

## **Orange County Board of Education Meeting February 10, 2016 Transcript**

### **Welcome**

### **Call to Order**

Hammond: Good morning everyone and I apologize for my throat. I lost half of my voice yesterday refereeing a high school basketball game. So we want to welcome everybody here to the Orange County Board of Education and our regular meetings are usually held at eleven, but right now that we've moved them on up to 10:00 am we just ask that if anyone wishing to address the board on any matter, whether it appears on the agenda or not please fill out a request to address the board card available on the table near the back. And if you're not sure what to do we have wonderful staff here that will help you in that regard. And if you do come up to speak please be aware that you have three minutes. You cannot give that three minutes away to anybody else and we allow 45 minutes for public comments; 30 at the beginning, 15 at the end. And we just ask the public to be remindful of that this is a public meeting and obviously we would like you to be respectful of everyone else and no outbursts. And so with that I will simply say that for the benefit of the record this regular meeting of the Orange County Board of Education is called to order and with that Pastor Mark. Would you be so kind as to lead us in our invocation sir?

### **Invocation**

Pastor Mark Bove: Thank you so much for inviting me here today. I was so blessed to know that you guys desired to be prayed for. To do the invocation is to just invoke the presence of God to ask him to come and be with us and I love your sign; in God We Trust. That's so beautiful so let's pray together. Father we thank you so much Lord God for this board and their openness to you and what a blessing Lord to just know that you are our King and our God and thank you that you've said in Your Word that if anyone lack wisdom just let him ask and You'll give it liberally. Thank You for that verse Lord and so we do ask You for your wisdom for each one here in all that they do Lord. Bless 'em, and bless 'em and bless 'em again Lord and just direct and guide them. Thank You that You said that You will guide us continually with Your eye upon us and Your hand upon us. Thank You Father in Jesus name, AMEN.

### **Pledge of Allegiance**

Hammond: Alrighty, and eh of course I'm a bit biased in this part being a veteran. We have a member of the Living History here who served a year or two before me. And eh, would simply ask sir for the record if you would introduce yourself and then get ready to lead us in the Pledge of Allegiance.

Outstanding, thank you. I'm Ronnie Guyer. I grew up in Garden Grove next to a brand new Disneyland in the 1950's thinking I was going to grow up to be a good Mouseketeer in the Mickey Mouse Club and ended up in the Valley of Death, first major battle of the Vietnam War. And that defined me for the rest of my life and would not be here today if I hadn't been there. I would like to personally thank the board members for putting into place and supporting the program with the Freedom Committee of Orange County; an organization of veterans that are speaking to students in school about our living history. It's a connection with veterans and reality and students as they see more of the world than they are accustomed to getting through their normal means. And it's been a real love-in what's you have propagated in your schools both for the veterans and for the students. Living History is indeed living history and our focus with the Freedom Committee of Orange County is to promote liberty and to secure it for future generations. For the honor of being giving the Pledge of Allegiance today I honorably thank you all. Would you please repeat after me?

Audience and Ronnie Guyer: I Pledge Allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

Ronnie Guyer: Thank you very much.

Hammond: Mr. Guyer, thank you sir very much for leading us just like you did.

### Roll Call

Hammond: Roll Call please.

Phouangvankham: Trustee Boyd?

David Boyd: Here.

Phouangvankham: Trustee Lindholm?

Lindholm: Here.

Phouangvankham: Trustee Hammond?

Hammond: Present.

Phouangvankham: Trustee Bedell?

Bedell: Here.

Phouangvankham: Trustee Williams.

Williams: I am present.

Hammond: Alrighty, with that introduction, Miss Nina, do we have any introductions today?

Nina Boyd: We don't have any staff introductions well actually this is a staff introduction but this young lady is also a doctrinal candidate for Education Leadership at Long Beach State. Miss Tawny King is observing the board meeting and we will have another student who will arrive sometime during the board meeting. I'll make that introduction to the board. Oh, she is here.

Lindholm: Sorry.

Nina Boyd: We were contacted that we would have another student so I wanted to make sure that the board was aware. And these students are completing assignments for college courses. And so because of that part of their responsibility is to go to a public meeting. They have chosen the Orange County Board of Education public meeting to observe and get information.

Hillary:?

Nina Boyd: I thought I had the right first name but I didn't know the last name. I'm sorry.

Hendrick: And she's from Texas Woman's (inaudible).

Nina Boyd: She's with Texas Women's ministry and she's working on her masters. And she already has a Ph.D. in education.

Hammond: Isn't that a little backwards to get the doctorate and then get the masters? I mean that's a tough road I think.

Nina Boyd: And she has attended Fullerton Schools.

Bedell: Welcome.

Hammond: Well that explains why she was able...

Bedell: She looks familiar.

Hammond: I was going to say that explains why she was able to go get her doctorate then.

Bedell: This is true.

David Boyd: Twice backwards.

Nina Boyd: Thank you.

### **Agenda**

Hammond: Well, welcome to the both you and thank you very much for being here. Ok, and with that then approval of the agenda. Chair seeks a motion in regards to the agenda for today.

Williams: So moved.

David Boyd: Second.

Hammond: It's been moved and seconded. Is there any discussion on that Dr. Williams?

Williams: No sir.

Hammond: Mr. Boyd is (inaudible)?

David Boyd: I noticed that we went back to the old format for the most part last time if I'm not mistaken we had Superintendent give his comments up front? Is that right or at least we talked about doing that? Shows you where I was at. Ok, I have no further comments then.

Hammond: Dr. Bedell please.

Bedell: Yeah, I was just wondering with these charter policies we normally have discussion, a big document. So is that gonna be when we have the motion. See it's under consent calendar; I guess that's where I was confused. With the consenting calendar we don't normally have discussion it just gets approved.

Hammond: I have a feeling both those will be polled so we could have some robust discussion.

Bedell: Oh, then that's my only question.

Hammond: Ok, madam Vice President, yes, thank you.

Lindholm: I thank you Darou for working on the minutes so diligently. So we're going the agenda; I'll wait on the minutes. I wanted to add to our adoption of the agenda. We had a letter come in speaking about a meeting that occurred yesterday, February 9<sup>th</sup>, with the law firm DWK and this came in, I would like to add it to the agenda. That's what I'm doing. I'm not on the minutes yet, I'm sorry. So I would like to add that to the agenda under Board Member comments to discuss this briefly and it will probably be agendaized at a future meeting.

Hammond: Ok.

David Boyd: Question; are we allowed discussion under board member comments that are not on the agenda or can it simply be presented and the Linda, you could (inaudible)

Lindholm: Oh no, the only thing agreeing this up for now is if this came to the attention of the board after the posting of the agenda. It's not an urgency or emergency item. But this arrived in our mail box I think 7:46 yesterday morning. So it came in Tuesday morning and today's Wednesday. So this came in after the posting of the agenda.

David Boyd: And what's the topic?

Lindholm: This is about uh...

David Boyd: Ok, I got ya.

Lindholm: Ok all board members received this and I'd just like to add it.

David Boyd: Yeah we could probably talk about that under Items 1 or 2 since it indirectly relates to (inaudible).

Lindholm: I'm willing to put it there.

Hammond: Ron? I've never had to do this before but since we're trying to adopt our agenda, does legal counsel have any comment about either a. us being able to add and discuss it under board member (inaudible); I don't see a problem with that and or b. being able to add it to consent calendar items 1 or 2?

Ron Wenkart: Well, um I think under the Brown Act you can only amend the agenda is there's a need to take action immediately. So I think it's going to have to go on the March board meeting. But I think you can make a brief comment about it under Board Member comments and then you can put it on the agenda for the March meeting if you wish.

Lindholm: I'm willing to add it under board member comments.

Hammond: Ok.

Lindholm: The urgency arrived because of the meeting yesterday.

Williams: Robert I have a question for our counsel.

Hammond: Yes sir, Dr. Williams.

Williams: So dear counsel, um in the adoption of the board agenda an item is to be added on later such as Trustee Lindholm would like to do. Does the Brown Act eliminate free speech out of the trustee? Not during a board meeting?

Ron Wenkart: The board member can make a short comment on something that's not on the agenda.

Williams: So in the comments are we editing or limiting the comments or free speech when it's not an actionable item?

Ron Wenkart: I'm sure I understand your question? Board member's free to say whatever the board member wishes to say.

Williams: So based on the past precedence for the past 20 years we've always had typically at the end board comments and discussion if that the end of the meeting? And we were able to talk

about whatever we wanted to talk about. That's been the precedence that has been established. And this is only a recent change that the Executive Committee has done with rearranging our board agenda items. So I guess my question deals with are we still allowed to do it the old fashioned way where we've talked about those issues as long as they weren't actionable.

Wenkart: You can make comments but if you're going to have a full-blown discussion about this issue, then it needs to be an agenda item so that the public is aware that you're going to be discussing it. So if board member Lindholm wishes to make a comment about that letter she's certainly welcome to do that. But if all of the board members want to jump in and have a discussion that should be placed on the agenda for the March meeting.

Williams: Ok. So then her comments are there a certain amount of time that she is allowed? A certain total number of words she's allowed to use?

Wenkart: The Brown Act talks about brief discussion making, brief comments if it's not on the agenda. So there's no set time. Just supposed to be brief.

Williams: Ok. Just make it brief.

Lindholm: I will make it brief.

Wenkart: But I'm not going to...

Lindholm: And I will make it under board member comments.

Wenkart: I don't have a timer on my watch so I'm not going to...

Williams: Thank you sir.

David Boyd: For our student guests. The Brown Act sets forth very specific requirements on how public meetings are to be run. That's the purpose of this discussion.

Lindholm: We have a motion for approval.

Hammond: If there's no other discussion in regards to the agenda then all in favor of approving the agenda with the addition of the informational letter from Vice-President Lindholm, signify by saying AYE.

Multiple Voices: AYE.

Hammond: Opposed? Abstain? Motion passes 5-0.

## **Minutes**

Hammond: Minutes from the regular meeting of January 13<sup>th</sup>. Chair seeks a motion.

David Boyd: Move.

Lindholm: Second with a comment.

Hammond: Moved and seconded. Vice-President.

Lindholm: Yes, thank you Mr. President. On this, great job as always Darou. But I'd like to note that under the minutes we approved on item #11 from the previous meeting that if someone in the audience is going to present material it will be given to the clerk ahead of time so we can have a copy for the record. So we might need to amend our request to speak forms that's another item, but um, we need to notify the audience that if they're going to be presenting something we need to retain that for records, for public records request. So, I just want you to note that in there somehow; add that to item #11. The items need to be submitted to the clerk for the purpose of record keeping. And that's all I have.

Williams: Wasn't that we discussed that.

Lindholm: It's a policy that we voted on.

Williams: Yeah, but was that with item 11 or was that with a different item that we voted on that evening?

Lindholm: I will trust our wonderful staff to figure out which item that was because we did vote on that policy.

Williams: Right, right.

Lindholm: And put it in the correct place.

Nina Boyd: And it was actually in both policies.

Lindholm: Ok.

Williams: Ok.

Nina Boyd: The materials are in both policies.

Lindholm: Thank you. That's all I had.

Hammond: Alright. Are there any other comments about the minutes? Hearing none, all in favor of approving the minutes as so modified by Vice President Lindholm signify by saying AYE.

Multiple Voices: AYE.

### **Board Member Comments**

Hammond: Opposed? Abstain? Motion passes 5-0. On to board member comments that we just modified and we have charter school policy by both our Vice President and Mr. Boyd. Madam Vice President would you care to lead on that.

Lindholm: I would like to join with good Trustee Boyd on this item. This is a carryover where at our previous meeting for the members of the audience who weren't here there was established an ad hoc committee by consensus of the board for myself and David Boyd. Our wonderful Associate Superintendent Renee and our legal as well as CCSA representative and I think Susan Mas was at one of the meetings. So I just wanted to share with you that those meetings did occur. We do have actionable items 1 and 2 that will be on the consent calendar. I will ask to pull both items. Pull for discussion purposes, not pull off the table. There was not a consensus reached at that time but staff has been working diligently. CCSA has been working diligently and we're under the third copy. So I just want to share with you that we had come up with no consensus at the end of the subcommittee meeting except to bring it forward to the board for discussion and that's, comments will be later. Do you have others?

David Boyd: No, that's fine. That's where we're at. They were actually working late into the evening last night to come up with documents that we were presented with late yesterday.

Hammond: Kudos to Nina and to you and your staff for the hours, I'm sure you put in a lot of hours and thank you very much.

Lindholm: Do you have this other item?

Hammond: Is there anything else then on that charter school policy? Trustee Lindholm, the letter.

Lindholm: Yes we received a letter that spoke about and we just discussed adding this to the board member comment section that discussed some items, that there was a meeting yesterday regarding charter school law. My concern on this, I wasn't aware of this meeting, I don't think the board was aware. There's a comment in here that I would like to agendaize for the next meeting that says OC Department of Education is involved in this and I wasn't aware of this. I'm not sure the board members were. So, I'd like to agendaize this for the next meeting to find out, ask a few questions, what will all the Orange County Department of Education's playing in it, if we're able to get a copy of the agenda from that that would be terrific. I don't know if any members of our, OCBE attended it. So I would like to know more information so with that I would like to agendaize it at the next meeting. Because we have to my knowledge and without discussion here. We have not put forth any legislation against charter schools since the time I've been here. So these comments we've received in the mail and I would like to agendaize this for next time so that we can access this and ensure that we are following state law on this. Those are my comments.

Hammond: Dr. Mijares, did you have any comment on that?

Mijares: No, I think agendizing it is the appropriate thing to do. There's discussions being held about the need to examine school districts such as Einstein which this board unanimously disapproved and that basically these are discussions being held across the state. But there's no effort on our part to do anything but to participate and listen and be informed pretty much.

Lindholm: Thank you. The reason I'm concerned is it specifically sites Orange County Department of Ed is working with them on legislation. This is a law firm so I'd like to clear the air next time and get some information on that and make sure we're doing what's appropriate. Agendizing this for the next meeting.

Bedell: Madam Chair, Mr. President, excuse me. I have your cold already.

Hammond: My apologies. I'll take it back.

Bedell: This letter was sent to the whole board? I have not seen it.

David Boyd: Yesterday morning.

Nina Boyd: Yesterday morning.

Bedell: Did they come electronically?

Nina Boyd: It came electronically and it was an email that...

Bedell: I did not open it...

Nina Boyd: was sent on behalf of the Southern California Charter Association, Miles Durfee, had asked us to pull the information so that's what.

Bedell: Ok, I did not open it then.

Nina Boyd: So that's what it would say on the email to you.

Bedell: Thank you.

Lindholm: I'm just looking forward to agendizing that for the next meeting.

Hammond: Alright. Ron, I hope that was kind of brief.

Wenkart: Oh yeah, that was brief. I don't think you'll have any problem at all.

Hammond: Well with that then I don't see anything else under board member comments that have been actually there so I'll start. Mr. Boyd was there anything that you wished to address at this time?

David Boyd: No, not at this time.

Hammond: Alright, Madam Vice President anything else?

Lindholm: Not at this time.

Hammond: Dr. Bedell.

Bedell: Remember at the last board meeting we talked about Every Student Succeed Act and the need that we wanted to be sure our view on data mining, thank you Robert, our view on data mining, and what else do we have? Anyway, I went through my notes and composed and sent to the CSBA our view on the need for data collection and privacy and any other issues that were in that. So I did that. Would you like me to forward you a copy of that email that I sent to CSBA I can do it when I have access to my machine. I don't have it with me now. That's a follow-up.

Lindholm: We'd appreciate that.

Bedell: Sure.

Hammond: Dr. Williams.

Williams: No nothing.

Hammond: Alright and I'll move on as well. So with that wow, time certain 10:30 charter submission. Miss Nina do we happen to have a charter submission?

Nina Boyd: We do not.

Lindholm: Ok.

Hammond: Wow, now we're ahead of schedule, this is scary.

Bedell: Hey, that's good.

### **Public Comments**

Hammond: Alright, public comments. Our first which will be 30 minutes and with that Madam Vice President would you be so kind as to get us going on that?

Lindholm: Sure, and welcome everybody. I know it takes time out of your day to be here and we greatly appreciate that. And then just so you know we're going to be adding onto the (inaudible). If you do submit anything to the board we will need to keep a copy for our records and that helps us with the public records request. Jennifer Beall.

Jennifer Beall: I love a good efficient, speedy meeting. Thank you. It's my pleasure to be here to speak to you on behalf of Assemblyman Bill Brough in the 73<sup>rd</sup> District. I'm his district director and this year we have the pleasure of introducing a bill 1666, the Tax Payer Transparency and Accountancy bill. We're here today hoping to get the support from the Orange

County Department of Ed. The purpose of this bill and I have fact sheets, sample letters, and the actual language of the bill to leave for all of you board members. The purpose of this bill is to bring oversight to the CFD, revenue and expenditures and debt managers for the public. CFD's you all are aware are new financing way the mello roos financing. For you in the audience that don't know it's called a community facility district. It's bonds that are approved by the voters 2/3 of approve for those. The bill and purpose of the bill would bring oversight and transparency to the tax payer, one paying the CFD tax. What it would do it would bring forth an annual fiscal report to each tax payer at the beginning of the fiscal year which would be July 1<sup>st</sup> of every year. And those financial documents would be available to the tax payer on their website. So each community facility district would have to propose/present to the tax payers on their website a clear understanding and I'll go through the list. The original amount of the bond, the amount collected annually, the amount expensed annually specific projects to be constructed and funded and the amount committed to those from the CFD. Specific lists of projects that may be funded by the CFD. Amounts collected in excess of what is needed to pay for the bond payments. Bad debt, interest fees associated with the CFD. What most people don't know is there's a 10% administration in a lot of these CFD's. So there's a lot of money there. The date the CFD will be paid off. This is a very important part. This has been going on in Capistrano Unified with 81-7 which is a 127 million dollar bond and it was actually the tax payers and citizens that went through five years of public records to find out when their bond would be paid off. So it is an extremely important to bring this sort of transparency forward. And then to conclude, the date the tax will end, in the city of Santa Margarita if you go on line which was led by husband, the dear sweet man he is, you put your address in, it will name the CFD's you have and it will tell the dates they end and they are an agency, I'm sorry I'm finishing, that has over (inaudible) that. Our treasurer has now done that for the whole county so you can go on their website. And then the last item that it would be was how the exit spun including required reserves would be distributed once the CFD was intact so it's ended. This is a tax payer friendly bill and we are looking for your support and we appreciate your time today. And I will leave this a copy of this for each of you. So nice to be here today, thank you.

Hammond: Thanks Mrs. Beall. All the best to your husband as well. Who's next?

Lindholm: Thank you. Linda Cone.

Linda Cone: Before I begin I just have a question about this new policy of submitting documents. I hope it will be permissible for me to at least to offer the opportunity to submit links to two pieces of legislation in California about Common Core as well as a document that I am proposing about California time line. If I could do that within the next few days. I'd be glad to. Ok, thank you. Well I'm back. Been gone for a while but I really want to address what I hope will be an issue that really hasn't been adequately covered and that is how Common Core came to California. We know what happened nationally or at least we should by now. But I want to focus on exactly what happened and some highlights of the California timeline. Let me begin by saying that we know that standards we're released in June 1, 2010, exactly two month

to the day, SB 51 was passed in California by a select committee. And this piece of legislation accepted Common Core and dramatically changed public education in this state. No, it was passed by a select committee. I'm trying to get the names of the committee members as we speak. There are a couple of key statements and I don't have time to present nearly all of them. But I wanna read from section 1. It is the intent of the legislator, funny since they didn't vote on it, to implement educational reforms to dramatically improve the California's students. Section 10-B talks about assessment of applied academic skills means a form of assessment that requires students to demonstrate knowledge. But here's the key statement, an assessment of applied academic skills, that's the testing, may not, I underline that, may not include assessments of personal behaviors, standards and skills including but not limited to honesty, sociability ethics or self-esteem. Ladies and gentlemen, isn't that exactly what SBAC is doing right now because SBAC has shifted the emphasis from knowledge-based testing to the socioemotional dimension. But perhaps the most disturbing aspect of this particular timeline is that immediately after this legislation was approved a campaign, a politically like campaign began to sell Common Core. And I believe that there were probably members in that room that played a part in listening to that campaign. You need to know that they only piece of legislation adopted by the legislature was AB 250 and that was in August 2011. And this particular legislation begins by listing a litany of claims made by Common Core, all of which every single one of these claims has been proven again and again to be untrue. Now maybe it doesn't matter that we've been sold Common Core that it was internationally benchmarked, that it was higher standards that did involve the wide-spread participation by the educational community. I can end by saying in the words of a particularly famous presidential candidate, hey at this point, what difference does it make?

Lindholm: Thank you for coming...and sharing. Jerry Simmons.

Jerry Simmons: Mr. President, members of the board, my comment related to agenda item #1, did you want my testimony during public comment now or...

Lindholm: If you'd like to wait I think that would be fine.

Jerry Simmons: Ok. Just wanted to be sure.

Lindholm: Thank you. Gloria Pruyne.

Gloria Pruyne: Good morning, it is morning. Superintendent Mijares, President Hammond and honored school board members, I'm Gloria Pruyne. I'm speaking on pre-school development grants in the conference report for the Every Student Succeeds Act, the ESSA by Dr. Karen R. Ephraim. The preschool development grants in the conference report is wrong for the following reasons. The grants require alignment to Head Start and the Child Development Block Grants that in turn require national preschool standards. These standards include very controversial and subjective psychosocial standards like gender identity, creating a baby Common Core. This is even more controversial than the K-12 Race to the Top and Common Core because it is overtly

teaching and accessing extremely subjective and controversial psychosocial parameters and combining that data with medical and even genetic data. The language prohibiting federal interference in early learning and development guideline standards are specific assessments is useless. Programs are already required to adhere to Head Start which demands federal content standards. A research compilation containing approximately 30 studies of Head Start and state preschool programs documents overwhelming evidence of ineffectiveness, fade out of beneficial effects in the early grades are actual academic or emotional harm. Jointly administering this with HHS where the disastrously ineffective and invasive Head Start program is housed is not a conservative whim because two federal agencies are involved further diminishing local control. With 19 trillion in debt, we and our children cannot afford to have another 250 million spent on another ineffective harmful invasive preschool program. This bill's language will impose Common Core psychological profiling and lifelong data and career tracking on our youngest, most vulnerable children. The only way to fix this absolutely harmful ineffective and expensive program is to remove it from ESSA and remove the requirement for national preschool standards especially social emotional standards from upcoming Head Start reauthorization. I respectfully request that my comments be photocopied for each board member and I request that this document be included as an original meeting document for historic reference. Thank you.

Lindholm: Thank you. We have Miles Durfee. Will you be speaking on the agenda item? Alright. I'll put you on that one. Beverly Berryman, welcome.

Beverly Berryman: You guys switched up your time on me. Ok. Dr. Mijares, President and the board. Thank you guys for letting me come and speak on behalf of Board District PTA. Again my name's Bev Berryman, president of Fourth District Orange PTA. I have a few things to share with you guys today. We had our annual Reflections which is our state art contest and this last weekend, I believe it was last weekend, we were able to showcase all of our artwork here at I believe in the back. We had over 275 schools participate in Reflections this year which is our art contest. More than 10,000 entries from our students to present based on their theme and each council and unit selected their awards of entry or their awards of excellence and 29 pieces went on to the state. So 29 of our students from Orange County their artwork went on to the state or further review. From that could come scholarships for our students so we wish them luck and I will let you know how we do at the state level and then from that it could go to the national level. Last time I came I spoke about inviting you guys to our annual administrator's dinner. That's coming up on March 10<sup>th</sup>. I have invitations here; I'll make sure I give them to you guys. Each one of you has your own. So we would love to host you guys to have you guys come and see what we're doing. We will be spotlighting our units and our councils on what great things they are doing in their schools. In addition to that we will be identifying and honoring probably an administrator and a teacher from somewhere in Orange County where we're accepting nominations now from our PTA's so we'll be doing those awards at that dinner as well. It's at the Grove so we're hoping to be able to host lots of people to come and share best practices about what people are doing at their schools and what works. So I will give you those

invitations. And then just on a side note what I was hoping to do is at some point touch base with the charter petition review team. The charter school issues are coming up more and more in our schools and what I'd like to do is understand a little bit more about the review process from this board so at some point I would love to meet with whomever would meet with me to talk about what the board considers when they're actually going through the review process. I read through it; I'm still trying to understand and I'm coming in late and if I'm a little confused then I betcha some of our parents are a little confused so I'd like to be able to become more knowledgeable in that, so. That was it for my report. Thank you.

Lindholm: Thank you. Thank you very much. That concludes our request to speak under the public comment section Mr. President.

Hammond: Alright. Thank you Madam Vice President on that. I did forget to mention one thing under board member comments and it was brought to my attention yesterday that we had a student at Beckham High School who aced the Spanish AP test and they say that that has never been done before. So, I'm hoping that we as a board can somehow with all your department Dr. Mijares give some kudos to that young student for doing what's never been done before. Moving on to consent calendar.

### **Consent Calendar**

Hammond: Are there any items on the consent calendar that a trustee would like to pull for discussion purposes?

Lindholm: Mr. President I would like to pull items number one and two.

Hammond: Items one and two are pulled.

Lindholm: And we have requests to speak on those also.

Hammond: That leaves us with items three through seven. Do any other trustees wish to pull for discussion purposes...

Lindholm: Move the remainder.

Bedell: Second.

Hammond: It has been moved and seconded to approve items three through seven. Any discussion? Then in that case I'll call. All in favor of approving items three through seven on the consent calendar signify by saying AYE.

Multiple voices: AYE

Hammond: Opposed? Abstain? Motion passes 5-0. Bring back the consent calendar item one that has been pulled by Madam Vice President. Would you care to lead us on the discussion ma'am?

Lindholm: Well I would I perhaps would like to do two. I think staff, Nina, if I can address you on this issue. Were you we had a note earlier that you wanted to table item # two. Is that something you want to bring up now or not?

Nina Boyd: Certainly. We've been having ongoing discussions as a result of that ad hoc committee Trustee Lindholm and Trustee Boyd gave us some very specific perimeters in terms of some of the interest from the board as we were trying to work with the charter association, get their input. And then we were also reaching out because we are working with our, our charter team is working on two charter agreements currently. There was a lot of information going back and forth and so as a result of that we felt that item two still needs some collaboration and we're still having some discussion with regards to language and I think both sides or all parties are consulting with other individuals and we're all consulting with legal as we try to come up with language that we believe will support the interest of the board and have the adequate protections and so that would be the reason for tabling item two until future date. At this point I don't see an urgency in terms of rushing the process and I believe there was consensus in the conversations that we had with other interested parties as well.

Lindholm: If I may, the item is to table this on staff recommendation at this time. So if you would like to take item number two and that's a consensus to table item number two and then we can go back to one.

Bedell: You need a motion.

Hammond: Alright.

David Boyd: Do we want public comments before we take that action?

Lindholm: Uh, we could.

Hammond: Well is there anybody that signed up to speak specifically to item two.

Lindholm: We have people who want to speak on the charter agreement so we could keep that as, we will keep that motion in abeyance at this time but I wanted to share the staff opinion on item number two. So going back to item number one as our wonderful Associate Superintendent has mentioned is the goal is to have a template. Because as our PTA representative said, they're trying to see what we are trying to do with the charter schools. And so every charter school that comes forward if we have a template then these are the things we are expecting of you. This is something you can read in advance. You can see what's going on. It has the dates and the times of what we expect. And it's been worked on by your two board trustees. It's been worked on by our Associate Superintendent Renee. Wendy-no. Kelly, sorry Kelly.

David Boyd: Kelly.

Lindholm: The charter school association and then OC Charters. I'm not sure I gave the right title for that one. So that one's brought forward for the board today. Would you like to hear public comments at this time, Mr. President?

Hammond: I would. Would you be so kind to call up those speakers one at a time obviously that would have any comment in regards to these items.

Lindholm: Is that ok with you trustee?

David Boyd: Sure, absolutely.

Lindholm: Ok. Jerry Simmons.

Hammond: Ron, while he's coming up to the podium, apparently in regards to the consent calendar items three through seven, Dr. Williams, I guess I missed his signal whatever, he actually wanted to pull item seven. It was changing a board date. Is it possible even though we've passed items three through seven can we reconsider seven and be able to pull it and if so what is the process for that counselor?

