

Orange County Board of Education Meeting – 3/08/17 – Transcript

(Sound of voices – gavel)

Welcome and Call to Order

Lindholm: Hi. Good morning and welcome to your Orange County Board of Education meeting. Regular meetings are held each month at 10:00 am unless otherwise noted. Any person wishing to address the Board on any matter whether or not it appears on the agenda is required to complete a request to address the board card, available at the table by the door and then please submit the completed form to our clerk of the board right here. Each individual will be allowed 3 minutes per person per meeting and may not give their time to extend for other speakers. All persons are reminded that this is a public meeting and attendees and speakers should be respectful of each other and the board. Verbal outbursts and clapping are prohibited. Anyone deemed to be disruptive will be asked to leave pursuant to Penal Code Section 403. Board agendas are posted online. I want to welcome you all and we will begin today with an invocation by Trustee Williams and a Pledge of Allegiance by Trustee Boyd.

Williams: An invocation in a public meeting forum such as this, I would hope would draw us together as Americans. We live in a country and culture where we're so divided and we're divided on everything. Everything that could be collected by the U.S. Government as far as data on who we are. But as we come together I just pray that we have a collective understanding that we stand before a higher being, somebody who has a purpose for each and every one of us here. So, I'll say something very spontaneous from my heart and I appreciate you sharing and echoing those same sentiments. Oh heavenly father we just thank you for your goodness and your mercy for which we do not deserve. But you do shed your grace and love and charity upon us. We ask that we would give grace and charity to one another, that there would be love, that it would dominate our thoughts and dominate our perspective and purpose for why we're here. And we're here for the purpose of furthering children and families here in Orange County to give them impart to them the education, knowledge, and facts that they need to be great, great citizens of this world and father, lastly on a personal basis, I just want to thank you for bringing my son home from Mosul for the next few months until he deploys again, I just ask that you protect all of our military people around this world who are protecting our American liberties and freedoms and our U.S. Constitution. Thank you oh heavenly father. Amen.

Several Amens.

D. Boyd: Everyone remain standing to honor our flag and our country. Please repeat after me.

Many voices: *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.*

Lindholm: Thank you. That brings us to Roll Call.

Sisavath: Trustee Boyd?

D. Boyd: Here.

Sisavath: Trustee Bedell?

Bedell: Here.

Sisavath: Trustee Lindholm?

Lindholm: Here.

Sisavath: Trustee Gomez?

Gomez: Present.

Sisavath: Trustee Williams?

Williams: I am here.

Lindholm: Are there any introductions today?

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

Lindholm: Thank you. That brings us to the agenda, adoption of the agenda for today's meeting. Is there a motion?

Gomez: So moved.

Williams: Second.

Lindholm: Adoption of the minutes, any additions or corrections?

Bedell: Moved.

Williams: Second.

Lindholm: Motion and second to adopt the minutes...all in favor?

Several Ayes.

Lindholm: Any opposed or abstentions? OK. That brings us to public comments, and I am looking Madam Clerk, to see if we have any requests to speak under the public comment portion? We have no requests to speak under the public comments section. That moves us to charter submissions? Miss Kelly Gaughran? Miss Gaughran is saying we have no new charter submissions today so we'll move on from that item. The next item up is the consent calendar, Items 2 through 5.

Bedell: Moved.

D. Boyd: Second.

Lindholm: There's a motion and a second for items 2 through 5 which can be approved in one motion. All in favor say aye.

Several Ayes.

Lindholm: Any opposed? Consent calendar items carry unanimously. That moves us to staff recommendations. Is there an announcement on Item #6?

N. Boyd: Yes. President Lindholm. The Sycamore Creek Community Charter School petitioners and the Orange County Department of Education Charter Schools Unit staff have mutually agreed to a 30 day extension which would move the petition to the April 2017 board meeting.

Lindholm: Ok, thank you. That's a receive and file, any discussion on that? No. That concludes Item #6. Moving to Item #7, which is approve the 2016-17 Second Interim Report. Would you like a staff presentation on this? Only if there are questions. I'm looking to my fellow board members.

Williams: No questions.

Bedell: I would just like at some point to have in the record what the proposed changes to the budget would result from the SB 601. The federal budget. That budget that is being proposed if we could have that at our April or May meeting is a drastic change, that's not a value judgment word, it's a significant, huge change in how we've operated and I think it might be helpful from

many of the things that we've talked about over the years like special ed., and implementation of the regulations, Title I, it's a huge, huge, seat change and I think as board members we should be informed about what those proposed changes mean at this point in time.

Hendrick: So when we have our budget study session, we will include any items we know at that time. One thing is that some of those budgets may not actually take effect until year 19, because they've already set their appropriations. We can definitely highlight what we know. We do know of proposed cuts for Title I, so we would be able to share that with you, maybe on a county-wide basis also.

Bedell: And the reason I say that to my board colleagues is that there are significant changes in that relative to what we've advocated in the past and I think it would be helpful for those of us who meet with legislators for us to have a sense on where this board is.....I would hate to be sitting with Congressman Correa and say we have terrible problems with, where the board doesn't. So, I think that's wise for part of our education process.

Hendrick: I can tell you that a quick study we had done, it looks like what the CD is proposing about a 20 percent cut in Title I, is what they think their set aside will be, which is about 16 million dollars countywide. It's a pretty significant amount. Our office may not see the same type of reduction because when that changes we get weighted a little bit higher on delinquent and neglected students so we actually may not see the same level of cut but we can share that information.

Bedell: Perfect. Thank you so much.

Lindholm: Ms. Hendrick and a budget workshop will be scheduled for the first hour of what particular meeting we have coming up?

Hendrick: May.

Lindholm: And so for the members of the public, we will be reviewing the upcoming budget for the next year at that time. Thank you.

Gomez: One more thing. If you could clarify for me, I'm looking on page 48 of the agenda which you can probably answer without having to look it up but, but can you clarify the difference between the economic uncertainties versus reserves?

Hendrick: So, you're required to have a state minimum for economic uncertainties and so that means that that is really for uncertainties....

Gomez: So more fluid than a reserve?

Hendrick: Yes, more fluid. Whereas the reserves may be spoken for but still held as reserve.

Gomez: So, they're restricted in some way? OK, that's all I needed. Thank you.

Lindholm: Alright, thank you. This item is an action with a receive and file. Do we need to adopt anything on this, Madam Clerk? Do we need to vote on it?

N. Boyd: Yes, please. We need an action.

Lindholm: Ok, we need an action to approve the Second Interim Report, is there a motion for this?

D. Boyd: Moved.

Bedell: Second.

Lindholm: There's a motion and a second to on Item #7 to approve the Second Interim Report. All in favor say Aye.

Several Ayes.

Lindholm: Any opposed or abstentions? Motion carries. Ok, we're to our lunch break.

(Laughter)

Williams: Can we move on?

(Laughter)

Lindholm: OK, that moves us to board recommendations. Board recommendation, Item #8 through 10, I brought to this board's attention. Hopefully you've had a chance to read them. Item #8 would basically take away authority from the county board of education. Let's begin with Item #8 if you have any questions on that. I also see that we have Miles Durfee in the audience, from the California Charter Schools Association if we have questions. So, Item #8.

