learning. It's now Social and Emotional Education, and

1 it's now a national center. They have earmarks that  
2 they think constitute a positive school climate. And  
3 all those essentially are being brought in. The social  
4 and emotional learning emphasis gets brought in under  
5 the positive school climate. It's a lot of things that  
6 a school Board would not have seen that are binding on  
7 the classroom. Also one of the ways that the social and  
8 emotional is brought in is under the accreditation, and  
9 they do have that focus.

10 TRUSTEE WILLIAMS: I'm looking at about three  
11 minutes remaining. Mr. Hewitt, I'm going to end with  
12 you. Can you expand upon the concept of this lawsuit  
13 and the unconstitutional decision by Arne Duncan, and  
14 how does that relate to Bobby Jindal? I know that's a  
15 lot of information for you.

16 HUGH HEWITT: Let me begin by reading a  
17 synopsis available online to anyone by Derek Black at  
18 University of South Carolina published in the Vanderbilt  
19 Law Review forthcoming.

20 In the fall of 2012, the United States  
21 Secretary of Education told states he would use his  
22 statutory power to waive violations of the No Child Left  
23 Behind Act but only on the condition that they adopt his  
24 new education policies, policies that had already failed  
25 in congress. Most states had no real choice but to

1 agree because 80 percent of their schools were faced  
2 with statutory sanctions and fund termination. As a  
3 result, the Secretary was effectively able to federalize  
4 two core aspects of public education over the next year.

5 For the first time, school curriculum in terms  
6 of teacher evaluation and retention came under the  
7 influence and control of the Federal government. This  
8 article demonstrates that this particular exercise of  
9 conditional waiver power was both unconstitutional and  
10 beyond the scope of the Secretary's statutory authority.  
11 First, the No Child Left Behind gave no notice that  
12 states might face waiver conditions when they first  
13 agreed to participate in No Child Left Behind, much less  
14 notice of the substance of those conditions. The  
15 spending clause doctrine applies to both.

16 Second, states' inability to say no to the  
17 conditions raise serious questions of constitutional  
18 coercion. I might add those are the same conditions  
19 that made up the basis of this "Sebelius vs. National  
20 and Independent Federation of Business Decision" in  
21 which the forced Medicaid expansion was struck down as  
22 unconstitutional by the Roberts Court.

23 Third, the Secretary lacks explicit statutory  
24 authority to impose those conditions and at best the  
25 NCLB implies authority to condition the waivers, but

1 implies conditions with limited to the scope of No Child  
2 Left Behind act itself.

3 Fourth, to treat these particular waivers  
4 conditions as falling under the scope of the Secretary's  
5 authority, it would be to extend to the Secretary the  
6 equivalent of lawmaking power, which separation of  
7 powers doctrines prohibit. The power to unilaterally  
8 impose open-ended policy through waiver condition would  
9 be remarkable, not just for its transformation of key  
10 aspects of education but for the entire federal  
11 administrative state. It would open the door to a more  
12 power expansive administrative power than ever seen  
13 before.

14 I would add now, Professor Hewitt speaking, it  
15 suggests an end of the Board's role. It is a challenge  
16 to the very nature of local education, and it is radical  
17 on the part of Secretary Duncan, and he has indicated in  
18 his private contempt for which he's apologized, contempt  
19 for the people who are concerned about it.

20 TRUSTEE WILLIAMS: Could you tell us a little  
21 bit about Governor Jindel's lawsuit.

22 HUGH HEWITT: Governor Jindel is suing on this  
23 basis. And I think it would be supported in arguing  
24 that this action by Arne Duncan is in fact in violation  
25 of his rights as a state governor. I believe it would

1 be useful for this Board to act in support of that by  
2 either filing a separate action in the 9th Circuit,  
3 given the 9th Circuit probably would lose. Bobby Jindel  
4 is probably going to win. It would create a split in  
5 the circuits that would create an opportunity for the  
6 Supreme Court to hear the issue.

7 TRUSTEE WILLIAMS: Wow.

8 MAGGIE CHIDESTER: Thank you, ladies and  
9 gentlemen, please refrain from applause.

10 LYDIA GUTIERREZ: In the thirty seconds that  
11 you have left, I want to add to something of the comment  
12 about personal behavior standards within the Educational  
13 Code 60604, it states state-wide academic and rigorous  
14 content performance standards that reflect the knowledge  
15 of conflict skills that pupils will need in order to  
16 succeed in the informational-based level economy of the  
17 21st Century. These skills will not include personal  
18 behavior, standards or skills including but not limited  
19 to honesty, social ability, ethnicity and self-esteem.

20 TRUSTEE WILLIAMS: Thank you very much.

21 MAGGIE CHIDESTER: Thank you.

22 Dr. Bedell?

23 TRUSTEE BEDELL: Thank you, again. I guess  
24 anybody on the panel, suppose the district says, "No,  
25 we're not going to do Common Core," what happens to that

1 district, if anything?

2 LYDIA GUTIERREZ: What happens is it goes to  
3 the County Board of Education. The Superintendent has  
4 the legal right. I have before me AB-97. AB-97 on page  
5 98 which is section 101, says express the school's  
6 understanding that not meeting the annual and final  
7 programs and academic achievement required under this  
8 article may resolve in the termination of funding. So  
9 the Superintendent at the county level can make that  
10 decision.

