

## **Orange County Board of Education Meeting December 16, 2015 Transcript**

### **Welcome**

### **Call to Order**

Hammond: Well good morning everyone and welcome to our December 2015 regularly scheduled meeting for the Orange County Board of Education. And for those who don't know our meetings are held monthly at 11:00 o'clock in the morning unless otherwise noted and we just ask that anyone that wishes to address our board please fill out one of the cards in the back. We have multiple staff members here that can help you to fill out the card and get that turned into us. Um, if you do want to speak just know that we give you about three minutes. Basically no more than that and you can't hand off your time to somebody else so it's not like you can get three people to show up with you and do about a 20 minute speech. And we do have about 45 minutes. We give 30 minutes in the front, 15 minutes near the tail end. And we just ask you to be very respectful and of course anyone that is disruptive could be asked to leave. Um, and so with that for the benefit of the record this regular meeting of the Orange County Board of Education is called to order and the gentleman that we had to do the invocation was unable to make it at the last minute so with that Madam Vice President I'm gonna call on you. Would you be willing to do an impromptu invocation?

### **Invocation**

Lindholm: I will. Will you all please rise. If you'll be with me in the spirit of pray; dear heavenly Father we are gathered here together for one purpose and that is to serve the children of all of Orange County and to be respectful of their parents and to applaud the teachers who give so much of their time. We also want to at this time when our service men and women are not able to come home, be with them, give their families peace, give them joy. Be with all of them and protect them as they protect use and keep us safe. In your name we pray, amen.

Hammond: Amen. Pledge of Allegiance. Um, you know I was gonna ask if by any chance Mr. Steve Venz, am I saying that correctly, would you be willing to lead us in our Pledge of Allegiance.

### **Pledge of Allegiance**

Venz: It would be my honor. 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.

### **Roll Call**

Hammond: Miss Darou, roll call please.

Phouangvankham: Trustee Boyd?

No answer

Phouangvankham: Trustee Lindholm?

Lindholm: Here.

Phouangvankham: Trustee Hammond?

Hammond: Present

Phouangvankham: Trustee Bedell?

Bedell: Here

Phouangvankham: Trustee Williams?

Williams: I am present.

Hammond: Um would like to note that for the record Trustee Bedell, sorry you are always here on time, that Trustee Boyd is going to be late. He is taking care of a personal matter so we look forward to him joining us as soon as possible; hopefully within the hour.

### **Introductions**

Hammond: Introductions. Do we have any introductions please Miss Nina Boyd?

Nina Boyd: We don't have any introductions at this meeting.

Hammond: Alright. Come to our agenda for our adoption and by the way just for my fellow board members last Thursday, December 10<sup>th</sup> President Obama signed ESSA, Every Student Succeeds Act into law. Because of this I'll be adding a comment about this under board member comments. With that Chair seeks a motion in regards to the agenda.

### **Agenda**

Lindholm: I have a couple of items Mr. President.

Hammond: Fire away

Lindholm: Um I would like to remove item number 14 as item 13 is a clearer version of the same. It's almost a duplicate. So I'd like to make that here. Um, I'd like to add with our President's concern we have wasted many meetings that we need uh board security to protect the public and the children who are here and the board members so I'd like to add that as a discussion item. And then secondly we have also discussed and it did not make the agenda and I'm not quite sure how that happened but a part-time staff member to assist the board with regular duties. We recognize the need for back-up and research material as needed by the board

to conduct regular business that's a carry-over item. So that will be under discussion. And I would like to make those two suggestions as we approve the agenda.

Williams: I'll second that motion.

Hammond: Alright um... well I think you discussed it pretty well um Doctor's Williams or Bedell, any other comment on the agenda then.

Bedell: No sir.

Williams: No sir.

Hammond: Alright, then all those in favor of approving the agenda as so moved signify by saying AYE. AYE. No oppose and Mr. Boyd is not here. Motion passes 4-0.

### Minutes

Hammond: Minutes. Chair seeks a motion in regards to the minutes.

Williams: So moved.

Bedell: Second.

Hammond: Any discussion? Hearing none, all those in favor of approving the minutes signifying by saying AYE. AYE, AYE. Opposed? Motion passes 4-0. Wow, we're like two minutes ahead of schedule. This is awesome. Um, well what I'd like to do is do two things here. One I'd like to introduce Mr. Steve Venz, Visual and Performing Arts Coordinator. Um, and eh, while you're coming on up I'm gonna invite my fellow board members to join us down in the front row, we get the Bob Uecker seats for a wonderful Christmas presentation. So I'm going to turn the microphone over to you sir while we scamper on down and let the kids...

Lindholm: We have to scamper?

Steve Venz: So Board President Hammond and the board members and Dr. Mijares, it is my pleasure to introduce to you Sean Oliu as well as we have his parents here, Robbie and John. And then we have accompanying him, I wanna call you...

Oliver: Oliver!

Steve Venz: Oliver! I was going to call you David cause I know a great band director in LA whose name is David Savala. So we have Oliver Savala joining us. As you guys step up and get ready to perform I wanted to explain a little bit not only where Sean is from but also why Sean exemplifies doing this presentation here today. So Sean is an 8<sup>th</sup> grader at Sycamore Junior High School in Anaheim. He went to the school district in Anaheim City Schools and we talk about in Orange County, we talk about wanting our students to learn and to really be able to develop within the five C's. So we have communication, collaboration, critical thinking and creativity.

As well as we have that extra C of character. And this is the time of year where character really does play a role and we see the world around us. We see how character really is important during this time of what everything that's been happening. And so Sean, he has, he started off with this talent and then through grit and determination has really taken that talent and brought it to a whole nother level which you'll be able to see. And on top of that is that Sean exemplifies someone who's really giving. And what he does is he goes to, I've seen him perform at California Department of Education. I've seen him doing fundraisers for Anaheim, for the City of Anaheim. He'll do fund raisers for the Anaheim City School District. So taking time to do that and giving of his talent and abilities to do these things I think it's really a wonderful thing for him to be an example for the students who, a middle school student doing this. And just last thing, I know what makes this so important to is that music, the power of music and music in education is now really starting, we're starting to see how crucial that is. You know there's all this brain research that demonstrates how playing a musical instrument it's like a brain full workout. Because what you're doing is you're taking that mathematical, that analytical side of your brain and you're taking that linguistic side of your brain and you're really strengthening both. And their looking, neurologists are studying this and their seeing how amazing and how powerful that is and there's nothing else that matches that. Not sports, not visual arts, nothing, but playing a musical instrument. And the thing that I find that's so important that we do the work here in Orange County Department of Ed I think that key thing is about access. It's about making sure that our children have access to this. And so Linda Wagner, Superintendent is creating that access and realizing the importance of that in Anaheim. And what's amazing about Sean is that he has partnered his family I know that Robbie has partnered with them to start to create access to this beautiful gift and this beautiful thing of education, music education. So with that being said, it is my pleasure to introduce to you, Sean and Oliver.

Applause

Sean Oliu: Thank you everybody. It's a great honor to be able to perform for you all. We're going to do a song in Spanish and then a little Christmas medley and then we have a Beatles song for you after that. I'm a big Beatles fan. Alright, so this first song is called Hemma.

(Sean and Oliver perform)

Sean Oliu: Thank you, thank you very much.

Applause

Hammond: We're going to take about a five minute break to clean up.

(Return from break)

Hammond: Alright the Orange County Board of Education is back in session. We're gonna continue on with our agenda, we're gonna get to public comments but before we do and I was

hoping maybe for our staff that maybe at our next board meeting we could have a brief summary of this new law, the Every Student Succeeds Act. And it would be nice maybe the whole law could be given on a flash drive to the board members cause I have a feeling...

Bedell: A thousand pages.

Hammond: Yeah, it's. I think we should hire somebody to read that thing. Um, and I'd like to see added to our next agenda a letter from the department and the board to perhaps the California State Board of Education Al and maybe some other important agencies that you fill cause I'd really like to express our thanks, our admiration for their hard work and to specifically ask that you know with the passage of this new law if they would review some past policies you know from Common Core especially as it relates to math and testing that would allow perhaps local boards to have some greater discretion to follow traditional proven teaching methods. Something to that effect. And um, Mr. Boyd. Welcome sir.

David Boyd: Thank you.

Hammond: I hope all is well. I know we've been told by Mr. Bob Canavan, our lobbyist in DC that this new Federal law and I know a few things that it's gonna repeal the AYP, the Adequately Yearly Progress and I guess it's also supposed to end some of the federal mandated testing and do things like prohibit the Secretary of Education from punishing states for you know changing some of their standards in any way. And allegedly restores some local control so I think this is a step in the right direction. And to those of you that have been coming to our board and speaking out on Common Core and other things related with that I wanna say thank you. Some of your voices have been heard. I personally don't think we're out of the woods and I do have as few more concerns but I do think this is a step in the right direction. And I'm hoping we will hear more from our constituents on what they like and don't like and how we can progress on that, so with that I will go over now to public comments.

Al Mijares: May I just interrupt you? Perhaps what we can do is if the board is in agreement is to have a presentation on the law so that way you can see it in detail and how the law is manifested here in California. We can update you as to what we're hearing from the California Department of Education and the State Board of Ed. And from that point once we understand it clearly maybe we can then craft the letter. If you're in agreement with this and forward that to the various agencies that eh, so they can understand the sentiments of the board.

Hammond: I'm open to that. I'll throw it out to the board. Would my fellow board members be open to that?

Bedell: Sure.

Lindholm: I would like to do that very much to have a presentation and to send something to the California State Boards saying we've had people for two years say how bad the math is. And

craft that letter and say thank you for your efforts; here are our concerns and we're hoping you that you can go back to some of the tradition methods. Uh and I'd also like to be able to send letters of appreciation to our congressmen and women and senators who voted for the bill and get that in a timely manner.

Hammond: And I do think we need to say thanks to Dr. Bedell for kinda carrying some of the water on this. Thanks for your trips and did you have any comments or thoughts?

Bedell: No. I think that there's a lot in that bill that we should like. For example it strengthens music education. It puts much more emphasis on Title I kids and their attendance in schools which is what we asked for. We asked for the decoupling of Common Core funds, monies, etc., pushed by the Secretary of Education. And so I think there's a lot that we have championed. Now we have to work on mandated funding for Special Ed. And Perkins legislation. So yes, this is huge for us in terms of what it got to the point that Secretary of Education Duncan would no longer go to National School Board meetings cause he was so booed. And interestingly enough I understand moved back to Chicago last summer and he's gone. And the talk was this bill is so different from what he was being so I think that's a good sign.

Lindholm: All good news.

### **Introductions**

Nina Boyd: Mr. President, before you move to public comments if I could interject um, you asked about introductions and unfortunately I unaware that we do have a student in the audience that I'd like to acknowledge. Isabell Navarette, if you just stand so the board can see you. She's a student at Newport Harbor and she is here doing a class assignment and will be watching the workings of the board today. So we thank you so much for choosing this board to participate.

Hammond: We'll welcome young lady and hope your studies are going well and...alright so with that we will go to public comments Madam Vice President I'll turn em over to you.

### **Public Comments**

Lindholm: I'll call em up. Thank you and welcome. Thank you all for taking your time to be here. It's greatly appreciated and we try and listen or sometimes it doesn't look like that but we're really trying to absorb it all and listen. Eh, David Whitley?