Williams: Do we need a motion for it?

Lindholm: Yes.

Williams: I'll motion.

Bedell: Second.

Lindholm: We have a motion and a second on Item #8, which is an action to oppose SB 808. Any discussion?

Gomez: Yes. I'm all for making sure that we have the opportunity to review these but I'm concerned and I can just speak generally to 8, 9, and 10 as to what kind of resources would be needed from our side in order to carry some of these things out? You know, fiscal impacts...there's no appropriations attached to any of these bills so if we're going to be tasked to do certain things, I'm a little bit concerned about what that would mean from the fiscal standpoint.

Lindholm: OK. I do think all these bills are in the preliminary stage. They're in the discussion and the amend stage. It's just to get our voice in at this point in time and I think with your concerns that would be quite reasonable to include in a matter in the form of our letter of opposition or of support of the other items. Because they're still in the discussion, they're not final. We know that's going to happen. Would you like any further questions or are would we like more discussion from members. Yes? Go ahead.

Bedell: It's an interesting point. I look at the first one, that is to change what we do now. So that would mean, that's a wash, right? Because we're doing this already. The other ones I can see more an assignment of duties, this is business as usual for me, where we keep doing what we're doing because you're providing a public oversight.

Gomez: Yes, and I think that we should be able to have a voice on this. I'm just wondering are these time sensitive?

Lindholm: I think because they're in discussion, may I ask if Miles could come up and let us know...he's very familiar with the bills? And if you will identify yourself for the record please?

Durfee: My name is Miles Durfee from the California Charter Schools Association, managing regional director. So the time sensitive nature is that these bills are headed toward their first policy hearing and your position on those bills would be part of the analysis that's done. The legislative process is a lengthy process so there will be some, there may be some movement on these bills and obviously at those points you would still have an opportunity to weigh back in to those things. Just to answer your question about the cost on the other ones, there is already in the law administrative fee that goes to the county as a result of any authorized charter schools that

they authorize. So that's included into that as far as the fee that you receive for those services that you provide. I don't know if that answers all your questions?

Lindholm: Ok, thank you.

Williams: Thank you for coming, Miles. I know it's time and effort and I certainly sincerely appreciate. So, it's SB 808 that we're talking about now. That was introduced by what state senator?

Durfee: Mendoza.

Williams: Mendoza. And what date was that introduced?

Durfee: I don't have...let me go get....

N. Boyd: It's February 17th.

Williams: February 17th of this year.

Durfee: There's a statutory deadline for bills to be introduced in February, and February 20th is typically the deadline, this year it was a little earlier I believe.

Williams: I left my glasses in the car and I can't see a thing without them.

(Laughter)

Williams: So it was introduced and where is it in the committee process now?

Durfee: So it's just beginning the process so it has not gone to its first policy committee yet. It will go to its first policy committee sometime between March and April, end of April sometimes and then it'll move through to the rest of the legislature. This is the first year of the two year legislative session so some of these bills may linger for a couple of years. But this bill they have the opportunity to move and they will move...most bills either die in policy committee before they go to the floor. There's more of an analysis at the policy committee and that's why the emphasis here.

Williams: And bills die and go on, depending on who is supporting them. Who is supporting this bill? So, I don't think they have a record yet because the first piece of the record is to get the legislative record to the analyst's office at the education committee. This bill as you saw just from a perspective of what it represents is it takes away the due process rights for counties to

have the ability to do appeals. It also introduces financial hardship issue which is something that has been kind of a buzzword that a number of school districts have latched onto, not recognizing that dollars flow to students, not to districts and so that's what this bill does.

Williams: And the original bill that was introduced in the 90's by then democratic state senator Hart. These provisions were put in there for a reason, and I'm sure there was some discussion about this very same matter. What this would do is just remove all those appeal rights of the individual charter petitioners and remove the county board of education from any sort of process in charter schools.

Durfee: Right. It severely limits their ability for the county to hear an appeal and only on grounds of procedural issue which most school districts are following a process. This really gives the county the ability to look at the instructional program and to appeal based on the petition and the program.

Williams: Does this bill take away the rights of the petitioners to apply to the state for authorization?

Durfee: Yes.

Williams: Oh, it does take away that. Really?

D. Boyd: Which means the local district could completely block any charter.

Williams: OK. Just out of curiosity any particular Mendoza, he's out of what district?

Durfee: He's in Los Angeles, I believe.

Williams: Have they had any problems with any lawsuits against the county board of education by any of the local school districts?

Durfee: In Los Angeles?

Williams: In Los Angeles.

Durfee: There have been some legal cases over the history of the charter school act that have substantiated the right for counties to have the appeal right and I think part of this legislation is to try to change that.

Lindholm: Trustee Boyd?

D. Boyd: I'm done.

Lindholm: So we're taking this particular item which is Item #8 which is the opposition bill. I think if you take away this process you will severely limit students and parent's choice and the ability to hear and do our due diligence to review what we have brought before us in the past and I think our staff does an excellent job.

Williams: Can I say one more thing? Because this strikes at the heart as a community and who we are as elected people to empower our people who elected us. I would hate that we would as a group not have a unanimous vote on this particular bill to oppose it. Because I think this is central to who we are as elected people to serve the people who elected us. This is a government form of by the people and it's not for unelected union leaders or the education cartel or administrators who want to dictate local public policy issues. I would hope that we would have a united front on this as a board. That's all.

Gomez: I'm concerned that if we don't oppose this it takes away local control and we would want to have a voice in any charter school that's within our pervue.

Lindholm: I will take the action to move this item. I would move Item #8, is there a second?

Bedell: Second.

Lindholm: There's a motion and a second on Item #8.

N. Boyd: You already had a...

Lindholm: Oh, I'm sorry who moved it?

Sisavath: Trustee Williams moved it and Trustee Bedell Seconded.

Williams: But I will defer.

Lindholm: No, that's fine, that's fine. During the discussion I misplaced and lost track of who made the motion on this particular item. With that, we have a correction there on who made the motion. All in favor?

Several Ayes.

Lindholm: Any opposed or abstentions? Item #8 carries unanimously. That brings us to Item #9.

Bedell: It might be helpful if we got this to all the county legislators right away. Right out of the barrel on this one because if you read this nice summary that was provided for us, this is devastating if you think (inaudible) what does that do to the kids? This is pernicious in many ways and I would strongly recommend if you agree that a letter go out to all the Orange County legislators in the assembly and the senate that this is what we did on this board, unanimously, and we encourage them to follow this.

Williams: May I add to that? May we even go a step further and when this bill comes before a committee one of us or two of us volunteer to go up there and speak in opposition to that?

Bedell: Sure.

Lindholm: So, I agree with you that let's have an additional cover letter put on this explaining, and wonderful Dr. Bedell can help us with the writing of that letter so we can get that out. Can we get that out within the next week?

N. Boyd: As soon as you do the cover letter. The letter is drafted and in your...

Lindholm: I think his point is to make it pertinent.

Bedell: In anticipation of hearing this kind of thing we are still opposed to this.