Wenkart: Well there are several ways you can do it. Maybe the easiest way is to make a motion to amend the prior motion and just have consent and approval for items three through six and then that'll leave item seven for discussion after you're done with items one and two.

Hammond: Alright. So you're saying just a friendly motion to reconsider?

Wenkart: Yeah, I think that might move fastest.

Bedell: So moved.

Lindholm: Second.

Hammond: It's been moved and been seconded to have a friendly motion to reconsider and only move items two through six pulling seven...

Lindholm: Three through six...

Hammond: Sorry, thank you, three through six pulling item seven. Hearing no discussion all in favor signify by saying AYE.

Multiple voices: AYE

Hammond: Motion passes 5-0. Thank you counselor. And so for the record item seven has been pulled for discussion. Alright sir.

Jerry Simmons: Alright you're ready. Ok, so Jerry Simmons for the record partner with the law offices of Young, Minney and Corr. Appreciate your time members of the board and Superintendent Mijares. I wanted to let you know obviously I know this document has been undergoing a lot of revisions even as recently as this morning. I saw two different versions. So some of my comments I'm struggling to keep up frankly with the versions as they're going. But I wanted to bring a couple of items to your attention on behalf of some but not all our clients here. And suggest that perhaps some more dialogue around some of these points would be helpful. In terms of government code 1090, compliance, that is an issue I know staff feels very strongly about but I also want to let you know that the charter movement feels very strongly about not having that in this Memorandum of Understanding as a template because there has been legislation in each of the last several years that has been vetoed first by Schwarzenegger and most recently by Governor Brown which would have made 1090 specifically applicable. And so in the absence of specific legislation on this point we think that it would be premature for you to require that as part of a template MOU. Secondly, with regard to inquiries by government agencies which is section 7-D, we think that language could be clarified to make it a little bit more clear what kinds of inquiries you're talking about. I am assuming and I think I understand staff's interest in understanding if there are potential criminal issues or potential fraud issues or things of that I think that's what we're trying to get at and perhaps we could clarify that a little bit more. There are also some issues with regard to the management contracts and paragraph E for some schools that would require your approval as a county board prior to changing. And the specific scenario there is it actually creates a chilling effect on a board making a decision to change a vendor when they probably really need to. Because if they need to come here and explain why they're going to let a vendor go and make a change inherent in that is some risk that they may face litigation from vendor number one that they're changing away from as they begin to explain the problems and challenges they've had with that vendor to you. So I guess staff's interest in not wanting to you know have a school just wholesale change their management I think we can work together on something around that. I think staff's interests are legitimate. But those are just a handful of some of the kinds of issues that I'm just hopeful that you will be open-minded to not, not sort of lock this document in stone completely. I'd appreciate that.

Hammond: Thank you sir very much for your comments. Who's next?

Lindholm: Miles Durfee.

Miles Durfee: Miles Durfee from the California Charter Schools Association. We worked closely with staff on this and it was a process that took us a great deal of work and you know it was a collaboration and so I will acknowledge that there are some things in this document that we too like government code 1090 would like to see removed. We still are supporting it today to move forward with the agreement right now. We're happy that you are potentially tabling item number two because we think there are a number of significant issues in that document that need to be worked out and further discussed. I think that the urgency from my perspective of this matter today really hinges on two charter schools that are in front of you later. That's Unity and

Ednovate and I won't be here for that portion of the meeting. But from my belief is that those two charter schools are in the throes of trying to open a school in 2016 and the state that they are in right now is apparently being considered conditionally approved is restricting them from putting all of their efforts towards getting open. And that to me is a significant issue. So, I believe that this agreement that you have in front of you today is something that they may too believe help them move forward immediately. I don't see this item in front of you, the template, as the completion point of life and in five years, in two years, in six months and three month, I believe it will evolve just like many agreements evolve. It's not perfect but there was a lot of work gone into it and there were a lot of discussions and I also wanted to make it clear that when I speak for the charter schools association, I didn't do it in isolation. I didn't do it as an organization in isolation. We did reach out to charter school leaders. We may not have reached out to all the charter school leaders so I will take credit for some additional comments that are being prepared today. But we did reach out to a number of charter leaders to get their input and what you have in front of you today is that combination and the collaboration that we put together, so. Those are my comments.

Lindholm: Ok. Mr. President we have no further public comments on this item but may I share a little bit more about, and I'm sure Trustee Boyd would like to join in so...

Hammond: Please.

Lindholm: So what the board presented to you is a collaborative effort. We know that there are challenges when the charter schools come. We want to have a staff be able to have confidence that they will succeed and we want our charter schools to be able to be out there as public charter schools providing excellent high quality education in alongside our traditional schools. What I'm hearing here I think what the end result and to bring it back to the board for discussion and correct me if I'm wrong, the end result is that of these many, many revisions and speaking to the charter schools out there that if we strike the language that ties this to the second document, that's document number two which you'd heard from our staff and members of the charter schools it needs more work. So strike the reference to that and that will be coming up for us to vote to table that document. That will be ongoing work. We just couldn't get them all done as well as we would like to present it to you. So strike that reference to item number 2 and then...which is called, its called admin, it's got a name, a little confusing.

David Boyd: Tell 'em what page it's on.

Lindholm: One is called the template and then the other is called administrative procedures so we would be tabling administrative procedures for now. And then another issue that there is a disagreement on is the 1090 that is included in this. Staff is recommending inclusion in that. I personally am recommending not to include that. That is where you have the makeup of the board members. And I think we have the makeup of the board members. It could be parents, teachers, I'd love to have executives from Boeing so the 1090 is in reference to the governing

board. The inquiries I believe I'm not quite sure has to do with contracts in that they're asking that that's changed. That was item E. And I think that's about it. The only other question I had was on the July 1 date because they ask in here that you say how many of the children will be attending by July 1. I don't think even other schools when you're starting a school will know everybody by July 1. Perhaps that could be moved to August 1. It's just I think that's just a little tight because I know in July most people go on vacations, they're making up their minds, they're going to private school, they're going to public school, they're going to traditional school, I just think the July 1 personally is a tight date. If the charter schools don't have a problem with that then that's ok with me. So that's where we are striking reference to item number two when we come to item number two to table it. I would like to remove the reference to 1090 and then there's a questions on the E for the inquiries and Trustee Boyd.

David Boyd: Yes ma'am. Perhaps we could have our attorney Mr. Wenkart brief the board on 1090 and if they think it's necessary if a counter opinion...

Wenkart: Oh sure.

Williams: Ron before you did, Mr. Boyd do you have any comment about the reference to 1090 yourself?

David Boyd: Well I'd like to have more information on what 1090 is and what it covers...

Hammond: Oh, ok.

David Boyd: What the concern is.

Hammond: Alright, thanks. Ron.

Wenkart: Sure, well the purpose of the conflict of interest laws is to prohibit pupil officials from having a personal interest in contracts that they make in official capacities. So, board members of a charter school are public officials. Charter schools are part of the public school system. One of the basic tenets of the conflict of interest laws is found in the ancient adage No Man Can Serve Two Masters. The government code 1090 and the political reform act government code section 8700 (inaudible) were enacted to ensure that public officials including charter school board members when making official contracts are not distracted by personal financial gain, and have absolute loyalty and undivided allegiance to the charter school. While charter schools are exempt from the provisions of the education code, charter schools are not exempt from the government code. Both the political reform act and the conflict of interest statues of government code section 1090 both apply, they're both in the government code and they both apply charter schools. The California Charter School Association acknowledges that the government code political reform act applies to charter schools. Therefore it follows that government code section 1090 applies to charter schools and it should be included in any agreement between the Orange County Board of Education and charter schools. Charter schools are not private entities and the

provisions in the corporation's code related to private nonprofit corporations don't apply. The conflict of interest laws prohibit an employee including a teacher from serving on the charter school board since the charter school board makes decisions on expenditures for the charter school. Every expenditure no matter how small reduces the amount of money available for teacher's salaries and benefits. Therefore a teacher on the charter school board has an inherent conflict of interest each time the charter school board discusses spending money. A parent may serve on the charter school board since this would not violate government code; conflict of interest laws unless there is a specific issue involving that parent's child. In addition to the government code conflict of interest statutes in a 2009 opinion the attorney general has stated that a common law conflict of interest applies to California public agencies including charter school boards. A common law conflict of interest applies when the charter school board members have the private personal interest that may conflict with their official duties. For example, charter school board members may not enter into contracts with vendors owned or operated by family members or close personal friends. There have been cases where charter schools have purchased equipment and supplies from companies affiliated with family members at an inflated cost. Such transactions would violate the government code and state law related to conflict of interest including these conflict of interest provisions in the agreement will alert the charter school operator to the requirements of state law related to conflict of interest and will protect the taxpayer's interests in the appropriate expenditure of public funds. The Orange County Board of Education has a duty to the taxpayers to oversee charter schools and to ensure that taxpayer's dollars are spent in a conservatively fiscal prudent manner. For these reasons we strongly recommend that the contract that the Orange County Board of Education utilizes with respect to charter schools include conflict of interest provisions not be deleted. So with that I'll just open it up to any questions right now.

Lindholm: Mr. President, can we hear from the charter school? Thank you for that off the cuff.

Wenkart: That wasn't off the cuff.

David Boyd: Can I follow-up with a question?

Wenkart: Sure.

Lindholm: Oh absolutely, I think I'd like to hear both, both sides.

David Boyd: Yeah, yeah we will. There seems to be a difference of opinion on the applicability of 1090. Can you give us some history as you know it on the legislation that was referred to earlier that was vetoed by the governor?

Wenkart: The reason they keep proposing that legislation is because the charter association keeps saying that 1090 doesn't apply. But we have school attorneys have always felt that 1090 does apply. So you know whether that legislation is adopted or not we still think 1090 applies. And

their position, their legal position is totally inconsistent. On the one hand they say the political reform act and the governmental code does apply and we accept that.

David Boyd: What was the governor's reason for the veto?

Hammond: Which one since they both.

Wenkart: I couldn't tell you. I don't know.

David Boyd: I mean normally there's a couple of paragraphs on vetoing this and you...

Wenkart: yeah, I don't recall. I think maybe he said it was unnecessary but I'd have to go back and read the veto message to be sure.

David Boyd: Ok...

Lindholm: Can we hear the other side also?

Hammond: Well I was gonna ask if well before we do that I was just gonna ask if any of our since you've kind of got the floor right now, Mr. Boyd do you have any other questions for Ron right now on what he just...

David Boyd: No, no.

Hammond: Dr. Bedell do you have anything?

Bedell: Yeah, just briefly. Ron, from your viewpoint, this goes out and something bad goes down, what is the implication of that for this department and the board?

Wenkart: Depending on the circumstances there could be potential liability or greater liability because we were not, if the board is found negligent in not overseeing the charter school and not making sure that conflict of interest laws were enforced then this board could be found liable. So for example if there was a transaction and we've had this happen with several charter schools in the past where they purchased equipment such as lap top computers from a company that was owned by a relative or owned by the spouse and they paid more money than they had to for those lap tops and that became discovered later and we didn't do our due diligence then potential liability could fall on this board.

Lindholm: Question.

Hammond: Hold on. I'll come to you in just a minute. Dr. Bedell?

Bedell: I'm finished. Thank you.

Hammond: Dr. Williams?

Williams: Nothing at this time.

Hammond: Ron in regards to what Ron just, sorry Ron, what Dr. Bedell just brought up, what if there was a signed waiver or something to that effect?

Wenkart: A signed waiver?

Hammond: Couldn't we have some type of a waiver implemented that in essence absolves us?

Wenkart: I don't think so, no. I think the law requires us to oversee charters schools. When I say we, I mean the Orange County Board of Education. The Orange County Superintendent of Schools; and I don't think you can waive that. That's a statutory duty.

Hammond: Madam Vice President?

Lindholm: Question on that. Because when I'm looking at the one that we're considering tabling, it has in there quite extensive language on a waiver and protection for the Superintendent, protection for the Orange County Department of Education and it very specifically says on two pages of language that they will sign a waiver that what they do will not come back to the Board of Education.

Wenkart: Well that's an indemnification and hold harmless clause. But if they don't have any money then it will fall on the Orange County Board of Education and that's only if it's due to their negligence. But that doesn't protect us from the board's negligence. And if the board doesn't do its duty and properly oversee the charter school, they will be found negligent and then will be liable. So for example, if a charter school runs out of money, doesn't pay their rent, the landlord who didn't get their money is going to go after this county board and what they're going to do is allege that this board was negligent in how it oversaw the charter school. And if they had done a good job of overseeing the charter school, then the landlord would not have been injured and would not have suffered this loss. Now I'm not saying that they can prove that in every case and it could be difficult to prove, but if you don't follow the law and you don't imply the conflict of interest laws that's one point in favor of that landlord who brings that lawsuit. That's one thing they can use against you.

Hammond: Can I?

David Boyd: Can I...one more question?

Hammond: Go ahead sir.

David Boyd: Would you be comfortable if we eliminated the reference to section 1090 and just made a general statement that they agree to follow all applicable conflict of interest laws?

Wenkart: Well as staff we would interpret that as including 1090 so we would expect them to comply with 1090.

David Boyd: So I guess your answer is yes. And I'm going to ask the same question to...

Wenkart: They you know would say yes we'll comply with 1090 then I think we'll be fine.

David Boyd: Thank you.

Hammond: Alright, well with that I'd like to hear from both...

Miles Durfee: Yeah and Jerry Simmons is a skilled and expert on you know the government code and as far as the charter school law. But first I wanna say first I'd like to get the transcript so that we can get that to our attorneys. I think that in some ways this is a great opportunity for collaboration because we don't agree with the interpretation that the Academy's made. We've made it really clear. We think that the statement you heard starts to overreach and so I will say to you one of the concerns we have as teachers and their ability to serve on charter school boards and so that is part of government code 1090. The Charter School Association has incorporated and in fact I think the language that we presented in the revisions of this document represent our all the conflict of interest codes that do apply to charter schools and this is really about government code 1090 which is a specific and I'll let Jerry talk about definition about what that is and add to it. But I would like to have a dialogue publically on this so that we can continue to clear this up because I think the governor's veto message makes it very clear that the governor vetoed a law that included specifically government code 1090 and he said that that was not accurate. So State Board of Education appealed in San Diego called out on public record to a law firm who was advocating that government code 1090 applied and said we think this is fairly clear. It doesn't. So there's plenty of examples of disagreement on this issue. But there are plenty of conflict of interest codes that are applicable to charter schools and to charter board members and those we've always supported at CCSA. Where we struggle and are opposed to is government code 1090 specifically applying to charter schools. Then I'll let Jerry talk about some of the definitional concerns.

Hammond: Alright.

David Boyd: If I may.

Hammond: Please.

David Boyd: From your standpoint, getting away from the legalities for a moment is your principal concern the ability or inability of a teacher to serve on a board.

Miles Durfee: So, so.

David Boyd: ...if 1090 would apply?

Miles Durfee: So I would say, that's a principle concern, yes. And I think that in addition to that though there are other board roles that people can recuse themselves to/from on decision making. But they may have some interest. Right. In fact you all have some interest and recuse yourself

routinely and so we think government code 1090 is an overstep and hampers schools from being able to operate as efficiently as they can.

David Boyd: Ok, thank you.

Jerry Simmons: First, I just wanted to clarify that all my remarks today are really just intended to focus on the template for futures schools and I just wanna make that clear. It's not my intent in any way to hold up what you're doing with the two schools on the agenda today who of course very much need to move forward with their opening. But on this 1090 issue, what the dispute seems to be about here is literally this one sentence. So I'm going to read it to you. Government code 1090 says, "members of the legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity..." Nowhere is the word charter school there. And so and courts have said charter schools are not school districts. And thus are not entitled to protection for example under the government tort claims act. They're not school districts for purposes of the False Claims Act. So the issue I think we have here is we can't have it both ways. Either charter schools are school district and then we should get all of the benefits of being a school district or charter schools are not school districts in which case we argue well then we shouldn't be subject to all of the same laws and regulations that only apply to school districts and city and county officers and legislators. There is a court case that specifically considered this in the context of a university professor who works for one of our public state universities and the court found that no, government code 1090 did not in fact apply to them because they looked back at this sentence to say who is in this list? We don't find this employee to be in this list with people to whom this applies. And so that's really what this whole fight is about is this one sentence. And...

Hammond: Jerry, I'm sorry, could you repeat that last little bit again, one more time with that last sentence you just said.

Jerry Simmons: What the last sentence, the sentence that is here in the?

Hammond: No, just what you were, the reference...

Jerry Simmons: Oh, sorry. So this whole fight really is just about this one sentence named government code 1090 which is the definition of whom it applies to.

Hammond: Ok.

Simmons: That really is what this whole dispute is about and that's why there has been legislation introduced several times to try to add charter schools to this list. There has not been agreement from the governor or prior governor as to adding charter schools to this list. Nor has been there agreement to amendment the charter schools act to apply 1090 to charter schools in that mechanism. So, we have an opinion pending before the Attorney General of the State of California which asks the question from the District Attorney of Lassen County. Does

government code 1090 apply to charter schools? The Attorney General has yet to issue an opinion. So I think that you know one could fairly say that reasonable minds can differ based on a reading of this one sentence.

Hammond: Jerry, I got a quick question for you. The last two governors, well Governor Brown and Governor Schwarzenegger both vetoed, do you by chance or do you know about the veto statement? What was basically proffered by the governors as to why?

Simmons: Well I don't have either one before me presently but my recollection is that both of the governors felt essentially that plenty of laws already apply to charter schools and there wasn't a need to further complicate the difficulties that already exist for private citizens looking to try to start schools.

Hammond: So did CCSA come out with a position either pro or against when this law or when this bill was being proposed and was subsequently vetoed?

Simmons: So CCSA opposed several of these attempts. They actually supported one compromise bill under which teachers were a 1090 would apply but there was a carve-out for teachers and certain other employees at the school who would be allowed to serve on the board. And the governor vetoed that compromise language that had been worked out between CCSA and the Teacher's Union and other educational lobby groups. So, I mean, there has been some attempt to come together around what would be some reasonable parameters to prevent the sort of scenarios that your general counsel raised but still allow for employees to serve on the board.

David Boyd: Would you be comfortable with removing the specific reference to government code section 1090 and simply replacing it with they can comply with all relevant conflict of interest laws. That way when the attorney general opinion does come down it's covered and the chips fall where they may.

Simmons: I like the word applicable that you suggested on first reference.

David Boyd: Alright, well.

Hammond: Alright.

Bedell: May I have us a question?

Hammond: Dr. Bedell?

Bedell: Yes, just very briefly. I real life in the operations do you hear people recusing themselves typically? I mean it's kind of awkward if I get to vote on my own salary.

Simmons: So that's an excellent...

Bedell: If I could for thirty years that would have been nice. You see what I'm saying? I mean what is the reality of everyday life. Are we borrowing trouble that isn't?

Simmons: Right, so I'm glad you asked that question because we do believe the political reform act applies to charter schools and we believe that to be the case because the definition of who the Political Reform Act applies to in its set of definitions is much broader and seems to apply to any and all local and state government officials. Right? And so, so that is why the Charter Schools Association and our office absolutely counsel clients to comply with the Political Reform Act, the Fair Political Practices Commission has issued an opinion saying the Political Reform Act applies and they have enforced that over the years and so under the Political Reform Act you're absolutely prohibited from voting on or attempting to influence any matter in which you have a personal financial interest. So it would require in fact recusal, ok? So let me be clear about the difference between 1090 and Political Reform Act. We're not talking about the ability of someone to participate and lobby for their own salary or something like that or in any way get money in their own pocket. That would be a PRA violation for a charter school board member in my view. The issue here is that under the Political Reform Act you can recuse yourself from the board meeting. You cannot participate in any lobbying in advance. You cannot participate in the board discussion and if you leave the room and don't vote or don't attempt to influence your colleagues in any way, then the remaining members of the board could take action as non-financially interested people to approve a contract if they saw that it was in the best interest of the agency. Right? Under 1090, if it applies, which is why we have this big fight over that one sentence I mentioned earlier, if it applies then the remaining board members are prohibited from entering into the contract all together, even if that board member didn't participate in lobbying their colleagues, didn't attempt to influence the decision in any way, left the room, abstained from the vote, all of that wouldn't be enough. If government code 1090 applies that contract would simply be void and the remaining board members, even though they're not financially interested could not enter into the contract. That's really what the distinction is between 1090 and the Political Reform Act.

Bedell: May I ask our counsel, do you agree with the interpretation Ron?

Hammond: He better come up to the mic.

Wenkart: Yeah, I do agree with Mr. Simmons interpretation of 1090 that the contract would be void. That's why when I said you can't have a teacher on the board because if you did have a teacher on the board then the contract would be void. So as I said earlier, I think both laws apply. And I don't see the need to have teachers on the board. It's a public board so government code applies to charter schools they're not exempt from the government code. So that's kind of what I said earlier. I agree with them with the effect of 1090 is it's a broader statute, it's a tougher statute. It's a tougher standard. You cannot enter into contracts with vendors who have family interest, family connections, personal connections, that type of thing, and that's where we've had

the problem and you know that's where we run into trouble if we can't oversee it and prohibit those types of things as preventive measures that's where we run into problems.

Hammond: Ron, you said it's a public board.

Wenkart: Yes.

Hammond: Hate to ask this of you especially being the attorneys because I'm sure attorney's like this, what's the definition of a public board? Isn't it normally that they're, they have to be voted by the general populous? Because this board would be more appointed so what's the definition of a public board?

Wenkart: No it doesn't have to be elected; it could be appointed. The State Board of Education for example is appointed. Public board is something that under law has a public function. That it's created by statutes. And charter school board is set up under state law. The courts have interrupted the charter school law as saying they are part of the California Public School system. So I think, you know, that that's why it's considered a public board.

Hammond: Ok, hang on for a second. Dr. Williams did you have a question for Ron? If not I'm going to bring Jerry back up. It seemed like you had a question maybe for Jerry.

Williams: Yeah, this is a great discussion. I appreciate the collegiality of my fellow trustees here. So, the issue that we have here is the 1090's which is a broader statute which is of concern to the charter school people because they want to have teachers on the board. Is it just teachers on the board or can we, are we adding to that reason why you don't want the 1090 language?

Simmons: No so, one of the difficulties about this discussion right is when we talk about a template it's hard to anticipate what every future charter petitioner might desire, right? But if you look historically across the state there are many charter schools that have teachers on their board. There are a number of charter schools that also have classified staff representation on their board. And that's been true since the inception of the Charter Schools Act of 1992 and continues today to be true at many charter schools across the state. So that's the one I would anticipate based on sort of looking industry-wide at what historically where that flexibility has been used.

Williams: So Jerry there is a technical aspect to the 1090 law which you are saying charter schools are not under that. You gave that definition. It was quite clear that charter schools are not under that. I do think that conflict of interest laws are very, very important for being on the board now hopefully we all agree on that.

Simmons: Yes.

Williams: I mean I would not want somebody who is a vendor be on the board getting his product into the school where he personally benefited. Are we on board on that point?

Simmons: Yes. So I mean again, I don't this is not a conversation I wanna sort of avoid this sort of theoretical what might somebody propose I mean the history behind this has been that this fight has really been about employees sitting on the board when they have been willing to recuse themselves from any discussion about their salary or benefits and whether that recusal should be enough to allow them to have input.

Williams: So it gets down to the nuts and bolts employees of that charter school being on the board, is that correct?

Simmons: That's right. And what it boils down to is that in the Charter Schools Act when the first state approved charter schools in Minnesota they actually required charter school teachers to be on the board. And then when California considered its version of the statute just shortly thereafter, the legislature included among its purposes in the intent language of the Charter Schools Act language about increasing the involvement of teachers in governance of public schools. And so the question is well what did they mean by that? And the early charter schools here in California had teachers on their boards and as I said, many of them still do. And so they saw that as the way that they were in fact including teachers in governance of the schools.

Williams: Did any of those teachers vote for a salary increase for themselves?

Simmons: So, so, to the, I mean I'm not sure that I could speak on behalf of every charter school in every instance at every board meeting of course I don't attend them but I can tell you that charter schools on the whole have been I think very diligent in their compliance with the Political Reform Act and not having circumstances where employees are voting for raises for themselves or benefit increases.

Williams: Are we talking about theoretical possible issues and problems or is that an actual problem today existing that you can tell me about here?

Simmons: In terms is there a specific petition that I see coming before you in the next six months that wants to have employees on the board is that the nature of your question?

Williams: That's very specific but I meant it more broader and general.

Simmons: Well so I'll tell you that in virtually every case where there has been a charter school that converted from public school status to charter status that they have proposed to have employees on their board and there's a good reason for that because it requires a majority of the signatures of the permanent status teachers at that school site in order to sign the petition for conversion and in order to do that those teachers have to feel like they're getting some governance say in the curriculum and in the operational decisions of the school. That's what causes them to decide it would be worthwhile to sign a petition like that. It would be rare to see a circumstance where people would sign a petition and say our goal with this is simply to disempower the publically elected school board and replace them with some group of private

citizens of our choosing. In fact it's not typically been a pattern for conversion schools. So I think it is a real genuine issue with regard to potential conversion charters here in Orange County.

Hammond: Madam Vice President?

Miles Durfee: Can I add one thing into that? I think that just for real examples, right, I think people can always look for the one-off situation where something went wrong and we believe that the current conflict of interest statutes and Political Reform Act apply to charter schools and that that protects charter schools and what you're weighing there and I'll give you an example of a school, San Diego Co-op in San Diego obviously by the name, their value is that teachers should be connected to every decision that's made at the school at the board level and for them not to have that connection from the instruction to their school is a big problem for them. And I think that's kind of what Jerry talked about from the history, right? How do you get the instruction and the system to work faster and more effectively so that everybody's on the same page about how instruction works in the classroom and doesn't it make sense to have teachers on the board. So I think that's why we pick out teachers because it is a value that many charter schools have held. And the protection that you're getting from government code 1090 (inaudible) in our estimate isn't going to give you additional value for the education of the students. Now will there be somebody that someday does something wrong? I can guarantee you that somebody will do something wrong in their traditional public school system and I see it every day in all kinds of systems but I can't legislate that.

Hammond: Thank you Miles very much. Madam Vice President?

Lindholm: Yeah I have for Jerry Simmons. Summons or Simmons?

Simmons: Simmons.

Lindholm: I apologize to you. I think we have some language that the board could get consensus of that Trustee Boyd had proposed with comply with all applicable state conflict of interest laws. Do you have the right wording on that?

David Boyd: Applicable or relevant conflict of interest laws. Either one would be fine.

Lindholm: And is that correct? Is the word that if we were to support that gets us to where we are where we have that they will follow the state conflict of interest laws?

Simmons: I think if you chose the applicable word it would then you know allow the legislature or the courts to sort out the question.

David Boyd: Or the attorney general.

Simmons: Or the attorney general to sort out the question in an official opinion whether 1090 applies or not. And that would be in my mind preferable to you all attempting to resolve that question.

Lindholm: Well I would propose to our worthy board members here that we substitute that language where you have the strikeout here on; we have so many of these, where it's got the 1090.

David Boyd: We would take out government code section 1090 and replace it with all applicable conflict of interest laws.

Lindholm: Do you have that language? Would Darou be able to write that language? Do you have that language for us?

Nina Boyd: (inaudible with static)

Lindholm: I'm working off this second red line.

Nina Boyd: (inaudible with static)

David Boyd: Right, that's the one I've got here.

Nina Boyd: So it's just the government code section 1090 except that you're saying do the strike out on it starting with government code.

David Boyd: Correct.

Nina Boyd: Ok. And replace that with all applicable state conflict of interest laws?

Lindholm: Period.

David Boyd: Correct.

Nina Boyd: Period.

Lindholm: And then do we have other language in there about where the references do we...

Nina Boyd: Those were all stricken.

Lindholm: Those were stricken.

Nina Boyd: So there's nothing in there that references the other document.

Lindholm: Ok. And we only have, well I don't know we haven't voted on that. The "E" for inquiries into the contracts I'm not sure how important that particular section is. If we should leave that in or out. I don't know.

Hammond: Jerry?

Simmons: (inaudible from audience) in the going forward basis was the use of the word template which to them implied that perhaps the board would not be open on a case by case basis to looking at reasonable changes.