David Whitley: Good morning board. Nice to see you. Merry Christmas to all of you. Thank you for this time to speak before you. I'm here today to talk about the PRA request I made regarding the September meeting where the two presentations were given and I'd also like to defend myself once again based on the presentation that was given by Mr. Boyd. I have talked to legal counsel about this and if things don't change then we will continue to pursue a legal angle on this. I think this is an issue of transparency. For me it's not a necessarily a personal issue. I think the public needs to be able to see these presentations and I think it's easy enough to turn

them over and to post them for at least a period of time so that other people have access to them. The presentation was requested by myself. I emailed Mr. Boyd. I asked for the presentation either in a printed format or as a PDF file or as the PowerPoint presentation in its raw form; it doesn't matter to me. How I get it doesn't matter to me personally. How it's posted electronically would have to be PDF or PowerPoint. I would give Mr. Boyd my personal assurance based on the transcripts of last meeting that the PowerPoint will not be misused in any way. I have no, um; I have no use for it other than to review the Power Point itself so that I can go back over all the things that were said which goes to the character issue. There was links made between myself, other individuals, our group that speaks here regularly and racist ideas, bigoted ideas, essentially being haters and bringing individuals into this, David Coleman and others because of their religion or ethnicity. And I just want to say, I come from a very diverse family. My wife is Filipino. I've got Hispanic, Mexicans, Guatemalans, and Blacks in my family. I was the founder of the Dennis Prager Fan Club, the only official Prager Fan Club in 1990. Ran for five years. I used to carpool to Los Angeles with a good friend of mine who is a Black American, Lynn Woods. I recently got a job for a friend of mine called Dowling who is a Jewish fellow. So, had Mr. Boyd taken my request to sit down and have a meeting I would have discussed this with him. Told him who I am and what I believe and why I do what I do. And he rejected that and so the public record is that we do things because of people's religion or ethnicity and that's not the case. So I'd like to completely clear that record. I would once again like to request the PowerPoint presentation be posted for the public. Thank you.

Lindholm: Thank you. Julie Stockstill? Welcome.

Julie Stockstill: Good morning President, Vice President, Superintendent and respective board members. Thank you so much for having us this morning. I really appreciate the opportunity to speak this morning. Obviously I have spoken before about our concerns about SB277. From the last time I was here many of us have been going to local district meetings and attempting to begin the conversation with our local representatives and although they have been very receptive, very attentive, and even very sympathetic, many of them in all due respect have been deer in the headlights. Many of them are unaware of the extremism of SB277 and bottom line we have had hundreds of parents reaching out to many of us regarding the personal release exemption filing date coming to a close here due to Christmas break. I mean we're taking today, tomorrow and Friday for many districts. Many will be closed for two weeks over the holiday. Unfortunately we've had only eight districts send out memos either messages or emails out of the 29 districts in Orange County. Other than that most parents have probably been un-notified of the fact that the personal belief exemption date is 12-31-15. I know that on the agenda later on this afternoon you will be voting to push that filing date to coincide with the law, law date that starts July 1, 2015. I just want you to really be thinking as you are contemplating, as you are discussing that many, many parents who have been frantically trying to get doctor's appointments. Very difficult this time of year. Many don't realize that the certified school nurse right on school grounds could actually sign the document. Ah there's so much misinformation. I just got a

message yesterday from another parent who was just referred to me from a friend to a friend because people are just grasping right now that said that the school her son goes to basically said that it will do no good since January 1<sup>st</sup> all these exemption are no good. That couldn't be farther from the truth. As you know these exemptions should be grandfathered in until the next grade span which for many elementary would then be 6<sup>th</sup> grade. So again, there's so many districts have not had a chance to yet notify the parents and I really, really appreciate you having this on agenda and even considering the fact to push back that acceptance date on these letters. Thank you so much.

Lindholm: Thank you. And just for the benefit of the member of the public, this is agendized is item # 22. It says adopt resolution and request the staff at Orange County Superintendents of Schools work with the Legislature and the State Board of Education to extend the deadline for filing personal beliefs exemptions to July 1<sup>st</sup>. So you may not beware of how it's stated on the agenda. And we have a few speakers who said they would come back if that's fine. Dora Ramirez? Welcome.

Dora Ramirez: Good afternoon board. How are you? A few weeks ago I did bring you guys a book. It was the vaccine whistleblower book. And I hope you guys have had a chance to read it as you I think that's one of my biggest concerns with this law is that enough people don't know that this is going on at the national level. And I believe that our biggest enemy right now is the pharmaceutical company and I wanted to remind you that you all do take an oath to youths from enemies, foreign and within. And I really feel like right now the pharmaceutical company is our own children's enemy. So I have three kids. I have a twenty year old, a fifteen year old and a five year old. My twenty year old and my fifteen year old are fully vaccinated. My twenty year old has twelve doses. My fifteen year old has twenty-four but they want my five year old to have fifty-six doses to be able to be to be able to attend Kindergarten. I think what's going on here is that parents are really asleep at the wheel because fifty-six doses is a lot. And I think that parents need to fight back. But now that you guys are aware of the issue I just beg you that today I won't be able to stay later. I do appreciate that you guys have put this on the agenda. It's important. This is so crucial. I will not vaccinate my baby because I have auto-immune issues. I've had the same doctors for twenty years that I've had. She's not willing to give me a medical exemption because of how this law is playing out. These doctors are afraid to lose their license. I am the perfect example. I am sick, my son is not a good candidate for vaccines but I cannot get that medical exemption. Luckily he will be grandfathered in but I have had the same doctor twenty years and she's not willing to and she respects me and loves me knows what I went through. I almost lost my life in the process of fighting so please help us to let these parents know because the reason these parents have a personal belief exemption most likely is because they have a family history of auto-immune or some sort of disease and these children have already been vaccine injured. You guys have eleven thousand children in the district that have a PVE and you do have to do something about this. You need to contact these family members

because they, most of these people don't know that this law is in effect. Thank you for your time.

Lindholm: Thank you.

David Boyd: Mr. President, may I make an observation?

Hammond: Of course.

David Boyd: When we have items on the agenda which will likely result in a great deal of public interest, I'm wondering if in future agendas we could put a time certain on those? So people would know that heh, if we wanna talk about vaccines, this is the approximate time that we'll be able to do it.

Hammond: I'd be very amiable to that. Thank you for that, Mr. Boyd.

Lindholm: Gloria Pruyne?

Gloria Pruyne: Well is it morning? No it's not. Good afternoon Superintendent Mijares, President Hammond and honored school board members. My name is Gloria Pruyne. I live in Fountain Valley and I am speaking on the passing of the No Child Left Behind rewrite. I've been researching and studying and reading and as you probably know it's over 1000 pages and the representatives had two days to read it. Do you think they did? I doubt it. I'll give you what I'm sharing so you'll have a written copy. The committee agreed to a framework which many find disappointing. The two major policy victories guaranteed parental opt out and portability for Title I funds were cut. Preschool grant language was incorporated into the law. Spending levels arise in accordance with October's Obama/Boehner deal. We are left with prohibitions that block the education secretary from coercing states into adopting national standards like Common Core but the damage has already been done. The horse has been let out of the barn. It inserts baby Common Core in which all sorts of subjectively gathered psycho social data can be collected on Pre-k students. The following points are from the article Top Twelve Concerns about Every Student Succeeds Act. Congress only had two days to read it so they basically had to pass it sight unseen. Heavily incentivizes states to maintain Common Core State Standards. Assessment of noncognitive attitudes behaviors and mindsets. Bill will maintain momentum for increasing non-academic data collection of student and family information in this state-wide longitudinal data systems. Parent rights. Allowing parents to opt out of high stakes state assessments is no longer included. Erosion of state power over education, federal control of standards content, no checks on federal power, expansion of government role in childcare. Advances profiting by private corporations using education dollars that should go to classrooms. Increased EF's EA's spending. Erosion of local control. Data privacy. There was no attempt to reverse the harm already done by Secretary Duncan's modification of the Family Education Rights and Privacy Act which we refer to as FERPA. And I'll give you a copy of this. Thank you.

Lindholm: Thank you. We're going to be hearing a lot about that bill in the future. Jeff Arthur.

Jeff Arthur: Happy Hanukkah, Merry Christmas, Happy New Year everyone. A few months ago I was able to go to a Freedom Foundation event which was really interesting. What I'd like to read to you and I'm giving you a handout. Part of what this radical idea in 1955 about school choice from Milton Friedman, this Nobel Laureate in Economics said government preferably local governmental units would give each child through his parents a specified sum to be used solely in paying for his general education. The parents would be free to spend the sum at a school of their choice provided met with certain minimum standards laid down by the appropriate governmental unit. Such schools would be conducted under a variety of auspices, by private enterprises, operated for profit, nonprofit institutions established by private endowment, religious bodies and some even governmental units. The administration of schools is needed required by the financing of education or justifiable in its own right in a predominately free enterprise society. I thought it was really quite telling. So it's the sixtieth anniversary of that idea. So check out [edchoice.org](http://edchoice.org) and they have a few stats in this brochure. That 58% of the general public supports school choice. 77% of inner city parents and 71% mothers of school aged kids. So that was really interesting information and I'm glad to see you guys expanding into charters but that's just the first step in a long journey. I wanna congratulate Renee Hendrick on her promotion. I think you've got a great finance person here. The tough thing in the finance in schools these days is of course the pension increases that are coming through on STRS and PERS and also the declining enrollment trend. So Renee has her work cut out for her. I'm sorry I'm going to miss the budget presentation later on. I have to go to the doctor. I'm trying to break my seven year streak of being in the hospital. I'm 2 ½ years out. No chemo therapy. So, but I will read the presentation. I'm sure she'll do a great job. Alright, thank you.

Lindholm: Thank you.

Jeff Arthur: Oh, one more thing. Um, I wrote to Ron and I didn't see it on the website but parent notifications would be great on the website. I don't know if you're gonna do that or not. I wasn't clear. You have the parents' page, (inaudible) the Ed Code 48980. All those notifications, the CTR 852 notifications. What those ladies were talking about you know as far as the vaccine notices. That would all be great on the parents' page.

Lindholm: Our last request to speak is from Jennifer Timmerman?

Jennifer Timmerman Good afternoon board members, superintendent. Nice to be here and I'm very thankful for the opportunity to bring my concern before you. My daughter is in 7<sup>th</sup> grade in the Orange Unified School District Santiago Middle School. Uh, she has just recently, now is not, currently, but recently finished the History section of Islam. And my concern is for this. I have brought my concerns before the charter board there and before the principal, vice-principal and teacher and they have all said it's the state standards. So I'm coming before you just to let you know what she is learning in this curriculum. I have it all right here. She is a straight A

student and she does her best but the things that she's learning here are very concerning because and I believe that curriculum has changed from last year to this year also, from what I understand. She has learned how to take a pretend journey to Mecca. And in that section she has learned to log on to a government website to learn how to secure a passport to Saudi Arabia. Also she has learned the five pillars of Islam. She has learned to pray to Allah. She has learned a lot of religion in her class. I don't know where else to go. I even went to Fox News as well with this. It's very concerning. Very concerning and I'm getting just crickets. Especially with what is going on in our world and I will give you copies of anything that you would want. I do have letters back and forth to the principal. Letters of concern back and forth and the response to me that I would like to give to you. I'm kind of speechless also but I want to bring these cares and concerns to you higher up on the pole here. I thank you for giving ear and like I said I'll have any of the curriculum available to you. Thank you very much.

Lindholm: Thank you.

Hammond: Alright, is that?

Lindholm: It is. Perhaps our Superintendent would like to have that information also and look into the issue? So maybe he can look into that issue.

Hammond: Um, I'd like to know about that in regards to, I'm assuming it's a new textbook? Good ahead, I'm just, I know I don't normally dial like this but was this a new textbook or was this an older text book?

Jennifer Timmerman: I do not think it is a new textbook. What it is is curriculum that the teachers have approved. The board has approved and they, it seems like they've just got it from a website. (Inaudible) Personal Journey.

David Boyd: What school is this?

Jennifer Timmerman: This is Santiago Middle School.

Hammond: In Orange.

Jennifer Timmerman: In Orange. It's a charter school. Everybody, the principal, vice principal, teacher, very, very, very helpful and fast in their response but they just said it's the state standards. We're just complying.

Lindholm: We'll I guess my biggest concern let's find out if it is the state standards and if they're covering every other...

Hammond: Religion. And in dept.

Lindholm: And I think the passport is the most concerning.

Jennifer Timmerman: Well that is the most concerning.

Lindholm: So I would like that to be addressed quickly.

Hammond: Was this, I heard this was like about a five week, it's about a five weeks. Do they spend about the same amount on all the other religions?

Jennifer Timmerman: Oh no they don't, no. This is the longest amount that they spend on a religion and it is approximately six weeks on Islam.