N. Boyd: Our intention was to have you sign the letter today and we would send it forward. If you want a cover letter, as soon as we get the cover letter then we....

Lindholm: I think we need a cover letter. I would also suggest that we send it to our board of supervisors for their information. I think that would be helpful for them to know what is going on within their county.

Bedell: And the school district superintendents in this county as well.

Lindholm: Thank you.

Gomez: Madam Chair. I would like to hear from the superintendent as far as what his ... if there's any concerns from the office about this particular one.

Lindholm: Item #8?

Gomez: I thought we already voted on 8?

Lindholm: We did. Are we moving to the next?

Gomez: Yes, I thought we were. In respect to 9.

Lindholm: Maybe we should have an explanation for members of the public what Item #9 is? Item #9 is, they go together Item #9 and Item #10. I'm going to ask Miles Durfee to explain this. It's a pilot program, strictly a pilot program, so if you would be so kind as to explain each of these. If they're correlated, I believe they are?

Durfee: Yeah. So AB 1224, Weber, I believe is #9 on your agenda, correct?

Lindholm: AB 950 is that?

Durfee: AB 950 Rubio, is...

Lindholm: That's a democrat, correct?

Durfee: Yeah, and that's West Covina is the area that Rubio represents. The bill itself is to expand the countywide and statewide benefit to allow for more flexibility and freedom over the countywide benefit program. You all have a charter school, two charter schools that are countywide benefit: the Academy and Scholarship Prep, and they fit within the context of foster care which is the countywide benefit that was determined for them. However, there are other, this bill would allow for more flexibility over the countywide process. It also allows for due process for appeals for countywide because as you may know countywide bills or countywide petitions do not have appeal rights at this time. So if you come to the county on petition you come back to the county and the county has final decision and no appeal to the state. So, this would allow for appeal. So those are the two major provisions in this bill.

Lindholm: Will you cover the test, the pilot program?

Durfee: Yeah. And so the second the number 10, right? Is AB 1224, Weber, and Shirley Weber is a democrat from San Diego on the assembly education committee. One of the charter school authorizing pilot program is a bill that allows for 5 county offices of ed if they so choose, to do an RFP to become a pilot authorizer for purposes of 10 charter schools that they could authorize and the process here is that the national, in most states, the alternative authorizers that allow school districts, allow charter schools to go to school districts, or to go to a county for instance or a university. In this case, we're talking about county offices of ed and I think the emphasis here on the bill is really about what are authorizing best practices. What do county offices of ed do? County offices of ed represent school districts. And charter schools are often like small school districts and so that is the emphasis of moving to a pilot program and this would then have the

staff report back to CDE to talk about what those best practices are and how that authorizing process from a pilot and if it's a successful program. That's why it's a pilot and not an expansion of the process to make county offices of ed an alternative authorizer as well. Are there any questions?

D. Boyd: What issues have you seen that would support the necessity for a pilot program?

Durfee: The biggest thing that we understand from charter school leaders is that when you go to a local school district and it's becoming more and more this way, some of the local school districts see this environment as a very competitive environment and so we always equate it to the CVS store being the authorizer for Rite Aid and will they say I'd like to have Rite Aid be next door to me. And the answer is typically they don't. So what we see often is we're seeing increasing local school districts deny charter schools for what we consider unsubstantiated cause.

D. Boyd: But in that case they can up to us.

Durfee: Right. That's true, but we again see the service providers that the county offices of ed are. They're really designed to support charter schools and school districts and that's why we see the county authorizers as an option that needs to be studied and to look at and that's why it's a pilot and not a full implementation of the (*inaudible*).

D. Boyd: Ok, thank you.

Lindholm: Thank you. Superintendent Mijares?

Mijares: Good morning. It's good to be here with you guys. The first one, AB 950, let me frame this in this sense. I'm going to be very general here and talk a little bit about what I'm detecting in the field, because as you know there are multiple agencies, state associations that are following this very carefully. Frankly, I definitely believe that charter schools are part of the landscape in America and here in California. I applaud the work not only of Gary Hart but Marion Bergeson, because they teamed up together to pass that first charter school in the early '90's. I heard Gary Hart speak recently at Chapman University, Miles, I think you were present there. I had a chance to dialog with him a little bit because I've known Senator Hart for a long, long time. He is as you know, he was probably responsible for writing some 90 percent of, that's probably hyperbole but, a good percent of the ed code that we know today, Senator Gary Hart.

Bedell: With Theresa Hughes.

Mijares: Yes, and he kind of laments the fact that he created such an onerous document because now it's this mountain high of laws we have to follow. His concern today is with the

transparency of charter schools. In this particular bill what you have is a charter starting one place in the state and then it metastasizes across the state and you may not even know about it until they appear. Like we have found charters here, Einstein was a charter we woke up one day and discovered that it was here in Orange County. We didn't know that. So I do think for the sake of transparency and local control that the local school boards should know about that. Don't you think? They should at least have knowledge of that. And in fact the State Supreme Court recently struck down that process which they felt was not following the charter school law. But now, this could create that so, I would have a little bit of concern on that. Now, rolling over to Weber, that bill, Miles and I have talked, Susan Mas, couple of people from CCSA, we met and we're going to meet again and I do want to further the dialog with them. I'm definitely in support of pilots, I think that's a way that you seed good practice, because you can measure it on a small scale and then determine whether it's replicable, it can go much broader. I like that idea as I mentioned, I think that charter schools are an important part of our fabric in public education. The one that I extol all the time is El Sol which as you know is in Santa Ana and I think it's a wonderful school. It makes a huge contribution and it takes the same students that live right in that community, it helps them go on, quite frankly to the university, tier one university, so it's a marvelous example of what can happen when you have parental control and involvement and everybody's working together. I don't think that the public schools should be the one size fits all. So, I'm for it. But like you, and you're all fiscal conservatives which I love, we have to be mindful of every school including the public schools. The public schools are subjected to a series of transparency laws. You approved our Interim Two today, ok, so we do a budget, we go through all of the manipulations and all of the work that's required to produce a document that gives us a three year window that demonstrates our solvency with the economic reserves as Becky pointed out, we have all of that present, and then, we have to report to you throughout the year how are we doing. All of our expenditures are manifested on an agenda and when we bid on projects, like if I want to tear down a wall over there and it's at a certain limit, I've got to follow the government code and the codes that govern how that work is given. I can't just call up my buddy who's a contractor and say hey, I got a job for you. See? So there' all of these accountability laws and in some respects charters don't have abide by all those laws. So that does give me some concern. Miles and I have talked a little bit about that so, my notion of this pilot would be if this is being driven by the "pro" charters, what's in it for the other side so that you can find the middle ground? Just like if it's all for public schools, what's in it for the charters? So I would think that this notion of transparency is necessary. How is the dollar being spent? Where's the dollar going? Who are these management groups that are running charters? Are they ethical people? Those are just simple questions. I'm not judging them, I'm just saying that we have to know that. So, what I would like to see is that in the pilot, what I'm picking up from other counties and of course as you know these things will all manifest themselves before the general assembly and you've got a person, well, I won't be critical but you have those committees both in the assembly and the senate, the senate ed and the assembly ed committees that are going to be much more hardnosed than I'm being right now on all of these things and if

it doesn't get past them, it's not going anywhere. So, we have to be thinking about this. How do we create a document that allows for the innovation, allows for a pilot, but yet both sides can say you know what, I think this is a good idea. I have met with people in Orange County, and Miles knows them too, who are proponents of charters but they want only good charters in our county. They want to create some kind of vetting process where we can...let's encourage the good charters to come here. That's what we ought to be doing. My concern is that I see it right now in print. I have more questions I want to ask. It's hard for me to prejudge anything, I'm just kind of giving you some 30,000 foot level viewpoints I have about this.