David Boyd: That's not really the intent.

Simmons: So, I think with that understanding I think the language becomes less important as long as on a case by case basis schools could come to you and say, this template language is not appropriate for us and here's why. We would like you to consider some sort of exception for us.

David Boyd: You know with respect to contracts under section E it only requires the board to review and approve charter education management contracts you know which are huge contracts in terms of another operating expenses which is probably the largest operating expense so if somebody wants to go to Staples rather than another store you know that's not the type of contract that we require on approval. And to me the way it reads now is clear on that standpoint.

Lindholm: Ok. So we're ok on that one for discussion purposes?

Hammond: I think so. Dr. Williams did you have anything else further to this?

Williams: So just so I'm clear this conversation we're having is with none of the action items. These are just the two items that were pulled. Is that correct? So everything is what may happen in a greater discussion/conversation in March. Is that correct? Gotcha.

David Boyd: I mean we are proposing to adopt one, correct? So that is an action item tabled. Number two has been tabled.

Lindholm: It will be.

David Boyd: It's being adopted as a board policy.

Williams: Ok so...

David Boyd: Proposed to be adopted as a board policy.

Williams: Ok that is consent calendar item #1 that's been moved to as an action item.

David Boyd: Right.

Williams: That's what we're discussing. So we haven't made a motion to bring this up for discussion correct?

Lindholm: We haven't made the motion yet.

At the same time: Hammond: We have no motion on the table. David Boyd: (inaudible) consent calendar though.

Hammond: Yeah there's no motion on the table Dr. Williams. It's just discussion right now. Dr. Bedell, did you have anything else about section 1090 or what's been discussed (inaudible) or anything else?

Bedell: I'm fine, thank you.

Hammond: Mr. Boyd?

David Boyd: No sir. We can get this done?

Hammond: Madam Vice President.

Lindholm: I think it would be great to get this done. I just have a question. On the July 1 date I'm looking at Jerry, or Miles, does the July 1 date work good for knowing how many kids are going to be attending this school?

Simmons: I think the answer is that that's a legitimate concern and August 1 is better.

David Boyd: Perhaps we could bring Kelly up to...

Lindholm: Yes certainly.

David Boyd: Give us some background as to why July was selected as opposed to number eight.

Hammond: Miss Kelly, would you are to come on up and fill us in.

Kelly Gaughran: Are you referring to?

David Boyd: On page 3, item 5

Kelly Gaughran: Page 3 item 5. I think I'm gonna defer to Renee because I'm not sure this states that it has the number of students. It's just the software that going to be used for the school. But I'm not sure.

Lindholm: Oh.

Kelly Gaughran: I need to differ to Renee.

Hammond: Is it just software that you're talking about? Hammond, Miles I'd like to hear from either you or Jerry in just a moment.

Renee Hendrick: Actually it's just the attendance, what they will use to be counting attendance and that's just a normal procedure for all schools.

Lindholm: So that doesn't say how, it doesn't have the name of all the kids who are going to attend.

Hendrick: It's actually how they're going to account for it. And so the state has certain approved attendance systems to use and that's really all its asking. What are you going to use and is it a state approved system.

Lindholm: Already, I'm ok with that date in that respect then. I thought it was like these are all the kids who have already signed up to attend September 5<sup>th</sup>.

Hammond: Miles is that?

Durfee: I would think I was referencing the Standards of Authorization document that talked about enrollment at one point; not this document. Ok I think that's fine.

Hammond: Ok.

Lindholm: Would you like a motion for this or more discussion?

Hammond: Well I was going to make sure that discussion was handled like that. Mr. Boyd, thank you for leading on this with the Vice President. Did you have any other discussion or comments that you would like...?

David Boyd: I would like to move that the document be approved with the edits as previously noted.

Hammond: Ok.

David Boyd: And that it become part of our...

Hammond: I'm going to hold your motion, I'll let you make that motion, but I just want to make sure if there's any other discussion. Madam Vice President, did you have any other discussion?

Lindholm: No and I'm gonna second that motion.

Hammond: Alright, Dr. Bedell? Any other? Dr. Williams? Any more? Alright, then we have it moved and seconded and for the record Mr. Boyd do you think it would be, I think it would be appropriate, are you willing to mention those few changes that were just made.

David Boyd: Yeah, I think there was just one as it turned out. We're looking at governance item A on page 2 where it reads charter school acknowledges and agrees with (inaudible) applicable laws regulations says may be amended or added during the term of the charter including the Public Records Act, Political Reform Act. Then we would delete government code section 1090 and add applicable conflict of interest laws. Federal and state non-decriminalization laws and so on.

Hammond: Ok.

David Boyd: And I think in the end that was the only change we made, right?

Hammond: I thought so and Madam Vice President do you concur?

Lindholm: I do.

Williams: Ok. What are we going to talk about, the management contracts? Were there any discussions on that? That was out of concern to the charter folk.

(inaudible)

Simmons: Again I was just gonna say I think the discussion that we had was that so long as the understanding is this is a starting point for a discussion with each new school as they come along and that the school could propose changes that reflect their individual circumstances.

David Boyd: And this is not intended to be cart and stump. Every school has to be considered on its own merits and there can be some circumstances where a school would need to make an argument that hey I don't think this particular section should apply because.

Simmons: Right.

Hammond: Dr. Williams does that answer your question? By the way just so I'm clear you are referring I'm assuming page 5-7 E contracts number 3.

Williams: Correct. Page 5 paragraph E contracts subparagraph three. It says here the board will review and must approve any charter school education management contract prior to charter school entering into the contract. So what I'm hearing is that as a general thought and concept this is ok with my fellow board members and ok with the charter school organization. Miles is that correct?

Durfee: Yeah, I see you looking at me so I will just yes, I agree with what Jerry Simmons said as long as there's an understanding that you know this is not a this is a document you take. So it is a document that can be adjusted if there are specific needs that need to be adjusted.

Hammond: Alright.

Simmons: So we're comfortable with that language right now.

Williams: Ok.

Hammond: Thank you Miles.

Bedell: Mr. Chairman?

Hammond: Dr. Bedell?

Bedell: Yes very briefly. I was wondering from you charter folks, friends, or the staff is there any wisdom in not voting today and making it to March? Do you see any wisdom on this?

Hammond: Miles, hang on a second. I'd rather hear from staff first. So Nina?

Nina Boyd: Our staff recommendation is that if you can approve this today then that would be, we think it benefits the charters that are coming forward and there're also two on the agenda that utilized the documents we did share with them, what was proposed. And if I could add just one other comment that I think Jerry and Miles have brought up something that staff also has acknowledged that this document is a template but it's a working document. We also acknowledge that there may be things depending upon which charter comes forward that will also be making recommendations to the board that there would be other items that should be added and we acknowledge that we expect to receive items from charter agencies also that they like to have included. So that was part of our dialogue as we were working through this. So I just wanted that to be on record.

Hammond: Alright. Madam Vice President.

Lindholm: I just want, if I might I want to thank everyone for working together on this and trying to come to an agreement so every charter school that's coming they know what to expect. They don't get a new set every single time. I think it's going to be really helpful for us. It's going to be really helpful for staff to have this in place. And that's the purpose. And as our Associate Superintendent said, it's going to be a working document as we go forward but I think it's going to be really helpful. And that was the goal.

Bedell: We'll thank you to both you and David for shepherding this.

Hammond: Agreed.

Bedell: You do it from your hearts, so thank you as colleagues.

David Boyd: The staff did the heavy lifting, trust me.

Hammond: Alright, if there is no other comments then the motion on the table that is to approve item one with the exception that the one section has been amended under section three. The following charter items section A, subsection one, all in favor signify by saying AYE.

Multiple Voices: AYE

Hammond: Opposed? Abstain? Motion passes 5-0.

### **Consent Calendar**

Hammond: Consent calendar item # two. Madam Vice President.

Lindholm: Yes, I pulled this item so usually it kind of goes to the person who pulls the item to speak on. I think we've had the discussion. This one is not quite ready. It's not quite baked. I would like to see item # two go back to the subcommittee again and take it's time to get through the process and bring it back to the board when we get the consensus that we can move forward with so I would propose that we table this item.

Hammond: Indefinitely? Or do you have a particular time frame? Or just table it indefinitely right now?

Lindholm: It could take a couple months.

David Boyd: What have you thought about?

Nina Boyd: We could provide status updates each month if that would be helpful to the board so that you know that we're continuing to work on it as we get closer.

David Boyd: Why don't we just do that? Just add it to the agenda every month as a discussion item until we get to the point where we vote?

Hammond: Ok, so would you restate your motion then please?

Lindholm: So my motion is to table item # two referring it back to the ad hoc committee and members of the ad hoc committee and members of the relevant agencies and provide status update to the board monthly until we can bring it forward to you for approval and discussion.

Hammond: Mr. Boyd do you second that?

David Boyd: Yes I do.

Hammond: It's been moved and seconded is there anybody want to discuss more on this? All in favor of tabling this as proposed by Madam Vice President signify by saying AYE.

Multiple Voices: AYE.

Hammond: Opposed? Abstain? And it is so tabled 5-0.

Lindholm: There you go.

Hammond: Moving on to Consent Calendar item # seven that was pulled. Dr. Williams, you have the floor this time sir.

Williams: Thank you. If the staff could be so kind as to give us a background. This original change in date because of my plans or was it from another board member?

Nina Boyd: It was originally a request from your plans. You gave us some dates that you were going to be gone. The dates I believe Trustee Boyd did not have his calendar and so when we

went back and checked the proposed date that I think you gave a couple of dates and that did not work with his schedule. And so then we checked and polled with the full board on the range of dates that potentially would work for everyone and that was the date that everyone said they could make.

Williams: That's what I thought. And so the original plans got changed five days ago with my airline so I won't be here on the 18<sup>th</sup> and I'll only be here part time on the 11<sup>th</sup>. So I basically would like not to do anything if the rest of the board...

Lindholm: Do you have another date to propose?

Hammond: Ok so you're saying the 18<sup>th</sup> you actually won't be here but are you here the 11<sup>th</sup>?

Williams: I won't be here the 18<sup>th</sup>. I actually will be in the air. They changed the day. The 11<sup>th</sup> I can only be here about 2-3 hours of that meeting. So what I'm suggesting if it's ok with the rest of my board members to leave May 11<sup>th</sup> as is as the original. It's just not worth creating so much dilemma and problems and changing of schedules. And I'm fine with leaving it to the 11<sup>th</sup>.

Hammond: Dr. Bedell?

Bedell: No problem.

David Boyd: I hate to be the only board member who lives in the 19<sup>th</sup> century and not having a calendar in front of me. I think the 11<sup>th</sup> will work ok. But until I actually look at the calendar I don't know.

Lindholm: Do you want to resend it out for a different date? I'm flexible after May 5<sup>th</sup>.

David Boyd: Let's just resend it out. I'm 75% sure it's ok.

Lindholm: So let's resend it out to make sure.

Williams: So we're ok to revisit this in March?

Lindholm: Because then we could lose two board members.

Williams: Ok. Yeah, we don't want to do that.

### **Closed Session and Lunch**

Hammond: Ok then um.

Williams: Actually I don't even think that you need to table it. I think we can let it die due to a lack of a motion. We will just be polled once again.

Hammond: So consent calendar item # seven will die due to the lack of a motion.

Bedell: Can we do the closed session with lunch?

Lindholm: We can

Hammond: We can but just...

Lindholm: It's fine. I leave. I'm recusing myself. Then in that case then we are way ahead right now.

Bedell: You mean we're going to get out before 4:00 o'clock?

Hammond: I'm trying. I'm working really hard to get at least one.

Bedell: Thank you Mr. Chairman.

Hammond: In that case then, this board will go into close session and do lunch. We're going to try to get two birds with one stone. And so...

Lindholm: We'll let 'em know when we're returning. Will we be returning at 1:00? Or 12:30? They need to know when we return.

David Boyd: Probably don't need an hour do we?

Lindholm: 12:30?

Hammond: About 12:30ish I'm thinking? Is that ok with?

Bedell: Sure

Lindholm: And for the record, I'm recusing myself on the closed session as I have in previous times.

Hammond: Alright. So with that we're going into closed session and shall return in about 40 minutes.

### **Board Back in Session**

Well good afternoon everybody. The Orange County Board of Education is back in session from our wonderful lunch and closed session and my compliments to the chef. Closed session, Ron anything to report?

Ron Wenkart: Yes I just was to report out that in closed session a motion was made by Dr. Williams and seconded to seek a second legal opinion on the issue of potential board member liability. The motion failed. Anything that you would want to add to that Dr. Williams?

Williams: Let it be noted that Williams and Hammond voted yes and trustees Boyd and Bedell voted no.

Wenkart: Ok.

Hammond: Alright. It is five minutes to one so we cannot take our time certain early unfortunately.

Bedell: I'll move approval of the rest of the agenda. Laughter.

Hammond: I like the spirit of it. I wish I could grant it. Let's look at staff recommendations. Oh good grief.

Lindholm: Board recommendations.

Hammond: Ok, never mind. Let's look at Board recommendations. Item # 13 is adopt the revised ethics training policy, Mr. Boyd. Do you have anything on this?

David Boyd: All that does is amendment the policy we adopted that month to point to the proper regulatory body and to recognize as satisfying the policy anybody who completed the program within three months, six months, whatever it takes to be satisfied.

Bedell: Second.

Hammond: Ok. It's been moved and seconded, any discussion, anything else Mr. Boyd?

David Boyd: Ah no sir.

Hammond: Dr. Bedell, anything.

Bedell, nothing.

Hammond: Madam Vice President.

Lindholm: I appreciate this and this starts the clock anew.

David Boyd: Right, right.

Lindholm: Because otherwise it would. So they'll be two months from this thing. And just a question for you, had you considered because most administrative staff also take the ethics. Did you consider that or maybe in the future.

David Boyd: Do you require administrative staff? I don't know if that's within our jurisdiction actually. We're not the employer.

Lindholm: It just might be something for your consideration. Leave it there.

Mijares: We actually do a lot of ethical training in terms of all of our leadership but that specific curriculum we have not done.

Lindholm: I know most of the counties and all that it's also the administrative managerial staff also was required to take that so just a...I'm supportive of this.

Hammond: Alright, Dr. Williams anything?

Williams: Nothing.

Hammond: All in favor of adopting the revised ethics training is so moved signify by saying AYE. Opposed? Abstain? Motion passes 5-0. It's still not 1:00 o'clock so...board recommendation number 14; approve the amended agenda items board policy 100-2. Dr. Williams you have the floor sir.

Williams: Sure, since I am the author of this edited changes to our current board how we do things policy I'd like to make the motion to adopt this item, item number fourteen.

Hammond: Alright. Is there a second?

Lindholm: I'll second it.

Hammond: Dr. Williams do you have any comment on your motion sir?

Williams: Yes, from our last board meeting we wanted to bring this over cause there was some good questions that were asked by my fellow board members as to the merits and weaknesses of the January's item. I hopefully cleaned it up and made it look a little bit better. Also significantly changed the time period that an item could be placed on the board agenda. I thought ten business days which is two weeks may be a little bit burdensome in that seven days I thought. The thought was five days I believe and we had moved it to ten so let's compromise and make it somewhere at seven. And I'm open to changing that. I looked to our board Superintendent here as to whether that's going to be burdensome for them too.

Hammond: Alright. Do you have any comment about that? Or I guess I can go to Al.

Mijares: Yeah.

Nina Boyd: Ten was better.

Williams: Ten was better.

Nina Boyd: Ten was better.

Bedell: For staff I would imagine.

Williams: Well, you're not going to hurt my feelings.

Hammond: So from your perspective with staff that the ten business days were a lot less burdensome than going to seven.

Nina Boyd: Yes, and part of the challenge is because you've seen all the backup documents typically what happens we might get some part of the item and then trying to get the rest of the items and then trying to navigate them through. It's really a matter of because if there's edits and things that need to be well if we need to come back and forth with you to correct or to ask you questions and get clarity then sometimes the timeframe gets tighter and then with trying to get the agenda prepared in a draft form so the Executive Committee can review it and then where the placement on the agenda is and so forth. So it's really the timing of coordinating everything.

Williams: Sure. And I have no problem with making this ten business days if the staff is so inclined and feels its better on their behalf.

Hammond: Madam Vice President you seconded the motion. Any comments?

Lindholm: A friendly amendment that's fine.

Hammond: Ok. Dr. Bedell?

Bedell: I guess I am perplexed by this and so I would need a little help. If I may read it to be sure what I understand the intent. In the event an action item fails to pass by a board majority...in other words that's been an action item that failed 2-3 or 1-4 whatever...the item may only be placed on the subsequent board agenda under board roundtable discussion...which means it could not come up at a future meeting the next time for action...

Williams: Because it's already been defeated.

Bedell: Right. So it has to come up under roundtable. To deliberate its merits or any new information. If by board consensus and approvals...can you tell me what your intent between the difference in consensus and approval there?

Williams: The majority vote.

Bedell: Both? So if by board consensus and approval...cause sometimes consensus means people agree, there's no approval.

Williams: We can make it official by board majority.

Bedell: If by board majority, friendly is to delete consensus then. If by board approval, it is determined the action item merits another official board vote it may be placed on a subsequent board agenda as an action item. So in other words this is no way could a reasonable person consider this as stifling conversation and controlled by the majority given the opening sentence on the first paragraph any member of the Orange County Board of Education has the authority to place an item on the agenda to deliberate (inaudible) upon. You're saying since that's already happened that's met. Do you see what I'm saying?

Williams: That's correct.

Bedell: I'm wondering is that an internal inconsistency between those two paragraphs. But if I look at it that it's already been turned down once is that where you got it?

Williams: That is correct. If the in the event the action item fails to pass by board majority then if we want to basically if we want to revisit that action item if there's more merits or new information that come up then if there's board majority to determine that these action items should be put to an official vote again, then it could be placed on subsequent agendas.

Bedell: Ok. Now going back to your very first. If an action items fails to pass on a tie vote, 2-2 fails, does that do anything. If I read that literally Dr. Williams, that means that does not be held by that, does it? See what I'm saying?

Williams: So a 2-2 vote of the action item fails.

Bedell: Automatically.

Williams: Yeah, that by definition would be a failed.

Bedell: Ok.

Williams: Please yeah. I would love to hear different opinions.

Bedell: No, no, no. That's what I was, that gives me clarity. I just don't want anything ever; I don't want to support tyranny of the minority or tyranny of the majority.

Williams: Absolutely.

Bedell: That's really what's, oh my the whole thing. Tyranny of the majority. Tyranny of the minority.

Williams: Sure.

Bedell: That's the only thing that comes to me. Because one of the things I think is the board's strength is the five of us have the ability to agendize. To make a verb it's not a verb.

Williams: And as a historical record will reveal back in 1996 when I came on the board that was the issue that I could not place any issue or agenda item onto the board and so that's why I was the original author of any member can place any item upon our board agenda.

Bedell: Well I would hope that we continue to honor that tradition. Thank you Mr. Chairman for your patience.

Hammond: You're worth it. Mr. Boyd.

David Boyd: Mr. President. First of all thanking Dr. Williams for reworking this it's much clearer than it was first time around. I am kind of concerned though on the 2-2 vote because

there are a number of situations particularly late in meetings where one member has to leave for one reason or another and the item may have passed an item may have failed depending on the presence of a particular member. I'm suggesting that perhaps we amend this first sentence of the second paragraph to read; in the event an action item fails by a vote of the majority of the board...

Hammond: Ok, I see where you're going with that wording.

Williams: Yeah, that's friendly.

Hammond: I think what you're trying to say is that in the event an action item fails to pass and all five members are present basically?

David Boyd: That's where I'm going but I guess it could be other scenarios. Well actually if something would fail 3-1 well okay it fails. You don't bring it back. If it's 2-2 and we don't know how third member would have voted I would hate to you know be put in a position where it couldn't be brought back before the full board.

Williams: I agree with that.

Hammond: But then what about in a situation where you know we have a current closed session and Trustee Lindholm has recused herself so you know at this point we can't have we won't it's you know.

Bedell: Mr. Chairman, if we did this, in the event an action item fails to pass by a board majority except for a tie vote, the item may be only placed. That would do it, wouldn't it?

David Boyd: Well I think we want a vote of the board too. Because what if an item is on the agenda and it's pulled. So there's no action taken and that happens again because of the outside commitments of all of us. Sometimes we're not here for all of the meeting. So I would prefer that we say that fails by a vote of the majority of the board.

Hammond: So you're saying basically if it fails...

David Boyd: So if it's pulled, if it's pulled you would be able to bring it back because there would be no discussion.

Hammond: Well it wouldn't have failed then if it's pulled. So if I understand you right then you're saying in the event an item fails with three or more votes kind of against it...

David Boyd: No, I think we would accomplish what I'm trying to do if we simply said, In the event an action item fails by a vote of the majority of the board...

Bedell: That would...

David Boyd: Then the rest of the sentence the rest of its fine.

Hammond: Ok.

Bedell: I would hope the public wouldn't think we had nothing less to do other than something like this to adopt.

David Boyd: Yeah this is the most exciting (inaudible)

Bedell: You haven't lost any faith in public servants.

David Boyd: This is why I'm here.

Hammond: I like what you suggested Mr. Boyd. I'm hoping the makers of the motion will friendly agree to that.

Williams: I view it as friendly in clearing up and clarifying.

Lindholm: That's fine. I do have a comment though.

Hammond: I'll come back to you in just a moment.

Lindholm: I'll wait.

Hammond: On that new section that you've written in the event second line it says under board roundtable I believe we've changed round table to member comments.

Lindholm: Yes.

Hammond: And then continuing on in the second line where the second sentence begins, if by board consensus and, I believe that we had agreed to cross out with what Dr. Bedell said the words consensus and, so I'm thinking that it should read and I'm going to defer to the good doctor here, if, by board approval, would that be correct?

Bedell: Umhuh.

Hammond: Ok.

Bedell: Or maybe that's ok.

Hammond: Alright. That's the only...

Bedell: Sure.

Hammond: Pedantic stuff of me.

Bedell: Do you want to call the vote?

Hammond: Well Madam Vice President had a comment.

Lindholm: Yeah, just a comment on this. We're precluding something from coming back except for the board member comments. I was just thinking if we had a piece of legislature that was amended and we wanted it to come back. We'd already taken a vote on it. I'm thinking we might want to add a six month time frame to this just in case because this is an (inaudible) item kind of statement.

Williams: That's viewed as friendly.

Hammond: Alright.

Lindholm: Ok. I'm good with that.

Bedell: Do we take this back to (inaudible)

Nina Bedell: And where would that go?

Hammond: That's what I was about to ask.

Lindholm: For a period, wherever.

Nina Boyd: So just add six months?

Williams: We can put it at the very beginning. If after six months in the event an action item fails and so on...you can put it there.

Bedell: That may...

Lindholm: I think it goes at the end. What?

Hammond: Yeah I would think that it goes...

Lindholm: It goes at the end of the statement.

Bedell: Could I hear it? The outcome may just be the reverse of what was intended. Does this mean nothing can happen in six months on the same item? That's what I heard. Maybe something urgent comes up that you want to...

Williams: Yeah, I hear what you're saying.

Bedell: Like we'd like this legislation. We probably gonna have a resolution and (inaudible) that we had today (inaudible).

David Boyd: Well is it proper protocol? I mean could we in that event could we put something on the book to temporarily suspend board policy blank blank and...

Bedell: If we could just start it off by saying, ideally, which would give you wiggle room. That's what you want.

Williams: Well we can suspend our board rules...

Bedell: At any time...

Williams: At any time. So yeah, that could be done.

Hammond: Dr. Bedell you had something about the seven or ten?

Bedell: Yeah I was trying; I thought I heard that there was in order to get things done well and efficiently and that it's better for the staff to have ten days?

Williams: Right.

Bedell: Did we agree to that we go back to the ten? Ok, I'm comfortable with that. Thank you.

Williams: Would it be more comfortable with my board trustees to because we've made so many amendments and there's no urgency for this to take it off today and put it on for March with all these friendly amendments? I'm comfortable with that.

Hammond: Well that would require a motion and the...

Bedell: Postpone to March?

Hammond: ...chair would happily consider that motion.

Williams: Ok, so I'll make the motion that we table board action number fourteen to March with the substantial edits and changes in the language.

Hammond: I second.

Williams: Very good.

Hammond: All those in favor of tabling this to come back next month.

Multiple voices: AYE

Hammond: Great, passes 5-0.

Bedell: See that, making sausage.

Hammond: When we're trying not to get it on us. Chairs prerogative. I'm going to take a look at number sixteen. It's adopt resolution 05-16 to recognize March as Arts Education Month.

Williams: So moved.

Lindholm and Bedell: Second

Bedell: Is there some reason Mr. Chairman why this was brought by the Executive Committee not to be consent. Is there something in it that we didn't see? Could that have been? Is there anything there?

Hammond: Not that I'm aware of. I just didn't want to put it you know just in case somebody had a thought on it. So.

Bedell: Thank you.

Hammond: Mr. Boyd did you have any thoughts on this?

David Boyd: No sir.

Hammond: Then all in favor of adopting resolution as so written now signify by saying AYE.

Multiple Voices: AYE

Hammond: Opposed? Motion passes 5-0.

Bedell: In the past we want to know where this goes, right? Who gets this?

Hammond: Absolutely. Nina, can you make sure that...

Nina Boyd: We'll seek some input from you all in terms of where it goes? Since this is an Arts Education Month resolution?

### **Time Certain**

Hammond: Alrighty. Now we will go to our time certain 1:00 o'clock and it is 1:13 and with that Miss Kelly. Good afternoon ma'am and welcome back to the podium.

Kelly Gaughran: Thank you. So good afternoon President Hammond, members of the board and Superintendent Mijares. Today you shall render a decision regarding the charter school petition for the Orange County Academies of Sciences and Arts also known as OCASA which was submitted at the December 16<sup>th</sup> Orange County Board of Education meeting following the December 9<sup>th</sup> action by the Capistrano Unified School Board. The public hearing was held on January 13<sup>th</sup>. As legally required the petition has been reviewed according to California Education Code regarding charter school petitions received on appeal by County Office of Education. Copies of the staff report are available on the back table. Each of you has been provided the Orange County Department of Education staff report, three draft resolutions and options for action. Option one grants the appeal and approves the charter petition as written. Option two which is the OCDE staff recommendation approves the petition with conditions requiring the execution of an agreement which address the issues outlined in the staff report. During the clarification meeting held on January 21<sup>st</sup>, petitioners indicated that they recognize the issues we discussed regarding their charter petition and they plan to hire a principal to

address our concerns regarding their educational program. In addition, a more comprehensive Special Education plan must be presented, they must join a SELPA, and an appropriate facility for the proposed school program must be secured. Option three denies the appeal. For today's presentations each party, OCASA and Capistrano Unified are allocated ten minutes to summarize their position and audience members who wish to speak are given three minutes each with a maximum allowable time of thirty minutes. I now call the lead petitioner from OCASA, Mr. Kapil Mathur to the podium.