11 TRUSTEE BEDELL: So if the district says "We're  
12 not going to do it, it would come to this Board?"

13 LYDIA GUTIERREZ: Yes, it would. It would  
14 actually go to that person to the right. We will have  
15 two separate entities -- the Board of Education and  
16 curriculum. He is financial.

17 TRUSTEE BEDELL: Is that your understanding of  
18 this?

19 SUPERINTENDENT MIJARES: My understanding is  
20 that it would have to comply with local accountability  
21 plan. And that's the only way that we would be able to  
22 deny that district's request to opt out of Common Core.

23 LYDIA GUTIERREZ: And part of that plan is  
24 Common Core has to be implemented.

25 TRUSTEE BEDELL: So it would be a huge cost to

1 the -- and I don't mean just financial -- the district  
2 to opt out of Common Core?

3 LYDIA GUTIERREZ: No, actually --

4 TRUSTEE BEDELL: The financial would be  
5 jeopardized.

6 LYDIA GUTIERREZ: No, actually it would not  
7 because you have to realize with Common Core State  
8 Standards, there was no curriculum written. I have  
9 outside, about this tall, of curriculum that was written  
10 to match the old standards. This is how much I've  
11 gotten from the Common Core we have now. I have nothing  
12 for my disadvantaged children, my low-performers, my  
13 high-performers, my English language learners. There's  
14 nothing available. All we do is research, discuss and  
15 share. That's how we're supposed to learn. What you  
16 have is when you have a body of children that are coming  
17 with disadvantages and that are English language  
18 learners, you have to give them a lot of support.  
19 Common Core has none whatsoever. So you're going to  
20 create more of a financial burden to create the  
21 curriculum that you'll need through Common Core because  
22 it doesn't exist.

23 TRUSTEE BEDELL: Anyone on the panel want to  
24 comment on that?

25 CELIA JAFFE: I'm quite familiar with the --

1 and the provisions of enforcement are really just  
2 getting under way. There has not been enforcement on it  
3 yet because this is the first year we've had this. My  
4 understanding from the speaker from (inaudible) which is  
5 the financial trouble arm of the Department of Ed, is  
6 that if a noncompliant LCAP would be rejected at the  
7 county level for failure, if it was not revised in a way  
8 that was compliant with the requirements of LCAP which  
9 includes the Common Core, the states adopted curriculum  
10 which is Common Core, they could go into state  
11 receivership. They could be -- have a state take over  
12 their school district.

13 SUPERINTENDENT MIJARES: There really is no  
14 provision to reject a district for implementing the  
15 Common Core. It's just impossible. It would go right  
16 to the State Superintendent of Public Instruction who  
17 could then assign a super trustee who can usurp the  
18 authority that way.

19 TRUSTEE BEDELL: I want to make sure I get  
20 this. So the district has to have an LCFF and LCAP --  
21 Local Control Funding Formula and Local Control and  
22 Accountability Plan -- embedded in that, as I understand  
23 you, Ms. Jaffe, is the Common Core is the Common Core.

24 CELIA JAFFE: A priority area. And the  
25 standards which are adopted in California.

1 GLEN THOMAS: It also says for every student in  
2 that district. Ms. Gutierrez's comment, it's become --  
3 the district needs to make sure --

4 CELIA JAFFE: The money has to follow a  
5 specific kid.

6 TRUSTEE BEDELL: The kid has to get the money.

7 GLEN THOMAS: How that's allocated is up to the  
8 school Board with parental input.

9 TRUSTEE BEDELL: Mr. Mijares, so the bottom  
10 line is if the district says, "Hell no, we're not doing  
11 Common Core," what's going to happen to them, if  
12 anything?

13 SUPERINTENDENT MIJARES: Then they're out of  
14 compliance with the state directive. We would have to  
15 reject it on that basis.

16 TRUSTEE BEDELL. Reject that. Reject the  
17 rejection.

18 SUPERINTENDENT MIJARES: Yes.

19 HUGH HEWITT: May I add they are also in need  
20 of a waiver under No Child Left Behind pursuant to the  
21 2014 standards, and they will not get a waiver from the  
22 federal government as well. They will lose the funding  
23 attached to No Child Left Behind.

24 TRUSTEE BEDELL: Double smack?

25 HUGH HEWITT: Double smack.

1 TRUSTEE BEDELL: Thank you very much. I'm  
2 finished.

3 MAGGIE CHIDESTER: Thank you, Dr. Bedell.  
4 Trustee Lindholm, would you like to pose any  
5 questions?

6 TRUSTEE LINDHOLM: Yes, thank you. And just to  
7 remind the audience that we're the Orange County Board  
8 of Education, and that there is the State Board, and the  
9 State Board is the one who went with the Common Core.  
10 They voted for that, so that comes in a trickle down to  
11 us for implementation.

12 My questions have to do with -- a lot has to do  
13 with math and data-mining and all that kind of stuff.  
14 But what I'd like to know at this point is with the  
15 Smarter Balance testing, are they going to try and  
16 replace ACT and the SAT, which have been the standard  
17 for so long? Or how are our kids going to get in  
18 college? And once they get into college, how are they  
19 going to get into the careers they want?

20 So I'm seeing a lot of funding go to -- I won't  
21 say who it is -- to develop the testing. So how will  
22 the testing for Smarter Balance for Common Core affect  
23 the SAT and the ACT?

24 GLEN THOMAS: I don't know -- if I might. I  
25 don't know that Smarter Balance has any impact, but the

1 ACT and SAT are being revised against the Common Core.

2 TRUSTEE LINDHOLM: And that to me is an issue  
3 because that changes the whole focus of the SAT and ACT  
4 standards.