Lindholm: Thank you, thank you very much superintendent.

D. Boyd: None of these three bills, as I read it really address the transparency issue. I mean the pilot, I'm not sure...

Durfee: Yeah, let me address that. I think that you raise a great point. I mean one of the reasons for the pilot is because what we are seeing is inconsistent oversight of charter schools around the state. I see this very frequently because there are 42 school districts in San Diego, there are 23 here, is that right?

N. Boyd: 27.

Durfee: 27, sorry. So when you look at those numbers in the inland empire, in my regions, what you're seeing is some school districts that don't have any experience with charter schools and they're not providing great oversight of their charter schools. We have a great example of that and you guys have been pulled into this. You know, Oxford Prep, Chino. I do not believe that the Chino superintendent and the Chino school district have done any oversight of that school appropriately over the last number of years until 6 months ago. And so a county office of ed having what we see in Los Angeles and San Diego where they have a large number of charter schools is sophisticated operations where they can ask the questions and make sure that the transparency that charter schools are already required by the law to do is being provided. I mean, we've had this conversation here because you have now a very sophisticated, your staff is doing a great job, they probably always will need a little more resources because of the work level and that's true for a lot of places but, what you're seeing is questions and answers being asked and charter schools coming and transparently giving out information. I think this staff would tell you that they're not, people are answering the questions, and giving the transparency that's directed. That's why I think the pilot leads to transparency. There are other legislation vehicles that are moving forward, conflicts of interest is in there and that's another bill we're not talking about today so there are a number of other landscape bills that we're involved in, obviously those are not as high a priority as these are right now.

D. Boyd: Ok. A major goal of this proposed pilot program would be to improve authorizing quality?

Durfee: Right.

D. Boyd: Ok, then hopefully come up with a consistent standard throughout the state.

Durfee: Yes.

D. Boyd: Ok. That's all I have.

Gomez: Is it a consistent standard throughout the state, is that what the intention of the pilot is? Because, what I'm reading, I'm looking at this as losing local control, because if we are not an authorizing agency San Benito County may be looking at charters here in Orange County. Do they have the where-with-all to know our demographics and our population, what our needs are? That's why I get a little concerned. I'm all for pilots too, 'cause I think it's a good way to assess something but I personally would be nervous about some other county not knowing our county and approving a school as well as if we were designated as one, would we know that?

Lindholm: I think the question, would another county be approving a school in our county?

Durfee: So the pilot program does allow for that. And what I would say though is that again, that is already, Shasta versus Anderson, which is the ruling that the superintendent was talking about has ruled on the piece of non-classroom based resource centers being located but, you can still have a statewide authorization now, you can still have a countywide authorization now and you still can have an additional location under provisions of the law that currently exists. So you won't be necessarily changing that from this perspective. That is not the biggest school of this bill. So is it possible, yes.

Gomez: That's what I'm concerned about, it's a possibility.

Durfee: Right.

Lindholm: Trustee Williams?

Williams: Yes, just so I heard it right, if you can repeat that so this bill, 1224 allows other counties to come in and for instance in Orange County and establish charter schools?

Durfee: Right.

Williams: That would be a problem for a lot of people.

Durfee: So if you look at the special ed model that we have right now for charter schools you'll see that El Dorado for instance is a special ed SELPA for charter schools around the state. They interact very closely with the Orange County Department of Ed, the San Diego County Department of Ed on those relationships, but that's their role is to be a professional SELPA to ensure that special ed services are provided for students throughout their SELPA. So if you look at that model that's the model that this pilot bill would also allow for.

Williams: But in clarification would we have another Einstein Academy surface?

Durfee: So the answer is I don't think you can predict that you would. I do believe that that's a separate nonclassroom based issue. Will a county have an authorization, could the county authorize a charter school and could it be located in Orange County...yes. That's the answer.

Lindholm: If I may? I think I'm hearing kind of a consensus on a variety of issues. One of the, if we would put together a cover letter that went on this I'm hearing there's a lot we would like to know about accountability and transparency. And I think the cover letter is critical to me. I'm also hearing the concern that another county except for SELPAs could in fact place a school within our district. I think we have a concern on that and I think that's a giant concern and that might also be, I think the board would probably like to list a lot of concerns that we have here. We want oversight to be strengthened, and I'm hearing quality and standards. I'm also hearing that a pilot is a good practice. To have a seed program and to work out a lot of those issues that we've seen over the years, that districts have seen over the years and if we had better practices going forward to let them know in terms of financial reporting and transparency and conflict of interest, that could all come out of this. That's what a pilot program is for. The best practices. I think we need to move forward, it's the 21st century, we need to see what's out there. One size does not fit all as you said. We have parents coming in and they want particular types of schools that are not your traditional school and they see the benefits of that and their child sees the particular benefits of that. So, if we would put forward, I'm putting forward this bill, I brought it for discussion I think we have a nice cover sheet that addresses some of your concerns, our superintendent's concerns, Trustee Boyd's in terms of financial and transparency, and for both trustee Gomez and Williams, that we're not very supportive of having other counties approve schools within our district except for SELPAs and things that are kind of spread that way. Bringing it back to the board for discussion, that's how I would go forward to approve this support. Vice President Bedell?

Bedell: We've just made me very nervous Madam Chair.

Lindholm: Ok, help me out then.

Bedell: What you're suggesting is if I'm hearing my colleagues is you're suggesting drastic alterations to the bill or drastic revisions or drastic amendments. Fine. So if we were to go on record and say we support this bill, is it 950 we're talking about right?

Lindholm: Both 1224 and 950.

Bedell: So if we go forward and say we support it, with the conditions that, that's very different than saying we're supporting it. Because after I supported the first one I got this golden moment and I'm thinking suppose they amend it to say it excludes people from Orange County and we're out there saying we're supporting it. So, I think if we support something we would say our support is contingent upon....that. It preserves county integrity and they can't leap frog into the county. That, and it may be that the proposers don't want that.

Lindholm: It may be.

Bedell: See what I'm saying? Cause if we're out there supporting these bills and then they get drastically and then they can say Orange County supported this...

Lindholm: Correct.

Bedell: Right? I think that puts us as a board...

Lindholm: So you're saying contingent upon?

Bedell: I would say, the narrative whatever gets, that's what the board is feeling.

Williams: I share that.

N. Boyd: And you typically because CSBA does a number of bills that come to you all, you typically will see support oppose or support if amended, opposed unless amended, so those are typical language terminology that is used in the legislature, both assembly and the senate, are used to seeing those types of things. Then you'd list your items.