Kapil Mathur: Superintendent Mijares, President Hammond and members of the board. Thank you again for giving me the opportunity to present to you about the Orange County Academy of Sciences and Arts. We appreciate all the effort and consideration that will go into today's decision. Just as a reminder, OCASA is a K-8 school which meets the states academic standards, provides a hands-on approach to science, technology and engineering, arts and mathematics. Provides an individual learning plan in a collaborative environment based on a modified Montessori philosophy. Our students will be connected, active and involved participants in the community. The school respects the academic, social and physical development of the child in an environment that favors a multi-cultural spirit. OCASA has a strong founding team consisting of a partnership between educators with experience from Kindergarten through college parents and other community members. I wanna thank OCASA's board members for guiding us through the process. We have one of our board members here today who will be speaking later. I also wanna to express gratitude to our parents both on our founding team and those who have come out to support us. Without our parents this entire process could not have happened. And without our common goal for an innovative educational program for our children we wouldn't have gotten this far. OCASA has strong community support from our local universities, city councils, and legislative organizations. We have been supported by leaders in the charter school movement including the California Charter Schools Association, Charters OC and our vendors, EdTech and Young, Minney, and Corr. Over the last year we have seen a tremendous amount of community support. Our petition has signatures representing over 500 students. We had a large number of parents support and speak in favor of the school at the various public hearings and authorization meeting. Many supporters from our parent community have provided written testimony to this board. Our parent information meetings which began on January 6<sup>th</sup> and run through the end of this month have over 500 parents registered to attend. Before I speak about the various options for authorization I wanna express sincere appreciation to the Orange County Department of Education staff who has worked closely with us on this. While we thank the entire staff, I wanna specifically highlight the charter petitioner review team led by Kelly Gaughran, supported by Renee Hendrick, Aracely Chastain, Val Callet, and Kelly Barnes. Our founding team greatly appreciates the collaborative relationship we have with the staff. The OCDE review team has presented you with two options for approval. The first option is to approve as written and the second is to approve with conditions. We are asking you to select option one and approve OCASA's charter petition as written. In the next few minutes I'm going to walk through the recommended conditions. While we don't disagree with the intent of the conditions, it is our

hope that we can handle each of these items without having to go through the formal administrative effort of both time and money to formalize these in an MOU. The OCASA team has a good working relationship with the County and we plan to maintain it. So when our read of these staff reports we grouped the conditions into six main categories: Operational Relationship and Oversight, Budget, Principal, Facility, SELPA, and Corrections or Clarifications. There were two bullets that we're terming Operational Relationship and Oversight. We believe that existing provisions in our charter petition and the charter school act sufficiently outline the relationship between the authorizer and the charter school including what is required for oversight. We have developed a management structure for the school which specifically states that OCASA's Executive Director will be the liaison with the County. There was a condition regarding updates to our schools budget. As you heard in our public hearing, Ed Tech will be our back office provider. We will make sure that updated versions of the budget are provided to the OCDE staff. Additionally our budget as presented in the charter petition does not include the PCSGP grant. We also have several other grants that we are planning to apply for. There was a condition regarding the hiring of a principal. We have outlined in our charter petition the background and the responsibilities of the principal. Last month we began our recruiting process including the development of a detailed recruiting plan and forming a hiring committee. We posted the position on EdJoin and we have multiple candidates. We plan to make an offer for principal by the end of February. As for our facility we've had some wonderful developments in this area. We are continuing to negotiate with landlords in an effort to lease a private facility. That remains our preferred method. It is challenging however because multiple stakeholders have to agree; the landlord, the school, and the city. Our timeline is fairly tight as we only have six months until the school is to open. The Capistrano Unified School District has provided us a preliminary offer of space as well as an offer to provide in lieu facilities outside of Prop 39. They indicated that they have multiple facilities that meet our needs but they have not provided specific locations. This is a change in their posture. We hope to have a meeting with them to understand what specific facilities that they could offer as soon as we're authorized. We recognize the need to join a SELPA. The Capistrano Unified School District has indicated that they will not admit us into their geographic SELPA. We have had preliminary discussions with El Dorado and Desert Mountain SELPA's. Tomorrow we will be joining Co-hort Three of the El Dorado approval process and we will be submitting our SELPA application to Desert Mountain next week. We're hoping to be accepted by both SELPA's and as soon as we hire our principal we'll let the principal make the determination as to which is the best fit for us. There were several items in the petition that required corrections or clarifications. Both the OCDE and OCASA agree to the changes in the language and we both agree that they're not substantive changes. We can make those changes and submit them to staff and that does not require your board approval. In conclusion, everyone associated with OCASA thanks you for helping us open our school. Again, we respectfully ask you to select option one for approval of OCASA's charter petition as written. Thank you very much.

Kelly Gaughran: Thank you Mr. Mathur. I now call the representative from Capistrano Unified School District, Heidi Crowley, Coordinator, for Charter Schools and Strategic Initiatives.

Heidi Crowley: Good afternoon President Hammond, board of trustees and Superintendent Mijares. Thank you for giving CUSD an opportunity to speak today regarding the Orange County Academy of Arts and Sciences. As I shared last month, CUSD is committed to student success. We support parent choice and charter schools as we have five successful charter schools currently operating within our district. However, CUSD's board policy on charter school petitions clearly states we would deny a petition if, and we have them outlined in red up there, the charter school presents an unsound educational program for the pupils to be enrolled in the charter school or the petitioners are demonstratively unlikely to successfully implement the program set forth in the petition. After reading OCDE staff's lengthy recommendations and conditions it's clear they had the same concerns as our staff. And these were the slides that I presented at our last meeting. We have concerns regarding Special Ed, 504 plans, ELD, how they're going to address Common Core State Standards, the Engineering Curriculum, the Staff Development Program, the Instructional Methodologies and the Multi-grade Band system. CUSD believes in choice in charter schools but we have to make sure that the choices we offer are instructionally sound. Our work shows that we are totally committed to educating all of our children including our English Language Learners and our children with special needs. We welcome strong charters into our district and the local control and oversight it allows us. If this charter is approved today we will continue to support our families and we will look to the County Board of Education to ensure our students are receiving a quality education. Thank you for your time today.

Kelly Gaughran: thank you Miss Crowley. The hearing is now open for public comments. Each speaker will be given three minutes with a total of thirty minutes for this section. President Hammond please call for the first speaker.

Hammond: Miss Kelly, thank you. Again, by the way, thanks you know, not only you but your whole staff that just works so hard and Al we've got a good group of people over there I'll tell you. Madam Vice President I think we have some speakers. Would you please be so kind as to call them up?

Lindholm: We do thank you and I'm going to alternate for a little bit. We'll start with Sophie Legluillette. Oh, sorry about that.

Sophie Legluillette: Good evening board of trustees, Superintendent. My name is Sophie Legluillette. I'm the VP of Marketing for a very large global corporation here locally and I have a degree in International Marketing from France and an MBA from UCLA. I'm the mother of three teenagers and I'm also a founding board member of OCASA. As the mother of three children I have first-hand experience in raising children; finding the right education is I believe key to give them the right tools to succeed in today's world. When the kids were young we chose

a private school where they could have a rich experience in the multi-cultural, multi-lingual environment that emphasized languages and arts as pillars of the educational curriculum. We've since moved them to public school with varying degrees of success. From my observation the lack of emphasis on hands-on work and art classes is one of the biggest shortfalls of that system. In order to make sure they could develop through arts I had with my children private art classes outside of school and their works have now been exhibited all around the county and won multiple awards. I strongly believe developing artistic skills in any children is given them an amazing and effective tool to communicate with others in their personal and later in their professional life. From my personal background and experience and as an executive in the business world the main reason I joined the board of OCASA is the opportunity to offer the parents of the Capistrano community a choice in public education for this children as I wish I had for mine. The choice of receiving an education that will provide the children with the tools and skills to be successful in their professional life; learning a foreign language and being exposed to multiple cultural at a young age. Learning through hands-on project in a diverse peer group. I see those needs in the workplace on a daily basis and I'm very excited at the idea of children in this community gaining both skills through a charter school liked OCASA. So in closing board of trustees, Superintendent, I urge you to approve this petition without conditions. Thank you.

Lindholm: Thank you. Amy Hanacek?

Amy Hanacek: Thank you very much. Good afternoon President Hammond, fellow board members and Superintendent Mijares. I join you again today speaking as an individual board member of the Capistrano Unified School District. The OCDE staff report of proposed findings highlighting deficient of the OCASA Charter submission closely mirrors the work performed by CUSD staff. And although as a board member committed to fiscal prudence it is challenging for me to have limited staff resources so fully engaged in the task of analyzing and completing a charter submission, I do truly appreciate our shared commitment for our young people. And for this professional analysis illustrating the magnitude of the complexities in creating the very best educational environment. Most of us don't even know what we don't know when it comes to educating young people and unlike many of you who have devoted a good portion of your professional and personal careers to supporting special needs of the English Language Learner populations there needs to be a profound understanding and exceptional depth of knowledge in experience to educate this very fragile groups. I understand that this is initial review intended to highlight deficits. But I am still profoundly concerned that though obviously extremely high in their own academic achievements and definitely well intentioned in their quest for a non-traditional school for their children and this definitely isn't easy for me to stand up here. I too am a mom. I have a student, a manufacturing engineering student at Cal Poly and a Georgetown Graduate Student in communication, culture and technology. I understand that we want the best for our students. But, this charter I truly feel is just not ready to launch. But even if you were to secure a principal and not just utilize teacher-leaders that actually was inferred, that the oversight

and staff required to create a successful and sustainable charter school at this juncture and continued oversight for the needs of students, parents, and others in order to launch is truly unconscionable use of taxpayer resources. Starting a charter is obviously hard work. You all are very successful individuals and I don't see any of you sending me something that entailed this level and degree of follow-through from your staff or from others. So again, I so appreciate your time and consideration. Thank you.

Lindholm: Thank you. Kara Barrett? Oh, I'll go to the next person. Charlotte Kritikos. Kritikos-thank you.

Charlotte Kritikos: You're welcome.

Lindholm: So Kara you're not going to be speaking?

Kara Barrett: (inaudible from the audience-will not be speaking)

Lindholm: Ok, I'll just put on here not speaking. Thanks.

Charlotte Kritikos: Good afternoon. My name is Charlotte Kritikos. I am a career consultant. Some of my previous experience includes head investment bank recruiter for JP Morgan/Chase on Wall Street and director of Career Services for Drexel University. I live in Laguna Niguel with my husband and two children. I'm speaking here this evening in support of the Orange County Academy of Science and Art. OCASA. I am a founding member. One of the main reasons I am strongly supporting this school is OCASA's commitment to elevate the community as a whole. I attended a public science focus academy from 2<sup>nd</sup> – 6<sup>th</sup> grade in Syracuse, New York. The school was located in an area where there was a high percentage of minorities living in or near poverty. I took a school taxi from a middle class neighborhood to attend this school. I was very different from most of the other kids attending this school. Why did my parents make this decision? The school had an extremely strong focus on science. My family, including my father who was a bio-geo chemistry professor, world expert on acid rain, felt that this would be an opportunity to have a different education than our neighborhood school with have provided. Attending this school has had a profound impact on me as the person I am today. I have compassion of various backgrounds and look beyond the appearances of people to find that human connection that we all share. I am passionate about reaching out to people of various ethnicities, socio-economics and experiences. In doing this I've created many strong interesting relationships. I've been able to learn about many other things by what other people have done. I am able to connect with many different people. In today's society this is an important skill that we need to teach our children. OCASA provides this opportunity for us to work together in building a diverse community. The school is planned to be in an area potentially that will allow us SB740 funding. The school is committed to reaching out to be an inclusive leader in the community it resides in. A comprehensive recruitment program has made this possible. The program has included promotional materials in English and Spanish. A ton of participation at local events and activities to promote the school and to meet prospective students and their

families. We've also been visiting local preschools, community centers and organizations to publicize the school. This is a valuable opportunity. A school that is committed to uplifting a community and providing an excellent education. I hope that you, the Orange County Board of Education will approve and accept option one of this proposal. Thank you very much.

Lindholm: Thank you. Lynn Hatton-Hodson?

Lynn Hatton-Hodson: Thank you. Superintendent Mijares, President Hammond, honorable trustees. My name is Lynn Hatton-Hodson. I'm a trustee for the Capistrano Unified School District; a STEM OC ambassador, a parent of two high school children, the wife of an assistant superintendent of business and an owner of an education company. My entire life is wrapped up in education and the success therein. It is my passion and my purpose. I'm here today to support our board's decision of not approving OCASA and provide you with a framework for the reasons behind that denial from my individual perspective. As you know I was not able to attend our board meeting when we voted on this charter. I was asked in advance what my vote would be and I didn't feel comfortable sharing until after the vote but I can tell you now that I would have denied this charter. I strongly believe we owe it to our constituents and our children to keep our political views out of our decisions as elected non-partisan officials. I don't just say this but support it with my actions by the fact that I have approved every other charter and charter renewal brought to us over the last five years. This is important that you know from me my plea doesn't come from political leanings but what is truly best for our kids. Education defines your economic future and instruction, the core of education when delivered well is the perfect convergence of science and art. Good first instruction is well planned and very intentional. It's about teaching and learning rather than programs and products. It's about the ability of the classroom leader to lead her learners on the journey of knowledge. That journey involves many types of learners with their many levels and skills that a good teacher will harness and engage and grow. As a company when we work with districts it's natural for them to pick programs that they think will be a quick fix to achieve success. Every time however, it comes back to the ability of the leader of the school and the classroom. In my opinion the leaders of this charter did not show us that even superficially understand education and therefore should not be given the extraordinarily important honor of being in charge of our children's educational future. After reading your staff report I find it hard to believe that you would hand over the answers to them in hopes they would go back study and learn them. They should have known them deeply before submitting this application. In the business world the people who developed a business plan like this would never be acceptable or given a second look. And that's just about money and this is about kids. In my business I'm the only non-educator and my role is on the business side. My partner worked in education from the classroom to the county to the US Department of Education. Our employees and consultants in our small business have over a hundred years of combined experience in education. Even still we meet monthly to discuss and improve ways we can support teachers and leaders in education. I would never have been able to do what we do without these people and their background and knowledge. It would be irresponsible of me to

think otherwise. Am I out of time? Ok still? Just yell. One of the books I follow is Covey's Four Disciplines of Execution. That book uses research it shows to be successful. You must pick a few goals and implement them deeply. Specifically it states that if you have one of three goals you will be successful in all of them. Four to ten? About fifty percent. And over ten you will not be successful in any. You will not be successful in any. Not only does this application have too many educational programs and jargon but your professional staff gave them many and more than ten fixes. In fact seven pages of fixes. Some members of our board have said that you will rubberstamp this and I'm here because I don't believe that you will do this. I think you will be thoughtful and non-partisan in your decision and keep the best interest of Capistrano Unified's School District's children at the forefront knowing we cannot gamble with our children's future in this way. Thank you for your time, your commitment, and your courage.

Lindholm: Thank you.

Hammond: I heard about your surgery and I do hope all turned out well for you.

Lynn Hatton-Hodson: Thank you.

Hammond: Awesome!

Lindholm: Susan Mas.

Susan Mas: Good afternoon everyone. Superintendent Mijares, President Hammond and board members. I'm Susan Mas. I'm the Executive Director of Charters OC: a Partnership of Innovators OC and the California Charter School Association. The goal of my organization, Charters OC is to increase the number of high quality charter schools here in Orange County. I believe this is the fifth time I have been before you with a high quality charter school that we support. We are supported by a number of philanthropists here in Orange County who want to see more choices for excellent schools for our young people. Today I'm here to speak on behalf of the Orange County Academy of Science and Arts. Both Charters OC and CCSA have worked with Kapil Mathur over the past year during which time he went through a rigorous CCSA evaluation process which was required if he was to gain our support. I talked about the OCASA educational program last time being a much needed addition to our portfolio of excellent public schools here in Orange County. I also talked about the high quality of the OCASA petition and the work that Kapil's team did and his outstanding leadership. I talked about OCASA's K-8 program that will be a strong addition to the educational choices of our young people in the Capistrano district focusing as it does for preparing students for the challenge of a rapidly changing world. But today I'm here to talk about the legal compliance of this charter. I am here to reiterate what board member Lindholm mentioned at the previous board meeting and I quote from the Capistrano USD board meeting minutes. Mark Bresee who some of you remember was the attorney I worked with on the Samueli Academy here he was the legal representative for OCDE in dealing with the Samueli Academy Charter. Mark Bresee, the district's legal advisor in spite of recommending denial made this statement at their board meeting. This petition meets

the minimum level of legal compliance. Let me restate that. The petition meets the minimum level of legal compliance. This is a legally created petition. Thank you very much. I hope you approve this petition.

Lindholm: Thank you. Dr. Jennifer Reiter-Cook. Welcome.

Dr. Jennifer Reiter-Cook: Good after noon and thank you Superintendent Mijares, President Hammond, board. Again my name is Dr. Jennifer Reiter-Cook. I am the director of school development for Southern California for the California Charter Schools Association. I have been working in charter schools since 1994 as a teacher, administrator, and as a researcher and now as a supporter of high quality charter schools through our organization. Although we are an advocacy group we also have a very strong development group as well and my team is a little bit more behind the scenes in terms of high we work with developer teams. But I felt it was very important for you to know how closely and collaboratively and for the length of time that Kapil and his OCASA team has worked with us in order to develop a high quality petition to support choices and the educational excellence for students in Capistrano and Orange County. So our review process is fairly extensive. It's very extensive. We expect our petitioners to go through various revisions of their charter petition with us. It goes through a full review with my team. I then go and review those different drafts with Kapil and his team. And he has been nothing and he and his team have been nothing and collaborative and supportive in that process. We also go through an extensive vetting process before we even work with teams in order to ensure that the capacity is there in order to actually run the program that they describe in their petition. I also want to make it clear that we do not support charter schools for charter school's sake. We support high quality autonomous charter schools that go through our process with us and for the entire time Kapil and his team has worked with us in order to develop a high quality petition they've also gone through Prop 39 support with us as well as the PCSGP application support with which they passed that review as well. So with that I wanted you to understand the process he went through and his team went through and that I urge you to approve the OCASA petition and thank you for your time.

Lindholm: Thank you. Carly Gonzalez

Carly Gonzalez: Good afternoon. Thank you all for your time. My name is Carly Gonzalez. I'm an educator, mother of two young children and a proud founding member of OCASA. I am a mathematics professor at Saddleback College and I taught middle school for almost ten years at a school for kids with dyslexia. I have seen the critical thinking skills as a whole steadily decline over the past decade. I believe the educational program at OCASA will facilitate a more authentic understanding for students. The individual learning plans and mixed aged classes will provide the necessary framework to allow students to go deeper in their particular areas of interest and strengths as well as give the students opportunities for peer mentoring and collaboration. The inquiry arc will unify the curriculum and the school while the labs will give the students the space to meaningfully explore different topics. The projects at OCASA will not

be traditional projects that focus on the end product. Instead the vast majority of these projects is exploring, tinkering, and ultimately finding solutions. This process of trial and error will lead to significant growth for students both academically and personally. Many schools in South Orange County do offer STEM programs. Unfortunately, many of these programs are offered as electives that cannot be repeated due to demand while others are offered in isolated classes that students get to enjoy only a handful of times per month. In addition, all of the local site based charter schools have waiting lists that are staggering. I believe that we need to integrate STEAM throughout all subjects and OCASA will be the first public school in South Orange County that brings STEAM to all of its students on a daily basis. I see the creativity and energy in my own kids that I want to foster not only at home but with their education as well. I can see the positive impact of them being engaged and challenged, especially when they have access to hands on experiences; like visiting science museums or building with Legos. In my experience, the more that students learn physical representatives of mathematical operations the less daunting they find real world applications. The hands-on aspect of OCASA will range from learning new concepts to creating and programming robots to producing and editing videos all of which will allow the children to enjoy learning in stimulating and challenging program. I believe that OCASA will provide an environment that will recognize the individual development of all students and allow them to think themselves out of a situation rather than just telling them one possible solution. OCASA will give students the space and structure to have fun with their learning and show them that education is a gift that ought to be enjoyed. I implore you to please approve OCASA's petition to bring a public STEAM charter school to South Orange County. Thank you.

Lindholm: Thanks. Michelle Lopez.

Michelle Lopez: Good afternoon board members my name is Michelle Lopez. I'm an attorney with the law offices of Young, Minney, and Corr. I first want to start with thanking staff for their amazing work on this charter and almost all the charters that are presented to them. Very thorough review. And an appeals process including meetings with staff that we believe lead to a better relationship between the authorizer and the charter school, understanding of the charter and clarifications that really strengthen the petition at the end of the day. This is an example and a process that shows quality authorizing practices at work. Often times we don't see this happen at the local level. We didn't see it happen here where staff opened their eyes and their ears to the petition itself to ask questions and to go beyond the four corners of the petition. This truly effectuates the intent of the legislature that charter schools should be approved and a way to get to yes to approve that charter so we thank you. First this charter is legally compliant. I went through a full legal review from our offices (inaudible) yours truly and it was written not only to meet the minimum standards of the education code but also to be a bulletproof charter, written as the gold standard that would withstand review at the county level and your more stringent requirement that we're aware of. Second we don't believe the conditions recommended by staff are necessary for a number of reasons. A majority of the conditions are already fully addressed

in the charter petition itself in accordance with the requirements of the education code. This includes the areas regarding the education program, admissions requirements, discipline procedures, Special Education, English Learners, and the governing structure. In addition some of the conditions are simply recitations of the education code which do not need to be included in the charter petition to make them effective. These are in the areas of Special Ed, health and safety, facilities, and pupil fees laws. Further most of the changes are non-substantial and don't require board approval. For example the minor technical amendments that are in your staff report. The petitioners have already agreed to make. Overall the conditions will add an undue burden on staff and OCASA. We want to move forward. Conditions can sometimes get in the way of the CDE process of assigning a code and a charter school number and we would like to see those roadblocks removed today. Appreciate your time and request your approval of the charter today. Thank you.

Lindholm: Thank you. Steven Jacobs.

Steven Jacobs: Good afternoon to the board and to the founding members of the school and parents who don't really know who I am. I am not a founding member. I am not an attorney. I am not an educator. I am a parent and I've got two young children, four year old twins that will be attending school in the near future. And as a parent, one of my responsibilities is to charter, no pun intended, what I believe is the right course of education for my kids. I am a businessman. I run a large company. I am a graduate of Columbia University and Harvard University with an MBA and other degrees and I've learned over the years is that one of the things that has made me very successful is the approach, project based learning approach, case study approach has been invaluable to me and my success. When I started doing due diligence on schools I learned about OCASA from one of the founding members in just sort of meeting casually at a Starbucks to be honest and was intrigued from day one. I subsequently continue my due diligence regarding private schools, public schools, which I will note that I live in a public school area that has very top rated public schools and I'm a public school, pro public school and graduated from public schools as well as the religious schools. And after attending a couple of meetings and reading and researching I've come to the conclusion that this charter, this program is absolutely outstanding. I don't have a script obviously. It's an outstanding program. It addresses real life. It addresses what we deal with on a day to day basis whether you're a business person, whether you're an artist, whether you're an engineer, whether you're anything you want to be. I think it's absolutely indicative of the wave of change that we're all experiencing in 2016 whether it be social media, whether it be technology, whether it be education. And I think this is the wave of the future, this particular charter and I want my kids to be on that wave. Thank you.

Lindholm: Thank you. Karen Leuenberger

Karen Leuenberger: Hello. Thank you for hearing me. I'm Karen Leuenberger and my three children attend CUSD schools. All three of my children do well in school and have incredible teachers. Unfortunately, they're also constantly asking me to homeschool. It's not that they want

to be able to sleep in or avoid school they genuinely love learning and want to homeschool so they can move on to new material and new concepts. My children love to build and explore, innovate and examine. They prefer to learn through experience and delve into the many applications for what they are learning. They've come to associate summer and school holidays as the time for their real learning to take place and that bothers me. My husband and I love guiding them and exploring with them but the tactile experiential learning should not stop when they get to school. I understand teachers are burdened with large class size and cannot be expected to keep every child challenged at all times but I feel that the current system does not encourage students to reach their potential. Getting a good grade or staying out of trouble seems to be the end goal. Our world needs global leaders and innovators but our school system is failing at inspiring our students. Given the right opportunities and instruction, time to tinker, create, and explore, to experience trial and error over and over until they reach success, our students could become global leaders in the fields they chose to enter. I also appreciate that OCASA is including arts in their program as I'm passionate about the importance of arts in schools and thoroughly enjoy volunteering to teach art weekly in my children's elementary classroom. That's where I just came from and I don't think I've ever taught an art lesson that hasn't included math, science or history. We had our rulers out today the entire time. It's all so connected. OCASA's vision for an interdisciplinary approach excites me as I think of the incredible ways their six labs will relate to each other. Besides regular time in the labs, students will also complete in-depth projects each semester. While a school wide theme unites the students, each student's interest will be evidenced by the direction they take with their project. I know my son will really love delving deep into a topic informing a project plan. Learning the process of researching and putting together a plan, executing the plan, presenting the finished product and reflecting on the process will be an invaluable lesson and will prepare students for future endeavors. I could go on and on about how the programs at OCASA will benefit my family and grow my children but I'm most excited for all the children who may not have had the same opportunities as mine. I know my kids will love the labs and creating in them but plenty of children in Orange County may not have ever seen a 3D printer. They might not have an engineer dad who builds rocket launchers with them and lets him borrow his tools to build with. I know brilliant children who dread the school day because they don't comprehend the academic material and just need a tactile explanation. I'm excited for those students who will find what they love and realize their unique talents. I implore you to vote to approve OCASA.

Lindholm: Thank you. That concludes our speakers.

Kelly Gaughran: Thank you to all presenters. At this time the board will proceed with deliberations and questions and then vote on this charter school petition appeal. To reiterate you have three options. Option one approves the petition as written. Option two approves with conditions the petition which includes entering into the agreement you approved earlier today and option three denies the petition. President Hammond I now turn the meeting back over to you.

Hammond: Kelly again thank you so very much. Well before we get to board questions it says on the agenda we're having a staff report. Nina is there somebody on staff that's prepared to or scheduled to come in or can we go straight into questions?

Nina Boyd: You go straight into questions.

Hammond: Ok, we'll do that then. Ok. Alright. And with that said, Mr. Boyd would you care to lead us off on any questions or comments sir? Or if you want to you can pass and I'll move...

David Boyd: I think I will for the moment. I'm interested in everybody else's comments.

Hammond: Alright sir. Madam Vice President do you care to lead us off then?

Lindholm: Certainly. I wanna thank everybody for all their comments and their time. I wanna thank CAPO for coming and representing the board members, some of the board members, yes, individually. And I wanna particularly thank the parents who came because I think the parent input is very, very important to me. There were some things I heard said today besides reading through the documents that there are 500 parents attending parent meetings. That impacts me in my decision making process. But you're out there and you have that kind of interest. And I think what I'm understanding from here is that most of the issues that staff has brought up you've agreed to the minor revisions and the rest are addressed in the application so just very excited about some of the presenters from the last meeting when they were talking about the engineers and being able to bring info from JPL, I mean that's exciting. So I'm very excited. I don't have any more comments at this time. I'm waiting to hear from other board members.

Hammond: Alright. Did you have a particular question you wanted to ask at this time or do you want to hold?

Lindholm: I wanna hold.

Hammond: Alrighty. Dr. Bedell.

Bedell: Yes, uh I really want to support this but I have some questions so it's really important that I get the answers for this. I wanna be consistent with all my previous votes and how I've treated everybody who's come before this board so I want you to understand in that context. It's just I'm trying to be I guess...anal, for the lack of any other word, I'm sorry. My wife would say, Trustee Lindholm is going to send me a rotten email when I get home. But yeah, questions for the proposals and the district and I don't know how you want to handle this. I'm uh,

Hammond: Do you wanna call somebody up from the district?

Bedell: Yes somebody from the district. The board or the staff from the district. I know you're district has a long history of supporting charters and I applaud that. You have some very good schools and they generate a lot of charters as well. Irvine has very good schools they don't generate any charters. Fullerton has a lot of good schools but they don't generate any charters so

it's a very interesting thing to be in this seat to look about at the various districts especially when the demography is similar to me.

Heidi Crowley: And can I add that we just got a charter petition turned in on Friday as well so we have another one coming down.

Bedell: Well that's fine. I'm glad to hear that the parents are that involved. My question for you was I heard the proposals say the district would not take them in the SELPA. On the other hand I heard it stated that the district is now talking about a term that I think is co-location. That the district has made conversations about having the school on a site. I have a feeling of a schizophrenic thing here. On the one hand you won't take SELPA. But on the other hand you'll like co-locate. Am I making any sense?

Heidi Crowley: You know and I'm still learning the charter laws and maybe Kelly can help with this but from what I understand that we are and our legal counsel is working with this that if the school has a certain amount of students potentially enrolled then we are required through the Prop 39, correct that we are required, they submitted a Prop 39 application so we are required to provide facilities if they have a certain number of enrolled students.

Bedell: Now do you have any other schools in there that would have an analogist relationship with your district? In other words another charter, excuse me I had throat surgery two weeks ago so I apologize for this. Do you have any analogist schools that you've done that because of that rule/law that...

Lynn Hatton-Hodson: (inaudible)

Bedell: I can't hear you, I'm sorry.

Heidi Crowley: Is it ok if somebody else comes up to help answer? I've just been doing this position for a little over a month...