5 I have some more questions. I want to make  
6 sure I get those in. The good thing about the SAT and  
7 ACT is that the child takes that, and there are  
8 different tests that are handed out, but it's a  
9 continuous test. So my concern is that we're going to  
10 do this new roving testing where each test question then  
11 follows the student. I'm really hoping that is not the  
12 case, that a student gets a different question as they  
13 go through because they answer it incorrectly. My  
14 understanding is that this testing is still in process.  
15 The questions haven't been formulated for it. We're  
16 implementing Common Core, but we don't have the testing.  
17 That is bothersome to me. How do we adopt this without  
18 the testing?

19 So I'm looking over here to see if anyone can  
20 answer.

21 GLEN THOMAS: The curriculum should come first.  
22 Local boards decide what students should learn.  
23 Curriculum should be purchased or developed to match  
24 that teachers trained use the curriculum. Then the test  
25 is aligned against what you want the students to have

1 learned. The test, in my opinion, should not lead the  
2 curriculum. I think behind your -- that's kind of  
3 what's behind your question. We've been very methodical  
4 in going down I think the path where we're trying to  
5 focus on the curriculum and on teaching and learning.  
6 And I believe as long as we are on that path, that we're  
7 okay.

8 TRUSTEE LINDHOLM: I know you have a wide  
9 breadth of knowledge here. One thing we have as the  
10 Board of Education -- we have a lot of people ask us  
11 about the dumbing down of math. You are saying -- I  
12 want to verify -- that could be -- we have 27 school  
13 districts within us. Each one of them could choose what  
14 level those 8th or 9th grade where the Algebra class is  
15 taught?

16 GLEN THOMAS: That's correct. We used to  
17 have --

18 MAGGIE CHIDESTER: Thank you, members of the  
19 audience for --

20 GLEN THOMAS: We used to have a end of course  
21 exam for Algebra 1 which students -- whenever they  
22 completed Algebra 1. Some students completed it in  
23 7th grade, some in 8th grade, some in 9th grade.  
24 Whenever they completed it, they took that exam. We no  
25 longer have that. In the new mathematic framework,

1 there's a whole section which I just printed out a  
2 couple pages with all those different diagrams of  
3 suggested ways that mathematics could be arranged  
4 starting at the 4th grade up.

5 And by the way, in earlier grades, it's  
6 addition and subtraction, multiplication and division.  
7 Those are the basic fundamentals of math that are  
8 embedded --

9 TRUSTEE LINDHOLM: But for the people that come  
10 and ask us and say they're getting Algebra late and  
11 their school no longer offers it as 7th grade, that is  
12 incorrect, those schools could offer it anywhere along  
13 that parameter?

14 GLEN THOMAS: Yes, Trustee Lindholm. I think  
15 that's an excellent question. If I might be so bold --  
16 it might be something that the Board, the County Board  
17 could be helpful in because I think there's a lot of  
18 confusion over how you organize and sequence courses in  
19 the mathematics strand, and that would something to  
20 flesh that out in a public arena. I think it would be  
21 very helpful. And those that see weaknesses in that,  
22 that could be brought forward. But there's a lot of  
23 different ways, and the ultimate goal here is that that  
24 would be individualized because some students would be  
25 ready to take Algebra early. Some will need a lot more

1 time and take it later.

2 TRUSTEE LINDHOLM: Thank you.

3 MAGGIE CHIDESTER: Thank you, Trustee Lindholm.

4 That concludes the portion of our meeting where the  
5 trustees pose questions to the panelists.

6 At this time we will have closing remarks of  
7 the panelists. Each will have 20 minutes. Would you  
8 like to begin, Dr. Cavallaro?

9 CLAIRE C. CAVALLARO: Sure, I'd be glad to.

10 I think we've discussed many issues this  
11 evening that are tangential to the Common Core State  
12 Standards -- issues about the assessments which  
13 certainly is important, the cost and other factors as  
14 well and the curriculum. The Common Core, though, is  
15 not a curriculum, and it's not an assessment. It's a  
16 carefully designed and rigorous set of standards. And  
17 the math standards are more rigorous and more  
18 challenging. That is why I think we are having some  
19 challenges in the classrooms because they are raising  
20 standard for students.

21 The standards have the potential to drive  
22 educational changes in our schools in a way that is very  
23 positive, by introducing and reenforcing critical  
24 thinking, by helping children to learn to solve problems  
25 and use evidence to solve problems. I don't know anyone

1 who would argue with that.

2 Success is going to require time, resources and  
3 collaboration across all sectors of the community. I  
4 moved from Los Angeles to Orange County about eight  
5 years ago to join and lead the outstanding faculty at  
6 Cal State Fullerton. Some of my LA friends teased me  
7 about moving behind the Orange Curtain. It has been  
8 tremendously fulfilling to live and work in a community  
9 and county where the schools and the school systems  
10 really function so well.

11 We have great schools here and great teachers.  
12 We have challenges in our urban and low-income schools,  
13 but I believe that our schools are successful in Orange  
14 County because they are locally controlled. We have  
15 local control here. We have reasonably sized districts  
16 which are led by trustees and superintendents who know  
17 and are known by parents and communities they serve.