D. Boyd: So in this case, we'd have oppose unless amended.

Lindholm: I'd have support unless amended. Because I don't oppose the pilot program.

Durfee: Can I suggest to you that we did reach out to the Orange County to the superintendent and staff to discuss the legislative language on this bill. We're still open to doing that. We've got

another meeting scheduled so what I would suggest is that we continue on with that meeting which we have been working to calendar I know the county staff has a lot of priorities. So we haven't been able to make that happen but I think we're close now.

Mijares: We have a date now.

Durfee: Yes, we're close now. So and maybe we can discuss those issues with staff again because some of these issues are the first I'm hearing these issues from folks.

Lindholm: So what you're suggesting is that we take no action at this time, is that what you're and then bring our concerns all of our concerns to the writer of the bill and see what we can proceed with and come up with at the next meeting? So you've got a list of our concerns and the superintendent's concerns?

Bedell: I wanted to say that I'm really excited about the possibility of having pilots. I think that can bring out a lot of innovation and answers accountability cause then we're going to swing (inaudible) and I don't want that to be lost.

Lindholm: No, I agree with you. I think having a pilot...I've seen the growth from our board and the department in terms of how the charters are coming forward, I would say scrutiny which is sometimes needed, the suggestions that are given to the charter schools, generally the educational programs we have come forward are very good. Where they're falling down is in some of the transparency issues and where they have to have all their minutes taken and follow all those regulations. I think that's a good direction that we would take no action on these two bills. Is there consensus on that with my fellow board members?

Gomez: I would agree that we just maybe get some more information and do a little bit more analysis before we, because I don't feel comfortable saying if amended, this that and the other when I'm not seeing it. So, I would feel more comfortable if we had a little bit more analysis and information before we decide whether or not we're going to support or oppose something.

Lindholm: I think that sounds good. Do we need to take any formal action?

N. Boyd: Hold both of these over until the next board meeting and see if we have the information...

Lindholm: Do we need a motion for that?

Bedell: To postpone? You don't need a motion...

N. Boyd: You don't need a motion.

Lindholm: Ok. So that will take Items # 9 and 10 off the agenda and that moves us to Item # 11 which is brought to us by Trustee Williams to change a board meeting date.

Williams: So you want me to make a motion? Or is this discussion?

Lindholm: Well, I think there was a reason on this because we had Sycamore Creek we had extended them and it's time sensitive...Ron, we had talked to that on what dates we were able to move it within their extension period.

Wenkart: The Education Code 47605 requires that the governing county board either grant or deny the charter school within 60 days of the receipt of the petition. We received it on January 11, and then we can extend it by an additional 30 days which the parties have done. So the board meeting was scheduled for April 5 when we did that and so that was within that 30 days and so we were fine timeline wise. If we change the board meeting date beyond that date and I think you have on here April 18 or 25, that's beyond the timeline. So we would have to call a special board meeting to deal with this issue, probably on April 5 since that day has already been reserved as a regular board meeting. So, then you could have your regular board meeting on April 18 or 25.

Lindholm: So, Dr. Williams...

Williams: So just a thought so when's the final day that we could change the board? Is it 11 and 12, would that be acceptable?

Lindholm: When is the last day?

Wenkart: The last day would be April 10, a Monday.

Gomez: I think that's spring break for...isn't that why it got changed originally? From the 2nd.

Wenkart: A lot of schools are on spring break.

Williams: I'm just going out of the country to lecture, it got put on the schedule, looked at it just a week or two ago and...

Bedell: We understand. Work happens.

Lindholm: And if we hadn't extended Sycamore we would be able to move the date.

Williams: It sounds like we can't move it so, I'm fine with that.

Lindholm: OK so with that we're going to keep the April 5 date for those reasons, and we tried.

Williams: No problem.

Lindholm: That brings us...I think we need Ron again. To conference with legal counsel I believe we are not having it?

Wenkart: We have on the agenda the closed session for the Anaheim litigation but there really wasn't anything new. I think our associate superintendent when they spoke with you individually, brought you up to date on what's happening with one minor thing that's happened so far since the last board meeting was two weeks ago. So we didn't feel that there was any need for a closed session. If there are new developments before the next meeting April 5 then we will have a closed session and update the board.

Lindholm: Ok. So with the board's consensus we're not going to be going into closed session. That brings us to information items, board discussion items. Discuss the functions of FCMAT. Is there a presentation on that?

N. Boyd: There's no presentation but I'm prepared to give a general overview and answer any questions that the board has. Two months ago...

Lindholm: Oh, introducing this we won't be asking any questions regarding any particular schools. This is just a general discussion of the functions of FCMAT.

N. Boyd: That's correct.

Lindholm: Thank you.

N. Boyd: There were some questions from our board with regards to FCMAT functions and what they do and as the board has seen some dialog recently because of Oxford, FCMAT came on the radar and then as we began to continue to dialog about their functions, then it was requested that we give some information to the board in terms of what they do. So, I wanted to let the board know that FCMAT is a state agency that has been designed and set up to proactively provide support to school districts and charter schools. Their primary mission is to identify, prevent, and resolve financial challenges to look at policies and practices within school districts and charters to help them to develop protocols that would ensure that they were sustainable and that they did not have future financial difficulties. They have been contracted by county offices as well as

school districts to provide additional support in terms of resolving issues that have come up. They look at a school district in its entirety or they look at just areas within a school district or a charter. And an example would be we have had school districts that have had some difficulty in their purchasing department and the question has come up with regards to did they have the appropriate policies and did they have the appropriate sign offs and so forth and how that related to their financial packages and so forth. So, FCMAT has gone in and they've done analysis of those departments come up with recommendations, met with the district, met with the board and hopefully some of those recommendations have been taken and utilized so that they could develop better protocols and so forth. Another example would be within maintenance and operations because of the number of vendors coming in, they've looked at vendor processes, they've looked at work order processes and so forth. So FCMAT does a wide variety of things for districts and for charters. They have budget software that they make available. They also have for especially for charters they have an annual oversight checklist that they've developed that they make available to charter schools to help them. So for new charters or for charters that have been around for a long time, they have a tool that will help charter schools with regards to things that they need to be aware of and timelines and best practices in terms of industry standards. They also have a fiscal oversight guide and so that's available for both public schools and charter schools to utilize as well. So, we have provided the information in terms of their online website so that if the board is interested in pursuing additional information or would like to read up on something themselves, then we have that information available to you but if there are specific questions in a general context I'm happy to answer those or to have members of our team answer those questions for you.

Lindholm: Questions from board members?

Gomez: I would just like to get the information so I can catch up a little on that.

Bedell: So it's not like OH, you opened the letter and it's like the Publishing Clearing House – good news, FCMAT's on the way! *(laughter)* Right? This is not like oh!

N. Boyd: They're used for a number of purposes and in some cases it's preventative and so people are saying we need some help. So they reach out to them and it's helpful. For others they are seeing trends of things that seem to be dysfunctional and so from that standpoint they may request some help. So, it's a variety of mechanisms that would have someone ask for a FCMAT...