Bedell: So good for you, congratulations. Congratulations on your new job.

Heidi Crowley: Learned a lot in a month.

Bedell: Great district to work with.

Heidi Crowley: Thank you I agree.

Unknown Voice: You were pretty much right. So by law we have to offer and have the discussion about facilities. By law we do not have to offer a SELPA and then every other charter we have either offered it and they partnered with us or they've chosen to go somewhere else. We've never denied them a SELPA. So we are choosing not to be; this is the first time.

Bedell: And what is the reason for that? Because my special interest is treating Special Ed children well.

Unknown Voice: I believe it's because we also didn't necessarily, this from an individual trustee perspective is I believe it's because we didn't necessarily agree with it that it supported Special Ed students and we didn't, and at the core there wasn't enough there. And we didn't want to have to spend the time that we would need to. There's going to be a lot of time and support required with this charter.

Bedell: So if I'm hearing you correctly, you saw gaps in the proposal as to how they were going to treat Special Ed, is that fair?

Crowley: If you look at the USD recommendation which you have a copy, which we provided that last one there was a significant portion that was in relation to Special Ed and the issues. That's a snippet of it and that presentation but we have our actual resolution as well which I have extra copies of if you need to see that.

Bedell: Ok.

Crowley: It's the USD resolution.

Bedell: For the proposer could you please

Hammond: Jack do you wanna go ahead and see that copy that they have?

Bedell: No I'm fine. I take their word at it.

Bedell: You referred to State Academic Standards you're implementing State Academic Standards did I hear you say that?

Mathur: Ah yes.

Bedell: Was that your way of saying implementing Common Core?

Mathur: As we discussed at the last meeting Common Core are the current standards and we do support that.

Bedell: So that was one of the districts complaints that they were not dealing with Common Core?

Voice from the audience: (inaudible)

Bedell: And I'm hearing them say they are dealing with the Common Core but they're going to call it by the prettier name. That's not unique around the country. There's lots of Common Core but nobody's calling what walks like a duck what quacks like a duck it's something else.

Crowley: And I have three copies of CUSD's resolution that outlines this but again we just had concerns for us is what that there were too many, there wasn't a sound instructional program because there were too many methodologies. There wasn't a significant clear vision for what was going to happen. We had these multi-grade bands, we have inquiry archs, we had some Montessori, there was just a multitude of instructional practices and not a clear sound theory of action in place.

Unknown Lunch: Everybody has to implement State Standards or Common Core, it's the same thing. No one has to say Common Core anymore because there are so many haters of Common Core so they call it State Standards.

Bedell: Whole states have done that.

Unknown Lunch: Yes, everybody has to implement Common Core. It's the way in which it's implemented in the instructional program and the pedagogy that was in question.

Bedell: Now following up again, isn't it possible that the proposers are saying we have this multitude of strategies because we want to appeal to a multitude of different learners?

Crowley: You could say, again, we just didn't see success in the program with all of the different. Again, the way there was not a clear theory of action I guess would be the best way for me to put it. There were just too many pieces and we didn't see how those were going to be interwoven together to present a clear theory of action for students.

Bedell: For our attorney please, Mr. Wenkart, I'm sorry to bother you. I mean really I'm not sorry but that's...Ron. SELPA is a concern to me. Morally but also legally and what happens if we approve this without the board having clear-cup expectations as. For example, if we saw the MOU under number two, what happens if something blows up relative to SELPA and we own this charter? Where are we? Am I clear?

Wenkart: Yeah, it goes back to our earlier discussion about this board having oversight responsibilities and doing due diligence. So if they don't have a viable Special Education program in this charter school and the board doesn't oversee it and through the staff makes sure they have a viable Special Education program you could be hit with you know liability or a lawsuit of some type depending upon the circumstances. The charter school is required to join a SELPA whether it's through Capistrano Unified or some other organization. A lot of them contract with El Dorado County and so that's an option they have. But it will be the responsibility of this board and this staff to make sure that they have a viable Special Education program.

Bedell: Can they open up without a SELPA?

Wenkart: No, they should have one beforehand.

Bedell: Should is not shall.

Wenkart: I use the word should but I meant shall. They have to be part of a SELPA. They have to have a Special Ed program in place.

Bedell: I'm just trying to be consistent here and I hope my board members understand where I'm coming from on this in terms of previous conversations. I think I'll pass now if you'll give me the opportunity to come back later after I hear the wisdom of my...

David Boyd: While Ron's up there could I ask a question.

Hammond: Yeah, sure.

David Boyd: What's special about El Dorado? Why are charter schools migrating to El Dorado versus...?

Wenkart: I think because El Dorado has developed a model that's charter friendly and so they've made it easy for them to work with it.

David Boyd: What makes it charter friendly? I mean I'm really, I have very little experience in this area, SELPA area, but what I get is that we're talking about the cost to service these special students, is that primarily what we're dealing with?

Wenkart: Yeah I think they've developed a method for streamlining the cost and assisting charter schools. They've taken the lead on that. But I'm no expert on exactly the methodology. Renee do you wanna...

Hammond: Renee, would you come on up?

Wenkart: ...You gonna bail me out here?

Renee Hendrick: So the El Dorado Charter actually just works as a pass through agent. And so what they do is they gather the ADA. They pass those funds back to the charter school to implement their plan and so the difference is if they would have been a school of the district which is what the charter had proposed, Capistrano would have taken care of all their Special Ed needs. And would have got some funding from the charter school to do that.

David Boyd: So El Dorado is acting in an accounting capacity? Money goes in from the state then goes back out to the charter?

Renee Hendrick: Yes, because by state law the funds have to run through a SELPA, they cannot go directly to an entity.

David Boyd: Which puts the entire burden of educating these Special Ed students on the charter then.

Renee Hendrick: It does which is why one of our findings was that since they hadn't developed that plan yet cause that was different than their original proposal then there was no budget for Special Ed expenditures and those type of items.

David Boyd: Ok, thank you. Thank you Mr. President.

Hammond: You're welcome. Dr. Williams, let's skip on down to you kind sir.

Williams: Ok. To begin let me echo some of the sentiments of my colleagues here. We appreciate all the stakeholders who have taken the time out of their busy lives and work to come before us to present their thoughts and considerations. Especially my hats off to my fellow board trustee members there in San Diego, thank you so much I know how hard you work and I respect everybody there. Thank you so much. We may disagree though on some of the fundings of what are staff has given and what has been said. But that is a respectful disagreement. A couple questions here to the district. Why not offer a SELPA to if this particular option goes through and we approve this why would you not offer SELPA to this organization to this charter school. It looks like you're seeking vengeance or a vendetta. It looks very personal. I thought that the people are from your community and perhaps some of the students may be already existing in your SELPA program, Special Ed kids. And it doesn't make sense why you just wouldn't help them. Would you consider that at least?

Crowley: Ok.

Amy Hanacek: First off, that's not a vendetta. Again, we're very pro-charter and we apologize if it looks that way. But I believe one of the contingencies would be since we are not going to be the chartering agency then for us to supply a SELPA, you know it's all about local control, this school is no longer within. You are the chartering agency if it were to come to fruition through the county. So to be honest, we do have I believe one of our other charters I believe it's OPA has a SELPA with someone else. Community Roots has it with us. So it does look differently with different charters whatever they chose. But it's definitely not a vendetta but for me personally it would be if I am not the chartering agency then our Special Ed group which is already truly as you know with your staff operating at their maximum capacity. It goes counter. So I would defer to the county if you are the chartering agency.

Williams: At some future would you consider it?

Unknown Voice: Perhaps, of course. When it comes to children's education we want to stay as fluid as possible to meet their needs; to readdress what things look like of course. Always. There's no lines in the sand when it comes to kids and education.

Williams: Right. These parents here are your constituents and they probably voted for you.

Unknown Voice: Yes, yes.

Williams: So I know that you would want to help them.

Unknown Voice: Of course.

Williams: The other issue that I have is you know, this is a...Could you please tell me, how many pages are in here; 400-500 hundred at least.

Mathur: It's a three inch binder that holds 600 pages.

Williams: Yeah, it's huge and I don't think anything was arbitrarily inserted in there. I don't think there's anything that's arbitrarily put in to meet somebody's goal of what looks good or sugar coating. I think there's a lot of substantive issues in this charter here. You know, where's Miss Hatton? Thank you for coming again. At the last meeting we saw parents who were, I took notes here, Joshua Leuenberger, I believe that Karen, is that your husband Joshua? Yeah. Is he here? Yeah, Josh, you're a nuclear fission type of guy, right? I mean, that's really big time stuff and you're going to be involved in your school, right? And then we had a Saddleback College Computer chair who was involved and then today I just learned about, oh who was the board member, who was the mathematical professor, yeah. I mean, you're going to be involved-you're a board member, correct? So that's, a founding member, but you're going to be involved...

Laughter from all over the room

Williams: What was the expression, you can't pick up your comments, but I appreciate the humor. I sincerely appreciate it, it's good. So my point being there is a consortium of some very, very educated and smart university Ph.D. doctorate level individuals that supported this school here. Out of all the charters that we've seen I've never seen such parental support at this board meeting here. And we know that the primary determinate of the success of students is the involvement of parents in their children's eyes. It's not a government entity. It's the parents and secondarily very close to that is the teacher and the principal and the supporting organization. So I'm very impressed. I'm very excited. And so with that I'm going to be recommending option one when we get to that point. Just as an FYI from my board. I'm done with my comments.

Voice from the audience (inaudible)

Hammond: You know what, I'm sorry. I'm going to...I've got one question real quick and then I'm going to ask a question of Miss Lopez. So whichever one of you two wants to answer this. First off, thank you for this. I'm curious on point six it says; the petitioner proposed program is inconsistent with state law. Referring to the petition, in your opinion, how was the petition in and of itself inconsistent with state law. That's what I didn't really see from what you presented. Either one of you or one of the other board members, I'm sorry.

Nina Boyd: You have to come to the...

Hammond: Posterity beckons.

Unknown Voice: As we all know there four ways a charter school can, there are ways, one of the four you can deny and there were actually many of them under those four. I think the major one was that we didn't believe it was an instructionally sound program. It's not there aren't fantastic parents involved, there are. But at the core you have to have a pedagogy and an implementation structure. It can't just be people coming in and providing fun and interesting things. We'd love em at every one of our schools. That's fantastic. So that's one.

Hammond: Alright. That answers that question for me. Thank you. Ms. Lopez, I know you were just up here. Thank you ladies. You referred that some of the recommendations were redundant. Can you elaborate on that a bit? I'm asking an attorney to elaborate, God help me. Our understanding, I mean our belief is that the charter petition fully addresses the concerns. For instance, under the educational program, a lot of the items here are you know they're saying the charter lacks specificity in certain areas. The education code requires a reasonably comprehensive description of the education code and we believe the charter already provides that. This level of detail that the county staff is wanting is laudable but those aren't details that necessarily have to be included in the charter petition in order to demonstrate that the charter should be approved. Or that the school wouldn't implement all these things on their own anyway.

Hammond: Ok, that was my guess. I thought you were referring to CAPO Unified saying that what they were wanting was redundant. So you're saying that what Orange County staff is saying.

Michelle Lopez: Yeah, yeah. That's our position.

Hammond: That's what I was...I misunderstood you.

Michelle Lopez: If I could take two seconds to address Mr. Bedell's Special Education question.

Hammond: Take 20.

Michelle Lopez: Really quickly, two points. The process when you get denied at the district level and come up to appeal, every single charter has to look for a SELPA. In my experience I've only seen one charter that was actually accepted into the district Special Education program even those they were denied by the district. It really makes no sense for a district who doesn't choose to hang on to it and provide Special Education Services. It just doesn't happen. And second, the process for applying to a SELPA at this point in the game before the school opens in the fall is the exact same process that every other school that you've approved, that they have to go through and are required to go through and be accepted in to SELPA before they can open. That's an absolutely legal requirement that OCSAA will adhere too.

Hammond: Does that answer your question?

Michelle Lopez: Any other questions I can help with?

Hammond: Well maybe but not for me right now. I do have a question for staff and Nina I do not know who to address this too.

Nina Boyd: Well if you pose the question then I can bring the appropriate person up.

Hammond: I will do my best. CAPO presents here and its one of the two things highlighted in red and it says the charter school presents an unsound educational program but if I understand correctly staff was recommending approval option two. What did staff see in relationship to the educational program that they felt it was shall we say more sound than what CAPO implied. I thought maybe we could ask Ron but maybe not.

Wenkart: I'm really not the best person.

Hammond: No, I was just messing with you Ron. I'm sorry. It's just me. A Special Ed teacher.

Nina Boyd: Kelly Gaughran.

Hammond: Kelly?

Kelly Gaughran: We believe that the educational program still is a little vague and we would like a little more information regarding how they're going to address the band program that they're suggesting. How they're going to incorporate some of the field work days where they have parents I guess taking the students off sight to do whatever and then the teachers are back at the sights so there's no credentialed teacher. We want a little more information about that. We want more information regarding some of the curriculum they're going to use to work with English Language Learners as well as even the regular program that they're presenting.

Hammond: When meeting with a petitioner were these, I'm assuming these were things that you brought up. Did they address these at that meeting or at a subsequent meeting and...

Gaughran: At that meeting they indicated that they agree these were areas that they can understand why we need more information and that they plan to hire a principal and have that principal really finish designing that program. And that's why we're recommending approval with conditions which my understanding of approval with conditions means that they can move forward and get their CDS code and get their charter number. Like February's the date, the deadline for them to apply for that and with approval. With conditions they can move forward as opposed to conditional approval where you have to approve everything post this meeting.

Hammond: Have they discussed at all in whole they might be interested in in hiring as a principal?

Gaughran: He indicated just today that they're going to make an offer at the end of February so...I don't know who but...

Hammond: Alright but you said there is a bit of a time crunch here that they need to finish some things up before February complete is that correct?

Gaughran: No, they need to put together their charter school package and get it to the CDE by February 26 so they can make the State Board of Education meeting in April to get their charter school number.

Hammond: Ok, so there is still a...

Gaughran: Option number two allows them to move forward.

Hammond: But there is a matter of time in relationship to doing some of this paperwork. Alright. Ok. Kelly thank you. Mr. Boyd, I know you had some questions/comments.

Lindholm: No, go first.

David Boyd: Yes, Mr. Mathur. May I have a moment? The problem I always face with these applications is we've got a code section it has to be a sound educational program and yet the same law talks about non-traditional, innovative. I always have a difficulty balancing those. At what point in time does an innovative program become unsound? In looking at what you're proposing to do and I guess this goes as much a management issue as it does an academic issue, using the Montessori, a modified Montessori approach, you've got 45 students projected in year one for K-1-2-3, 30 in 3<sup>rd</sup> through 6<sup>th</sup>. Total of 255 students in your first year. But, it seems to me your challenge is even more difficult than the average charter. The average charters going after 255, or under your application anyway. You not only have to come up with 255 but you have to come up with 45 at a K level, 45 at the 1<sup>st</sup> level; can you explain how the process is going to be? How you're going to achieve the numbers? You need to really balance out this, what was it referred to, a multi...bands.

Mathur: I actually respectfully disagree with you a little bit. I think we actually have an easier job than a regular charter school because our band system allows for the grouping of mixed aged students. So while we have in our charter petition projections for what we expect to see in each grade level, we don't have to necessarily be strictly bound to 45 Kindergartners and 45 1<sup>st</sup> graders. We could have 47 Kindergartners and a couple less 1<sup>st</sup> graders.

David Boyd: Yeah, a couple less I can understand. But what if it's a major distortion. 45 and 15.

Mathur: Right. I can only speak to the numbers that we've seen so far so we did start our open enrollment on January 6<sup>th</sup> and we have received completed applications of over 150 students. And many of the parents who have come already to our info sessions have indicated that after we're authorized then they will go through and do the paperwork.

David Boyd: Ok. You have approximately 250 apps as we speak?

Mathur: 150.

David Boyd: 150 and a...

Mathur: We have you know this wonderful parent volunteer who has been crunching and analyzing the data every time that we get applications in and producing these beautiful pie charts with the breakdowns of what are we getting in the distribution of grade levels. I would say that our projections are fairly accurate. We are tending to see at least at this very initial phase more applications from lower elementary than we are from upper elementary and so that is why is have the 45/30 strata.

David Boyd: Ok.

Mathur: So I think that, you know what do they say? The proof is in the pudding?

David Boyd: Ok.

Mathur: When we see the applications it's following what our projections are.

David Boyd: But normally you take applications on a first come first served basis unless there's an over subscription then it goes to a lottery. Let's assume you reach your 45 for Kindergarten right away. Are you then not going to accept any more Kindergarten applications?

Mathur: No we will accept applications from everyone.

David Boyd: Well I shouldn't say applications, admissions. Would you admit somebody after you already have 45 admitted at the K level or the first level whatever it may be?

Mathur: I think it really depends on whether we are in a random public drawing situation or not.

David Boyd: Yeah, that brings up a good point. If you're in a random drawing situation, you would have no idea how these numbers are going to play out.

Mathur: So this is one of the areas did note as far as how the lottery was going to be in the order of the categories of preference.

David Boyd: So would you have a lottery for 1<sup>st</sup> graders, have a separate lottery for 2<sup>nd</sup> graders...

Mathur: As I said that's one of the issues that's been raised. What we actually need to do is go back and talk to CDE because the public charter school start-up grant seems to be has the most restrictive rules as far as the random public drawing goes. There's also state and federal rules. So what they have told us is come back to us when you're authorized and we'll sit down and we'll explain to you what that lottery process look like so it's really going to be governed by those grant authorities as far as whether we do them in separate buckets or whether we do them all together.

David Boyd: Ok, but depending on how that comes out it could materially change your entire teaching modality if the numbers don't...

Mathur: Not necessarily. Because again with the multi-age grouping we have the ability to have differences than from what we projected.

David Boyd: Ok. Alright. Page 115 references a preference for the enrollment of children of founders. What do you plan to do with respect to that. How many are going to be in this group of founders that are going to have priority enrollment?

Mathur: There are 13 children that will be admitted in a founder's preference.

David Boyd: And that's locked in? You're never going to go over the 13?

Mathur: Well we have stated in the charter petition we could do up to 10% of the enrollment. We have not added any founders to our group since we submitted the petition to you. We don't plan to add additional founders. So we have the 13 that we will be admitting in a priority situation.

David Boyd: Ok. I will agree with Dr. Williams. I don't think we've ever seen the quality of parents supporting a charter in the years that I've been on the board that have come before us in the last month. I think many students will thrive under this modality. I'm wondering how well the average or less than average student is going to fare. I intend to support this, I would much rather have option number two. Even your own attorney said it was laudable what the staff has done with respect to options and I would hope that you would encourage that vote for option number two. Thank you. Appreciate it.

Hammond: Madam Vice President, thank you.

Lindholm: Yes, thank you. It's always tough doing this. This is an interesting school for me in that it came on a 3-3 vote. I understand one of the board members was undergoing surgery or something at the time. But it didn't come as a straight denial it came as a 3-3. That means that three of the board members were proponents of this school; three at the time of the vote were I would say opponents I guess that would be the right word.

Voice from audience: (inaudible)

Lindholm: Opposed to it. Opposed to it. Ok. So it came in in that kind of situation. It wasn't a pure denial. I too agree with Dr. Williams and Trustee Boyd. You've got a great bunch of parents here with an extensive background. (inaudible) school to be absolutely stellar. It could be exciting. You've already got 500 parents at the parent meetings. That's pretty impressive. In terms of the issues before us, those of you who weren't here today, we did approve a template of we're gonna be having available to future charter schools that I hope will be useful. I'm not sure I'd want to impose it at this time for this particular group but I'm supportive with Dr. Williams on this to approve without conditions. It bothered me that CAPO was not willing to do the

SELPA for it. These are our kids and these kids are going somewhere now and it didn't make sense to me to say well you're going to be out here, you're over here versus being part of our kids and being taken care off. I did see, I understand the reasoning behind it but it bothers me a little bit. But you're looking at two SELPA's already. You named them and you named the dates on when you're looking at 'em. Obviously school hasn't been approved yet. So it's kind of putting the horse in front of the cart. So I'm supporting this one. I think it's going to be stellar without any conditions and I don't know if you made a motion or not.

Hammond: No. I still I haven't heard a motion. Sorry should say.

Lindholm: Yeah.

Hammond: And cause I still have a couple more questions. Dr. Bedell, do you have other questions or comments.

Bedell: Yes, I would like to ask, again pardon me, the staff the proposers please. So as I understand this what you're saying is that I wanna be sure that I get this right. That state law requires you to have the SELPA situation settled before you can open doors.

Mathur: That is correct.

Bedell: That you're going to be working with the district to get facilities which we will call I guess co-location. Right? Is that the goal?

Mathur: Well the goal remains to lease a private facility.

Bedell: That's your primary goal.

Mathur: That's our primary goal. But the change in the posture of the district, initially they had in their December letter had told us they would not provide us facilities but in the February letter they said that they understand that they legally have to provide us facility and they have multiple facilities that could meet our needs.

Bedell: And they used that word multiple?

Mathur: I can, I have the report...

Bedell: That's ok I'll take your word for it. I have no reason to doubt you.

Mathur: Something either multiple or several.

Bedell: You have options in other words from what they have.

Mathur: Correct.

Bedell: Thirdly that you're going to be having a principal on board probably appointed by March 1<sup>st</sup>.

Mathur: We will have an offer out by March 1<sup>st</sup>.

Bedell: Ok.

Mathur: Most of the principals who we are considering are currently employed and we would not expect them to mid-year leave their current appointment.

Bedell: So what would you be doing until you open?

Mathur: So we with one of the front running candidates for principal, we have a strong relationship with that principal's superintendent who has indicated to us that he would work out a situation...

Bedell: To release...

Mathur: Either for a release or for some flexibility where he could, the principal could potentially work for OCASA on a per diem basis while still maintaining their current employment. There are a number of options...

Bedell: Ok.

Mathur: ... but regardless of what happens by the time that this school year ends, the next day our principal will be on board and that's still two months before we have to open.

Bedell: Ok. Going back. Kelly could you join him please cause this is...I'm hearing that there's, this is my noun, hodge podge of curriculum right? Could you address that? Because that seems to me that one of the thing the charter school is known for and we cherish is this curriculum and that other schools can benefit from this innovation. Cause that's in the law I believe, right? What is your comment about this gunshot or hodge podge or potpourri of curriculum?

Mathur: Was that for me? Ok.

Bedell: Montessori philosophy would guide that, wouldn't it?

Mathur: I believe that the reason why there has been a criticism that it's a hodge podge or multiple things put together is because it's based on who the reviewer was. If the reviewer is a district employee, a former principal that's called back out of retirement who is asked to do an accreditation review of OCASA's petition they are going to view the contents of the petition based upon the framework of how they used to run their schools. So if you have a mental check list of ok, this is what a school should have in order to receive accreditation and you go through and you look at the petition and you say well, in this instance they're using this philosophy but in another instance they're using another philosophy, I don't necessarily think it's a criticism of the

innovative program, it's potentially a criticism of the reviewer not having a zero based or an open minded review of the petition. I think that is the sentiment that was echoed by some of the CUSD trustees in our vote meeting. That we can't take the district school and see how this program which is very different how it fits in with all of those checkboxes that we want to see and that's why that criticism came. I believe the CUSD staff report which to remind you was not approved by the board so it really I believe Trustee Lindholm termed it as a draft. I believe in theirs they mentioned some educational philosophies that they read in the petition that simply weren't there. An example is Waldorf. I went back after I got that report and I searched for the word Waldorf in the entire petition and it's not there. The fact that our program shares similarities with other programs doesn't necessarily mean that we took it from that program. I'm assuming that the similarity between OCASA and Waldorf is the fact that a student may stay in a band for more than one academic year. But I don't believe that there's any other similarities so they did a count and I think they said it was twenty. I don't count twenty. So I leave it up to you as to whether they truly are disparate academic strategies or not.

Bedell: Following up on that, do you see if this is approved of opportunities to articulate further with the district projects that you may co-partner with in the district. Do you see any...where do you go from here working with the district?

Mathur: I think that's a question for the district. We have from day one attempted to have a collaborative and good working relationship with the district staff and with the district trustees. We are, I don't know what the number is now, I think we're at about six meetings we have requested that they have refused to meet with us. So we would like to partner with them but if they refuse to meet with us and they refuse to talk to us then I'm not sure how we could.

Bedell: Sure.

Mathur: but we remain open to doing that. And we hope that after today you know they're will be a new day for OCASA and CUSD and we definitely would like to work with them. They're shaking their heads no already.

Bedell: Could you respond to that please.

Unknown Voice: So there's been a lot of assumptions and things said here. Basically we are a school district as you are in charge of 50,000 plus students. We have met with Mr. Mathur as often as we can. Have been very forthcoming, very responsive to the Prop 39 desire which originally was not he said he was going to have his own building and then when he presented to our board, all of a sudden he didn't tell us ahead of time that he'd already done the Prop 39 so there's always a he said she said. But basically when we reviewed our staff, not random retired principals, our staff, all members of the staff, reviewed the petition. I mean it was many, many, many, many, many hours. I am privileged to be part of a board that also have serious micromanagers included our Stanford engineer over there. So yes the vote at the time was 3-3 with presented a vote of no confidence. In the basically in the implement ability, the viability,

and sustainability for this particular charter's model that you are modeling we have a Waldorf School. It's called Journey. We have our International Baccalaureate school has many, many tenets of what they've presented. We also have Community Roots which is very similar. So we are open, we're innovative and we're really involved but what I feel, this is personally, this is incomplete. I'm not against them. This is not personal. It's not anything to do with charter, pro charter or not charter. It's just there's deeper work that needed to be done to show that when those children, and we're not talking about our children, our children will be fine, but the other children that they would like to encourage to come through their doors, the English Language Learners, our Special Ed students that we can feel comfortable and placed as educational leaders, as people who do look to us for guidance. I look to my board members and my principals and my teachers when I was a parent. I did have a board member say well, parents should have a choice and they should have a choice to make bad choices. I don't believe in that. I believe that we were elected to help guide, lead, and present the best we can. I'm not saying no indefinitely but I just would love to see something that our staff who I value, who are doctors in education as many of yourselves are, they came to the conclusion that this is not implementable. The bands, etc. I And I'm concerned as the oversight agency each parent might have a different idea of what this school looks like and as they go forward you do receive a course critiques waiting list, (speaker says da-da-da) it's challenging to see how they go forward and for the oversight for going forward. We did have one of our charters; their own parent accused them of improprieties with testing. Who handles that? These are a lot of things and in fairness to Mr. Mathur, the lead petitioner, you know you should, you don't want failure to launch. You want to be ready to go and as fast you can and we're not blocking innovation. And I do have to stand up for our staff and the reasons why we came to this. And I know it's confusing with the 3-3 but Trustee Hatton and she has clarified that if she hadn't been in surgery she would have been there. And so and I did mention last time a few of our board members gave the opinion at the time of their vote that this would be a done deal anyway so let's do it. And I just feel like we just always have to champion what is best for each individual moment so thank you for letting me share tonight.

Hammond: Dr. Bedell, anything else sir?

Bedell: Well I'd just like to say that I respect for the questions that I asked and the comments from the proposers be thoroughly in the minutes because in terms where this goes further, in terms of the guarantees that have been made by the proposers I would like those three absolutely clear in the minutes if we do something here. My preference would be to option number two cause I want to support but I wanna. I always go for two to protect us as the agent, the authorizing agent. Not, I have no reason to doubt anybody in this room. I hope that's obvious. That's my fiduciary and academic responsibility.

Hammond: Ok. Nina can we...

Nina Boyd: We will make sure that we reflect that from the transcript into the minutes.

Bedell: Thank you.

Hammond: Fantastic, thank you. Kelly got a couple more questions for you, sorry.

Gaughran: Can I say one thing?

Hammond: You can say a bunch of things.

Gaughran: Our curriculum expert is one of, Dr. Olmstead, our Assistant Superintendent of Instruction's fantastic employees who is not a retired principal. She works here and she did work at a charter school so she understands a lot of the dynamics in reviewing charter petitions so I just wanted to say that.

Hammond: Well,

Mathur: I wasn't referring to (inaudible from the audience).

Gaughran: Ok, great.

Mathur: I know, you're staff is wonderful.