18 Orange County is becoming increasingly diverse.  
19 Our residents disagree on many key issues. But we do  
20 agree on the critical importance of education. They're  
21 all here because we care about providing the best  
22 education for all of our students. We do come together  
23 as a community to support our teachers and school  
24 administrators. Common Core standards will not change  
25 this fundamentally important aspect of Orange County

1 here -- of education here in Orange County.

2           The Common Core standards are just standards or  
3 goals. The curriculum, the way that teachers structure  
4 and deliver instruction, the lessons they deliver and  
5 materials they use have always been determined at local  
6 level and that will continue. That will not change in  
7 Common Core. I believe that we're really fortunate to  
8 have a school district that are responsive to  
9 characteristics and needs and values our communities. I  
10 believe we're fortunate to have school leaders who have  
11 the courage and foresight to implement curriculum that  
12 will prepare students for the reality of the 21st  
13 Century workplace.

14           Common Core will not be determined here this  
15 evening, of course, or by any County Board of Education.  
16 The Standards were adopted by the California Board of  
17 Education as has been stated. And at this point, they  
18 do still have strong support throughout the state. What  
19 we can decide here in Orange County is how we can  
20 collaborate the cross sectors, support our schools,  
21 teachers and students and their parents in implementing  
22 the standards.

23           I want to thank the Orange County Department of  
24 Education. They have really been exemplary in the way  
25 they supported Common Core implementation. They

1 provided access to resources and professional  
2 development. They've partnered with higher education  
3 towards our common goal of assuring that all Orange  
4 County students graduate ready for college and career.

5 And Trustees, I hope that you will continue to  
6 have the wisdom and foresight to maintain that support.  
7 Thank you.

8 MAGGIE CHIDESTER: Thank you, Dr. Cavallaro.  
9 Ms. Jaffe, would you like to make any closing  
10 remarks?

11 CELIA JAFFE: I have a well-timed speech here  
12 which I'm throwing out because I'm going to answer the  
13 question I wish I had been asked. One has to do with  
14 math and STEM. I had the enjoyable task of going to the  
15 STEM symposium, the California STEM symposium last  
16 month. It was held in San Diego. It's a three-day  
17 extravaganza of STEM work and also a math symposium here  
18 a year ago. That's also a statewide event, so I'm  
19 fairly up to date.

20 The thing about Common Core math related to  
21 STEM is that it is very intent upon students gaining  
22 certain skills by a certain time. That's part of its  
23 rigor and those skills are deeper than they have been in  
24 the past. So that even if you have my example from  
25 before, two digit number plus two digit number, you have

1 the kids talking about different ways they might get to  
2 an answer there. They might round one of the numbers up  
3 and then take off their rounding factor down. All kinds  
4 of ways of looking at it increases their number sense.  
5 It gives them a really deep understanding of math and  
6 that the two junctures that lead up to towards the  
7 ability to go into advanced science classes and  
8 technology and so on. One is place value in the  
9 elementary grades and then in the middle school grades,  
10 Algebra. And Algebra, the concepts that have been just  
11 in the Algebra class has been moved down to some of the  
12 earlier grade levels to give them more time so the  
13 6th and 7th grade standards have some of those Algebra  
14 concepts to just embed more firmly in the kids's minds  
15 by the time they get to high school.

16 So some of that desire to accelerate past and  
17 do things earlier is not favored within Common Core  
18 setup as much because the experience has shown is that  
19 the kids who accelerate quickly sometimes don't have  
20 those foundational skills as rock hard in their minds as  
21 we want them to have.

22 Another: I happen to be a new appointee for  
23 the Public Schools Accountability Act advisory committee  
24 at the state level which is working on refiguring the  
25 API. It's the only meeting I've been to, so don't ask

1 me much. We were handed a list of what CALPADS  
2 collects. CALPADS is California Pupil Data System.  
3 There is an -- it's a public document so we can get it  
4 here to the Board. It would be on the State Board of  
5 Education -- the demographic data, some of the questions  
6 that kids are asking as part, whatever -- the data that  
7 is collected by the state is on that list. It does not  
8 include their cornea, their personal beliefs, any of  
9 that. Is it is actually what comes in through -- it's  
10 used for demographic studies and so on.

11           There seems to be lot of -- I would say some  
12 belief that we have way better computer systems than we  
13 have in education because we've been trying to make  
14 CALPADS realistic. We've been trying to make CALPADS  
15 work so when we're looking at kids' achievement, we're  
16 looking at the same kids from one year to the next, how  
17 is that kid growing and not just all the second graders  
18 this year versus all the second graders from last year.  
19 We've been trying to make that data system more robust,  
20 not for purposes of marketing or mind control or  
21 anything else, but just to make educational decisions  
22 more informed.

23           The waiver that the eight school districts have  
24 applied for in California -- I'm also know something  
25 about that from another involvement there -- the school

1 quality and improvement system. The waiver group --  
2 their waiver relates to the No Child Left Behind  
3 provision. They are not waiving themselves from the  
4 Common Core. Their waiver relates to No Child Left  
5 Behind.

6 If we're going to talk about federal incursion  
7 into education and so on, that was definitely the start  
8 of that. So, you know, if somebody wants to work on  
9 talking about revising the SCA, no Child Left Behind is  
10 the latest version of that. That has been attempted in  
11 congress and failed. And I don't have any particular  
12 opinion on the current Secretary of Education's roles  
13 because I'm worried about what's going on in California.  
14 California adopted Common Core Standards. Previously we  
15 adopted our state standards.