Hammond: Alright. Thank you. I'm sorry, Al?

Al Mijares: Yeah, I'll be happy to provide the framework, the social studies framework for the State of California but teaching World Religion, the major world religions are taught in Middle School. They're taught objectively, not subjectively...

Hammond: I remember doing that.

Al Mijares: that is the way they are supposed to be articulated. And they're taught virtually in every state of the United States.

Hammond: Same amount of time roughly would you say?

Al Mijares: That is something I'll have to look at how this particular school is executing that. But again it is a charter school. They have a local governing board that oversees that charter.

Lindholm: My biggest concern and it should be addressed is the passport issue. These are under-aged children and if the school is talking about how to get a passport I think that is probably inappropriate

Al Mijares: Yeah.

Lindholm: and so please follow up...

Al Mijares: Yeah we definitely...

Lindholm: and let us know what you find out.

Hammond: Jeff is this something that you would...

Al Mijares: Yeah, he and I work together.

Hammond: Ok.

Lindholm: Would you follow up within two weeks? After Christmas maybe? Sorry about that.

Hammond: Ok. Right now then we're done with the public comments and we have a time certain at 12:15 but since it's about 12:13 Chair will seek a motion in regards to items 3 and 4, the consent calendar.

Lindholm: So moved.

Williams: Second.

Hammond: Moved and seconded. Any discussion Vice-President?

Lindholm: No.

Nina Boyd: Who moved and seconded?

Hammond: Moved, second.

Nina Boyd: Thank you.

Lindholm: I have no comments.

Hammond: Alright. Hearing no other comments, all those in favor of approving the consent calendar signify by saying AYE. AYE. Opposed? Abstained? Motion passes 5-0. It is basically 12:15. We have a time certain charter submission at this time so Miss Kelly, Merry Christmas!

### **Time Certain**

Kelly Gaughran: Good afternoon President Hammond, members of the board and Superintendent Mijares. I shall now open a portion of the meeting for the submission of charter school petitions. This process provides a time certain opportunity for petitioners to make comments when they submit their charter school petition and begin some petition review and consideration by the board under the charter school's act. Each petitioner is given three minutes to formally present their charter school petition and please be aware that board members may ask questions following each presentation. I now call Kapil Mathur representing the Orange County Academy of Sciences and Arts to the podium.

David Boyd: Do we just have one?

Gaughran: Yes, today there's just one.

David Boyd: Thank you.

Lindholm: Do we have a cover sheet? Not yet?

(Inaudible voice)

Lindholm: That'd be great. Thank you.

Kapil Mathur: Thank you very much. Good afternoon Superintendent Mijares and members of the board. My name is Kapil Mathur and I'm representing the Orange County Academy of Sciences and Arts Charter School. Our school serves students from Kindergarten through 8<sup>th</sup> grade in South Orange County where there are currently fewer charter school options. Today we respectfully submit our charter petition for your consideration. Our petition was previously submitted to the Capistrano Unified School District. However their governing board failed to take any action on our petition. Our petition has strong community support with parent's signatures representing over 500 students, four times the legal requirement. We are submitting signatures from over a dozen teachers who are meaningfully interested in teaching at our school. In addition we present letters of support from educators, from UC Irvine, Saddleback College and Cal State Fullerton. Our petition is endorsed by the California Charter Schools Association and Charters OC. Finally government officials from both the city level and the state level support the approval of our charter petition. Our support is strong because our school will produce an innovative STEM program that our children and parents are excited to be a part of. The hallmark of our program is the unique project based approval called Inquiry Ark where students will solve real world problems building, creating and tinkering with different ideas before a final project is presented. Our school will have a strong focus on foundational skills using a Montessori inspired system of mixed age classes and individual learning plans aligned to the Common Core State Standards. We look forward to presenting a more thorough overview of our school of our program in January and anticipate a positive outcome in your February meeting. Our team would appreciate an opportunity to meet with each of you individually to answer any questions you may have as you review our petition. Thank you very much and if you have any questions for me at this time I'd be happy to answer them.

Hammond: Mr. Boyd, any questions or comments sir.

David Boyd: Ah nothing.

Hammond: Trustee Lindholm?

Lindholm: Eh, no. We'll get the submittal and we'll be able to read it. Thank you.

Hammond: Dr. Bedell?

Bedell: Yeah, just something I didn't understand. You say CAPO did not act on it. What does that mean?

Mathur: So at the December 9<sup>th</sup> Capistrano Unified School District Board meeting, Superintendent Vital presented a resolution for denial. We've included a copy of the resolution in our appeal package. The board was split 3-3 so no denial was issued and no approval was issued.

Hammond: You said it was 3-3?

Mathur: Correct. The 7<sup>th</sup> member was absent at the meeting and did not phone in.

Hammond: Technically that would be...

Williams: So in essence you didn't get approved.

Mathur: Correct. We did not get approved but we did not have a written finding of fact from the governing board either.

David Boyd: That's interesting.

Williams: So um, to our good counsel, is this an appeal or a direct submission to us?

Bedell: That's where I was going.

Williams: Yeah, interesting.

Bedell: Yeah. I don't remember something like this before.

Wenkart: Didn't say it wasn't approved by the CAPO board and the education code requires four votes for them to approve something we would treat it as an appeal. So if they are filing a petition that would go through the process starting in January then you would decide to approve it as an appeal or not.

David Boyd: That there was a staff report issued though I assume.

Mathur: Yes, the staff report was the resolution that the governing board was to vote on and so I've included the staff report.

David Boyd: Ok, good.

Mathur: So you can read that and I've included our responses to the staff report.

David Boyd: Ok, thank you.

Hammond: Was the staff report basically positive or negative?

Mathur: The staff report was a recommendation for denial.

Williams: Mr. President, you're going to be giving to us I assume a document that will be based upon a denial and not anything else is that correct?

Mathur: Correct, what our understanding is, what the CAPO District legal counsel is terming this as a constructive denial.

Williams: Ok.

Mathur: So essentially what they've, my understanding is what they've done is they've let the clock run out and have taken no action. So by the virtue of them neither approving nor neither approving the petition or formally denying the petition because they took no action within the 60 day period is de facto with denial.

Williams: So it will be an appeal to us good counsel?

Wenkart: Most likely in the January meeting it will be on for public hearing.

Lindholm: Ok, further question, please Ron. So, and this makes a difference because if it's coming as a denial on an appeal, then it is only for that district. If it's coming as a new application then it's countywide. So this is coming specifically as a denial. Is that correct?

Wenkart: Yes.

Lindholm: And an appeal for...

Wenkart: Right we would treat it as an appeal from Capistrano Unified.

Lindholm: Ok. That's what I need to know. Thank you.

Bedell: Ron, before you depart in peace, uh, what would happen if that board decided at its next meeting to have a motion to reconsider and they had four approval votes. Would that just make it mute for us in January?"

Wenkart: It might. Yeah, we would have to look at the time lines. If they took action to reconsider and approve it then that might mote the issue and it would they would just go forward with the charter school.

David Boyd: If I recall though the board had to take action within a specified period of time and the clock...

Wenkart: It may have run out already.

Lindholm: The clock has run out. Right? The clock has run out on that?

Mathur: Ah yes. The clock has run out and the board is not planning on having any other meeting this month.

Bedell: Suggest following that but can these rules be waived if there's mutual agreement? The calendars?

Wenkart: I don't think so because it's statutory. The time lines are statutory.

Bedell: Thank you.

Gaughran: That concludes this portion of the meeting. President Hammond I now turn this meeting over to you.

### **Staff Recommendations**

#### First Interim Report

Hammond: Miss Kelly, thank you once again for an outstanding job. Well we're way ahead on these time certain so we'll go ahead and move on to staff recommendations item 9. Approve the 2015-16 First Interim Report.

Bedell: Why aren't we going into closed session?

Hammond: Well we could but the problem is that Daniel King isn't here.

Bedell: Oh, ok.

Nina Boyd: We have two closed sessions.

Hammond: Yeah and we have two closed sessions.

David Boyd: And the plan is still to go into closed session then?

Hammond: Yeah, I mean I guess we could take the one closed session now. What's the feeling of the board?

David Boyd: Well we have to have an attorney present to go into closed session.

Hammond: Yeah, but the first one does not involve Daniel King.

Lindholm: Well I think you could do # 9. But I'm not sure the Oxford Prep people are here yet. They are here, ok. We could go ahead and do item # 9 and we can look at item #10 if all parties are present.

Hammond: Dr. Williams, any thoughts? Then you know what we'll go with staff recommendation # 9. Let's look at that first interim report.

Renee Hendrick: So for the first interim report we do not have a formal presentation (inaudible) just for the adoptive budget. So I can just answer any question you may have.

Hammond: Trustee Boyd, any thoughts or questions in regards to the first interim report.

David Boyd: No.

Bedell: That was quick Renee.

Hammond: Trustee Lindholm, do you have anything?

Lindholm: I do. Thank you for the report. I assume there's nothing major on this or you'd be reporting to us.

Hendrick: Right.

Lindholm: What my more of my question would be is as we go forward we need to schedule the workshop on the budget.

Hendrick: Yes we do.

Lindholm: And have a time for that. And then as I was hearing at the conference that we attended there's going to be that increase in the CalSTERS that's going from 10.2 to 19% and the recommendation is that we do a six year budget. So, I know. But the money that is in one year is not going to be present six years down the road.

Hendrick: Right.

Lindholm: So just a consideration to figure out how we can look at that as we do the budget workshop. How we can look at that as we do the budget workshop.

Hendrick: Correct. We can definitely look how much that expenditure is. And I think we've actually done some of that already. It goes through 2020-21 is when the increase is through. And we did hear an update at that same conference and I've gotten some emails. The Department of Finance is forecasting right now for us to be very cautious about the 2016-17 budget that we will not be receiving probably large one time monies like we have in the past. And so that's very unusual for them to signal ahead not to be overly optimistic. And so that's a little concerning. They're not saying there will be a cut in funding but not to expect the year like we had this year so. That's just something to keep in mind.

Lindholm: Well it just concerns me that going forward we're gonna pop from 10.2 to 19%.

Hendrick: Yes, and...

Lindholm: And that's something we need to do a little future planning.

Hendrick: Right. So in your packet you do have the multi-year budget which shows the forecast out three years currently which that those numbers are included in that at this time. Based on the scale they've given us.

Lindholm: Thank you.

David Boyd: Is the 19% locked or carved in stone or can the legislature (inaudible)

Hendrick: Well right now it is past and they could actually propose another bill and pass that that could change that. But a couple of different things happening at the same time. One is that with the new PEPPRA Law that went into effect last year that is a lower benefit for newer employees

and so that is decreasing the cost of benefits at the same time I believe PERS just came back and lowered their earnings expectations which is increasing the liability. So, you have a lot of things happening at one time.

Hammond: Dr. Bedell, anything else.

Bedell: Yes, just very briefly. Renee could you; this is not a fair question, so you can punt on this.

Hendrick: Ok.

Bedell: Ah, how much money have we gotten as a unit as a result of migrating to our Local Control Funding Formula LCAP? What has that, do you have a ballpark feel for what that has meant had we not had LCFF and LCAP what we wouldn't have had? Does that make sense?

Hendrick: It does and I can't probably give you a complete dollar figure but I can explain a little bit as far as...even though we have received new money it's still would only get us back to where we were in 2007-8. But the other thing is our funding is very different than it used to be. And so where we used to get funding for our students, and then we got a whole bunch of Categorical programs that basically helped us provide workshops and training for other school districts, our money is now basically for our students. And a little bit of money is rolled in there as a base to be able to do the same programs which is really kind of forcing us to do more of a fee for service for our districts and so unlike the school districts where they're phasing in through 2020-21, we've already seen the amount of money we're going to get. That was fully funded in this year. All we'll get going forward is COLA. And so with our decline that actually puts us behind, right? Because we're getting less revenue because of our student population. And so as our student population drops that as a bigger effect on us than it did prior to LCFF.

Bedell: Ok, thank you.

Williams: Question.

Hammond: Dr. Williams.