Mijares: Mr. President, if you don't mind, maybe we could have staff come up instead of Kelly and while she's walking up here

Hammond: Actually I do I would like that but I have one question for Kelly though. I'm looking at this from CUSD here and you know one of the things they put here is .3 says the petition does not contain the number of signatures required by code. That's pretty open and shut...

Gaughran: We didn't find that.

Hammond: ...and CUSD isn't going to make that one up.

Gaughran: We verified signatures.

Hammond: So you feel like there are enough signatures there then? Alright. Then it says right after that petition does not contain an affirmation of each of the conditions set forth in section 47605 delta the code. Did your staff conclude that you agreed with that or that was overcome by petitioner.

Gaughran: When we look at a petition we look at it with fresh eyes. So, we're not, I mean yes we have what the district states but we take a look at the petition, we put together our report and either it does or it doesn't match the district. If that makes sense. I'm not saying we're not somewhat guided by it but it's not a defining issue for us. So, we did not find that the affirmations were problematic.

Hammond: Alrighty, thank you. Dr. Mijares would you care to introduce?

Mijares: Yes, this is Dr. Christine Olmstead. She is our Assistant Superintendent of Instruction. And maybe she can address some of the questions you have on curriculum. I think that you put your finger on it with respect to the age bands. Cause that it is very difficult work to say it mildly and I think that you would agree with that. It may make it easier to load the school but in terms of the curriculum purity and its implementation when you have mixed ages, that because a difficult arrangement. She might want to touch on that and then on the EL kids would be the other thing that I think we found as we reviewed the petition. And again, this is in fairness to everything. We want to make sure that this is in best interest of the kids in this room as well as those out in society.

Hammond: Ok. First of welcome. It's nice to have you up here. Dr. Mijares mentioned about age band. Could you as just as background just kind of explain what that is because there are probably some people here that don't really understand? I think with almost any government agency we have anachronisms more than we need probably. So if you could expound upon that and then talk about the curriculum a little bit.

Christine Olmstead: So an age band is when you're looking at a multi-age classroom. So you'll look at pairing kids maybe from a Kindergarten through second grade level. A three-four. A three-5. A 6-8, it depends. It takes a lot of talent and effort by multi-age teachers to be able to implement a multi-age curriculum and it's literally sitting down with every single standards from each of those grade levels and creating a cohesive program that can be implemented. And it sometimes takes a couple years for development of a multi-age program because you have to be thorough in looking at those age bands and making sure that standards were met. So that's where an age band program comes into play. And then what was the second question?

Mijares: EL, the EL kids.

Olmstead: English Learners? You know our new ELA/ELD framework that's been put out by the state is very, very significant in looking at the needs of our English Learners in implementation of the literacy and language. And so we're looking at how kids can communicate on a regular basis and that language is just as important as reading. And so providing those multiple opportunities for kids to be able to engage in rigorous language has to be a very, very developed program. And so as we look at that those were some of the concerns that we looked at in the petition was that we didn't see enough of that language in the frameworks being stated up for full implementation for the needs of our English Learners.

Hammond: Ok. Why do you, you mentioned about ELA (inaudible) with what's new come out of Sacramento. Can you give like maybe two or three examples of why you feel this is better than what we used to have? If that's appropriate. I'm just trying to make sure we can all wrap our minds around what you're mentioning in passing.

Olmstead: Sure, the greatest thing that's come out of the ELA/ELD framework being combined is that we used to have two separate sets of standards and two different frameworks. We had an

English Learner framework that was specific to English Learners and we had a framework that was specific to English Language for all students. And so now that the framework is combined, we see this in-tandem approach to making sure that as language is being developed for all students that specific attention is being developed for our English Learners and that the standards are married now and so teachers can kind of sit down together and look at those standards and pair them together to make sure that students are being met as they're coming into academic content as well as through the content and then outside of the content as they move through. And so a lot of times what you'll see with ELD programs is that the kids are separated out and they're not given academic content and access to the rigor in the classroom that is happening and access to the language that's being developed in the classroom is separate. And so our ELA/ELD framework now marries that altogether and shows examples of how teachers should do that effectively within the classroom.

Hammond: Alright. Thank you. Mr. Boyd, did you have any questions for the good Dr.?

David Boyd: Yes. Although I'm somewhat hesitant since I've, it's always the saying, you know, if you don't ask a stupid question people know how stupid you are. But, is it reasonable to assume that a, let's say a GATE level student, gifted and talented student would be more likely to be successful in this type of program than your average student or less than average student? Any studies on that?

Olmstead: So that's a very interesting question. There's actually research out that shows that gifted and talented children actually struggle in multi-age classrooms. Because they need very structured environments and they tend to not like the kind of free-flowing that you find in a Montessori program or in some of these multi-age programs that allow kids to kind of make their own learning as they go. There are some GATE kids that are completely successful in it. There are some that are not. So it's a mix.

David Boyd: Ok, thank you. That's all Mr. Hammond.

Hammond: Thank you, sir. Dr. Bedell?

Bedell: Pass.

Hammond: Dr. Williams anything?

Williams: No sir.

Hammond: Well Trustee Lindholm has stepped out for a moment. Mr. Mathur, I do have a couple of questions for you sir.

Mathur: Before your question; I just want to clarify. I was not referring to OCDE staff when I was answering Dr. Bedell's question. I was referring to the Capistrano staff.

Hammond: Two questions. First one I think is pretty quick. You mentioned STEAM. And I have been lately referring to STEAM squared so we should probably add another M for manufacturing. Sorry, I'm the blue collar guy up here. Do you have anything that you and your staff have discussed in relationship to manufacturing? And the reason why I ask is when I go over to the Academy there teaching their kids that a lot of the drill presses, being used in the manufacturing field now, have mini computers on them so you actually have to program into that to be able then to really use the drill presses and stuff. Any thoughts on that? Have you guys discussed that? And if you haven't that's fine.

Mathur: No we absolutely have. STEM is kind of diverging into many different acronyms. There's the STEAM squared, there's the STEAM now where you're adding reading into it. So there's a lot of various coming out. As far as manufacturing goes, one of the six labs is a maker lab and we hope to fund raise to have some of those types of things like a C & C machine, computer aided equipment to help in the creation of projects and the tinkering. So I think that that could definitely speak to some of the manufacturing (inaudible).

Hammond: Alright. Last question for you. I know you put in your application with Prop 39 provisions. You say it's not your intent to take over one of their schools. Well I understand CAPO's point of view is going they don't want to lose any of those schools. It's not like they've got a dozen schools sitting vacant. And you say you're looking at private places. Do you have two or three places perhaps that you've already talked to people and if things look favorable for you to be able to at least go someplace that does not take one of their schools?

Mathur: I've done this many times in finding facilities for educational institutions. It's one of those things that all the stars have to align and you can't, it's not a linear path to getting there. The cities have to approve. The organization has to like it. All those things have to happen. I've done it before. I think we can do it again.

Hammond: Well I'm glad you guys think that you can but my thought is have you actually talked with anybody.

Mathur: Yes, absolutely we have.

Hammond: More than one?

Mathur: Yes.

Hammond: Ok. And were these people that you talked to were they favorable at all in sitting down and taking this conversation further.

Mathur: Some are interested in discussing. Most have said come and talk to us after you're authorized. One has said no we're not interested. Actually I should have said two are not interested. But we have substantial resources devoted to doing this. But as far as the Prop 39 application it was a requirement of the California Charter Schools Association in their review

process that we committed to submitting a Prop 39 application. And so there's no secret that we submitted it according to the timelines to the school district. It was written in the petition that we reserve the right to submit a Prop 39 application.

Hammond: That's all I have. Thank you. Mr. Boyd do you have anything else?

David Boyd: Yeah, one final question, hopefully. I can sense which way the wind is blowing with respect to options one or two. But with respect to option two staff made a number of pointed out a number of (inaudible). Is there anything in here that you would say no, we're simply not going to do that? Or are these items that said look, it's already covered somewhere else we don't really need to do this.

Mathur: It's already covered under (inaudible)

David Boyd: Ok. So there's nothing in these staff recommendations that if this board approves it without conditions you would object to. I mean two months from now staff's not going to come back and say to me well that said they were going to do this but they're not going to do it.

Mathur: Well I mean I don't want to say that I agree 100% with everything that they wrote in the letter. But

David Boyd: Well are you willing to do it I guess is my, cause most of it is just administrative related.

Mathur: Exactly. So in my presentation I went through what are the recommended conditions and and I believe all those recommended conditions will be satisfied whether you vote for option one or option two.

David Boyd: Ok. Thank you.

Hammond: Mr. Mathur, I'm sorry. I know you're petitioning for K-8. Did you at all think about maybe just doing K-5 instead of K-8?

Mathur: There's a specific reason why we're doing K-8 and that is really to get some of the benefit out part of the program. We need those older middle school kids involved in this school. So when you're talking about manufacturing, it's not going to be easy for a second grader to program a drill press. So that's why we needed to be a K-8 school.

Hammond: Ok.

Bedell: So it's like mentors. They'll be sort of like mentors.

Mathur: Part of the Montessori philosophy.

Hammond: Mr. Boyd, anything else sir.

David Boyd: Madam Vice President? No, I think what I'm seeing here is a school that wants to work with the Orange County staff and I must give you incredible kudos to our Orange County staff. I know the district does what they can. We have quite a few charters that come through so they do a really good analysis. In the future I know you weren't here this morning but we do have a template that we're trying to implement that should make some of the processes easier. But you can't implement that-two hours' notice is not good to do something like that. I am happy with what you have. I think that you will come through. You're going to work with staff as much as you can. You're gonna hire a principal. There's some basic stuff in here. You're going to find a SELPA and make sure you have it. You have to do this. So I'm pretty content that this is a pretty good school and it's going to be very, very exciting. So I'm supporting that for those reasons.

Hammond: Dr. Bedell sir?

Bedell: Yeah I wonder Kelly? Excuse me. If this gets option number one, that passes by a majority, is it possible to have a subsequent motion to have a report back to this board at the July meeting regarding the progress of this? Because that would be before it opens, right? So, I'm thinking, again, I take my responsibility very, very seriously as from this board, ok. And I understand the district and the charter. It seems to me if the board approves by a majority vote option number one and to say what kind of progress has been made on, what kind of progress has been made, what kind of progress has been made one, what kind of progress has been made on, I would personally feel more comfortable because this option will be very different than any option that I have been involved in since I've been on this board. And I want to be fair in my other proposals. So is that kosher? I mean is that?

Gaughran: In my opinion and maybe I would like Ron to pitch in?

Nina Boyd: It's not a legal question actually. We can do a status update.

Gaughran: I was gonna say, yeah.

Nina Boyd: You just ask us to do that...

Gaughran: and it'll be done.

Nina Boyd: And I would add that ad hoc committee has asked that to be part of the process as we move forward that twice a year that we give you a status update on all the charters that have either been approved or that are in the current pipeline so that you have information with regards to what's occurring and so the intent would be to do that in July and then also in January of each year. So six months apart. Unless there was a reason to bring you information sooner.

Bedell: The reason I'm asking that, I'm sorry, that's why I was so, I want the minutes to reflect basically what their word, what they said about it if we take this unorthodox matter.

Gaughran: We are providing ongoing updates to you. We're putting together a document I believe, Trustee Lindholm has copies right there I don't know if everybody does but we're putting together some kind of document to keep you informed because we do have quite a few at all different places. We're juggling lots of plates right here and so it is hard to keep track of where we are with each one and so hopefully some kind of document will be helpful for you.

Lindholm: Yeah, where we've asked and Trustee Boyd and I sitting on the ad hoc and thank you staff did this and got it. We're trying to get it to a point who was approved when, what the occupancy, the number of students they have at that time, what kind of key milestones they're reaching so you will each have...it's not quite ready. But you'll each have that information but I like your idea of having reports at that time but I think this will be helpful and I think I will get it to you as soon as they can. You will know that they're estimated enrollment was 250. Did they get 250? Their estimated enroll was 125 and so you will be able to get a monthly report on all the schools.

Bedell: (inaudible) as well Trustee Lindholm?

Lindholm: We didn't vote on it. It's what's occurring so it's a status update.

David Boyd: And the staff would have the opportunity to present to the board to point out any achievements, special achievements by charters, any issues that may have come up that may need our attention.

Lindholm: Our deficits.

Hammond: Mr. Mathur, in looking through this and there are some things in here I see that staff has put that I very much would agree with. Do you really see anything that's in here from staff recommendations, you know like it says here, kind of picking a little out of random here. On page 109 you know it says, lacks (inaudible) description of how OCASA would insure you know that your staff is properly trained and the appropriate policies and procedures in place about you know (inaudible) things like that are in here is this stuff that you feel like you and your staff can easily support and work with staff on?

Mathur: Absolutely.

Hammond: I have no other questions then. Absolutely, Dr. Bedell.

Bedell: Yeah uh again, thank you for your patience. I apologize for this. What awful would happen to you if option number two passed? What would be, I mean like throw you on the barbed wire. What would be so terrible about that?

Mathur: It would take; we're a group of volunteers. It would take one of the six months that we have to go to focus on opening the school. To sit down and negotiate the language in an MOU

and to negotiate the timeframes and then it would take the administrative attention it would take legal fees on both parties. So, that's why we're asking for option one.

Bedell: Ok, I understand that. I'm not being negative on that. But I'm hearing you say you're going to comply a lot of what the staff said already, you see what I'm saying? Therefore, it's not a deal breaker for me but I just wonder again because I'm trying to be consistent with my what how I have treated other proposers, so.

Mathur: I mean I think like for instance on the issue of the SELPA or the principal by law we can't open without a SELPA. So do we need to include that as a condition of approval because it's already included in the law. We can't open without a principal.

Bedell: You see and that's why I appreciate the Lindholm/Boyd document because it takes care of a lot of that that's (inaudible). Thank you very much.

Hammond: Dr. Williams?

Williams: Yeah, just a follow up here so, by going for option two it's going to add administrative oversight, bureaucracy, money and more lawyers to fulfill whatever obligations. And already from what I see what the staff said you're already met not only the spirit but the legal aspects, the technical aspects to it. So I don't really see the need for option two unless it is again the privy of this board. With that, with great consideration to all stake holders and written documentation that's supplied to us I'm going to make the motion at this time to adopt option one for action item number nine.

Lindholm: I second that.

Hammond: Alright it has been moved and seconded to approve with option one. Dr. Williams you're the maker of the motion. Any comment.

Williams: We've been here since 11:00 o'clock talking about 1090 and charter schools and language and we had another two hours at least last, maybe three hours for a total of five to six hours on this. I am sold on this 600 hundred page document. I don't want to read it again. I don't see it again. I pray for your best. I know you will do well. I am so impressed with the support by all of you who are here. So, I am comfortable with those remarks.

Hammond: Madam Vice President. I agree with Trustee Williams. What we've had, we're learning that the huge document we get is probably never enough and but we're trying now, one thing we're trying to do with staff, is direct some of the questions so that they're answered in there ahead of time. That also goes as part of the document. I mean that's a contract with the Orange County Department of Education. In itself you can go back to any page and Ron can say hey, you've got to do this. So, I'm comfortable doing this and I do think it's going to be a great school. I would hate to see this school not move forward. The time, the effort and the money to do contracts, I mean it just keeps adding up. They need to get their number in. Get it from the

state. Every month we take takes longer to have the school open in September. I mean, the clock keeps ticking. We can keep talking but the clock keeps ticking. The more time we give you to do it and do it right I think that's a good thing. I think you've got CAPO who's very talented and can talk with you. Work together. You do need to work together. So, I'm comfortable with this one. I'm looking to when we get not just a template but administrative procedures but we don't have them yet. So can't go there. So I'm supporting it.

Hammond: Mr. Boyd:

David Boyd: Yes, Ron, could I? Excuse me. If we proceed with option number one does that mean there's no MOU?

Wenkart: Yes, that's my understanding. I mean we could talk to them later and see if they would...

David Boyd: But they're under no obligation to enter.

Wenkart: Right, they're under no obligation to enter into (inaudible)

David Boyd: What about the enforceability? Is the application itself an enforceable document.

Wenkart: Yes, the petition that they submitted would be an enforceable document. But it was written by them and there may be some gaps in there that you know that may make it difficult.

David Boyd: So there may be some holes that we would like to fill but if they represent well the type of program that they are going to offer then they have to proceed on that basis. They can't adopt something other than the modified Montessori.

Wenkart: Not without coming back to the board.

David Boyd: Without coming back to the board.

Wenkart: And that would be a material revision.

David Boyd: Alright. I am uh, thank you.

Hammond: Anything else Mr. Boyd?

David Boyd: No, I eh am somewhat reluctantly going to support number one. As an attorney I always like to have details down in writing. But. You know, you don't have to be a weatherman to see which way the winds blowing.

Hammond: Dr. Bedell?

Bedell: I'll pass for the moment.

Hammond: Ok. I have no further questions or comments so I hate to do this but I'm bouncing the ball right back to you.

Bedell: I'll move option number two.

Hammond: Ok, so...

Lindholm: But that would be a substitute motion. We haven't voted on the other one.

Hammond: Yeah, we haven't voted on that. So you're making a substitute motion.

Bedell: Exactly right.

Hammond: ...to go with option two...

Bedell: right.

Hammond: ...to prove with option two.

Bedell: Yes.

Hammond: Alright then it would need a second.

David Boyd: If you like I'll second it for discussion.

Bedell: There's no need for you to be patronizing Mr. Boyd. I too know windmills but I just, I'm sorry. I wish I had more projection. I just feel more comfortable that the county is protected as the board is protected and I wanna...I like all these impressive people in the room, I think that's nice. I wish a lot of children had the same kind of support from their community, a lot of poor kids don't get. It's not your problem. I mean I grieve over that and that's no hyperbole. And I wanna support this school. Option two supports this school. And if it fails for a second then it fails but I just wanted to go on the record for that.

David Boyd: Ok.

Hammond: Do you still wish to second it?

David Boyd: No, I think he's made his statement.

Hammond: Oh, alright then. When then any opinion or the motion shall fail due to the lack of a second.

Bedell: That's fine. Let the records show that please.

Hammond: It so shall state and so with that we are back to the original motion as made by Dr. Williams, seconded by Vice President, to approve with option one. Seeing no other discussion the chair will call for the vote. All in favor signify by saying AYE.

Multiple Voices: AYE

Hammond: Opposed? Abstain? Motion passes 5-0. You are approved sir.

Applause

Hammond: Dr. Bedell, you had a follow-up motion.

Bedell: Yes, I would like to move that we get a progress report no later than June 1<sup>st</sup>.

Hammond: I will second that.

Bedell: That's.

Williams: Wanna take a break?

Hammond: I'll call for the vote on that, it's a simple motion.

Lindholm: It's just a motion.

Hammond: We'll get an update by June.

Lindholm: Sure.

Hammond: All in favor?

Multiple Voices: AYE.

Hammond: Opposed? Passes by 5-0. Five minute recess.

Break

### **Staff Recommendations**

Hammond: Orange County Board of Education is back in session and with some action items to deal with at this time. Staff recommendation item # 10, approve the material revision to Ednovate Santa Ana College Prep Charter School Petition and change the name of the charter school to USC College Prep. The fact that it wants to go to USC is troubling. Alright. My own personal bias.

Bedell: Move approval.

Hammond: It has been moved to approve item # ten is there a second?

Lindholm and David Boyd: Second

Hammond: It has been moved and seconded. Dr. Bedell, any?

Bedell: I think it's self-explanatory.

Hammond: Trustee Lindholm?

Lindholm: I think it's great.

Hammond: Mr. Boyd?

David Boyd: No. (inaudible)

Hammond: So, alright. Dr. Williams anything?

Williams: Forgot me almost. So, ok. At this point we're just going to be changing the name. That's all the action item is, is that correct Mr. President?

Hammond: That's right.

Williams: Ok, what is the status of this school? We've already approved it and everything? Was that under an MOU?

Hammond: Well I think that will be discussed under item # eleven. Ten is just simply to change the name.

Williams: Oh, ok.

Hammond: So if there's no other discussion on changing the name which is item ten will move forward. All those in favor signify by saying AYE.

Multiple Voices: AYE

Hammond: Opposed? Abstain? Passes 5-0. Boy wish it moved that quick on everything. Alright, item eleven. Approve the agreement implementation plan between OCDE and USC College Prep previously known as Ednovate Santa Ana College Prep. Chair seeks a motion.

David Boyd and Bedell: So moved.

Bedell: Second

Lindholm: Do you want to hear from the party?

Hammond: Well I thought, we'll get to that. Moved by Mr. Boyd, seconded by Dr. Bedell.

Nina Boyd: Thank you.

Hammond: Would love to hear from the party but Mr. Boyd since you are the mover...

David Boyd: I'll defer to comments from the applicant.

Hammond: Alright sir. Dr. Bedell?

Bedell: Second.

Hammond: Ok then alright. Let us hear.

Unknown Speaker: Good afternoon Superintendent and board members. I will be brief because I know it's been a long day already and we've already talked about how there's urgency around this matter. Before I get into it I just want to say thank you so much to the staff and to the board. It's been a great collaboration to make sure that the conditions are in place for high quality schools to thrive so I know it's not been an easy process and I really appreciate it. We came before you a year before the school was set to open in August of 2015 and at that time we received conditional approval. I will be honest and tell you it has been difficult to be in this kind of murky status because even if we move forward today with a fully authorized charter we will not have a CVS code from the state until mid-May. And that puts funding sources at risk. It puts real estate transactions at risk. So I would just say, as we saw earlier today like I would really encourage you to think about removing some of those roadblocks and granting full approval earlier on. But now I think we're in a good place and I appreciate your support with this MOU. I'm happy to answer any question if there are any.

Hammond: Alright. Mr. Boyd since you were the man...

David Boyd: No, I'm fine with it.

Hammond: Dr. Bedell, you were the second.

Bedell: No problem

Hammond: Madam Vice President?

Lindholm: Do you have any particular items in here that you need to have removed to get on with the business of opening your school?

Unknown Voice: So the only, the one that was addressed earlier this morning we agree with that.

Lindholm: The 1090? The which?

Unknown Voice: The, sorry. The one above removing the reference to the standards of authorizations. We're glad that that already happened. Because

Lindholm: Is it out of here now?

Unknown Voice: It's out of here now. Yay, so we appreciate that. We are comfortable with recommending to our board that they sign the MOU as it is.

Lindholm: Ok.

Hammond: Good.

Lindholm: Ok.

Hammond: Alright. Dr. Williams.

Williams: Question, there was an earlier discussion about government code section 1090. Is that a concern at all for your board?

Unknown Voice: Um I, it's not a major concern for our board. We don't currently have teachers on our board. I understand why we have the right to do that. It's not something that's been an issue for us so far. Does that answer your question?

Lindholm: So if we sign this today or when do you need this signed so you can get an application to get your number?

Unknown Voice: So the next, assuming it that it would be signed today then we would take it to our board and a special board meeting to have them sign it and that would happen in the next two weeks so that we could apply for the CDE for a charter number.

Hammond: Ok, Dr. Williams anything else? No. Dr. Bedell?

Bedell: No.

Hammond: Trustee Lindholm?

Lindholm: Nope.

Hammond: Mr. Boyd?

David Boyd: Nope.

Hammond: I have no questions or comments. Chair will call the question.

Williams: I do have one question. Why USC?

Hammond: Well I didn't want to make that but since you brought it up why? Why USC?

Unknown Voice: We are indeed part of the Trojan family. The USC Rossier School of Education founded our first school, Hybrid High School and our non-profit; Ednovate in 2012 to close the college graduation gap for the students in the neighborhoods around SC and the Dean of the School of Education is our current board chair. We have a, just a long and great partnership with the University.

David Boyd: USC will be providing academic assistance.

Unknown Voice: Yeah, they provide a lot of different types of support. Not financial support which is a common misconception. But a lot of in-kind support as well with real estate, and marketing and communication, governance boards.

Williams: And where will your school be physically located. Have you decided that?

Unknown Voice: We do not have a lease signed yet but we are looking all over within the boundaries of Santa Ana Unified. The zoning is challenging but we are looking at a lot of different types of facilities.

Williams: No more questions.

Hammond: Alright. Any other questions? Chair recalls the question. All those in favor of approving item eleven signify by saying AYE.

Multiple Voices: AYE.

Hammond: Opposed? Motion passes 5-0. You've been approved.

Unknown Voice: Thank you. Yeah!

Hammond: Oh if only everything else could go that quick. Item number twelve approve the agreement and implementation plan between OCBE and Unity Middle College High School Charter School. Chair seeks a motion.

Lindholm: So moved.

David Boyd: Second.

Hammond: Moved by Trustee Lindholm. Seconded by Mr. Boyd. Um, Madam Vice President, any comments or questions?

Lindholm: Ah no. This is a similar agreement to the one we just approved. I believe the applicant is in favor of it as written unless there's any changes they want or additions or deletions I'm in favor of it.

Hammond: Mr. Boyd?

David Boyd: No, I'm good.

Hammond: Dr. Bedell?

Bedell: No.

Hammond: Dr. Williams?

Williams: So the individual who is sponsoring this is not at our meeting today?

Nina Boyd: She's here.

Hammond: She's right there!

Williams: Oh yeah. Ok.

Nina Boyd: Doctor, she's been here all day.

Unknown: 9:30, I got a lot of work done.

Bedell: We didn't.

Laughter

Unknown: But at least the average were average, so.

Williams: Ok so you saw the dialogue earlier about government code section 1090. Are you okay with that being in here?

Unknown: Sure, so I definitely will echo the statement Jessica made about the MOU to the agreement to where we're at today. I feel really positive about where we're at this moment. And so my board did hold a special board meeting on Monday and approved the agreement with the understanding that there would be changes to the standards of authorization and potentially changes to the agreement that would minimize the language that was in there. I felt like we were under such a tight timeline that I didn't want, the board was very not ok with the standards of authorization but we felt with the agreement we could comply with that so just for transparency when I originally submitted my charter petition to Orange Unified back in March 2015, we didn't say that we were going to comply with government code 1090 and then after going through that process and asking us to comply with it it was really a non-issue. Our board right now complies with government code 1090. We have every intention to continue to comply with government code 1090. But I will say as someone who formerly worked at Unity Schools up in Northern California who does not comply with government code 1090 having a teacher representative on the board absolutely was positive for the organization because it kept that open line of communication going. And yes they of course always abstained and removed themselves for conflicts. But I absolutely value and can appreciate that sort of structure if implemented correctly.

Williams: So are you saying that you'd like to see that removed and substituted with the language which was early offered by Trustee Boyd?

Unknown Voice: So my understanding and my hope is that you will approve the agreement with the changes that were put in this morning. Removing the government code 1090 and that other component at that beginning. So the new agreement; that's what's being approved is my understanding.

Williams: Ok, what I'm hearing is you'd like to have 1090 removed...

Unknown Voice: Yeah.

Williams: And substituted with the language that was earlier offered by Trustee Boyd.

Unknown Voice: Yes please.

Williams: Ok. Where is that in here?

Lindholm: It's on the bottom of nine under D. Page three D conflict of interest policy.

Williams: Well, the mention of government code 1090 is on page two, paragraph A, number one, third line. Does that make sense?

Unknown Voice: And for me it would make sense if it was approved today I could take the revised agreement that was approved, bring it back to my board and then have them reapprove the new agreement with the government code 1090 language removed and also the standards of authorization removed until that's the finalized document.

Nina Boyd: And that was the conversation that staff had on behalf of the board with Ednovate and Unity that if there were changes made that you all made to the template that they would be able to have the benefit of that language so that they were not harmed by doing that in advance. And that's basically what's she's saying. We would make those same changes and incorporate that language. And the other document was removed which it was referenced and so it's not applicable because that item was tabled.

Williams: Ok.

Nina Boyd: ...so there's no need for there to be in that document either.

Williams: So just for the minute sand because it's something that has to be documented would it be reasonable then to amend that motion, a friendly amendment that would offer some language that would give the flexibility to amend this contract?

David Boyd: No this is under (inaudible) procedures.

Bedell: You could say move to approve with the deletion to all references to 1090 and that other section.

Hammond: I'm not sure we need that only because we've already made those corrections and Nina if I'm understanding you right because of the corrections we made earlier don't they just automatically then apply to what's before us at this point.

Nina Boyd: Well Ron will know.