16 Schools in California are working very hard to  
17 develop their instructional strategies to get their  
18 curriculum together to have their teachers ready to do  
19 this new exciting stuff. I have seen lessons in my  
20 school district classrooms, things that I know are being  
21 made fun of a little bit about math, but kids talking  
22 about how they solve a math problem. "I solve it by  
23 doing this, by envisioning five boxes." And another kid  
24 says, "I solved it because I remember this math fact and  
25 that helped me do this."

1           So it's exciting. They're talking to each  
2 other. They're more interested, more engaged. That's  
3 number sense. I've seen a social studies lesson that  
4 was using some of that English Language Arts skills  
5 asking kids to look -- they were working on a letter  
6 written by a colonial soldier during the Revolutionary  
7 War and then they were taking details -- you've got to  
8 identify specific details in it, so it's taking details  
9 out of informational tests and things. And then they  
10 were looking at paintings done of the Revolutionary War.  
11 And they said that after the fact -- a little glorified.  
12 Am I going way long?

13           So does the written description match the way  
14 it was painted and so on? What are the details that you  
15 can use to describe that these are the kind of lessons  
16 that relate to the Common Core? Of course those lessons  
17 are developed at your local school by your local  
18 teachers. So Common Core Standards as in shared --

19           MAGGIE CHIDESTER: I think --

20           PENNY DUNSETH: She went over by two minutes.

21           NINA BOYD: Because the panel should finish at  
22 10 minutes until 9:00.

23           MAGGIE CHIDESTER: Dr. Thomas?

24           GLEN THOMAS: First of all, I want to thank the  
25 Board members. This is a very important topic. Public

1 education is important in our state. The Common Core  
2 right now, our Language Arts and math, we're college  
3 ready and career ready. We added in California Civics  
4 as part of that whole Liberal Arts education. That's  
5 what we have in California, and that's much broader than  
6 the Common Core that has been talked about tonight.

7 We portray, illustrate the Common Core in the  
8 California context in the California frameworks. These  
9 are online. This is just a few chapters of it. It's  
10 quite long. There is extensive information, everything  
11 from English language learners to Special Ed and so  
12 forth. So I thank you for your work and your role, and  
13 I thank the audience here, the public, because public  
14 education is under a certain amount of attack, I suppose  
15 you would say. We've lost a little bit of faith in it,  
16 I think in some cases.

17 The only way we're going to get that back is by  
18 people being involved and listening and asking their  
19 questions. I don't blame anybody being worried about  
20 data -- even though it's out there in the future -- or  
21 our values. That's all very important to me. This is  
22 not what I'm interested in when talking about Common  
23 Core.

24 We do not receive race to the top money. We  
25 did not receive the state waiver. But I will say,

1 Trustee Hammond, that if you take federal money, you  
2 have to follow federal regulations. For example, for  
3 years we've taken federal Special Ed money, and we've  
4 had to follow a Special Education regulation on top of  
5 state regulations. And we've had some districts that  
6 have refused federal money in the past. That's not --  
7 in the Language Arts Common Core, we felt very  
8 comfortable because the same author, the same writer  
9 rather, that wrote our Language Arts standards also  
10 wrote the Common Core -- Susan Pimentel. I heard  
11 criticism that classic literature is going to be  
12 (inaudible).

13 We have in our Language Arts framework, still  
14 extensive literature list that includes everything from  
15 classic myths and Shakespeare and the Bible. It's a  
16 wide, wide reading list. California has flushed that  
17 out. That's way beyond what the Common Core. That  
18 might be another area worthy of further look. And as I  
19 close, I would just say that public education is very  
20 important. By the way, I would say I would be very  
21 proud of the achievements you have here in Orange  
22 County. You have done an excellent job. The district  
23 has done an excellent job, and English language learners  
24 achievement particularly is quite note-worthy here. So  
25 whatever you're districts are doing and you're

1 encouraging them, keep on it.

2           It's all doing good. There were people who  
3 didn't agree with the first time we had standards in  
4 California and some of the same people are asking some  
5 of the same questions. That's okay. I don't know that  
6 we've ever agreed to anything in California. I mean, my  
7 ancestors came to California because they wanted to be  
8 independent and do their own thing.

9           Public education is a precious commodity and we  
10 need to keep folks making this the best we can and  
11 support the parents and our students. Thank you.

12           MAGGIE CHIDESTER: Thank you very much,  
13 Dr. Thomas.

14           Mr. Warren, do you have any concluding remarks?

15           GLEN WARREN: Oh, boy, yes. First of all, I  
16 want to start with some anecdotal observations from my  
17 own world and my classroom and my students, which is  
18 really my whole world. And I want to address some of  
19 the STEM questions from earlier. I pause for just a  
20 moment to be a little bit proud of -- okay, a lot proud  
21 of our students. This is one of the factors that's  
22 being able to be un-shackled from No Child Left Behind  
23 rogue organization only approach to education. And I  
24 want to emphasize only.

25           When we had that lifted off and we had some

1 freedom, we really practiced the craft of being  
2 educators. Now this is because we didn't have tests  
3 bearing not gown our backs. We had the chance to  
4 actually practice our craft. There's some really good  
5 educators in Orange County. I'm sure some of the  
6 parents in here can say they've had a teacher that  
7 changed their child's life.