Williams: In the past decade we've been through these highs and lows (inaudible) and what we've done in the past we've been very proactive by decreasing our what we spend, our expenditures by decreasing staff and our leases. I assume that that thought process and that methodology is going to continue? As we seek other avenues?

Hendrick: Yeah, as you see in the budget you'll see large savings for positions not filled yet and so some of that we're actually holding on those positions waiting to see if our enrollments going to increase or we have a change but we are following that very closely. And so I think our philosophy's still the same based on the Superintendent's input is that we try to live within whatever our revenue is. And so, yes, the same philosophy.

Hammond: Dr. Bedell, anything else?

Bedell: Pass, thank you.

Hammond: Trustee Lindholm, anything else?

Lindholm: No, make the motion if you'd like.

Hammond: Well, Mr. Boyd, anything else?

David Boyd: No sir.

Hammond: Yeah, go for the motion. I have no questions.

Lindholm: Move item # 9.

David Boyd: Second.

Hammond: Moved and seconded on item # 9 to approve the first interim report. All those in favor of approving the first interim report signify by saying AYE. AYE. Opposed, abstained, motion passes 5-0.

Bedell: Should we go to item 11? Oh he's not here yet?

Hammond: No he's not here.

Lindholm: We can do 10 while they're here.

Hammond: I was going to say we could do 10.

Lindholm: While they're here.

Hammond: So staff recommendation item 10. The staff is recommending that we approve the MOU and implementation plan between the OCBE and Oxford Prep.

Bedell: So moved.

David Boyd: Second.

Hammond: Ok, it's been moved and seconded. Any discussion?

Lindholm: Substitute motion.

Hammond: Substitute motion. Trustee Lindholm.

Lindholm: Substitute motion is to remove the MOU. I'd like to have a lot of discussion on that. I think it is onerous. It's extensive. It's not what we were looking for. It does have some good items in it. But I think we need a different approach so I am not in favor of this MOU as written.

This was a top qualifying school. 600 page application. A 993 API. A track record of six years. I think this is the government overstepping and micromanaging. There are some question in here that probably could be asked. I did in executive committee ask our attorney if this could be reduced to five pages. Right now it is 29 pages. I am not in support of this and I can go on some of the items and explanations but looking for a second on the substitute motion.

Williams: I want a parliamentary procedure Mr. President. It's a question regarding is Trustee Lindholm's motion a subsidiary motion? Is that what we're dealing with right now?

Hammond: It's not a subsidiary it's a replacement motion.

Bedell: It's a move to substitute.

Lindholm: To substitute.

Williams: To substitute. Ok. I will second Trustee Lindholm's with concurrence with numerous other issues. I think we should have a good public discussion on the MOU's and how we do these. So I will officially second that.

Lindholm: Thank you.

Hammond: Ok, so we have a substitute motion that's been properly moved and seconded. It's on.

Lindholm: (inaudible)

Hammond: Trustee Lindholm as you are the maker of the substitute motion I will defer to you. Ah, you have the authority.

Lindholm: Ok thank you. And I really wanna thank staff. I know this is how you proceeded in the past that the charter schools are a new visionary impact that we are having. This is what happens when you get a few lawyers in the room and you give them a pen and paper. There's a lot of things in here that I find that will detract from the teachers. Teaching time. There are so many things in here. Some are quite logical. Some are very logical. You know conflicts of interest policy and things like that. Student handbook. But it's kind of like watching over this school and not allowing it to be a charter school and I believe that is in direct conflict with what the charter schools are trying to do. This is gonna take so much of their time, so much of their time is gonna be devoted to this that it's not gonna be devoted to the teaching of the children. It's not letting those teachers, which we have fabulous teachers in both public and charter and traditional, it's not allowing them to go forward. They want things turned in every day. They want to be monitored every week. My, my suggestion would be; that we tell the charter schools to follow the charter school policy that we have on the website. That they follow all state laws. And we have that expectation of them to follow all state laws. But we're not going to nanny sit them. We're not going to micromanage them. We're not going to ask them to have everything submitted weekly. I don't know if you've all had a chance to read through this. It is a total over

(inaudible) in many many ways. Some are very reasonable. I would suggest if we do get rid of this that we put forth a kind of um, suggestion packet that we could give to all people who are applying to charter schools. These are the expectations that you will have insurance. Absolutely! But why this is 29 pages on top of a 600 page application. On a school with one of the highest API's in the State of California. I'm opposed to it. And I think that is not what we should be doing. We should be following what we have, what the incentive is for charter schools and it's about the kids. And so, do you have comments President Hammond?

Hammond: I do but I'm gonna. Dr. Williams, do you have anything? You made the second.

Williams: Yeah, yeah. I do have some questions regarding the origins of this MOU so is it Kelly or Renee? Ok. So just some basics as the controversies of this MOU arise to the surface here. Who primarily wrote this MOU?

Hendrick: So the MOU was followed based on other county offices. It's the same MOU that was given to the Academy and to Heritage Charter. So I think some of the confusion as you read it was once we meet with the petitioner and we actually go through the MOU these are things they are already doing and we're not really asking for copies weekly or monthly. We're asking for them to provide copies either as needed or on their annual visit. And so once we've met with the petitioner and gone through each question individually and they've said we don't want to do it monthly and we're saying that's really not what we're asking for. We're asking like there are attendance reports for example. They have to have those internally. We're not asking them to send those to us. We're asking them to show us the copies of their attendance they submit for the state. Those are their usual things that they're submitting. So I think part of it is in how it's being read. The board for Oxford did adopt this MOU. It may be different than what you're looking at now because we've had numerous conversations and that's been changed. And so I think the concern is maybe in the perception of what it looks like but also remember when you're getting the charter school on appeal, that charter wasn't written necessarily for us and so we're trying just to be very clear on the expectations so that it protects all of us.

Williams: And so in the discussions with this particular charter, were there any disagreements with the contents of this MOU by the Oxford representative?

Hendricks: There were a lot of clarifications, yes. Like an example was on the contracts. They wanted to see 15 was too low. We agree that's too low. We changed it to 50,000. We do have a back and forth negotiation. I think from the teams perspective that we are trying to make something very consistent so that we would have something that the charters can see ahead of time. I understand that Oxford's a great school. Maybe not every charter's gonna be a great school though and so how do we have a consistent methodology.

Williams: Was there any thought to the concerns that Trustee Lindholm articulated very well about the over burdensome aspects to this MOU?

Hendrick: Actually once we met with the petitioner, we did not hear that. And just to let you know too...

Williams: But that wasn't my question.

Hendrick: Ok. Sorry.

Williams: Was there any concerns to this board and specifically to Trustee Lindholm's thoughts about the burdensome nature of some of the language in here?

Hendrick: I guess I'm not understanding your question then.

Lindholm: I think what we might need to do is have comments from the school.

Hendrick: We could do that. Just to let you know also though that we are meeting with the OC Charters and the Charter School Association to kind of help us in drafting a standard model also that would hopefully improve the process.

Williams: So since you're the primary individual who wrote this...?

Hendrick: I am not the primary person.

Williams: Ok, who is the primary person?

Hendrick: Um, most of it probably comes from our attorney, Kelly Barnes, so she's probably writing the majority of it.

Williams: So, let me ask you then since you're already up here and you're in the hot seat, do you think this is over burdensome?

Hendrick: I think when you talk about the intent and we're meeting with the petitioner, I don't our intention is for it to be over burdensome. I think if you read it for the first time if you don't realize our intent, it probably seems a little much, yes.

Williams: So a lot of this in reading this is already required by statute, is that correct?

Hendrick: Yes.

Williams: How I, again I'm the simple layman, I'm not an attorney like Kelly or Ron. I don't, or like our good Trustee Boyd here. But it is a lot of language. It is long.

Hendrick: And a lot of charters are new and don't have the background to know those recommendations.

Williams: So anytime you have long legal documents you get attorneys involved and attorneys cost money to read these long documents. I'm just thinking is there any way we can along with what Trustee Lindholm said shorten, make less pages.

Hendrick: And that is our intention with working with the Charter School Association and OC Charters is to help us develop something that's more succinct. Yes, that is our goal. I'm not sure it can be five pages but we will definitely look at trying to shorten some of that.

Al Mijares: Mr. President may I ask a comment?

Hammond: Of course.

Al Mijares: You know if you look at the emanation of the MOU, the charter itself, I feel there is very little oversight at the state level for charter schools and that has been delegated to the local entity that approves the charter as well as county offices. This charter will generate over a three year window about 15 million dollars of taxpayers money. You can't buy a car or a home without signing reams of paper on a loan. So this is taxpayer money and so perhaps it is onerous and we need to look at that to streamline it so we're not deemed just vindictive or not being co-partners with our charters because we want them to succeed. And I'm glad we're using OC Charters, California Charter Association to help guide our thinking here but I really believe that when you look at charters who have gotten into trouble and you know we had one, Albor Charter in Santa Ana it was basically because we didn't have these types of checks and balances to determine the voracity of their numbers, the integrity of their process. So, we're not trying to be adversarial but you do need to have a protocol because if not, this is a lot of money. And that's based on an ADA of 595. If they go up to 800 we're gonna be pushing over 20 million dollars over a three year window. That's a lot of money.

David Boyd: And if approve of 20 of them, we're looking at 300 million.

Al Mijares: Absolutely. And the county office, since we are approving the charters, the board of education is consenting to the charters we will become held liable for that money. So I think we have to remember that.

Lindholm: Do we have, do we send this out to all our 27 school districts and their schools?

Al Mijares: Their oversight process is much more cumbersome, much more cumbersome.

Lindholm: And that was the design though. Charter schools are designed to give them more autonomy.

Al Mijares: Right.

Lindholm: That is the law. I mean that is the state law.

Al Mijares: But the autonomy is autonomy in terms of the instructional process, in terms of the hiring process. Some of the education code has been put aside if you will for a charter. But in terms of the fiscal accountability which is really the lynch pin of whether a charter is going to make it or not, nobody has told us that we need to recede on that. So that's why, that's how

these things start. That is what I'm trying to explain. It's not to be adversarial with anybody. It's simply so that you understand the nature of this and why it's done.

Lindholm: I just wanna bring this back. I understand and I appreciate your comments and we do want them to be financial successful and responsible. But 29 pages after a 600 page paper? That to me says we do not want you to be a charter school. We are going to put so much burden on you in terms of paperwork that you're going to spend all your time doing this. And that is not the goal. That is not the goal when we approve a charter school. So, I would like to see this, and I had mentioned this in Executive Committee, which I wasn't allowed to speak to all of you, that this needs to be brought down and hit the key points. That was two weeks ago and it came back and it's 29 pages. I'm not in support of this. I'm not in support of having this. I understand we have to have the financial reports but this is, this is just like a hammer and I'm very not supportive of this.

David Boyd: Mr. President? (Inaudible)

Hammond: I saw his hand first so since he's our esteemed professor I will go with...

Bedell: I just, I don't understand where we are parliamentary wise. As I under it, Trustee Lindholm has made a substitute motion. We would then have to vote on whether we agree to substitute or not and then also discuss the nature of her motion. I am very, very unclear as to what Trustee Lindholm's MOU would look like. And I don't know. And then, I'm going, and I agree with you. I never gave term paper limits to my kids because I thought it was an artificial construction. I said five pages they gave me five pages when it could be three. When they gave me 10...do you know what I'm saying? So I think there's something, I would say preferably not too exceed...I would be more comfortable with. But I'm nervous now because I don't know what the substance of your MOU would be should I support the substitute. Do you see what I'm saying? Yes 29 pages give you more hernia to carry it. I get that. But I don't want to lose sight of the fact that these good people with this excellent program signed off on it.

Lindholm: Well I don't think that they had a choice.

Bedell: Well they always have a choice. They always have a choice. But my point is I guess I see your parliamentary help here on how to (inaudible) cause I'm really nervous. We approve it follow state law. There are a lot of them that have followed state law that have done great jobs and lot of them that have not. And I just wanna be sure. This is going to be ours. And it's our staff's problem. And it's the money. And I wanna do right by the kids.