Bedell: Would a district have to pay them? Is there a stipend that they pay to cover the expenses?

N. Boyd: Yes, districts do have to pay...there is a service fee and depending on where you fall county offices also have the ability to be reimbursed for their costs depending on if it falls under

certain criteria. So, it just depends in terms of what the services are, what's requested, and then we dialogue or an entity dialogues with FCMAT. They have a study team. They look at the scope of work, they analyze it, they see where it falls and then that determines whether or not, for instance if it's a county office, if it falls within the guidelines of it being a state reimbursed cost, then they tell us that. If it's not and it's outside of that, then they would tell us that too. So you would know that going into whatever study that you are requesting.

Bedell: So, it's more likely to be an accounting issue than a curricular issue would you say in your experience?

N. Boyd: It could be a combination of both but they have study teams that look at depending on what the analysis that you're asking for, much of what they do is from a fiscal standpoint and so they are looking at financials. It could also be from an ADA standpoint in terms of the average daily attendance and how that's captured and so forth so it just depends on the scope of work and what you're identifying in terms of the challenge. Most of it falls within the financial side.

Bedell: So if WASC came in in Z district, on curricular issues, would that be an entrée for FCMAT to step in?

N. Boyd: That would be outside of their scope unless it was tied to some other financials, but...Al?

Mijares: No, not really. I mean if there are financial problems in the district in terms of expenditures and how the money is being used, you know the nature of the budget, because the budget is really the curriculum and instruction plan in dollars and cents so in that regard, FCMAT could come in and work in concert with other agencies to help that district on the academic side.

Bedell: But they wouldn't typically say only 26 percent of your kids go to A through G and so FCMAT comes?

Mijares: No. Probably not.

Bedell: Ok, thank you very much.

Lindholm: Other questions?

D. Boyd: Yes. FCMAT is part of the state department of education, is it a division of the state department?

N. Boyd: Yes. It's a division of that and they've set them up as a state agency that falls under the California Department of Ed.

D. Boyd: Are they always brought in upon request? I know if I recall the superintendent in San Bernardino requested an investigation of this one school. Or do they have the power on their own to basically say information has come to our attention that there could be some issues with this district. Can they on their own initiative go in and review a district or school?

N. Boyd: I'm not aware of that. It's typically...the cases that I'm aware of either an entity, county office has requested because of oversight responsibilities or the district itself or the charter school itself has requested the oversight. So, it would be the board and or ...

Mijares: Nina, let me add just a little bit. So the origins of FCMAT go back to the late '80's early 90's when this same Senator Hart produced various bills including AB 1200 which gave birth to FCMAT. It is housed in the Kern County Office of Education. They were given the contract to manage FCMAT, but it is an arm of the state and in the case of when we see a district that may be qualified or negative, Renee you might want to come up quickly to make a couple of comments on that, when those are big whistles and red flags that go up regarding the health of that organization. By the way, I neglected to say one thing, we had districts that were becoming insolvent as you know. Contra Costa was the big one, was called Richmond back then, they changed their entire name and it tested all of the bankruptcy laws in the state. Could a district really go bankrupt and it was determined no, because it's an arm of the state. Unless the state's bankrupt, the district can't. So what happened was the emergency loans were given to bail out districts. Inglewood has been under I don't know, for years, they may never get out of state receivership. When a district is given an emergency loan it pretty much usurps the authority of the board. You become advisory only. You don't have any authority, the superintendent is gone, and it's in bad situation. So, FCMAT has all of that knowledge and that's what drives the organization. Fundamentally, they've been involved with districts, to support districts, so that they are healthy. They also support healthy practices, but it's also been sort of a SWAT squad as well when it comes to a system that is really going under fast.

Hendrick: I think Al explained it very well. I think the only time they would come in without being invited in would be at the time they became negative. The state would basically be taking them over at that point and they would help set up the trustee process, but that's the only time I think they've come in uninvited. So, a district would have to be qualified as negative at that time.

Lindholm: If there's a FCMAT, any of our local districts or charter schools, is the board made aware of that?

N. Boyd: I would say yes because we only had one situation that I'm aware of.

Mijares: When you say ours, do you mean the county or do you mean us?

Lindholm: Well if there's any in the districts...

Mijares: County.

N. Boyd: This is general information.

Mijares: They're consulted often we just had a FCMAT report, I forget which district, it might have been Santa Ana. So, they regularly consult.

Hendrick: They do. We actually had one probably about 8 years ago in our food services program and so, those are usually study like best practices. I think Anaheim was the last one with a maintenance and operations study. We've had quite a few, I think Santa Ana, Garden Grove on Special Ed.

N. Boyd: But I think your question is really related to if their financials are negative and they are having to come in and do a study because of a fiscal situation.

Mijares: Oh you will know about it because that's one of the main roles of the county office.

Lindholm: Ok, thank you. Appreciate all that information, I think that's very useful information. Any further questions on that at this time from board members? That brings us to an item I've been and I asked my wonderful vice president of the board, Charter School Board Member Training 101. Also, I talked to our superintendent. What we've seen is some of the issues we've been talking about today in terms of charter schools not quite understanding the purchasing regulations or fiscal management or how you manage cashing checks, or budgeting, or interim budgets, making sure you're recorded at your board member meetings, all those kinds of things. To me, that's like a board member 101. So, the staff has been so kind, the superintendent has been so kind that we could have a two hour school board, charter school board member training so that we could be more preemptive on these are the things you need to do, these are the things you need to watch for. Ms. Nina Boyd would you like to talk about this? Thank you.

N. Boyd: We've identified a date of April 4 to be able to provide this training to charter school governing board members. The flyer was sent out on Monday to all of the charters that are under the board's authorization. Ron Wenkart and Miles Durfee, who's left, are going to be the two presenters for that workshop. I think your board president gave you a nice overview in terms of the things that they are planning to cover and then just answer questions. Things that governing board members may or may not know because as they've been solicited to become governing

board members for these charters, typically they're from the community, they're business leaders, they may be parents so they don't have the normal expertise that elected officials would have from the standpoint that they have probably never had this type of training before. So, this is a nice way to give them some overview in terms of their responsibility. They're going to talk about public records requests, when you need to record meetings, how you sunshine information, and the legalities with regards to the Brown Act, and their requirements and so forth. Miles is going to talk about some of the things that he's seen that's come through and across the Charter Association to help them and also to talk about some of the things that they should be.....stay away from in terms of ensuring that they can protect not only their integrity but the perceptions around the position that they hold as governing board members for the charters. So, our team is pretty excited about it. We thank president Lindholm for bringing it forward. It is something that we had on our to do list for next fall when we do our annual update with our charter schools but just based on some of the recent things that we're seeing and some of the conversation that's occurring out in the community, it was requested that we do it earlier and we were able to secure a meeting room and again it will be April 4 and it's offered in the afternoon, and, we have some flyers for you that we'll put in your red folders. I realized as we started talking about it that we forgot to get those in the folders, so you'll have a copy of the information as well.