Multiple voices talking at the same time.

Wenkart: It's not automatic. But to avoid any ambiguities why don't you make a motion to approve this with changing the language of 1090 to all applicable state conflict of interest laws.

The same language we had this morning.

Bedell: That's what I suggest.

Wenkart: No, I agree with that. That's probably the best way to do it.

Bedell: Delete all references too and change.

Hammond: Well I think that's what Dr. Williams is made in...

Williams: Yeah, so this would be a friendly subsidiary motion to remove the reference to government code 1090 and substitute it with all applicable conflict of interest laws, federal, state, non-discrimination, etc. Something nice and simple like that? Ok.

David Boyd: Yeah.

Williams: Ok. So I'm (inaudible) motion?

Hammond: Jack, do you still want to second that?

Bedell: Oh yeah, sure.

Hammond: Ok. Alright then I have a friendly subsidiary motion from our good doctors. One's a true medical doctor though. One's degree is older.

Laughing.

Hammond: So that means it's worth more.

Bedell: So is the person.

Hammond: So with that then I will go ahead and call on the subsidiary motion and make sure that that is accepted. All in favor of accepting the friendly subsidiary motion signify by saying AYE. Ok, that has been accepted. Now we go to...

Nina Boyd: I know that Dr. Williams had made the motion. Who second it?

Williams: Dr. Bedell.

Nina Boyd: Dr. Bedell. Thank you.

Hammond: The two doctors.

Nina Boyd: Thank you.

Hammond: Oh that is not a light at the end of the tunnel.

Lindholm: I have a concern on this one. That this one was packaged with the administrative procedures which I know we tabled. I just want make really clear that's (inaudible) happening.

Nina Boyd: Yes, in your red folder, you were given the amended document that took that reference out.

Lindholm: Ok, I just want to make that very clear when I vote on it that I'm not voting for the administrative procedures. And for the record and maybe you will not that. I just wanna make sure it's clear.

Hammond: Alright. So nice we're back to the original motion to accept and of course if accept it's with the changes proffered by our good two doctors. All in favor of accepting the motion with the changes signify by saying AYE.

Multiple Voices: AYE

Hammond: Opposed? Motion passes 5-0.

Lindholm: Thank you.

Hammond: Thank you for hanging around. Alright. Board recommendations. So we're through with staff recommendations for now and the board recommendations. Item fifteen, approve the invoice from Cota Cole for \$2,000 the chair seeks a motion.

Williams: So moved.

Lindholm: Second.

Hammond: Moved and seconded. Dr. Williams, anything?

Williams: No.

Hammond: Ok. Madam Vice President?

Lindholm: No.

Hammond: Dr. Bedell?

Bedell: Is this within the limit that we previously approved?

Multiple voices: Inaudible

David Boyd: ...voting on to raise the limit.

Hammond: (inaudible) And this is the last invoice.

Nina Boyd: No, we just received one yesterday for January.

Lindholm: In addition to this one?

Nina Boyd: In addition to this one.

Lindholm: Do we need to send him a letter saying...

Nina Boyd: They do a month in arrears and so are understanding would be that there wasn't any work, unless you all have called, I don't know. But...

Hammond: No I deleted all contact information.

Nina Boyd: ...last month there was some communication that occurred and so they invoiced us for January and so we'll be sharing that and putting it on the March agenda. We couldn't add it because of the way it was posted on the agenda. It needs to be on the March agenda.

Hammond: Do we know how much that bill is? The balance?

Nina Boyd: About \$2,000? About the same. Just under.

Lindholm: Is this for services in January? Let's send him a letter and ask him what's...well then he'll charge us for the letter.

Nina Boyd: It's a thousand-fifty.

Williams: In explaining a bill I don't think they charge you for an explanation for that.

Bedell: I move that we table this until the next meeting until we get further information.

Nina Boyd: Well in the back of your binder you have the invoice for this, for the December.

Hammond: The back of the red one?

Nina Boyd: That was sent to you separately. It's in the back or the front

David Boyd: Yeah here we go.

Williams: These are for December service.

Nina Boyd: The January we received yesterday we have not shared with you yet because we couldn't put it on the agenda yesterday. So, we just got that yesterday afternoon.

David Boyd: And we previously had approved \$20,000?

Lindholm: \$22,000.

Bedell: We did not pre-authorize this. Is that what you mean?

Nina Boyd: When you did your authorization you went over just a little bit but it wasn't enough to cover this invoice. You did an authorization above the amount. I think that's what you're recalling.

Lindholm: I think if we do authorize this it goes with the letter that says there is no further communication with you at this time. Thank you for your work. I think we should pay it though. Just be done. Moving on.

Nina Boyd: And then next month we'll have the January on the board's agenda.

Lindholm: Please include a note that we do not need further services at this time.

Bedell: Imagine our surprise.

Hammond: Alright.

Lindholm: Did we vote on it.

Hammond: Well no because we had a subsidiary motion to table until next month by Dr. Bedell.

Lindholm: Is there a second on it?

Hammond: No there was not a second I was waiting for a second. Alright hearing no second I'm gonna say that the motion fails due to lack of second. So we're back to the original motion to pay by Dr. Williams and Vice President Lindholm. So back to you I'm sorry, Dr. Williams any other any comments or questions on this?

Williams: Nothing sir.

Hammond: Madam Vice President? Dr. Bedell?

Bedell: No.

Hammond: Mr. Boyd?

David Boyd: No.

Hammond: Alright I have none so I'll call the question. All in favor signify by saying AYE. I'll go AYE. Opposed? No. Passes 3-2 barely.

Bedell: Are we almost done?

Hammond: I think we're almost done. Ok.

### **Informational Items**

Hammond: Informational items. Communication information and discussion with an update on EPIC Charter. The status. Nina, I guess I'll refer to you on this one. And I see that we have a representative from EPIC Charter School here.

Nina Boyd: I'll ask Ron to go up first and give a status update and then Ben Harris is here representing EPIC and he'll make some comments. Both are available to answer questions. It's just the board may recall in November they approved this charter. There were some questions with regards to whether or not the charter met the threshold for students participating in the program or with interest to participate. And so we left that meeting with the understanding that we would work with EPIC to answer that question and move towards the agreement that was supposed to be drafted. So Ron is here to give you some information and then Ben will come up.

Wenkart: Good afternoon I'm basically here to recap the events involving EPIC. The interaction with. Because you may recall the November 4<sup>th</sup> board meeting the board conditionally approved EPIC Charter School. One of the conditions was to verify that they had included the correct number of signatures from parents and legal guardians indicating that they were meaningfully interested in having their children attend EPIC Charter School as required by the education code. And the direction from the board was to resolve the signature issue by coming up with an agreed upon method for verifying the signatures and then develop a Memorandum of Understanding with EPIC Charter School. So on November 9<sup>th</sup> Kelly Gaughran sent an email to Mr. Harris asking for his recommendation on proposed methodology for contacting parents and legal guardians who signed the petition. On November 16<sup>th</sup> Mr. Harris responded that he had not forgotten about Kelly's email and that he was waiting to hear back from Jerry Simmons, EPIC's attorney. And then on December 2<sup>nd</sup> Kelly Barnes spoke with Jerry Simmons regarding EPIC and he indicated that he was planning to forward a letter to her with information to satisfy the signature verification issue. So then January 5, 2016, having not received any correspondence from the EPIC petitioners or their council, Kelly Gaughran sent an email to Mr. Harris indicating that OCDE had not heard back from Mr. Simmons or the EPIC petitioners and that OCDE would like to proceed with the signature verification. And then on January 14<sup>th</sup> 2016, Mr. Harris sent an email to Kelly Gaughran stating that he had received her email and that Jerry Simmons had prepared a letter and he was waiting for some additional information before he sent the letter to OCDE. And then on January 19<sup>th</sup> OCDE was concerned about the timing and the delay. So they contracted with, OCDE contracted with Apple One and hired them to contact each person who signed the petition. And a script was provided to Apple One asking people if at the time the charter petition was signed and were they meaningfully interested in having their children attend EPIC Charter School when they signed the petition. And then we heard on January 26, 2016 we got a letter from Mr. Simmons contending that the signatures gathered were legitimate and lawful signatures and that EPIC hired an employee from the Orange County Registrar of Voters to compare the signatures on the charter petition against the signatures on the voter registration cards and it was determined that 248 signatures could be matched and validated as the same people signing the documents.

Hammond: Ron I'm sorry, what date was that again?

Wenkart: January 26<sup>th</sup>. That was Mr. Simmons letter. So this was kind of a summary of Kelly Gaughran's email that she sent you, her memo. And then it should be kept in mind that those 248 individuals they only review to see if they are registered voters. Not that they're parents or not that they're meaningfully interested in attending EPIC Charter School. Now Apple One checked to see if they were meaningfully interested. 44 parents with 85 children responded that they were meaningfully interested. So that's in Kelly's memo. 125 parents with 244 children said that they were not interested. 97 parents with 192 children had phone numbers that were either disconnected, the wrong number, or were unable to leave a message. And then messages were left for a number of parents who didn't call back. So all those numbers are in Kelly's memo. So that kind of a summary of what's happened since November 4<sup>th</sup>. You also have the memo that I mentioned from Kelly Gaughran. We disagree with Mr. Simmons analysis because that doesn't address the meaningfully interested issue. And so we think Apple One's analysis is a more accurate reflection. So I hope that clarifies some of the issues for you and just open it up for questions.

David Boyd: Mr. President?

Hammond: Mr. Boyd?

David Boyd: Who had the burden of proof?

Wenkart: That's unclear in the code section. It just says that they have to show that they're meaningfully interested and it doesn't indicate whether the petitioners or the school district or the county office of education has the burden of proof.

David Boyd: Seems to me we've reached an impasse here. I don't think the process we used is all the dependable to be perfectly candid. If someone had called me on the phone from some agency I don't know that I would have taken that call. And I think the judge in Orange County in connection with the Anaheim proposed Anaheim Charter School well, pretty much the same way. That being said I don't think their method makes a whole lot of sense either for the reason you just pointed out. No one is questioning that these people actually existed. And you know that's all about the Registrar of Voters to approve. Ok, we've got a person that actually exists. I would really like to see this happen but again in my mind this is a threshold issue. If we can't together figure out a methodology, the rest of it doesn't really matter. It doesn't matter how good the charter is if you don't meet the threshold of signatures. We're going to get sued, one way or another, in less we can reach an understanding with Mr. Harris. Would it be appropriate to call him up now Mr. President?

Hammond: I think so. Mr. Harris, why don't you come on up. Ron, I'm sorry, can you give me real quickly though how many signatures do they need and how many were verified by staff.

David Boyd: A 129 or something?

Wenkart: 44 parents or so 44 signatures were verified as being meaningfully interested.

David Boyd: And we needed 129?

Wenkart: I think it was 129. Do you...150. 150.

David Boyd: Ok, alright.

Wenkart: So.

Lindholm: Can we get a copy of the state law on that because it just seems so confusing.

David Boyd: Yeah, this doesn't say anything.

Lindholm: Because you have, he'll tell us how many signatures there were. And if you go to the Registrar of Voters these are real people. These are real signatures. These are real addresses. I totally agree with Trustee Boyd. Staff is trying to do a really good job of calling them and the script was really...if I got that phone call I'd hang up immediately. It sounded very jargonistic. It was very technically. It was very legalistic and it was probably more frightening than anything else, unfortunately. So I don't know what the threshold is for the state is it the signatures? I mean I'm hearing you say students so I'd like to know what the state law is.

Wenkart: It basically says that they should be meaningfully interested and that they have to have one half of the number of parents.

Lindholm: I'd like a copy.

Wenkart: Oh yeah we can get you a copy, sure.

Lindholm: thank you.

Hammond: Ron, the signatures, I'm assuming that staff, maybe I shouldn't assume I'm sorry but I'm going to go ahead and assume, that staff went and to try to verify the signatures that somebody from the department went down to Santa Ana to the Registrar of Voters and I'm assuming that there was at least 150 names and signatures that did match up but you were just looking to verify? Is that the situation?

Multiple voices from the dais and the audience.

Nina Boyd: Can you come to the microphone.

Hammond: We can't hear you I'm sorry Mr. Harris.

Harris: There were 248 signature matches.

Hammond: Ok I get that but I'm curious what about staff though.

Wenkart: We didn't use that methodology of checking with the Registrar of Voters. We had Apple One call; that's my understanding.

Williams: Ron, I've never heard of Apple One. I've never heard of this process. Is this the first time we've done this?

Wenkart: Yeah this is the first time.

Williams: Well who made that decision and why?

Wenkart: Well I think that was a collective decision was my understanding and we decided to do this, to verify the signatures because we weren't able to get together with EPIC and come up with a methodology.

Williams: Ok. Well.

David Boyd: The thing that was disappointing is EPIC didn't participate in the process. I mean as I understand it, correct me I'm wrong Mr. Harris, but they decided to go to the Registrar of Voters without even asking us whether we thought that was a good idea or not. We didn't get together and talk about different options. And I've got a solution, actually a solution might be optimistic, I have an option that I think we should consider and Trustee Lindholm and I have talked about this briefly. If we drafted a form that we could send to each of the households with an evidence of mailing, I wouldn't do certified because a lot of people don't pick up certified mails. Good news never comes in...but we the Post Office has a process to just get a receipt that this was mailed to this address in this state. And if your staff can get together with our staff and try to work out non-legalistic language in English and Spanish that the people could tell us yes, I signed this and I was meaningfully interested in enrolling my child or not. What are your thoughts.

Harris: My thoughts are that we've already met the requirements of the law. Plain and simple. The requirements of the law were I believe the number was 143 but it could be 150. We supplied 248 signatures. In addition to that

David Boyd: That's half though.

Harris: In addition to the packet that was submitted to the county was also a litany of case law in which there was a series of situations and similar political processes in which this is the way the signatures are validated.

David Boyd: Yeah but here not talking about signatures.

Harris: And secondly what we're really, when you talked about burden of proof earlier, that's a great issue and a great question because what we're really saying is if we don't think that the 248

matched signatures are valid then what we're saying is, is we're got 248 people to perfectly forge their name and sign a document that at the top of it says I'm a meaningfully interested parent and the signature gatherer doesn't get to just hand them a one pager, he has to show them the entire charter application. So the people who gathered these signatures walked around with a Sears catalogue under there are and a page on top that says you're a meaningfully interested parent.

David Boyd: And, refresh my memory on how they went about this because you did have your...

Harris: So the requirement of the law is that the actual charter application has to be in the possession of the signature gatherer and has to be available for review.

David Boyd: How did you do it? Did you go door to door? Or did you stand outside of Y Mart.

Harris: The signatures were gathered in a variety of locations. Crowded parking lot, shopping malls, etc., but all in Orange County. But the signature matches, it wasn't like they just signed a piece of paper with a blank signature line. It said this is what I'm attesting too.

David Boyd: Yeah I have a copy of it.

Harris: This is what I'm certifying. So unless we think somebody was a really good forger and then that they didn't mean what they signed.

David Boyd: No no no. That's not what I'm saying. No one's accusing anybody of forgery. You know the signatures are one thing. Ok? No one, I don't believe anybody ever questioned that these human beings existed. It's just were they meaningfully interested in (inaudible)

Harris: But that's what they signed and attested to.

David Boyd: Well ok. But you handed them a document outside of Walmart that's a 300 pages...

Harris: It says at the top I'm a parent, I'm a resident of such and such and I'm meaningfully interested. I don't know how much more clearly we can. If the way we did it is incorrect, my question to the board is, what way is the correct way to do it?

David Boyd: Well, that's what I'm proposing. And here's why it makes a difference in my mind. I can't speak for the rest of the trustees but this issue was raised at the district level and if, correct me if I'm wrong, but in your response to the board, I'm not talking about the staff, but in your response to the board, you ignored that. You didn't comment on that one way or another on the signature issue. So question number one in my mind well, why not? Number two, its use paid signature gathers. Perfectly legal thing to do, don't get me wrong and I've never heard and I've talked to other people who are very knowledgeable in charters, they've never heard of a charter school using paid signature gatherers. Or if they do it's extremely rare. And number 3, which continues to raise my concerns, unlike the meeting this afternoon where we have a charter application pending, there are dozens, sometimes hundreds of potential students that come before

us and if I recall, you guys didn't have any. So do you understand what I'm saying? I'm not saying anybody forged anything. I'm not saying anybody broke any laws. I'm saying how can we, the risk as I see it for this board, if we approve it, then we run the risk of the district suing us cause we're not doing our job. If we don't approve it, then you're probably going to sue us because you're saying we're not doing our job. I'm proposing and what I hope is a middle ground; a resolution or maybe we can all get together and have a defensible argument on whatever decision we make.

Harris: Well, just to I guess the alternative, of there are two ways in the law is my understanding and one is to get teacher signatures and the other is to get parents.

David Boyd: And I don't think there's an issue with teachers as far as I know.

Harris: And the teacher requirement would have been eight teachers. We got 248 parents. That's just the ones we have a signature match with that are registered to vote. We couldn't do a signature match with the ones that weren't registered to vote.

David Boyd: No, of course not.

Harris: The reason we choose to do signature is frankly we wanted a more overwhelming statement of parental need than simply getting eight teachers. Both of them are legally permissible.

David Boyd: If all of your signature gatherers, or the majority, were parental volunteers who were not being compensated for this, then I would be more likely to see that makes sense to me. But when guys and gals are out there being paid to gather signatures, are they going to take time. Wouldn't it take at least ten minutes to explain what a charter is about to a parent before you ask them if they're meaningfully interested? You know I did some quick math and if they spent ten minutes, 526 signatures/ten minutes each would take 88 hours in explaining just what the school is all about.

Harris: That's two people working in one week. That's probably what it took.

David Boyd: That's not counting finding the people. That's just explaining what the school is all about.

Harris: I think that's actually a really good time estimate. I think this took about two weeks of man hours.

David Boyd: I would like this to happen cause I like your local board. I said this last time and there's a lot about this that I like but on the other hand there is this threshold that we have to satisfy before we take the next step.

Lindholm: I have a question to our staff. Have we ever done this in the past? Have we ever gone and called the people who signed their signatures.

Nina Boyd: We do it on every petition. Call to... and it's been random, what they've done in the past and we have Kelly or Ron come up if you want to hear directly.

Lindholm: So this is a standard operation that we might want to change.

Kelly Gaughran: Ok, so that's up to you but I've never had a problem verifying signatures. This is the first time I'm had an issue with it.

Williams: How many phone calls have you made before and how many did you make for this specific situation?

Kelly Gaughran: As many as it takes. Generally like we stated earlier there's teacher's signatures and that's fifteen.

Lindholm: Yeah.

Williams: Did you spend more time looking at signatures for this particular charter.

Gaughran: Well now especially, yes.

Williams: Ok. And the Apple One you used?

Gaughran: That's a temp agency. We wanted an agency that wasn't an OCDE agency to make the phone calls to try to be fair. And we asked them to call three different times during the workday an evening and a weekend.

Williams: So help me out Kelly. So the petitioner submits, there was over 200, Mr. Harris how many signatures did you actually submit?

Harris: Total gathered was 526 and the number that were matched to the voter rolls was 248.

Williams: Ok, so you went way beyond into the 500 plus range and the voter registrar match 248 so you're looking at another 250 that actually signed this but you can't match them to the voter registration. Are we required to match signatures to voter registration? Is that a requirement to sign a charter petition?

David Boyd: Unfortunately the law is so vague.

Gaughran: The law just states that you have to have meaningfully interested either teachers who want to work for the school or parents that want to send their children.

Williams: So did you call all 500 of those people?

Gaughran: Every phone number we could call we call.

Williams: But you didn't answer my question. Did you call all 500?

Gaughran: Yes, we called. I mean some didn't have a phone number but unless there was no phone number we called everyone single one.

Williams: How many did you actually call?

Gaughran: Like 470 or something like that.

Williams: You called 470 people.

Gaughran: Not me, Apple One.

Williams: Apple One did. So what was the script that they used and how many people hung up and talked and gave responses?

Gaughran: Ron has that. The script was: Hi, my name is Glenda, whatever, and I'm calling on behalf of Orange County Department of Education. On May, whatever it is, May 5, 2015 you signed a petition for EPIC Charter School, I'm just calling to verify that you're meaningfully interested in having your children attend the school should they open in 2016. We based it on what was written at the top of the petition again to be fair to the petitioners. We don't want to change any of the wording that was on that they signed.

Williams: So out of that 500, how many contacts did you make again?

Gaughran: There's so many. So, we had 85 children so 44 parents were interested. Said yes we are interested in having our children attend the school. 125 parents with 244 children said they were not interested in having their children attend the school.

Williams: Was the question asked why did they change their mind? Was that in the script?

Gaughran: No, we didn't think that that was in our purview to question them. We were not trying to change anybody's mind we were just trying to verify. Be as clean as possible.

Williams: Could though parents change their mind?

Gaughran: Of course.

Williams: Ok. Go ahead.

Gaughran: Ok. 97 parents with 129 children had phone numbers that were disconnected or the wrong number of just rang and rang and rang all five times when, well not the disconnected or the wrong number. And then five messages at different times were left for 74 parents with 157 children with no return phone call. Yeah.

Williams: So, when we've done this in the past, the minimum is how many again?

Gaughran: Half of the first years' enrollment of parents with children.

David Boyd: Projected first years' enrollment.

Williams: And what is that projected enrollment?

Gaughran: They wanted 300 children so we need 150 parents.

Williams: Ok, so you needed 150.

Gaughran: Ok, let me rephrase. We need 150 children whose parents so like we're trying help out.

Bedell: One family with 150 kids.

Gaughran: Yeah, exactly.

Williams: Ok. So has there been any previous studies done in the past about this? This is the first time we've ever heard about this and we have a charter petition that came up the issue of signature gathering. The individual who actually collected them was there. Very impressive individual. Very impressive credentials at that November meeting and I thought in my mind there was an issue about how many signatures were there. And then we had in January a letter that was received by Mr. Simmons that I think clearly appear that these signatures were valid and this is not an issue, not a vital issue to this.

Gaughran: We're not disputing that the signatures are valid. That was never our dispute. We're saying that we could not verify that the correct number of signatures were meaningfully interested in attending the school.

Williams: So you're not disputing the signatures?

Gaughran: I'm not disputing that they were registered voters. I'm not disputing what Mr. Simmons stated. That's what he stated; that they were registered voters. They didn't call the parents, Mr. Simmons.

Williams: And so the question comes down to this board what does the law state?

David Boyd: I can read it if you like.

Williams: Yeah, I'd like to hear that.

David Boyd: A petition shall include a prominent statement that a signature on the petition mean the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school.

Williams: So, help me out. So at the time the petitions were circulated and everybody signed, the parents attested that they were interested and now it sounds like you went back and there was some evaluation of these signatures and some of the parents changed their mind?

David Boyd: Or they never understood what they were signing in the first place.

Lindholm: If you read what the script was, if you got a phone call, if I got a phone call with that script and I know you were trying, that wasn't, we didn't get to review the script, I would not respond. If they said are you blah blah blah I'd say no and I'd hang up.

David Boyd: Well I wouldn't take the call at all.

Lindholm: I wouldn't take the call at all you know if I get caller ID on. So my problem with this whole thing is what the script was, why are even doing this, they don't even have to be registered voters. There's no law that says they have to be registered voters. So that they went out and verified that these are real people with real signatures and they signed their name, I don't know why we are doing this. I would rather see us have if we need to do that get a format that has a warm friendly note that says; hi we have an anticipation of a new charter school in your area. If you have children would you, a little place with an X saying, yes I'd like to have my child attend. Yes I have two children; I'd like them to attend.

David Boyd: Exactly.

Lindholm: I think this is very threatening. I know that's not the intent.

David Boyd: But right now we're at an impasse.

Lindholm: I think it's threatening.

Mijares: They took the language from the top of the petition.

Gaughran: We took the language from the and while I respect that you may not answer the call, I think if you wanted your child to go to a charter school, I think you would call me back or answer the call.

David Boyd: Well maybe, maybe not.

Lindholm: I still wouldn't.

Multiple voices: (Inaudible)

Gaughran: I mean you see all the parents here.

Wenkart: It's the same language's which is on the petition that they read and signed so...

David Boyd: It was legally adequate but I agree with Trustee Lindholm.

Wenkart: So I don't see how it's different.

Lindholm: It was threatening.

David Boyd: It's to an average person who is not an attorney.

Mijares: These are average people here. People at the poverty level that can't speak the language; easily manipulated and there are a lots of civil rights out there who defend them.

David Boyd: That's my point too. It concerns me that they're not willing to participate in the process at this point and time. It's like ok take it or leave it.

Hammond: Well you know what I'm...

David Boyd: But he said; I made an offer. What if we jointly wrote a letter and...

Lindholm: But you have to remember that you voted no on this particular charter school.

David Boyd: No I didn't.

Lindholm: You did and then you abstained later.

David Boyd: No, no. That's another one.

Lindholm: That's a different school. Then I apologize.

David Boyd: That's another school. This one I was very, very impressed with the local board on this one. I had concerns...

Lindholm: That was a different one?

David Boyd: Yeah. So I supported this one, this petition.

Hammond: Dr. Mijares, you and I being from Santa Ana; you and I both know how different especially the population that you know served in Santa Ana. When you're face to face and you communicate you'll get a lot better response than sending something home or telephone call. That's why when I was doing my home visitations in Santa Ana I had the parents in my hip pocket cause they knew that I cared. It was amazing what I found out. Had I and I learned this kind of a hard way, if I tried to make a phone call or send a letter home, you know what I might as well have just written a letter to Outer Mongolia.

David Boyd: yeah but these are people who are supposedly meaningfully interested in this (inaudible).

Hammond: The parents I had were meaningfully interested in the education of their kids in Santa Ana. There was never one parent in the Latino community that I ran across that was not meaningfully concerned but it was how you approached them and there were some ways that worked and there were other ways I guarantee you it was bound to fail. I mean Dr. Mijares do you have any thoughts on that?

Mijares: I know I think the district raised this as an issue. The people you're talking about we would conduct meetings not at the school site but in neighborhood centers or in their homes because we're right. Face to face is much better but when you're in that situation you can explain yourself clearly and I think in the interest of the integrity of the process we need to make sure that the parents truly understood what they were signing. What's so difficult about that? I mean.

Harris: And, it's extra ordinary!

David Boyd: We invite EPIC to participate in the drafting in the whatever goes out so it's not biased in any way. We do it in Spanish we do it in English.

Harris: Can I?

Hammond: Mr. Harris.

Harris: I just wanna add one thing. The petition had two points to the board. The petition itself says exactly what the law requires. The petition itself is made available to the signer and they signed it. Ok? Those signers have now been validated to the tune of 250 out of the 526, ok with the legal limit being 100 less than that. That process has a variety of legal precedents through the initial process. Even setting that aside, the process that staff conducted has been able to definitively, assuming someone can't, if somebody's signature, you have to assume that their signature's invalidated because they changed their mind. Which I think is a quantum leap assumption. But even if you want to make that assumption, then that means they've invalidated 125 signatures of people they actually got a hold of that said no we don't want to do that. That leaves 400 signatures that signed the appropriate document; 250 of which had been validated which is both numbers way above the legal minimum required. So in order to take the staff's position, you'd have to validate a signature off a call that is not answered, or no response, or the fact that they don't have a phone number as is when you don't have a phone number you're not entitled to sign a document politically activating yourself.

David Boyd: I'm not defending staff position and I'm not defending yours. What I'm trying to do is work together with you to work out a system where we together can get a higher degree of credibility. That's all. I don't know how these numbers are going to come out. You may be a 100% right. But what's the downside to working with staff and sending out 500 of these letters and see what type of response we get?

Williams: It's extraordinary David. We've never done that before. I am thoroughly convinced that these signatures are valid.

David Boyd: Well we've never done it before.

Williams: Meet the criteria. This is extraordinary what we're talking about doing. The burden that we're putting upon this charter school is going to place more in finances. You know to get that letter from Simmons I betcha that cost you at least \$2,000 bucks at the very minimum.

David Boyd: Well it's kind of interesting they have a lot of (inaudible).

Williams: And I don't want to put another burden upon you. And that's what you're talking about doing right now; placing another burden.

Hammond: Dr. Bedell, you had something.