Lindholm: I totally agree with you. My problem is when we had this discussion and approved this charter school; we knew this charter school is excellent. We had a charter school before it that had some issues. We had a charter school before that that we denied. So I'm asking, I asked for that we could have considered today, a form that said you will follow state law. You will follow the charter school policies. You will submit anything that you need to submit on time.

Following the state law. I mean what else do they need to do? And then say additionally in that MOU that our staff is extremely talented and smart and their willing to help you with any issues you have throughout the year. But I was asking for that to be crafted and it was not. So that left me with this saying this is too long. This is not what we asked for. This was not our intent. So I guess it could come back in a future meeting and be a something that we could use with everyone. If that want to keep the language for a lot of other stuff, it could be guidelines that we suggest for all charter schools. So they don't have to come up and go, oh, well look. There's all this information I didn't have.

Bedell: May I follow up with a question?

Hammond: Of course!

Bedell: I think I really appreciate your comments. I think that this is a very, very, very low risk charter. And I think you made an excellent point. There not all that way, many are. So therefore, my view would be they've signed off on it. We want to get them going. They got, we can trust them, they have a good record and so we can just move forward and take your comments which I totally hear and for the next round, rather that holding them up, and I'm really nervous, let's prove it. You know what I'm saying? Otherwise we could have done that the first day. Whenever that came. Do you know what I'm saying with that?

Lindholm: Well this I didn't not expect. I guess this shocked me. It gives you a hernia just to carry it.

Bedell: I hope that's not in the minutes.

(Multiple voices together)

Lindholm: I think it might be. But we could have um, if you wanted comments.

Hammond: Mr. Boyd.

David Boyd: If I may. I agree with Trustee Lindholm up to a point. I did take the opportunity this morning to go through this in great detail and I have to admit that I didn't get past page 20. But I also believe that when we look at approving a charter or and let's look at this as a contract, that in drafting a contract as an attorney in terms of the amount of detail I look at two things basically. I look at the amount of money involved and I look at the time period of the contract. So the amount of money involved here is clearly large particularly if we're talking about a prototype charter that's going to apply to everybody. We could be talking about really 300 million dollars. And the time period is five years. Well a lot can change in five years. They have an outstanding operation as we speak. They have a great track record but governing boards change in non-profit organizations all the time. There's no guarantee that three years from now, four years from now they will have the same governing board that they have today. Nor is there any guarantee that our governing board will be the same and will have the same philosophy four

or five years. As some of you know I've looked into developing a charter myself and I reached out to Mr. Durfee last week and asked him his concerns and you know perhaps we could invite him to comment if you like. Basically what are your concerns? Well there are a number of things that about the Orange County Charters that give us concerns but they were in the process of developing a list that he didn't think would be available until January. Ok? So that's fine. What I would suggest we do is two things. One-let's talk to the Oxford people and ask them if it's important to them that something be adopted today and if we later adopt a charter that, choose my words carefully, are more, less restrictive let's say, then we could always amend what we're approving today to whatever we ultimately approve assuming they agree with that.

Lindholm: Can we add that to the approval?

David Boyd: Well if they would like it that's a parliamentary procedure question I really don't have an answer to.

Hammond: I would think we could as a friendly amendment to that.

David Boyd: But um, looking at this, but I don't want to go into great detail because I would suggest what we do, is we have a couple board members sit down with the charter school folks, sit down with staff and go through this document. And let's say, ok, does this need to be here or does it not need to be here. And just go on a page by page basis and if it goes out to be five pages, so be it. If it goes out to be 29 pages, so be it. My problem with just a doc in California law...California law is vague in a lot of areas and is subject to vast differences in interpretation. So to simply throw it back to the education code I don't believe it gives the staff the necessary oversight. Now what I do object to, and this goes back to my day job, you know over the past five or six years with the Obama administration my organization's been required to provide so many reports. My accrediting body has required so many reports and what happens is a lot of these things...ok you have to have this report by a certain day. So January 31 you have to have this report. So my staff busts their tail, works overtime, going over all that tax stuff at year end and I know dam well that reports gonna sit on somebodies desk until March or April before they pick it up. So we have a lot of instances in here where within ten days you can...

Lindholm: Even fifteen days.

David Boyd: I think in many cases that could be stretched out to twenty days, to thirty days. Because they are operating with a small administrative staff and sometimes you know getting minutes together...Maybe there are higher priorities than getting minutes together in ten days. So I agree this is not the most perfect in the world. I agree with much of it. I'm not ever saying I'm going to five pages but let's talk about this. Let's see if we can get a consensus among all the parties involved and then we will have a prototype document that we can use for the great majority of schools that come in the future.

Lindholm: I agree.

David Boyd: Would you like me to call Oxford...

Hammond: I was just going to ask you. Would it be the consensus of the board to bring forth one to two members, I would personally like to do that, but I'm looking for a consensus of the board. Alright. Well if we could have a couple of representatives from OPA come on down and Miles, you're probably on deck so...

Barbara Black: So you get to join us soon. Hi Dr. Mijares and President Hammond and fellow board members. I'm Barbara Black, the Executive Director and you may recall that this is ah

Jared McLeod: Jared McLeod.

Barbara Black: I was thinking of Jared or Mr. McLeod. So this is Mr. McLeod. So.

Hammond: Alright, well I think some of our board members might have...you know I have a question for you. You know when 28-29 pages was brought to your organization as an MOU, after you submitted 600 plus to us, what was originally submitted to you and what I'm now looking at before me I'm thinking there probably was some changes. So I'm assuming did you all make some recommended changes that were accepted to what I, you know, from the original to what is now before me. And second is do you feel like it's ah, you know, a little over-reaching in anyway shape or form. And I'm gonna say, be blunt.

Barbara Black: I think it would be best to just share what I said to the team when we met with them so that anything that I do share with you they've already been aware of. I think that's only fair. When I first received the document and we shared it with our staff it was a concern for me that it was a pretty extensive document. I did have a phone call to Kelly and I did share that with Kelly. I also shared that I thought that the MOU would address more of the conditions that we had discussed at the last board meeting. And though there are a few of those things rolled into that information, basically there were a whole lot more things in this document. And I did share with her that I thought it was over reaching and my preference that going forward the negotiations would be not on this document but would be with a document that was based on the conditions that we all discussed and I agreed with that we could work out at the last board meeting. What happened after that is that I pulled the team together and we met and I had the business department as well as our HR department and all of our major players. We went through the document line by line, page by page and I was kind of surprised at the reaction I got. And one thing that started making me think in terms of differing from what I had said to Kelly was that the team continued to say we do this. We do this. We do that. Mrs. Black we do this. And we do that. So, first of all I would like to say that made me extremely Dr. Mijares because you are concerned about accountability and what people will do when they have charter schools but I also have to say over and over to my team I said that the charter school law was meant to reduce some of this red tape and it was reduce what we we're going to have to do in terms of bureaucracy. And when I met with the negotiating team I shared with them we are a small organization and I can appreciate your comments about our administrative staff is not what a

district staff is and that many of the things that we do are to comply with state law that is meant for charter law. Not all Ed Code is meant of charters. So we looked at all the things that we do and um the bottom line was that it does seem over reaching. It does seem extensive and there is a lot to it. We met with the negotiating team though with this in mind that so much of what is being asked we already do. We have 900 who intend to enroll students. We want 600 children to have a school. So if we already do it, it's going to cause extra work to duplicate it and send it along then let's negotiate with the document so we can move forward. And that is the premise that we went with and in all honesty those are the things that I said in our negotiating meeting. So, I appreciate the comment that was made about the time lines? Yes there are some very limited time lines. For example if there's a change in any of our directorships or any of our administrative staff, they want to know within ten days in writing. Things like that are a little difficult when you're out there training teachers to do core curriculum and implement what our MI strategies all are. So yeah. We do agree with that. I want you to know that we want to move forward because we want to provide this school for our children. When we, um, I'm sorry to take so long but I think it's important for you to know what our stance was. When I received the document one of our directors had said to me, you know Mrs. Black I wasn't around when we did the first MOU's from our other chartering agencies and I thought, you know what, she's right. And I'm gonna go review this and see what it is. So I was surprised at one of them. It was a 21 page document and I looked at it and there were money of the things that was in this document. But, that same chartering agency, five years later, and this is where I agree with you Mrs. Lindholm, we do have a proven track record and we've done an awful lot and our audits have been perfect and that is a lot of money. Millions of dollars. If you come on our campus you'll see where the millions of dollars have gone. They've gone into buildings, into the band program, and into our locker rooms for our 7<sup>th</sup> and 8<sup>th</sup> graders. For libraries with resource centers. You'll see every penny accounted for and the wonderful programs we have as a result. And so, I want you to know that that same agency five years later approved our document, approved our charter with no MOU. None. We incorporated all of the things that were in that MOU as much as we could possibly do so into our document. And if you look at the things that are being requested, all of the different state requirements, the PI reports, all of those things? They don't need to be in the MOU. There already what we're required to do. But now we have to provide the copies, and some additional paperwork that isn't really necessary because in the end you still get the document. It becomes something presented to not only our boards but to our chartering agencies. So I guess the answer is the primary thing that we want to do is we want to have a great relationship with both the county board and their staff. We have a school that we want to run. We have 600 kids that are waiting and we know how to do that. That where we are experts. But because we took on the charter school six years ago we became experts on complying with law. We became experts on doing audits. We became experts on how to spend money, be transparent and do what's best for kids. So I so appreciate the ten that Dr. Williams that you gave us the last time we were here. You asked me Mrs. Windholm, Lindholm, I'm apologizing, you asked me what do you want Mrs. Black? Do you want us to approve you with

no conditions and I will admit to me I guess as teachers we are kinda humble you know if you ask us to evaluate ourselves we do it a little more harsher than anybody else so it's hard for me to say it. But I can say it knowing that all the things that were in the MOU, this particular charter school and this is the one you are voting on today, this charter school will do what you are asking us to do. But we don't have to have somebody demand it. When I looked at what was in the handbook, this is an example, my first comment was, my goodness, do they want to write the handbook? I'm sorry; it was just my first comment. It wasn't said to anyone and I didn't even say it until now with you. But then I looked at the handbook and I gotta be honest, everything in there we do but two items. So when it came down to our team wanting the school more than we wanted to worry about some of the paperwork we had to hand in, but we already do, it would be a duplicate, we're going to negotiate. We got some of the timelines changed. We got some of the money things changed. But the bulk of the document you see is pretty much intact from what we did receive. But there have been some accommodations and there have been some negotiations that we're very pleased with and we're very happy that we were able to work those things out. And that's why we took it to our board and we got an approval and I stand here before you ready to do whatever it is you would like us to do in complying with that and probably offering suggestions to Miles and the group and to Kelly and them for future MOU's. I have no problem with doing that as well but of course I would be remiss if I didn't say I wouldn't mind that second motion you made either.

Williams: Well I have some comments.

Hammond: Go ahead. Go ahead.

Williams: Thank you Barbara. I still give you a ten. Um you guys are awesome. You're gonna get your charter. This is a new experience for this board since we've had new board members in the last year. We have pretty much approved charter schools because that is the philosophy we have. So this all new these MOU's. Most of them in previous years except for one were all denied. So please bear with us as we kind of go through this growth with the board and staff. State education law gives approval to the board so we're the final say so. We want you to feel like there is some negotiation here. At least I do and I know perhaps Trustee Lindholm feels that way. If there's anything that's burdensome in this document it needs to be eliminated. I will agree that a lot of this is already repetitious. It's in the state statutes so we don't need it. So I'd like to make this smaller and less onerous. Because anything that's long and lengthy you're gonna be paying a lot of attorney time to be paying to redo this so this is a burden for you. What would, since you're dealing with a board, you're not dealing with staff negotiations you're really dealing with us. What would you like to see removed from this? I know I'm putting you in a difficult spot.

Barbara Black: Well...

Hammond: Before you answer that I was going to say, if this was, if we waited until January to approve the MOU with you with some substantial revisions does that negatively impact what you all are doing?