Lindholm: Thank you. I'm very grateful, I think this is like you don't tell your children what not to do and all of a sudden they're doing it. So, I think it's better to say these are examples of things, the pitfalls that other people may have done, and this is preemptive and educational. I'm very grateful to the staff and our board and everybody who is going to be part of this. Hopefully we'll have some good outcomes. If there are no questions on that we have announcements from our superintendent.

Mijares: Yes, thank you madam president. It's great to be with you guys today. I wanted to call just a few things to your attention. First of all, on the 14th of February we didn't do my reports the last time because we finished quickly. The 14th of February I was invited and attended along with Jeff Hittenberger and Judge Linda Marks who's a superior court judge, as well as Richard Porus who is executive vice president for AT&T and we went to Sacramento to participate in a California Civic Learning Summit where we had none other than Chief Justice, not chief but he's supreme court justice Anthony Kennedy, and he was phenomenal. We're in fact working closely with this project in Sacramento as well as the U.S. Constitution Center in Philadelphia. Jeff Rosen is the executive director of that. I've had a little bit of experience with this...have you gone to this thing? It's an amazing thing. You could actually see scientifically through the use of the computer what was going on in the minds of one of the framers of the Constitution. Fragments of their notes, like see these, and you can see their thinking and it's just amazing. So, Kennedy spoke about the U.S. Constitution, the importance of that document that guarantees our liberty as Americans and how we've been the envy of the world and this dearth of teaching the constitution in our K-12 system. Which is shameful because every time you watch these late

night hosts ask questions of people or show a picture of Jimmy Carter and ask who's this and they go I don't know, is he a rock star or? You ask people on the street these simple questions about the U.S. Constitution and who our presidents are, it's just terrible because that's how you lose the roots of this great country when you don't pass it on from one generation to the next. So I wanted to let you know that we're working with them and we want to make sure that we become an exemplar here in the county regarding the Constitution of the United States. With all the things going on in the 9th Circuit Court of Appeals which Justice Kennedy is very involved in, he took time to come and deliver a speech in Sacramento. Also wanted you to know that Beckie invited me to speak to the American Association of University Women, AAUW, thank you Beckie, at Prentice School and I really enjoyed my time with you and about 70 people that attended? I think I was the only man in the room, (laughter) they were tough. It was really great and I appreciate that and I talked about what we do here in the Orange County Department of Education. Also wanted to say we produced a podcast on Mendez versus Westminster...have you heard that yet? So we're now starting to podcast. We should get you that so you can listen to it. This is the 70th year of Mendez versus Westminster which basically was the seed to end separate but equal, which led 7 years later to Brown versus Board of Education and so we did that in-house. We're now into podcasting thanks to the crew back there because they really do the labor, they do all the labor. Ian and Laura and the rest of our team. Then I wanted to salute Nina, because I attended a meeting in Sacramento at the CASH Conference and she received a very coveted award, that you may not be aware of and we need to put this on our newsroom, Nina, it is the James Murdoch Lifetime Achievement Award. The James R. Murdoch Lifetime Achievement Award honors the memory of and legacy of the late Jim Murdoch who was the first legislative advocate for CASH and who had an unrivaled commitment to education and even more particularly to school facilities. An example of Jim's commitment to school facilities is that voice mail message on his office, cell, and home phones prior to a state school bond measure election was to Vote Yes on Proposition...and he mentioned the name of the school bond. But, really, this was a tribute to Nina and her husband was there, her mother, her daughter, her sons, her grandson Malcolm, and she didn't know she was getting the award, so we blew her away. We shocked you, didn't we? And Renee Hendrick was pretty much the one that organized that part of it. So Nina, congratulations, I wanted the board to know. I also wanted you to be aware that Nina has just become the president of CASBO, California Association of School Business Officials which is another very distinguished role for her to have so our folks are being recognized and I also want to call out Dr. Christine Olmstead who is the chair of CISC she's back there and Christine is now leading CISC which is a curriculum and instruction subcommittee of CCSESA, she's helping to lead that across the state so kudos to you, Christine. And then I wanted to just, we already talked about Miles Durfee and Susan Mas so I'm going to end there. Thank you very much.

Lindholm: Thank you superintendent, and wow, a hardy round of congratulations to incredible staff. Nina, do you have announcements?

N. Boyd: We do. Renee and then Ron.

Hendrick: I just wanted to give you an update on our health benefits. You know that we've asked you to supply some documentation and so we actually will be moving into the 21st Century and having online benefit enrollment which we have never had and this is our first step in this process of what they call scrubbing our data. So that's why we're asking for the verification again. We do this about every 3 years, surprisingly every time we do find that we have either dependents or employees on our insurance premiums that shouldn't be there, so that's part of the due diligence we do. We're just really trying to clean our data before we actually push that open enrollment out in October which is our normal open enrollment would be. So we're just going through that same process. I know some of you have been through it before and so if you have any questions I know Darou has been working with you on scheduling dates and times for that.

Lindholm: Thank you. Ron?

Wenkart: Just wanted to mention a recent California Supreme Court decision that came out earlier this week. In the City of San Jose versus Superior Court, it was a unanimous decision by the California Supreme Court. The issue before the court was when public officials are using their personal email accounts to communicate about public business, is that subject to disclosure under the California Public Records Act? The Court of Appeals said no, but the California Supreme Court reversed and said those are disclosable. They said that a city's employee's writings about public business are not excluded from the California Public Records Acts simply because they have been sent, received, or stored in a personal account. So that's just one quote from the decision. It's pretty a strong decision about transparency and disclosure so we wanted you to be aware of it. Districts are looking at it and looking at how to deal with that to make sure that public business is conducted on public accounts so they don't have to search personal accounts.

Lindholm: Does that mean you're going to pay for our internet? (*laughter*)

Wenkart: Well, that would have to be something we'd have to discuss but, public agencies are looking at that now because it affects board members and public employees. What happened in the City of San Jose they were using their personal email accounts to discuss a real estate development and the approval of a real estate development pending before the city council. They said these were stored on a personal email account so we shouldn't have to disclose this to a member of the public who requested it. But the court said no, you do have to disclose it. So, just wanted you to be aware of it and if there are any questions I'd be glad to answer them.

Lindholm: Is this from this point in time forward or is this retroactive?

Wenkart: I would say forward. I mean they didn't specifically say it was retroactive except for the City of San Jose because that was the case. I don't think they would apply it retroactively in a new case. They don't typically do that. So, going forward that's why I wanted you to be aware of it but this is a potential issue that could come up in the future. Yes?

D. Boyd: I suspect this is the case for most of us, we get hundreds of email a month. I might communicate with Trustee Lindholm once or twice a month. When a request is made is it simply up to the Trustee to voluntarily disclose, ok these are the communications I have or can an outside party come in and review all of the emails?