8 Well, anyway, UC Davis started a program for  
9 robotics, mathematics and computer programming, C Plus  
10 Plus Language. And, you know, when I looked at this for  
11 the first time and they bring it to Orange County  
12 through the Department of Ed here, I was overwhelmed  
13 with that. You're going to do what? You're going to do  
14 robotics, mathematics? We're talking Algebra II  
15 mathematics and computer programming. I'm thinking,  
16 okay, let's give this a try. And they brought in these  
17 individual robots for students to program, and there was  
18 a competition. For the first time we had -- the first  
19 time for us this year where Orange County got a chance  
20 to meet at UC Irvine and we had a state-wide competition  
21 on robotics and mathematics and computer programming,  
22 and I am thrilled to be able to say Orange County kicked  
23 Davis.

24 I don't know why nobody is cheering. I guess  
25 we're not allowed to. But getting back to it, the fact

1 of the matter is we swept in every single category. And  
2 I've got to tell you, I had students in my classroom in  
3 my class, we won the robotics choreography in  
4 C Plus Plus language, and we also won on a deal where we  
5 went for that and we won the state award for  
6 perseverance. We wouldn't quit. And I think that's a  
7 beautiful thing.

8 By the way, in that class, I had students that  
9 were failing general math. Now please hear this. They  
10 were failing general math, but when they were given the  
11 opportunity to program those robots and they got into  
12 how that happened, they didn't realize that back then  
13 that they were actually implementing rather complex  
14 Algebra II implementation. In their minds, all they  
15 wanted to do make sure is that slower robot met up with  
16 the faster robot at the right time so they could  
17 interact.

18 So this is the kind of wonderful stuff that we  
19 can have, not based upon the stuff I heard today that's  
20 disturbing about covert corporations and attesting and  
21 curriculum. Look, I came here because those standards  
22 have made a difference for kids. Please, I'm asking  
23 you, do not send me back to the No Child Left Behind  
24 days where there was only regurgitation and rote  
25 memorization only. Please keep at least the window open

1 so we can bring out the true diversity and talent of all  
2 our kids. FYI, some of my students are special needs  
3 students, and to be clear, I'm a father of three special  
4 needs students.

5 MAGGIE CHIDESTER: Thank you very much,  
6 Mr. Warren.

7 We now turn to the panel in opposition to the  
8 Common Core. We'll have a total of 20 minutes with five  
9 minutes per expert.

10 Ms. Eubanks, do you have any concluding  
11 remarks?

12 ROBIN EUBANKS: A few. I mentioned the social  
13 and emotional learning and one of the responses was  
14 basically they didn't know where I was getting that  
15 from. I mentioned accreditation standards, but more  
16 importantly, I'd like to introduce into the record, a  
17 October 2010 document called "The New Frontier and  
18 Integrated Framework for Equity and Transformative  
19 Improvement in Education" that was created by California  
20 Tomorrow that goes directly to the points I raised.

21 I'm not going to summarize this, but it will be  
22 available in the record.

23 Secondly, there was a mention of the four  
24 districts and that those waivers are really not about  
25 Common Core but are about No Child Left Behind. They

1 were mentioned repeatedly in a report that came out last  
2 week what is going to be quote, "the next generation of  
3 accountability and education as an example of where all  
4 school districts should be going on accountability."  
5 That's tied to what's called this next generation of  
6 learning. It was put out by CCSSO who's the sponsor of  
7 Common Core. So I guess you needed a waiver because of  
8 No Child Left Behind, but it's being marketed nationally  
9 as to where every school district should be going. And  
10 again, the report was put out not just by CCSSO, but  
11 also the Center for American Progress. So California is  
12 very involved with what's going on nationally.

13           The third point I want to bring up is the  
14 two-time winner of the Broad Foundation for Urban  
15 Districts when asked about the federal role in education  
16 said that the real purpose of Common Core was to change  
17 the nature of American high schools. When I heard that,  
18 I wrote it down and did a whole bunch of research, and  
19 it turns out that is largely true. The Department of --  
20 the Federal Department of Labor has been issuing a lot  
21 of mandatory guidance involving what the nature of how  
22 high schools should have to change. So again, I call  
23 Common Core the bucket, and it covers up a lot of  
24 mandatory directives coming out of accreditation,  
25 federal government agencies and what has to change.

1           The paradigm for the kind of new high school is  
2 a California high school called New Tech High. So the  
3 comments that this must be something happening in the  
4 south and not happening in California are not true.

5           The last one I'd like to bring up is that in  
6 late July, congress passed something called the  
7 Workforce Innovation and Opportunity Act that will  
8 affect all high schools. It affects education. It  
9 defines what constitutes workforce readiness and ties  
10 into what will be considered to be college and career  
11 ready. So there are a lot of things going on that will  
12 be mandatory, somewhat off the typical radar that Common  
13 Core becomes the banner to hide and it affects  
14 taxpayers. It affects students and it affects parents  
15 and what they're getting, and we ought to be able to  
16 know what's coming in under the label. Thanks.

17           MAGGIE CHIDESTER: Thank you, Ms. Eubanks.  
18 Mr. Hewitt?

19           HUGH HEWITT: Thank you. You have done a  
20 marvelous job, Maggie.

21           I want to note for the record, I'm not an  
22 opponent of Common Core. I'm an opponent of the  
23 federalization of local education. Common Core will do  
24 fine at Irvine Unified School District. Terry Walker is  
25 a tremendous superintendent and has been well-adapted.

1 You will never turn University High School into other  
2 than an engine of excellence when it comes to science,  
3 technology, engineering and math. Common Core mandated  
4 by the feds, administrated by the feds, jammed down by  
5 the feds will devastate the least-resourced, least  
6 well-led districts.