Barbara Black: My thoughts on this is that I wouldn't want to go backwards in negotiations so that anything we already negotiated which took a lot of time and a lot of money, and it did. I would not want to have that which we have already negotiated to be reversed in any way. That would be my primary concern. It was a negotiation if you will until the midnight hour quite literally and so that would be the most important thing. If we could wait until January, we have a party planned tonight. It would be less exciting. But on the other hand if we were able to move forward I see it working in two ways. We could look at if you did approve us knowing that anything that got taken out could be, it could be either a material revision to our MOU or if I am correct and you may be able to tell me this Kelly, I think the MOU as states says that if we both agree, both parties, we simply can change the MOU. It doesn't even have to be brought back to the board. So, I would say, if I got what I wanted today, one-I'd love to have it with no conditions as you asked us. You were so close to approving after last time around. 2-that if we were to relook at this that we would go ahead and allow us to move forward and celebrate that we have our school. You would pass the motion so that would be taken place that the MOU could be changed and altered but nothing negotiated that has been put in it taken away but just the reduction because I think there are some places that definitely could happen without and I mean it sincerely Dr. Mijares without compromising the need for accountability. I'm an Executive Director. Whenever we don't have someone who's not being accountable we pay a lot of money and a lot of people get hurt. So, I understand at the accountability. I do. So that would be the best to me that we would be able to move forward that we'd be able to get an approval today either without conditions; I know that's bold but I kind of learned last time I better be or the second one would be that it was past knowing that there are going to be changes and that those changes will not include anything that's less than what we already negotiated and that those changes will then benefit us and perhaps all of your other charters in the long run. Does that make sense?

Hammond: Alright. You, I'll come to you, oh, alright.

David Boyd: Um, this probably gets Ron involved here too. Um, if we make material changes. Or let's say not material. If we make material changes to this MOU today, wouldn't they have to take it back to their board for approval of the changes?

Barbara Black: I can actually answer that. We would need to do that yes.

David Boyd: So is it in everybody's best interest to let's get this document approved today as is with the understanding that we will study the issues going forward and if we come back with a prototype that, and I hate to use the word favorable, but more favorable to the school or less restrictive to the school, then they would have the opportunity to revise this MOU accordingly.

I'm leading there but I'm seeing some reports in five days in here. I don't know any of you who can get anything in in five days and teach schools at the same time. I wanna hear what Miles has to say.

Hammond: Mr. Miles. The California Charter Schools...

Lindholm: Are you gonna tell us who you're with please?

Miles Durfee: Yeah, Miles Durfee from the California Charter Schools Association. So I wanted to just clarify some of the things member Boyd said and some of the conversations that I've had with staff and board members. And first I wanna say my comments I've made to Mr. Boyd in email are accurate and correct. However, I'm separating the issues right? Today you have in front of you Oxford Preparatory Academy which you may recall I supported your approval of their petition with no conditions. No conditions of an MOU. No conditions. You chose to use option 2 at that point and so you're back here. And what I would say is so I separate that issue and I still support Oxford Prep with no conditions. And I would hope that you might look at that today. As an ability to do that. I don't think, personally, I'm not an attorney but I personally don't believe that Barbara has to go back to her board if you decide not to have an MOU at this time.

Barbara Black: No I don't think that that would be a problem. I'm sorry if I intimated that. We would need to take it back to them but we don't have to have (inaudible).

Miles Durfee: But I would also say that the issue is bigger than just Oxford Prep and that's why I had the conversation with member Boyd and staff and I have spoken and I believe that it's very valuable to sit down and say ok, here's some things that are good for you to have to protect kids and students and high quality instruction. Here's some things that are already required in the law and you're just restating them because it makes you feel more comfortable and here's some things that make no sense at all and are burdensome on the charter schools and don't help kids and their ability to instruct kids. And so that's what I purposed we did in January and I wanted to do it thoughtfully rather than at the last second and get people and here are the issues that we want to address. So I just wanted to clarify that peace and tell you why I still support you know the motion as it is today, the substitute motion, and also just as a side, I also support the concept of giving charter schools before their appeal comes to you, as they submit the appeal, here are the things that we believe that we have to have as your oversight and compliance entity.

David Boyd: Best practices.

Miles Durfee: We need these things and then when the appeal comes to you for decision I would suggest that the staff report would call out that here are the things that the charter school agrees they will have as part of their appeal. So that's my thought process.

Lindholm: Thank you. So with all of that and I have a substitute motion. The substitute motion for this school is to remove the MOU and approve it as is. They have six years' experience; they know what they're doing. I think they can do it. Our staff is still going to be in contact with them and they can do that. But going forward rewrite this, cut it down. I know we have four attorneys on staff. We have two assist attorneys on staff. It does not have to be this kind of document. It does not have to duplicate what is in state law. Get the best practices. Absolutely get the best practices. Have it on our website. Hand it to everybody who submits an application. But this, I don't see, well let me read. I love this where it says, "Prior to operations within five business days" we've gotta lot of stuff and then it goes, "no less than five business days" on the next item and then again no less...how, how, how can you teach? I mean there's some things in here that I know they know what to do and I think that we could just have this school go and do what they do best and then look at this, we've got a new school coming up that we're gonna approve or not approve or whatever today and have a new format and have our staff, our great attorneys, try not to make it this long, do something different. And so that's the substitute motion. We were close to that at our last meeting. Just approving them without this.

Hammond: Hold on just a second. This is for OPA. And actually it's also you know for Ron. I'm looking at this MOU and I'm looking at the top of and I'm looking at top of page 6 where it says #1-this is one of the things that jumped out to me. So I was putting Ron on the hot seat. I was letting you sit down there.

Ron Wenkart: (inaudible from audience).

Hammond: It actually begins on page 5, it's under you know letter G, Health and Safety Plan. And then it rolls over to page 6 # 1. Evidence that staff has been training in Health, Safety and Emergency Procedures. Which I'm all in favor of. But it appears that this is also asking that this be posted. My concern is, now this is me putting on my Marine Corp hat and I will probably never get out from under my Marine Corp hat until I'm dead. The first thing that comes to my mind and I'm going to say this to the OPA people is that if you post this, what are the expectations that an active shooter is going to...

Barbara Black: We already negotiated that out. And that was a stand I took very strongly. And that was that they would be, because they asked for copies and again we always have our copies but that it would not be posted. So in the new document, which I have a copy of if you would like. I have it right here.

Lindholm: May I follow it. We got this yesterday. But that's my problem too. We had one sent to us that was a draft. We've had this less than 24 hours. And I have issues with that. And so when we're saying we have issues with it, it's not like we've had a long time to look at this. And I absolutely agree with him. We do not want to post our emergency plans on the website.

Kelly Barnes: And that portion was taken out and moved and so you know we moved it for all future MOU's. I think it's important to note that it's an evolving document. We have no

problem making changes to it. We worked very carefully with, especially after Oxford Preparatory Academy, with their suggestions. That was one of the things that was moved. Not the item that you mentioned President about the training occurring but the actual plan was moved out of being posted on a website and instead just so that they had them. And the reason that is all in there for obvious reasons is to make sure that we have safety precautions in place. We have had situations where charter schools didn't have precautions in place. That's one of the reasons that's in there. That's very similar language to what would be required in the State Board of Education's MOU should any charter petitioner go appeal from us- for a denial. That MOU is actually 56 pages if you don't like pages. The LACOE MOU, the Los Angeles County Office of Education MOU is 36 pages of required language and Los Angeles Unified School District where I also worked previously, has district required language of 35 pages.

Lindholm: I think we can do better.

Kelly Barnes: I think we can do too. But I want you to know that with Kelly's leadership, with Miss Gaughran's leadership we really do sit down and try to understand what anybody's concerns are with any provisions and we make modifications. If it's a legal requirement we aren't going to be so likely to do so. But with things like time frame. We don't want to post that because we have security issues with it. We moved all of that. I think we made the bulk, if not all of the changes. We had more negotiation on one sentence than on any of the other items we discussed within the whole document.

Barbara Black: I would like to qualify though that, and I shared this when we went in too. And that is that we looked at the document and stated that already these things had been rolled into the charter for the most part and that's why we no longer had an MOU at South Orange County. So our feeling is that the majority of this has been ruled in. We were also informed that this document was even going to be a little more intense in the future as opposed to less so we looked at we want our school, we want our children, what can we do. And that honestly, and I said these words to them, that we will do such a good job that the next time we're sitting here you won't have an MOU for us. Those are the words that I said to them. Is that correct Kelly?

Unknown: Yes it is.

Hammond: On page 20 where I was reading under point four, um, second sentence it says it's agreed that OCDE shall receive advanced written notice of all loans sought, you know, by OPA. And I was going like, really? So if you guys are even thinking of getting a loan it's kind of like we're thinking of going here. We're gonna (inaudible) I was going like, nah, that's over reaching for me. So I'm in favor of basically taking this thing and putting it in the trashcan. Um, I'm a Marine. I'm pretty blunt about things and I round filed a few things in the Marine Corp. So, um.

Williams: I still have questions.

Hammond: Mr. Boyd, did you have anything else? I thought you did.

David Boyd: Well, it's back to okay, what do you want done today. I'm not even sure, and Ron, from a Brown Act stand point, it's not on the agenda that we modify the initial decision to approve this charter with conditions. It's only to approve the MOU.

Ron Wenkart: Yeah the agenda item says approve the MOU and implementation plan. Um, between the Orange County Board and Oxford Prep. Well, if you don't approve the MOU, then I think you're in effect approving it without an MOU. You're approving the charter school without an MOU if that's what the majority want to do.

Lindholm: And we could do that today?

Wenkart: I um...

Hammond: I don't think Renee's in agreement with you.

Lindholm: But I'm asking the attorney.

Hammond: I know.

(Renee is inaudible from the audience)

Hammond: Microphone.

Nina Boyd: Microphone Renee.

Wenkart: I think you

Hendrick: They approved the charter with the MOU with conditions in the MOU. So my concern would be is if you say they don't approve is the charter still approved? That's my question.

Wenkart: I think you can take a vote on the item that's on the agenda now whether to approve or not approve the MOU. And then you can put it on the agenda for January to make any changes to what you did back in November.

Lindholm: Well, I don't want to leave them hanging.

David Boyd: Yeah, well that's my concern.

Lindholm: Yeah, we can't. So with Renee's lawyer advice you're saying that we cannot, and she's great in finances, I know. You are a champion you are a ten in finances. Um you're saying that we cannot approve it today without an MOU.

Wenkart: You, well you can, yeah in effect because you cannot approve, you can vote to not approve the MOU that's been recommended by the staff and the you...

David Boyd: But the charter won't be...

Lindholm: Valid at that point.

David Boyd: Valid until...

Wenkart: You'd have to come back in January

David Boyd: ...the either the MOU is approved or we revisit the initial...

Wenkart: Because in January you can then modify the vote that you took in November to approve it with conditions that the MOU be entered into.

Hammond: Ron, could we have a motion to reconsider our vote from last month and instead of going with option 2 going with option 1. I would think that that would be legally ok and compliant with the Brown Act.

Wenkart: Well no I don't think so because the public doesn't have notice that on the agenda that you might do that.

Lindholm: Well they also didn't have this 24 hours before. It wasn't posted on the website. So they did not have it within the 72 hours.

Wenkart: I'm not sure of the timing. I'm not sure what the timing is.

Lindholm: Ok, I'm sorry. They have questions.

Multiple voices talking at the same time.

Hammond: If that's the case then if it was improperly noticed I don't think we can take a vote on this. Alright. Dr. Bedell.

Bedell: Yes.

Williams: What about me?

Bedell: I would like to do a water test. And I would like to suggest that we postpone consideration of this document and the two previous motions and direct our staff and the parties to get together and it would be a test case for the revision of what people like Miles says is coming in January and that it would all work. My personal preference is, just Jack, would be to prove it as it is. They've signed off on it. They say they're doing a lot. And they can get started. Evidently there is not, that's not sanctimonious for some people but I think that would be helpful to the kids that they get going and there honorable people. They're doing these things already. It's not going to kill em to move forward with it. And the kids gets served. That would be my preference. Other than that, I would say I'm looking forward to working with these good charter people and saying in terms of boiler plates. I think we've belabored this. I think these people

have done good work. They have good data. I always read their data. And it seems to me that they can go on and suppose this happened with the Samueli thing. They came back several times and we messed around with it and it worked fine. We had no issues with it. There was changing the board (inaudible) whatever, so I think we have a precedence that we work well in that situation. So my preference would be just get rid of this and I don't mean that in a negative sense. Let's move forward with it for the kids. And that's to approve it as it is and then everybody comes back January. Sorry to take your time your very patient and out of character.