Wenkart: There was some discussion in the court case about that and they threw up some alternatives. One alternative would be if you're using a personal account to copy public accounts so it's on the server, whether it's the city or the Orange County Department of Education, it would be on our server so we could produce those emails if we needed to and we wouldn't have to search your personal account. The other alternative would be they would rely on the employee or the board member to say I searched my email and I found these, these are all the emails that apply. Then you'd fill out an affidavit under penalty of perjury saying that I have produced all the emails from my personal account. Then, that would be sufficient. Unless of course they found that there were other emails that you didn't disclose and then you could run into problems. But if you disclosed everything then there would be no problem. I think as a practical matter this is something you might want to discuss in the future. It would be a lot easier to either copy the public accounts so that it goes on the server or use a public account. That way the IT department would search for the emails, produce the emails and you wouldn't have to go through the hassle or the expense of trying to find all your emails. It's not always that easy, especially if you delete them, they're not completely deleted but for us lay people who are not experts in IT, it sometimes can be hard to find old emails.

D. Boyd: Is there any requirement to archive emails?

Wenkart: There's no specific requirement to archive your personal emails. We do have a responsibility to archive public emails. We do archive them. So that's why it's probably a good idea to have it go through the server. That way it's archived and we can produce it, we can have IT go through...we've had to do this a couple of times for employees. They'll do a search for all emails from a particular person to another person and they can produce all of those emails fairly quickly, easier than we could do it, let's put it that way.

D. Boyd: Many districts have individual email accounts for each trustee. Would that help from a compliance standpoint?

Wenkart: That might be something we need to move to because given this court decision we may have to look at that. That's why I wanted to bring it up so that we could have this discussion and we could put it on the agenda for the next board meeting if you wish to discuss it further. But I wanted to be sure you were aware of this case. I know there was an article in the newspaper but it was just a one day article and so I wasn't sure if you all saw it. This is an important case and so I just wanted you to be aware of it and we will have to look at...and districts are looking at what their current practices are and do we need to make any changes to our current practice.

Lindholm: Ron, on this, because we've been under the responsibility, we pay for all our own internet, we pay for our own phones, we pay for all of that out of our own pocket. And while the department has their own servers and their own email addresses, they're using department property and funds that are paying for theirs. So, it would behoove us I think for you to find a certain kind of email address or something that could be separated from my personal family emails versus department emails.

Wenkart: Well, one way would be to have a department email address which you use for business and then you have your personal email address for all your personal emails. So they would be in 2 different accounts and then if we got a request to produce emails related to public business we wouldn't have to even look at your personal account because all the public emails would be in the public account. It's when you co-mingle them that it creates the problem.

Lindholm: And that's the problem to me because you're not funding, I don't know if you know what our stipend is, it's about \$500 a month and that covers traffic, toll road and everything else I do, but you're not funding our computers.

Wenkart: Well that's something we can discuss.

Lindholm: Please look and see what you can do in this matter because things from my children, they should not be accessed.

Wenkart: There's a difference between accounts and devices so for example on my phone that the department gives me I can access my email account here at the office.

Lindholm: I would be happy if the department gave me a phone that was specific for their purposes.

Wenkart: Sure, we can certainly talk about that but the difference between accounts and devices is usually on your device whether it's your personal device or provided by the department you can access both accounts. So let's say you have a Gmail account or an AOL account or whatever it might be as a personal account, that would be in a separate place from the business account. So

you would have to be sure if they're both on one device to make sure to use the right account when you send the email. So when you send an email to your daughter you make sure to use the personal account and when you send an email to me you make sure you put it on the business account.

Lindholm: Alright. I'd like to see you bring something back for us if you wouldn't mind.

Gomez: I just have a couple of questions. Ok so one of the things is with deletions. So deleting emails. If we copy our county email address we could delete it from our personal device because it would be archived on the county server.

Wenkart: Yes.

Gomez: Ok. I get so much email from everywhere that I like to try to keep my devices as clean as possible. I'm not very successful so I would be a little bit concerned about that but I do have separate email accounts and that's kind of what gets me crazy because I'm trying to check 4 and 5 email accounts for the different things I do.

Lindholm: I think they can provide us with a phone.

Gomez: I think the other thing that maybe we need to be assured of is that emails between us and you are protected as attorney client.

Wenkart: Yes, absolutely. Any emails that you send to administrators here at the office, we may want to make sure we put those on the business account so we don't have to look at the personal account to see if there's any business emails there. That's one of the things that the court suggested and its decision is that we be more conscientious about separating the two accounts, the personal account and the business account. So, it's something we haven't looked at that carefully in the past because it hasn't been an issue but now this is an issue so we need to look it.

Gomez: so that will come back on a future agenda then?

Wenkart: Ok, we'll make sure it's on the agenda, the next meeting.

Lindholm: Thank you. Are we good?

N. Boyd: Just a reminder that submission deadline since the board meeting is remaining on April 5, submission deadline will be March 22. Tomorrow evening is the PTA dinner meeting at the Grove, some of you have responded to that. We also have National History Day on Saturday, March 11, there at the department and we have a couple of you who have also registered for that.

And the Charter School Annual Conference will be held in Sacramento March 20-23, Linda and David are both registered for that as well. Just as a reminder there were some questions with regards to board room refurbishment and we are having some dialog and meeting with regards to what we can do to enhance the technology and do some modifications in here, so we're working on that and we will be bringing some information back to you. Since Al mentioned the lifetime achievement award that I received last month, I would be terrible if I did not acknowledge this board and the department who supported, encouraged and gave me access to making that Sacramento run for about 10 years a couple of times a week to ensure that our students in special schools as well as ACCESS were being adequately represented in terms of ensuring good facilities for them. There was a period of time when our students were treated second hand and I think through the work of us developing a county office consortium to really dialogue about what was needed and to appear before the State Allocation Board has really helped over time. So that award was really this office's award because you all are the ones who made it happen. So thank you very much for your support and I appreciate the acknowledgment.

Lindholm: I think you did most of the work, but ok.

D. Boyd: Nina, can I get information on the National History Day?

N. Boyd: Yes.

Lindholm: I think that brings us to board member comments? Are we good? Do you have something?

Gomez: I just have a couple of things. First off I do want to say I enjoyed the Orange County School Board Association meeting, the school boards as well as the school administrator's dinner on March 1. I'll also be serving as principal for the day at Heritage Elementary in Tustin Unified and Taft Elementary in Orange later this month. I would suggest for the agendas, just to not use any acronyms like FCMAT for the public, so the public knows what we're talking about. Lastly, I just want to congratulate Nina on here achievements, so congratulations.

D. Boyd: I have a question for Dr. Bedell if I may? You are our CSBA rep. A couple of days ago or maybe last week, we received an invitation to a seminar on charter schools that's going to be held in the Sacramento area, a one day program. That would be a wonderful webinar, you know as opposed to going to Sacramento and back.

Bedell: I shall take that forward. Thank you.

Gomez: It would certainly get a lot more people involved and educated. It looks like a great program.

Lindholm: Are we there, are there any other board member comments?

Bedell: Just that I enjoyed the dinner, congratulations to Nina, and sitting next to Trustee Gomez, it was an interesting experience. *(laughter)*

Gomez: And I will echo that.

Lindholm: With that I'd just like to congratulate Nina. You do a stellar job, I think other people saw that and I'm sure the award was tremendously well deserved on your part. We have nothing further so, motion for adjournment.

Bedell: Second.

Lindholm: Ok, we stand adjourned.

(Sound of gavel).