Bedell: Yeah, I'm confused and I don't think it's the time of the day this time. Just Kelly where exactly are we with this charter. Go macro for me. Where are we with this charter? I mean where are we? Is it ready to open?

Gaughran: Well, we have a deadline of March. So March 10<sup>th</sup> I think is your next board meeting and hopefully between now and then we'll be able to satisfy the signature requirement and have the agreement signed. I'm working with Ben on getting an implementation plan for the items that we wanted more information from the charter petition. So I'm hopefully that in March we'll be able to come forward to you and have you do the same thing you did today with Unity and Ednovate.

Bedell: So we approved this charter...

Gaughran: Conditionally.

Bedell: Ok, option number two.

Gaughran: Correct.

Bedell: And one of the problems that was identified was the signatures were either lacking or not verified or whatever.

Gaughran: We could not verify signatures. Yes.

Bedell: Ok.

David Boyd: And the understanding was we would work together to try to reach a resolution.

Bedell: Now pending this...

David Boyd: And we've had no cooperation working together. I mean you can look at...

Bedell: Trustee Boyd you have spoken eternally today. I have not had my chance and I don't have a voice.

David Boyd: I beg your pardon.

Bedell: No not accepted. Seriously, I guess, so, this is a conversation we're having because there's a rough spot, a rough patch before we get to the MOU. Is that really what it is?

Gaughran: Correct. But we do have the agreement that you all approved today so we have the beginnings of the agreement that now we can build on from there. That's my understanding.

Bedell: And one of the sticking points is the validity of the signatures as indicating interest. Is that, do I have that right?

Gaughran: Correct, yes.

David Boyd: Probably the only remaining issue.

Lindholm: Could you, why is there. March is a deadline for some reason. Why is that? Is that for application to grant? Why is the March date important?

Gaughran: Um, I would say that April is the most important day because the state board, the CDE has a deadline of April, end of April, to get the charter package up there so it can go in front of the state board, so it's either March or April. Even if we do it in March, it still won't go to the state board until April, May, June.

Lindholm: Then if we miss that window, that's problematic to the school and the school could lose and it cannot open, it can't be a charter, it can't lease the property.

Gaughran: If we miss April.

Multiple Voices: (Inaudible)

Gaughran: No, no, no. That's not necessarily. No, it can. If you approve that school on September 30, this is kind of like the Einstein issue; they can open the next day...

Lindholm: If they have to.

Gaughran: If you approve them. But the funding... We just want them to get their funding as soon as possible. It's a funding issue is what it is. So that's why we're trying...

Hammond: Kelly is there anything else that's really kind of being a major sticking point besides the signature aspect that you all have brought up?

Gaughran: There's nothing in my opinion that's going to be like, we're not going to be able to get past this. I think, you know I enjoy working with Ben. I think that we'll be able to work things out.

Hammond: Ron, is there anything from a legal point sir that you felt besides the signatures that...

Wenkart: Not that I'm aware of. I mean this is a threshold question. But other than that I'm not aware of any.

Lindholm: Can I have a question? Am I understanding this with Palm Lane they did this same thing where they called parents? And I'm a little concerned about that. When you do have the Spanish speaking and you're doing this and they felt intimidated. I don't want to do that. So we need a solution that I think is workable.

Gaughran: Just to verify, the Apple One temp was bi-lingual. She spoke Spanish.

Lindholm: But she wouldn't know when she picked up the phone. I mean if you're leaving a message.

David Boyd: Yeah.

Gaughran: Depends I guess. If the message was in Spanish she left a message in Spanish.

David Boyd: The phone was not the best...

Lindholm: The phone was not the best idea. I think we can agree on this.

David Boyd: Why don't we move on from there?

Nina Boyd: Kelly?

David Boyd: But what's the, is there any downside to what I proposed?

Hammond: Well Nina, I'm sorry I don't mean to cut you off but Nina's been...

Nina Boyd: I just wanted to make two points. The question was why are we here I think. You just asked that question. When we sent the information forward to the board members on behalf of EPIC from Jerry and Kelly's communication in terms of the status update and so forth then I was directed by the Executive Committee to make sure that you all had the information and also to ask you all if you had additional questions. In those phone calls to you I was requested to have both parties here for a status update. So that they could answer questions of the board with the full board so that they weren't individual and also so that you weren't getting second hand information and you would be able to put to rest some of the concerns that were out there. I think the other point is that in identifying you asked the question of where there other things and Kelly Barnes has been working with Kelly and the charter team internally with regards to how to formulate everything and then in trying to draft the communications and working representing this office in the board with Jerry so I saw her nodding her head when Kelly was up there so I thought you were posing questions that Ron might not have the information but I through we should at least allow Kelly an opportunity to speak to it since she's been working through this process.

Kelly Barnes: With regards to conditions in addition to the signature verification process there were two others that were probably highlighted more from the board's discussion at the public hearing as well as in our staff report. One had to do with the Learning Fund and the access to

technology and whether that would be taken out of the Learning Fund or if that would be incorporated within the Learning Fund for all students. And in California we have a prohibition against unauthorized student fees where this could lapse into if that isn't handled equitably. I don't have a doubt that we can work that out but that was one main issue from the way the petition was written. Another issue that we want to work with EPIC on and we will have to do with monitoring the program because as noted in the petition there won't be a location that is fixed. That students will come to meet the teachers. They have a lot of flexibility with where they will meet which will lead to which types of protocols will be in place to ensure safety. Also, in terms of monitoring, when can we come and observe instruction. That's part of what our monitoring and oversight responsibility is. So we need to have a clear mechanism and those are things we can definitely work out but they are something that needs to be addressed.

David Boyd: Ok, have we attempted to address those?

Barnes: We were starting with the signature verification process because that's the threshold.

David Boyd: Ok, got it.

Hammond: Dr. Williams, anything.

Williams: Yeah, I'm concerned about the process. It's certainly extraordinary and unusual. I don't want to place any burdens on any charters that comes before us. And I think by placing this requirement of going out and contacting these people that's an extraordinary burden. The burden of proof in the signatures has already been met. I think what Mr. Harris what you should have done today is bring Mr. Jerry Simmons up here to talk with us about this. I think that would have been good. Unfortunately, this wasn't scheduled for a time certain item. I think that would have been more to your favor. I was obviously my comments were very, very supportive of your program. It was very innovative, very different. This is again not your typical charter school like OCASA came that came before us today where there's a lot of parental community support from one particular region in that district. This is a countywide entity gathered in a different way by paid people. And so it's very unusual, very unique and very different and so I don't want to hold you to the same standards that we're going to be holding somebody else to. I think your signatures are valid. The guy, the individual attested to that. Mr. Simmons gave us clear law on that on this point. And I'm just hesitant on adding any more burdens to the process. Just cause we don't agree and there's this impasse.

Hammond: Dr. Bedell?

Bedell: Pass.

David Boyd: If I can agree with Dr. Williams I don't think the signatures are indisputable. I mean we've got 200 and some signatures that have been verified at the Registrar of Voters. I'm not going to challenge that. I think that's probably a 100% right on. That's only half of the

requirement. You've got the meaningfully interested. Were they, weren't they interested? And I look at this when we had no parents come before us the first time we ever had (inaudible) signatures. They didn't comment when the district raised the same issue. We have the luxury of a little bit of time that before the next meeting we can get 500 letters out, non-legalize, and I would hope that EPIC would participate in drafting those letters and lets just see what comes back. It may be more than enough to and that would be conclusive. If that happens and the district is not going to sue us nobody's going to sue us.

Harris: May I ask a question?

Hammond: Hold on just a second.

Harris: Sorry.

Hammond: Madam Vice President did you have any questions or comments.

Lindholm: Yeah, I think, I hear your arguments and you're a good attorney. But I think when I go and sign a document and I put my name and my address down there I don't do it lightly. It's really difficult to get me to sign any petition ever. I see that as somebody who has read it, or at least had it explained if it's not English or if it's in Spanish and said, are you interested in a charter school in your area? Well yes, I am interested. Maybe I'm pregnant. Maybe I'm not going to have a kid for five years. I don't know. But I don't take that lightly. So when it says meaningful signature to me that's a meaningful signature. I don't have to go and do more. For the future maybe we could have some other kind, but we're getting stuff on appeals. I would like to have just send out a letter with a checkbox, yes I'm interested in this. Not a certified letter. I totally agree with you. But I think when they sign their name on there they are saying I am meaningful interested. I don't expect somebody to call me back up if I signed a vaccination bill or an anti-vaccination bill or whatever. I really don't expect somebody to call me up at my home and say, did you sign this? I'm like,

David Boyd: I totally agree with Trustee Lindholm.

Lindholm: So that's my problem. I see that you have an issue with this one. I am comfortable. He turned in over 500 signatures. He met the letter of the law. If you would like to change something for the next one, I am very happy doing that.

David Boyd: Most of the time it's not going to be an issue. The only reason it's an issue in my mind, now, are the three points that the district raised that they didn't challenge the districts. We've got paid signature gatherers. Never had it in the past. And where are the students? Where are the parents? It's the combination of all three that leads me to believe that we need to take an extra step that we normally wouldn't do.

Lindholm: Yeah but we already voted on it.

David Boyd: We voted on it conditionally though.

Lindholm: We voted on it conditionally but we didn't say this is what's going to happen. This is what you're going to do. This is what...we didn't say all that. It was like go out and make sure that you have a principal and all those things and you have insurance and all those critical things.

David Boyd: In this case though we did condition the approval on getting together and verifying the signatures.

Lindholm: Well I think we have an issue and I don't know where we want to go with this.

Williams: I have a question for David.

David Boyd: Yes sir.

Williams: So, you said that you are not challenging any of those signatures. You believe they're valid.

David Boyd: I think those are human beings, yeah.

Williams: Ok, so, so, so, the disconnect here is if you're not challenging those signatures which say they want to have this charter school, why are we even talking about this? I mean this is...

David Boyd: They signed a document. Was it explained to them?

Williams: We've never asked that question before. This is a very unique school.

David Boyd: Well we've never had an empty room when we've had charter applications before.

Williams: Well again. This is a very unique school. Everything's different about this. We've already voted upon it. I think we're adding a greater burden in cost to Mr. Harris' charter.

David Boyd: Actually if we do it there's no additional cost from their standpoint.

Williams: Well it's an additional cost for our staff to do this. That's a lot of additional cost for our staff to do this. That's more work for them.

David Boyd: Well, as opposed to being sued by the district?

Williams: The district is going to use us?

David Boyd: If I was on that board I would certainly look at it. You know we're taking their ADA.

Hammond: Dr. Bedell:

Bedell: Yeah I think that holding them to an empty room this is going to be an online program. With online programs I don't even see my students for a whole year. I hear where you're coming from but I think that somebody didn't (inaudible) something with the board. I, to me, this may turn out to be a non, I think I was the only no vote on this. I think it was 4-1-0. I had other issues with it. But I think in this particular case, if there are 250 verified signatures through the Registrar, I was going to say the DMV, the Registrar of Voters, I don't think there's anything legally to hang further exploration of these signatures on. I understand, that's a great board that they're on I have friends on that board. I understand that they are very interested in their children. And I think on this, I don't think, this was not...the possible issue for me as you already know was the threshold. I don't think I can stand on that issue anymore. That's just me.

Lindholm: Well and one thing that they brought up and Ben corrected, Mr. Harris right?

Harris: Or Ben, either one.

Lindholm: That some of these students we had the one lady come and speak if I'm on the right school where a hundred had been in hospitals; they were patients.

Harris: One of our board members.

Lindholm: And so these students are not going to be...

Bedell: They are different.

Lindholm: They are different students as to Trustee Williams these are students who are trying maybe to get only three credits at a time. They're trying to maintain; maybe someday get a GED. But I think these are special students many of them. She said a hundred of them had been in the hospital. They have medical conditions. You're not going to see them. We know how difficult it is for people who have physical disabilities to come out.

Bedell: I think it's the antithetical piece as to what we had today with that other charter. A hundred and eighty degrees.

David Boyd: Again, I understand your arguments. There's certainly some foundation. Almost every comment that's been made here. Again my argument is what's the downside?

Lindholm: I think it sets precedence. I mean this is what our staff to do. Where going to send out letters to everybody who signs a petition. I bet everybody in this room has signed a petition. How many of you have had a phone call from those people you signed a petition?

David Boyd: Well, I've had one.

Lindholm: To my point, I think this the school has met the letter of the law. I wish it had turned out a little bit better on how it was done or handled. Our staff did an exemplary job trying to do and meet what we asked them to do but it's going above and beyond I think it's beyond what we

should be doing. And I'm not supportive of doing anything else on this. If you wanna go forward and do something else as applicants, you know if they come in and they say their signatures need verification here's your letters and here's your X's and mark. But I don't like to go beyond what the letter of the law is.

Williams: Mr. President I have a question, so. I hear all this discussion. Good discussion. I kind of sense reading the tea leaves where the board stands on this. Where do we go from this? Where is this going to go next for Mr. Harris? By the way, what was your originating district? I thought you applied directly to...

Harris: Anaheim.

Williams: It was Anaheim.

Harris: Anaheim City to be specific.

Williams: Ok. So where do we go from here?

Hammond: Anaheim City or Anaheim?

Mijares: Anaheim City.

Hammond: Ok.

Bedell: And they are on a ...

David Boyd: Well the MOU will simply be brought back and we vote up or we vote down. That's all.

Williams: Ok. So next month or next meeting...

David Boyd: Right, probably next month.

Williams: I gotcha. Ok.

Hammond: Yeah I mean right now we can't take any action so I'm thinking, Al would it be possible to maybe, it's kind of late in the week, maybe by Monday or Tuesday, could we get a update from staff are there any other concerns or whatever that they that your staff has in regards to this because I don't see a whole lot out there except some of the signature aspect. And Ron if you can jump in on that as well.

Mijares: I think that Kelly mentioned it. This is the substantive issue and it was raised because as mentioned this is our practice to do this validation verification and in doing so we found inordinate amount of calls where we couldn't get the certification we were looking for and that raised the flag. And in as much that, we weren't even mindful of all the district stuff but in as much as that happened it provided some truth to what the district was saying. And so we wanted

to get the answer by calling these people and this is a big decision to think about going to a school and it would not be atypical to get a call, especially if you're talking about a prospective school that your kids going to be going to.

David Boyd: In particular an online school.

Mijares: Schools call parents all the time for information. And so that was the issue for us. Obviously you know it comes back to the board and next month you make your decision.

Williams: So I hear then what? This will be brought to the board next month, whatever the MOU and the conditions of the staff will put in there and the board will make a decision on that. Ok.

Bedell: So to recap we only have 50 or so students whom we can verify that they're interested?

Hammond: By staff.

Lindholm: 84.

Bedell: How much?

Nina Boyd: 84.

Bedell: 84 goes of the ones who've been contacted.

Nina Boyd: Yes.

Hammond: Out of and the threshold was 143

Nina Boyd: Or 150. I think there was a...

Bedell: Sure, a little more than half there.

Williams: We're talking apples and oranges though.

Lindholm: Will we be providing them from now on hopefully the template and the other items.

Nina Boyd: We're working on the agreement to supply to them and as Kelly indicated we're in conversations with, we haven't given them a definitive date but based on the fact that the template that was approved by the board this morning, then they'll be able to use that to put the additional items that need to be added to that and then that will be given to them. I don't know if it's, I don't want to say as early as next week but maybe by the end of this week but relatively quickly because of the fact of the action you all took today. So, that would be the next step and then they're in conversation I know that Ben or Mr. Harris sent a beginning of an implementation plan that I understand is a fluid document because they're still working on and will continue through the process so that has been sent to Kelly as well so that they can take what the staff, can take a look at that and see if there's anything that needs to be incorporated or if

that's how to spite certain things as well. So there are conversations that are occurring right now and again the intent was to fulfill the boards need to have all parties here to give status update; allow you to ask questions. I think we've accomplished that but the work will continue that we're doing to support this charter moving forward and being able to get the documentation that will come back to the board for their approval with the appropriate recommendation.

Hammond: Nina is it possible, you know, Dave what you were talking about since we'll have time, cause we're not meeting until what, March 10<sup>th</sup>?

Nina Boyd: March 10<sup>th</sup>.

Hammond: And that gives us a few weeks. Is it...

Bedell: But they can continue making phone calls, right? So they can get to 150.

Hammond: Right cause that's what.

Nina Boyd: We've already done that and if I can just take you back to November. We did phone calls initially. Our staff called everyone. And through that process as we said the red flags came up because in the initial contacts the answers were not affirmative for interest. And so then that created a need to go deeper and then when we did outreach to EPIC to ask questions with regards to, tell us more about how you gathered signatures, where you gathered signatures and so forth, then through that process we were trying to identify how we brought information forward to the board and what was there. We did not know that they had that paid signature gatherer until the day of the board meeting because in our conversations that was not part of the disclosure in terms of that individual that company and so forth so we didn't have the benefit of asking questions or having that satisfied at that time. So those are the things that transpired. No criticism. But it's just a statement of fact. And so it wasn't until then at the board meeting we all heard the information that we heard. And as a result of that we had the direction that we did from the board to try and come up with a methodology. And I think based on where we are we'll continue to do the work that we need to do on both sides and then we'll have something for you at the March 10<sup>th</sup> meeting.

Hammond: How labor intensive and how time consuming to have one or two staff members who speak Spanish to go and visit some people that you haven't been able to verify? Is that even something you guys could do?

Nina Boyd: I think it would be extremely labor intensive. I defer to the Superintendent with regards to whether or not that's something that we could do or not. Cause I'm not sure...

Lindholm: Is that even appropriate? Nothing personal but to have people go and knock on the door. Hi I'm with the Orange County Department of Education.

David Boyd: Would you like to buy some Tupperware?

Lindholm: Yeah, would you like to buy some Girl Scout Cookies. I think that might be kind of an overreach. It's a nice thought but what is wrong with my child what has he done? What has she done? Is he getting an F in Spanish? Is he getting an F in math? I think somebody knocking on your door is very...

Mijares: There are community liaisons who do that work and they know they're community. They're non-threatening.

Bedell: Mr. Chairman if I understand this. In order for us to approve a charter it has to have a certain threshold.

Hammond: Yes sir.

Bedell: Correct? And what's happened right now is that we're about half way to that threshold. Is that accurate?

David Boyd: Roughly.

Bedell: So which means if that number doesn't change and more work is not done, we have one of the major conditions for a charter is not being met. Do I understand that correctly?

David Boyd: Yeah and particularly since we started the process in the first place now I think it puts a greater burden on us to verify signatures than it would of if we'd look at it all.

Hammond: So if the arguments going to be that from Mr. Harris if I understand this argument is that they went to the Registrar of Voters and they verified the signatures. They didn't you know send anybody. And our staff hasn't sent anybody to go door to door.

Bedell: So the signatures are verified but the normal process they were used to verify interest has not been done. Are we half way there?

Hammond: I don't know if that's normal?

Nina Boyd: No we've completed the process. There's just a number that have been non-responsive. We don't count those as they don't have interest we just can't verify and there have been numerous attempts to contact them.

Hammond: Nina have we done this with all the other petitions as well?

Nina Boyd: Yes we have.

Hammond: Ok.

Nina Boyd: But we have never had a third party make calls on behalf of us. And that actually was a suggestion that we got from the Charter Association was to have this.

Williams: Where did those phone calls originate from? From what country?

Nina Boyd: Here.

Williams: The United States.

Nina Boyd: Yes. The temp agency is here and so the person was here and they actually came on sight and used our phones.

Lindholm: Mr. Harris, do you have a solution to this problem so we can move forward?

Harris: I have some thoughts, I mean one, with Dr. Bedell's comment I think it's important to point out and maybe this is the rub if you will, the statute says meaningful interested and the mechanics of delivering that is a signature with an attestation. We took almost six weeks to go and validate those signatures because we assumed that the attestation in and of itself when combined with a validated signature met the statutory requirement. So I think staff's opinion is that only that plus a phone call and oral conversation meet the statutory requirements. So that would be just a fundamental disagreement between staff and us. We don't believe the oral conversation is a requirement and we believe that when that's added to a requirement it takes your burden of showing community interest and triples and quadruples whatever. For instance, this took so long I wish that I could send a mailer of 600 for about \$300 bucks and get a response rate that met the requirement of the law but this is all shoe leather work in every sense of the word because otherwise people just won't respond to the mailer. They respond to mailers even less than phone calls.

David Boyd: Yeah but realistically you would only need about a third and you would be home free. Cause you have 529 and I think you only need like 150. Again to me there seems to be no doubt and I was curious why you decided to go to the Registrar of Voters without working with staff to see if...

Harris: Well to be honest with ya, because we thought that would put the issue to bed once and for all. While we're satisfying curiosity, I'm curious why we sent this document on January 26<sup>th</sup> and the first feedback we've gotten on our view of the signature issue positive or negative is today. And that's from lawyer to lawyer or staff person to me. Kelly and I have had a lot of discussions but none of them have been about the signature issue. So that's about a two week time period that elapsed and that aside with the thought of Miss Lindholm you said you have a solution? One thought that I don't believe that if you did the mailing thing, I think there's a high degree of chance that that's not going to return any mailers.

David Boyd: But even so we're no worse off than we are now. And it might be (inaudible).

Harris: If there's two mechanisms to satisfy the law and the other is teacher's signatures what I would ask is what if we satisfied the teacher signature requirement?

Williams: I'll make this statement.

Harris: Just a question.

Williams: Yeah if you've already satisfied the statutory requirement, I'm not sure that adding whatever our staff wants to do is legal, ethical, or moral. I think you met it legally it's there. I don't think we need to do anything else. So, you know, we're going to be here going on seven hours now.

David Boyd: Ok.

Williams: We're all emotional and mentally fatigued and we're going to beat this horse to death here.

David Boyd: Fortunately there's no action that needs to be taken today so maybe we should move on.

Nina Boyd: With all due respect, I don't think staff was recommending that we need to do anything else. I think we're giving you the information for you all to tell us if there's something else that we need to do. We think that we've satisfied it and with respect to your comment with regards to the information we received from the attorney, that came at the end of January, but between November and January, we didn't know that that was a process that you were utilizing either. Because that was never in question. So I think that there's also in terms of the signature process I think there's, we can both agree to disagree on process and what we were utilizing and so forth because we didn't have the communication to say how we were going to do it and so neither party knew what the other party was doing.

Lindholm: But the problem I'm hearing is if staff believes that they have to have these signatures and talk to these people on the phone, then they're going to come back in March and say they didn't meet the standard for approval. So it's either we believe in what the process is; they went out, they got the signatures, they in good faith went and did this, they did not know in advance that we were going to call everybody. So I think some of the burden falls on us; some of the burden falls on them.

David Boyd: Yeah, that's a good question cause I don't know where the legal burden falls.

Wenkart: Yes it's unclear.

David Boyd: It's unclear who has the burden of proof.

Lindholm: I'll ask Ron. What will happen in March if staff comes in and says hey, we don't like the signatures? I mean I don't want to override something like that. That's not a...

Wenkart: Well Mr. Harris posed an alternative; teachers signatures. That would be what, about eight signatures?

Lindholm: That you could do quickly. But that wasn't part of the original petition. How could we handle that and say well we've come to this dilemma, we've come to this crossroads, can we mutually agree that they can go and get these teachers. We can call and verify. Can we do something like that?

Bedell: Wouldn't the district have to have input on that?

Lindholm: I don't know I'm asking Ron.

Wenkart: I'm not sure. We'll have to look at that.

Lindholm: Because I think that would be a very good solution. I don't want staff to have to go out and call more people. You're heroes. The staff here, you're heroes. What you do is incredible. You go above and beyond and you try to make it work.

Wenkart: Yeah, why don't we do this? Why don't we go back and research this issue and see if this is a viable alternative. The teacher's signatures. And then we'll try to talk to Mr. Harris with EPIC and see if we can come up with a solution.

David Boyd: Yeah, please. Reach out to the...

Harris: I'd really, in all my, I've developed lots of charters and I've always had an attorney and I would, I think if an attorney could talk to an attorney, that would help. I'm also aim to talk to an attorney to settle a dispute and not go to court and all that but I mean this is highly legalistic.

David Boyd: Ok. That's fair.

Harris: And if the two attorneys get engaged that'd be great. I'm happy to be on the call obviously and be a decision maker but I feel like, I'm certainly no match to dual with Dr. Boyd so.

Lindholm: Can we get a memo back. Can you make somebody on your legal staff available so within two, can I do two weeks, ten business days we can get something back from you saying this is the way we can proceed or not proceed. I kinda don't want us to hang this out there.

Bedell: I don't either.

David Boyd: Who are we addressing...?

Harris: From our side we'll make ourselves available tomorrow.

Lindholm: Both of them that you need to be available to each other to see if this works. I'd like to resolve this issue and Trustee Boyd's trying to give us solutions but we're...it's kind of difficult right now. So maybe we can move forward that way with that? A solution of some kind?

Wenkart: Sure. I think that's a good idea.

Lindholm: I think you came up with, he came up...good job.

Wenkart: So we'll give Mr. Harris the credit but I think this might be a viable solution. So we'll take a look at it and we'll work with this attorney and we'll try to get a solution with two weeks.

Williams: Just curious. Did everybody agree with Mr. Simmons response from...so everybody that...

Hammond: Ok, if there's nothing else...

Bedell: I move we adjourn.

Lindholm: But we didn't hear the Superintendent's (inaudible).

Hammond: No.

Mijares: The only point I want to make is I want to do a shout out for Lori Kiesser, Ellin Chariton, and ITO. They received the GEELA Award. Governor's Environmental on Economic Leadership Award. Recognized in Sacramento for project Zero Waste. And by the way we are a three time winner of the GEELA which I don't anybody else has done but this is an award the governor gives out for distinguished agencies. There were probably twelve agencies recognized. We were one of them so congratulations.

Lindholm: Good job.

Hammond: Thank you Mr. Superintendent.

Mijares: Yep.

Hammond: Miss Nina Boyd.

Nina Boyd: Ron has stepped out of the room so you will carry over. He was going to give you an update on mandated cost claims because there have been some changes to that. But I will just remind you again that Thursday, March 10<sup>th</sup> the board meeting is at 10:00 a.m. Submission deadline will be February 25<sup>th</sup> and we have Orange County School Boards Dinner Meeting, it's a joint meeting with ACSA on February 24<sup>th</sup>. Trustee Boyd and Trustee Bedell have already RSVP'd if any of the rest of you are interested, please let Darou know. And then we have NSBA Annual Conference in April in Boston. David and Jack will be representing. And the Advocacy Institute in Washington, DC in June so we'll be getting more information on that for the board.

Bedell: That's the rescheduled January meeting.

Nina Boyd: Yes it is.

Bedell: From the snow.

David Boyd: The snow. I was wondering if that meeting went forward.

Hammond: Ok, well if there's no other reports or updates. Well Jack, you're with CCBE is there any update?

Bedell: (inaudible)

Hammond: Ok. Madam Vice President, do you have anything to say about Executive Committee?

Lindholm: No.

Hammond: Neither do I. Public comments? No.

Williams: Just real quick on the Memorial Day Essay. The staff is working hard on that and we'll have something in June? We give the award?

Nina Boyd: We're trying to do it in May this year. Last year we were a little late but...

Williams: So we're going to do it in May this year.

Nina Boyd: We will be recognizing the...

Williams: The Jack Hammet Memorial Day.

Hammond: Memorial Day.

Nina Boyd: Memorial Day.

Hammond: Will there be something posted or that will go out and can you send something email to me?

Nina Boyd: I will send information; the flyer to each of the board members we'll get it out to you by email. It is again, it's just our ACCESS students that are participating in that and that information. I talked with Dr. Williams and we started that process just this week.

Williams: And can we invite Jack's daughter who was here for the meeting to give the award again?

Nina Boyd: We'll check to see if that...

Williams: And we'll get the veterans out here.

Nina Boyd: Right.

Williams: Ok.

Hammond: And if it would be appropriate too maybe we could have like Pastor Frank Orzio.

Williams: Yeah.

Hammond: You know, combat wounded Marine.

Williams: Purple heart.

Hammond: Two purple hearts.

Williams: Yeah.

Hammond: I'm not even worthy to sit in that man's shadow. Um, alright. Dr. Bedell you got anything else? Mr. Boyd anything?

David Boyd: No sir.

Hammond: Chair is open to adjourn.

Lindholm: Move adjourning.