Williams: Thank you very much. Ok. Out of character. Ok, I'll try in character.

Hammond: He is the epitome of patience. Anyway.

Williams: So this is a constructive dialogue that's occurring between the board and the staff. And let's put things in perspective. We are the elected leaders of the board who makes decision. I want the staff to understand that when we talk about burdensome language and document you really need to understand that point. When we have a party that we so support here, ah, come up and very kindly and gingerly criticize the process. I want to validate and support you. Cause you're kind of put in a hard situation that were just posed to you here. Cause you don't want to be a rat. You don't want to create an adversarial relationship with this department and their good folk here. But your relationship is with this board. Ok, we conduct our process through the staff which is provided by the Superintendent. But the board gives direction. So let me be quite blunt about that. Ok? And I do believe the consensus and I echo the words by our good colleague Boyd that government has had an overreach on private entities and it's way too much that's occurring in this society. So hopefully staff will take note of what's happening here. I thank you very much Mr. Durfee for being here and participating in this. Ah, I still think and I'm gonna kind of change the direction (inaudible) I said my comments and I got it off my chest. On item # 10 we have a motion that was made by our good Trustee Lindholm. It was seconded to replace this MOU with just unconditional approval of the charter. I think at this point because of what I'm hearing from Barbara you need to have a party tonight plus you have other probably timelines that you have to get this going.

Barbara Black: Yes we do.

Williams: So I'm still in favor. I think the process of our board bylaws do allow us to modify 10 and we can modify it to either eliminate pages 3-29 and just have it basic or we can just go back to the original statement and motion to approve it as is. So, I'm in favor of that. I will support you Trustee Lindholm. I will stop at this point and allow the process to continue.

Lindholm: Can I comment at this point. Thank you. I think this is all arisen because we tried to communicate, well at least I tried to communicate with staff, and President Hammond tried to communicate with staff that we want an MOU that is short and practical and necessary. Not taking into account, not duplicating with the state has said and taking into account the autonomy that the State of California has passed a law saying. So that didn't happen and we end up back

here. So that's how we got here. We did not request this. I want you to know that we did not request this. We did request an MOU and then as I said we have a lot of attorneys and they speak attorney speak. Um, the option, if we cannot, you're saying that you cannot approve this without an MOU? Then maybe we can approve it with just page one.

Wenkart: That you could do under the Brown Act.

Lindholm: That we could do. And then my suggestion would be that you come back and that staff works really hard to make a very practical MOU for the next charters and that gets us through today. I know they have a six year experience. I know they can do it. I visited every classroom they have. They're an excellent school. We do have some that are not excellent. The first page is just the first page and that just gets us through this.

Bedell: It continues to the next page Trustee to G, with a G in the terms.

Lindholm: Ok, terms of the MOU.

Hammond: I would take Term of Charter. And I would say end it there at point 2.

Lindholm: We could end it at point 2 and include that. And that gives staff, now you have all this time.

Wenkart: Well I think we have a better understanding of how the board feels.

Hammond: I would hope.

Lindholm: Thank you. Thank you very much.

Al Mijares: May I make a comment in reference to charters cause I don't want the staff to be disparaged in terms...

Lindholm: No they're fabulous staff.

Williams: No one disparaged them.

Al Mijares: I know that, I know that. We believe in charters. We support them. We have excellent charters and I think this is a great example of a charter that we will laude as a fine charter. I do think Miles made an interesting point when he said, this is one charter, there will be others coming. And the MOU process is important. And while the board approved the charter and the MOU, the fiduciary evaluation and monitoring rests with this staff. Not the board. So we will conduct, we will have a relationship with them and it is a good one. Right?

Barbara Black: Yes it is.

Al Mijares: I understand you brought a gift for Kelly.

Barbara Black: I did.

Hammond: Wow.

Lindholm: Way to go Kelly.

Al Mijares: But you cannot put aside the other aspects of our monitoring of this school. And I just want to make that clear.

Lindholm: That's fine.

Al Mijares: Ok?

Hammond: Alright.

Williams: So can I also put onto the record that no words were ever meant nor words ever iterated to disparage the staff.

Hammond: Agreed. So if I understand the substitute motion before us is to replace the entire MOU with...

Lindholm: No, keep it. And only approve pages one and two.

Hammond: Ok, only to approve pages one and two through item #2.

Miles Durfee: So it becomes the MOU.

Lindholm: Yes.

Hammond: To become the MOU. Is that uh, is that agreement ok with you Trustee Lindholm?

Lindholm: Yes.

Williams: Question. Do we need like under item 3, term of the MOU. How much do we, cause that's fairly benign language.

Hammond: I would say we could let them hammer that out?

Williams: Well.

David Boyd: But we're voting today.

Bedell: I have no idea what we're doing. I really don't. I'm sorry. My 73<sup>rd</sup> birthday is in a week maybe that's what's getting me. It seems to me, we approved what has been recommended. And we're going to move forward and we know that there is going to be changes. Because if you look, Trustee Lindholm with all due respect, 1.D reads, the purpose of this agreement is to set forth among other things the responsibilities of the parties with respect to

the operational relationship between OPA, the board, and OCDE. That sentence makes absolutely no sense with all due respect. With all due respect by stopping the document at G. Now maybe we want to stop the document at G but that statement is non sensical. It's a non sequitur.

Hammond: Take it out.

Multiple voices

Lindholm: I'm happy to take it out. The problem is we've been put in a position because we asked staff to do a something and the something came back which gives you a hernia. And that's how we got here today. So to pass this today, this is how we can pass this today, as if, as if we had passed it at the last board meeting without an MOU, except this adds a little bit of language to it. So if you ever pass a charter without an MOU you're kind of just about back here. And their still gonna have to follow all the state laws and all the charter laws and speak with our staff. So you can vote no too if you want but we can let them be done for today.

Hammond: So they can have their party.

Williams: Could we have, I don't mean to do your roll, but what is the amendment by Trustee Lindholm do? Do we have it actually written down so we know as our good Trustee Bedell talked about?

Wenkart: Can I make a suggestion? Maybe withdraw all the motions that are pending and then start with a new motion and then frame it...

Lindholm: I'd be amenable to that.

Williams: Yeah, I think that's...I withdraw mine.

Lindholm: And then we need ta...

Hammond: You can't withdraw cause it's to the whole body...

Bedell: Unanimous consent.

Hammond: Unanimous consent.

David Boyd: Well let's do it.

Lindholm: Ok.

Hammond: So with unanimous consent the replacement motion...

David Boyd: I think we can agree on that part of it.

Wenkart: Yeah I think it will make it easier.

Multiple voices at once.

Hammond: Is there unanimous consent then?

Lindholm: Yes.

Hammond: To withdraw Trustee Lindholm's motion?

Multiple voices: And the one before it!

Hammond: I was going to take one at a time but I'll lump them together to take away both. You wanna shoot 'em both let's go. So...

Williams: Well, we don't have to withdraw the first one. We can make it a subsidiary motion that will still be on the board. (Multiple voices talking will Williams is speaking). Make a subsidiary motion to include items 1 and 2 and so on. You can do that or just withdraw everything.

Hammond: I would think let's just withdraw and take another bit at this apple. So if there are no objections then the chair will consider both motions withdrawn. Hearing no objections both motions are withdrawn. Chair seeks a motion quickly.

Williams: I will move that we approve the MOU with the following changes. Under item 1, D will be removed. Item 2-term of charter will be retained. Item # 3 – that will be retained. And the remainder of the document is redacted and removed from this MOU.

Lindholm: I will second that.

Hammond: It has been moved and seconded to accept a small portion of the MOU.

Lindholm: You don't want item 3?

Unknown: The term of the charter?

Barbara Black: It was just up to 2. Item 2.

Unknown: The term of the charter.

Lindholm: Will you take off item 3?

Barbara Black: It was just 1 and 2 is what we had said previously.

Williams: We don't need...

Unknown: No.

Barbara Black: Item 3. That becomes...

Unknown: Just the term of the charter, the 5 year term is what we're asking.

Williams: Let me re-clarify for the record. It would be...

Hammond: You can't, we'd have to have consent from the body. I'm agreeing to it but per parliamentary rules...

Williams: Ok, so...

Wenkart: Well, you hadn't quite finished making his motion.

Hammond: It was seconded so it became body.

Wenkart: Was it seconded? Ok.

Lindholm: But I'm agreeable to the amendment.

Hammond: Thank you, that's what I was looking for.

Wenkart: Ok.

Williams: Ok, so the amendment is just, all of item 1 except for paragraph D, and item # 2, the term of the charter. The remainder of the document is redacted or removed.

Hammond: Are you agreeable to that?

Lindholm: Yes. Cause I seconded. As amended.

(Multiple voices in the background.)

Hammond: It has been moved and seconded. Is there any other comment? Mr. Boyd?

Bedell: I feel I have to ask the staff is what will be lost by this motion that would put this board and this department in jeopardy. What would be lost?

David Boyd: Potentially.

Lindholm: Potentially.

Wenkart: Potentially what's lost is if you have an agreement is required to do something then we could make them do it if they're not cooperative. I don't have any inkling that this Oxford Prep would be uncooperative. But the reason we put this language in, this is why we have this boiler plate, is so if we have an uncooperative charter school then we can enforce the provisions of your MOU. It's a contract. It's a business transaction. So that we have some leverage to get what we need. I don't foresee any particular charter school. They've been very cooperative. So, yeah, I'm not specifically concerned about this charter school. I am concerned that overall we won't have any leverage to protect the board if we don't have a strong MOU.

Multiple Voices: But you do have the charter. You've got our charter.

Al Mijares: We have the charter.

Barbara Black: And we rolled most of everything in the previous (inaudible)

Lindholm: 600 page charter.

Unknown (McLeod?): (Inaudible) is in that charter. That was the basis of that charter.

Wenkart: But the terms that are in the MOU are not in the petition. That was approved or the charter that was approved. We could roll it in later you know if it gets renewed. And I think that's what happened when you referring to your other school district...

Al Mijares: Just a comment...

Hammond: Al, hang on just a second Superintendent. Ron I understand what you're saying but looking at, there was a couple other things near the end on page 26. There was a couple things. Dispute resolution and closure procedures. I thought that those were already in their charter petition but what I'm saying is that I'm seeing not only things that I believe are erroneous and over reaching but there are things that I saw that I thought were repetitive.

Wenkart: We can look at it.

Hammond: So it's the last...

Lindholm: Can I call the question?

Hammond: You can but...

Al Mijares: I just want to answer Dr. Bedell's question and we've had ample public discussion. There's a copious record being made of this meeting so that staff has no problem.

Wenkart: We'll look at that. If there are things that are duplicate, we're not worried about things that are duplicate.

Hammond: Mr. Boyd I think did you have something sir?

David Boyd: Yeah I just wanna get on the record as a fiscal conservative I don't think that I can support this? As an attorney with over 30 years of experience, the amount of money involved, yes we have an outstanding board today with a track record but we don't know what it's going to be like three or four years from now. It could completely turn over. Different philosophy or the board could have a different philosophy. So the more we have in writing as to what we mutually agree the best for both parties. You know if I start a charter school, I'll try for a 50 page MOU. As long as it's relevant. I mean I don't want restrictive things so um, again, no disrespect to these folks but I can certainly support the MOU as written but I can't support the MOU as edited.

Lindholm: Can I call the question.

Bedell: Mr. Chairman, I want this to be unanimous because I believe in your program. I'm having difficulty because having, I have to process what's being stripped out. And that concerns me. I would be, if we could go back to the original, original motion to give them their charter realizing that it's gonna be changed, I can vote for that and I wanna support that. I really do.