7 So I want to say, especially to Glen, great  
8 teachers will always be empowered regardless of what is  
9 going on. I want to say to Dr. Thomas, it's not true if  
10 you take federal money you don't have to do what federal  
11 bureaucrats say if what they're asking you to do is  
12 beyond their authority to demand it. I want to say to  
13 the Dean that when you said we have local control here,  
14 that is no longer true. We don't. And I think it has  
15 been admitted by members of the podium today, we don't  
16 have local control. We have an ethical obligation to  
17 act according to state plan, and if the state plan is  
18 not adopted, you folks will bring the hammer down and  
19 the Superintendent was quite candid with regards to  
20 that, and the state superintendent will bring the hammer  
21 down.

22 Finally, to Dr. Thomas, if we are going to stop  
23 this, it has to be done now. By stop this, I mean the  
24 federalization of education policy. Why are you on this  
25 Board? I served 15 years on the Orange County Children

1 and Family Commission and I've only brought one lawsuit.  
2 I brought one lawsuit and I urged my colleagues to bring  
3 it. I didn't act individually when the state took our  
4 money away pursuant to law that was not correct. They  
5 passed it, but it was illegal, and we sued them and we  
6 got our money back. So at some point, you have stand up  
7 and say, "What am I doing here?" Right now you've been  
8 turned into the puppets of the state and federal  
9 education bureaucracy.

10 And if you want to put up with that, honestly,  
11 why, because if you care about local education, you  
12 won't let the state take your jobs away from you. That  
13 is what has happened here, so find someone to bring it.  
14 Even if it costs a million bucks, you never get it back.  
15 If you don't get it back now and then you can turn over  
16 to Irvine and Irvine will adopt the Common Core and it  
17 will work there. But it will be Irvine's choice  
18 influenced by Irvine's parents and mediated by great  
19 teachers like Glen. Because No Child Left Behind is not  
20 the world's greatest statute. I will agree with that.

21 But what has happened is that Arne Duncan has  
22 taken control of this county and right now you're  
23 sitting here having this meeting, but you can't really  
24 change a thing. I believe that's been admitted. Thank  
25 you.

1           MAGGIE CHIDESTER: Thank you very much,  
2 Mr. Hewitt.

3           Dr. Thompson, do you have any closing remarks?

4           GARY THOMPSON: Yes. I don't want test  
5 developers or teachers practicing their craft on my  
6 children. That's what graduate school is for and  
7 internships are for. I was glad to hear that there is a  
8 focus on curriculum and that the tests are not going to  
9 be used to form curriculum and that the State of  
10 California is putting a lot of time into the curriculum.

11           If that is the case, then let's shut the feds  
12 down until you have the curriculum perfect. Stop making  
13 SBAC, Pearson and William Gates wealthy. Focus on the  
14 curriculum. Get it done. And then bring in the proper  
15 professionals to deal with the test.

16           I cannot allow my colleagues in clinical  
17 psychology to serve our children without some legal  
18 constraints, at least the same constraints that we have  
19 in the private sector. Such as a commitment to do no  
20 harm to children. Such as a commitment of informed  
21 consent to parents. I heard one of the panel members  
22 kind of laughingly mention mind control. My colleagues  
23 are very smart who are psychometricians. They are  
24 smarter than me in that area and they know what they're  
25 doing. I would suggest to this Board and every parent

1 here, a proper respect to the knowledge and power that  
2 doctoral level psychometricians have, especially in  
3 working in junction with doctoral-level computer  
4 scientists.

5           The test is an experiment. It's been given to  
6 our parents without informed consent whatsoever, and I  
7 have never had in two years of everywhere I have gone  
8 and even my own state and school Board -- I have never  
9 had this one question answered by anyone, and if anyone  
10 in this room could answer that, I would just be  
11 thrilled. Where is the validity data that shows that  
12 this test measures what SBAC and this our school Boards  
13 are telling parents that it measures? I want the data  
14 and the proof.

15           And finally, I love data. Our clinic makes a  
16 living off of data. I also love public schools and love  
17 the public school teachers. I have a four-year-old that  
18 I would love to go to public school, but at this point  
19 until we get these questions answered, my wife and I  
20 can't ethically put our child into a public school and  
21 that is sad for me. And I hope that Orange County is  
22 able to bring in a limit of local control so that all  
23 these questions that this panel has could be taken care  
24 of on a local basis to serve the parents and the  
25 children here.

1           And finally, in closing, this is not and it  
2           can't be a political matter. This has to be about our  
3           academic, cognitive, emotional health of our children  
4           and their achievement. And again, in closing, parents  
5           are and must always be the resident experts of their  
6           children.

7           MAGGIE CHIDESTER: Dr. Thompson, thank you very  
8           much.

9           Ms. Gutierrez, do you have any closing remarks?

10          LYDIA GUTIERREZ: Yes, I do, and I'll be  
11          answering some of the questions that have been asked by  
12          the Board and I have some clarification from some of our  
13          members here that made statements.

14          First of all, No Child Left Behind is a  
15          requirement of testing. It has nothing to do with  
16          curriculum whatsoever. If you're not aware of it, in  
17          California any school district can write their own  
18          curriculum. My school district, Long Beach Unified, is  
19          writing its own curriculum. So to think that we're all  
20          going to have the curriculum is a mistake of  
21          understanding.

22          What used to be -- the standards would take two  
23          to three years to write because they are vetted. The  
24          make sure that they are age appropriate for the child.  
25          And then from there, they were given to the publishing

1 company that would write the curriculum for it. Then  
2 there would be a review process. This took about maybe  
3 five or six years.

4 This has not happened with Common Core. It was  
5 adopted before for every school -- every school district  
6 is scrambling where they're going to get the curriculum  
7 from. Nothing matches. My school district went from  
8 the word proficient to the word adequate. I went to the  
9 curriculum person and said, "Why did we change that  
10 vocabulary for our math terms?" She said, "Well, that's  
11 our understanding of Common Core standards."

12 So I'm also going to give some clarity because  
13 I am a public school teacher, I am a primary school  
14 teacher. I teach second grade, and like I said, with  
15 disadvantaged children in English language learners and  
16 our children are given a cold number and with their  
17 birth date, if they are going to be on a computer at any  
18 time, they have to put that code in with their birth  
19 date. So everything that they ever do on a computer at  
20 in our school is recorded.

21 Number two, when you talk about ACT and the  
22 SAT, the College Board is a private company. That means  
23 the traditions that we have been using those two  
24 standards for validation into our universities and  
25 colleges -- but they do not need to be. Right now we

1 have the universities and colleges that are dropping  
2 those tests and looking at the overall picture. So to  
3 hold that as a carrot is inaccurate.

4 The next part is that when we talk about the  
5 results, this year we will -- last year, we did not see  
6 any results. Next year -- this year, the school year,  
7 we will not see any results. My understanding, we have  
8 two years they have said there will not be any results,  
9 that it will be known public.

10 In my professional opinion, it has not been the  
11 previous standards that have been California's downfall  
12 of achievement, but mandating the standardized testing  
13 that have driven instruction instead of focusing on the  
14 academic success. I have a saying that goes like this:  
15 Common Core State Standards is a theory, licensed as a  
16 product, marketed as a standard. Common Core is a  
17 theory.

18 Before Common Core State Standards, any  
19 standards that went before child had be scientifically  
20 vetted with research by cognitive development of the  
21 child's brain. What information the child could process  
22 required a high quality data analysis that had to be  
23 revised, reviewed and documented and could be repeated  
24 in other settings. This process would have taken years.  
25 Common Core never went through any of this process. It

1 was developed by individuals which were test makers and  
2 test publishers and educational consultants. And only  
3 one teacher who was never benchmarked internationally or  
4 the state level. It took only six months to throw  
5 together. It wiped out any protocol that once gave a  
6 solid foundation for the child's learning process. This  
7 is why you will see everyone getting on the bandwagon  
8 for Common Core, because there is no standard and it is  
9 like a big moneymaker.

10           You may have heard about an organization from a  
11 math curriculum writer on Craigslist because they saw  
12 the opportunity of financial gain. Common Core is a  
13 licensed product that is owned by the National Governors  
14 Association and counsel of two states, and I would like  
15 to point out, it is a product. It's not a standard. It  
16 is owned. And if anyone adopts it like the State of  
17 California, you have to follow it to a tee. This  
18 California framework of documentation are old news that  
19 doesn't exist anymore because now we have adopted a  
20 product that is owned by the National Governors  
21 Association and counsel of two state school offices  
22 because it is an owned product, the states have no  
23 rights to it. It cannot be changed, and they are not  
24 liable if your child fails at the end of the school  
25 year.

1 I believe every state superintendent that was  
2 involved in the deceitful, misleading of the public  
3 schools should resign from office and that includes our  
4 present California State Superintendent who has Common  
5 Core in every doorstep throughout the state.

6 MAGGIE CHIDESTER: Thank you, Ms. Gutierrez.

7 On behalf of the Board of Education, I would  
8 like to thank you all of the panelists for their  
9 contributions and their passion. I'd also like to thank  
10 the audience both for your enthusiasm, and I'd like to  
11 turn it back to Dr. Williams, Board President.

12 TRUSTEE WILLIAMS: Thank you again very much.  
13 I personally learned very much. This is not the last  
14 public meeting on Common Core. Our next meeting is  
15 Monday, November 17th. It will be with different  
16 panelists, both who are proponents and opponents of  
17 Common Core. It will be a whole set of different  
18 questions and focus.

19 Many asked what is the purpose of this. The  
20 purpose is to find out more information about Common  
21 Core and those grants and funds that come before us.  
22 The Orange County Board of Education will create a white  
23 paper with a synopsis from those two meetings, and it  
24 will be available for public.

25 We pray for your safe travels home and I wish

1 you the best. Thank you very much for attending.

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3 (Whereupon the meeting concluded at 9:07 p.m.)

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1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken  
4 before me at the time and place herein set forth; that a  
5 record of the proceedings was made by me using machine  
6 shorthand which was thereafter transcribed under my  
7 direction; that the foregoing transcript is a true  
8 record of the testimony given.

9 Further, that if the foregoing pertains to the  
10 original transcript of a deposition in a Federal Case,  
11 before completion of the proceedings, review of the  
12 transcript [ ] was [ ] was not requested.

13 I further certify I am neither financially  
14 interested in the action, nor a relative or employee of  
15 any attorney or party to this action.

16 IN WITNESS WHEREOF, I have this date subscribed  
17 my name.

18  
19 Dated: October 31, 2014

20  
21   
22 \_\_\_\_\_  
23 MARIA MAHIEU  
24 CSR No. 13260  
25