Barbara Black: Can I make a comment? If it would help Dr. Bedell, we were given an entire list of things and conditions if you recall for the conditional, you know, for the approval that began. We went through, our entire team went through all of those and we contact your staff, and if you recall and it's on record and that includes the dispute policy that if we agreed to the terms and the conditions of those of that and that we had talked about how we could work together on those and both sides, your staff as well as I said that we would be able to work very well with what we had talked about and discussed. So I think it's not just that we're saying there's nothing that we're you know coming back and addressing. I think we have. And that was on record.

Bedell: So that would be all the more reason to approve what we had today so you can get started. I mean that would be a logical deduction from what you just said.

Barbara Black: But you've got to remember we were going for that unconditional on the other...I love this compromise.

Bedell: I know, I know, but from what you said in terms of agreement to the process that that would fit. Right?

Unknown: I think everything's already been...

Unknown: Go ahead. (inaudible)

Unknown: I think everything's already been said.

Lindholm: There's no discussion.

Unknown: Yeah, yeah.

Lindholm: And there's no discussion when you call the question.

Hammond: We need a point of order.

Lindholm: Point of order.

Hammond: Point of order is sustained. The question's been called. Um, on our motion to approve the MOU as so moved by Trustee Lindholm and I'm sorry by Trustee Dr. Williams and seconded by Trustee Lindholm, all those in favor of the motion as currently stated signify by saying AYE. AYE. Opposed?

David Boyd: No

Hammond: Abstain?

Bedell: One.

Hammond: Motion passes 3-1-1. We are at lunch for 15 minutes.

### **Board Back From Lunch**

Hammond: Orange County Board is back in order at 10 after 2:00. We have a time certain of 1:15 that was a wee bit behind. Item 5 Scholarship Charter School. Miss Kelly, you've got the floor.

### **Time Certain**

### **Scholarship Prep Charter School**

Gaughran: Good afternoon again. Today you shall render a decision regarding the charter school petition for the Scholarship Prep Charter School which was submitted to us on August 20<sup>th</sup> with the public hearing held on November 4<sup>th</sup>. As legally required the petition has been reviewed according to California Education Code regarding charter school petitions submitted to a county office of education as a countywide (inaudible) of the charter. Each of you has been provided the Orange County Department of Education staff report, three draft resolutions, and three options for action. Option one approves the petition as written. Option two, which is the OCDE staff recommendation, approves the charter petition with conditions that address the areas outlined in the staff report. Option three denies the charter petition. Copies of the staff report are available on the back table. Representatives from Scholarship Prep will now have ten minutes to speak on behalf of this charter school petition. Then audience members who wish to speak will be given three minutes each for a total of thirty minutes followed by an overview of the staff report. I now call former Senator Gloria Romero to the podium.

Gloria Romero: Thank you and good afternoon Superintendent Mijares, members of the board, course to parents and those in attendance. I'm here along with Jason Watts. Both of us are co-founders and I think you know our history. I not only served in the California legislature but became truly a leader in writing charter law and advancing parental choice options; quality parental choice options. Jason's record of achievement speaks for itself. He's the co-founder of one of the most successful charter schools in California with whom I know you have done business as well. And also been a principal and a teacher at every level of K-12 levels of education. Today we're honored to be here. We're very excited about the future, about our vision, our dream for Scholarship Prep. And let me just hold this up. One of our parents, Jackie Howe, has already prepared for us a Scholarship Charter School which we hope with your approval today will be ready to start mass producing and distributing to students. We've already begun successful outreach in Orange County focused in areas nearby the Samueli Academy with

whom as you know we intend to partner in opening, establishing and operating a countywide charter school focused on, particularly on the most neediest students; foster students in California. It's been a very productive relationship. Uh we want to thank your staff. They are dedicated, they are hard working. They've been committed. I think Kelly can indicate we've had a good faith conversations with them. Working with them I think we've addressed issues and of course I believe that our petition as written voluminously speaks for itself in terms of our vision, our mandate, our mission and what we intend to do and to do successfully in educating students. I wanna be brief because I know that we're already delayed given the previous conversation but we do ask for approval with option one. Approval of the charter as written. I know both Jason do feel strongly that it's a bit difficult to ask us to approve a charter petition with an MOU that we have not yet seen. An MOU is a contract. It's always good to read a contract, agree to the terms of a contract before signing the contract. We hope and I do believe that much of this is based on course of what the law provides and we believe that we have enacted that in our petition but also the commitment of good faith and respect and trust that we believe we've already established with your staff and of course with the board itself. So on that basis we ask for a clean, clear, choice to establish Scholarship Prep as a countywide benefit in Orange County with option one and we intend then to have this soar for the students who are proud to enroll in our school. Thank you so much for listening to me. Jason?

Gaughran: Thank you Senator Romero. President Hammond, please call for the first speaker.

Hammond: Um, ok. Mr. Miles Durfee.

Durfee: I will be brief. I'm Miles Durfee, CCSA. Members of the board, Mr. Superintendent. I continue to support this petition. We have worked very closely with this petitioner. They went through our detailed review process as in the capacity testing. They've operated successfully. They have founders that have operated successfully and they you know you've just heard from Senator Gloria Romero and some of the great work she has done in the community. I also just wanted to take this moment to say I work with a number of school districts in the county and in San Diego County and Inland Empire and I know you've said this today but I don't think it could be said enough, you know, you have a now have a great (inaudible) charter schools and you have a great staff that's working really hard to conduct thorough reviews of a lot of petitions in fast succession. They're doing really hard work and their doing good work and so I think it's really important to keep that in mind. I find them to be very professional and to have great intent although I'm very happy you're having the conversation you're having and I think that they're continuing to do the best they can and the best they can for you all. So, I just wanted to say that as part of my parting comment.

Hammond: Thank you Mr. Durfee. Jackie Howe.

Jackie Howe: Good afternoon trustees and President Mijares, I apologize for my, Superintendent. My name is Jackie Howe and this is Marie Hill. And we represent a large group of parents and

students who are seeking and needing high quality education choice in our community. We need this type of charter in our community and we are very aware of Mr. Watts' extensive experience with creating a successful charter school and also leading many charter schools. So we are here to urge you and plead with you to please approve Scholarship Prep so that our children and community can benefit from school choice. Thank you for your time.

Gaughran: Thank you to all presenters. I would like to invite Kelly Barnes to the podium to give an overview of the staff report.

Barnes: Good afternoon. As a member of the charter review team I'm very pleased to say we had very productive meetings with the petitioners. They were very forthcoming. We were able to discuss and clarify issues that we had. As you can see from the staff report there are extremely limited conditions but are fairly standard for charter petitioners because until they're approved they're generally not able to secure a facility or become a member of a SELPA. They need the approval in order to move forward on those points. They do have plans for both so that's why the report is as brief as it is.

Gaughran: Thank you Kelly. At this time the board will proceed with deliberations and questions and then vote on this charter school petition. To reiterate there are three options. Option one approves the petition as written. Option two approves the petition with conditions that address the areas outlined in the staff report and option three denies the petition. President Hammond I now turn the meeting back over to you.

Hammond: Miss Kelly once again for you and your wonderful staff. Some board questions. Mr. Boyd do you happen to have any questions or comments before we proceed?

David Boyd: No I do not.

Hammond: Trustee Lindholm:

Lindholm: Um, I don't have any questions but I just wanted to comment that this is going to be an incredible school for the foster youth of all of Orange County, K-8. It's going to match up with the Academy and sir I'm reading through your submission. And they definitely need our special help to make sure that it's successful. On this one page 21 you've got 27% of school aged Orange County Foster Youth are reported to receive Special Education service versus 11% of the general population. And 45% of Foster Youth completed high school compared with 53% of disadvantaged youth. Within four years of aging out of the system 50% of the youth are unemployed. I mean for what you're doing this is a critical need for Orange County and uh I think you should be commended for that. I don't have questions.

Hammond: Dr. Bedell. Any questions or comments sir?

Bedell: No I was concerned that the three conditions that were set up...my understanding is for the first two bullets they have to be approved before they can get a facility or a SELPA, is that

correct? Ok, so the only thing that's really remaining if you will is the one: address the operational relationship between the school board and OCDE. Could you give me an overview of what the staff meant by that?

Unknown speaker in the audience-not at the microphone: That would be the agreement that was clarified (inaudible) each other...(inaudible).

Bedell: And that would be in the MOU that we would see?

Unknown speaker: Correct

Bedell: Ok. I'll make a motion to approve.

Hammond: Well I was gonna...

Bedell: (inaudible)

Hammond: Dr. Williams, any questions, comments.

Williams: So we're on item five is that correct?

Hammond: That is correct sir.

Williams: So we're not making a motion to adopt one, two, or three at this time, is that correct?

Hammond: That is correct sir.

Williams: So I'm inclined for option one but I can't make that motion. But let me ask the questions regarding the MOU issues here. Um, who would be that, Kelly? So, obviously this charter needs to find a facility.

Gaughran: Correct.

Williams: Yeah. So, to whether or not we have option one or two and have all these addendum items is this item going to make a difference?

Gaughran: You know approving with conditions is a little different than conditional approval. So approving with conditions means we can send out the paperwork to the CDE and get the ball rolling. They could in essence start school tomorrow if it wasn't December. So conditional approval rather means then we have to come back like Oxford Prep did and have you approve the M or take action on the MOU. So this is a little bit different than what we've done in the past. So, option one and option two both approve the school and we'll be working with them on the MOU. Does that make sense?

Williams: Ok, so this is different than the previous one.

Gaughran: It's different than the past.

Williams: Yeah, ok. I'm, the clarity's coming to me. My Namenda which is an Alzheimer's drug is working very well at this point.

Gaughran: I think I have help.

Williams: I'm just kidding on that point. I have good mental clarity.

Barnes: I just wanted to add just briefly that because this is a petition directly to this board, because it's direct, not on appeal, we were able to discuss and clarify a lot of points and not have as many conditions in the staff report because it can be built right into the petition as a direct. So that's one of the reasons why approval with condition is appropriate. In this case they wrote a very strong petition. They were able to clarify things and it's direct and not on appeal where we're very limited in what kinds of changes we can make.

Williams: Help me out here. Is there an MOU already created with concerns on your part?

Barnes: No.

Williams: There is...

Barnes: This is what we'll be working on

Unknown: Correct.

Barnes: (Inaudible) the last conversation we had.

Williams: I see. If I can have, where is Jason? Jason, and Senator if you wanna come up to. I'll wait for you to get up to the microphone. In the discussion that has occurred outside of this public board meeting here can you share with me any of your concerns that you have with any of the discussions with the staff.

Watts: In terms of the discussions that we've had with staff I think that they've been very productive. I think we've resolved pretty much the issues that we're aware of. In terms of other things that we've heard today I don't know how much they would apply to us as we haven't seen any of these issues with an MOU, etc. Or an MOU at all. But in terms of the discussions we've had with staff up to this point, I think we've rectified any of the questions or concerns that we had before today.

Williams: Ok. Um, getting back to staff. Do you have any concerns about the petition in and of itself that I should be aware of? That you would put into an MOU? Just offhand.

Barnes: Things like insurance cover levels. Those are the types of details that although the charter schools act requires a petitioner to reasonably describe potential civil liability effects on the authorizer, most don't get into that level of detail and that's why almost all authorizers do have operating agreements with the charter schools that they approve. So those types of items.

In addition, although our MOU is lengthy, comfortably lengthy I might add, there are a lot of statements within the document in the...with the expectation that this way everybody knows what we would like. Where there are dates for documents to be submitted and those dates are built in based on when the documents would be due anyway which may seem duplicative but those are documents sent to the state not necessarily an authorizer. The Charter School Act allows authorizers to request and make reasonable requests for any records. We built some of those standard things into the MOU so that our charter schools would know, oh, this is what you'd like from us. They know it up front. They know that's the standard. They know that's what they can expect. And they don't have to wait for us to make a request. They already know. So it's in the idea of transparency that those types of items were included.

Williams: So everything for instance in the MOU for the Oxford that would something very similar you would put into an MOU for this particular charter?

Barnes: Some things would be similar but each MOU is tailored to that particular petition because there are different conditions the board may approve and different levels of detail within petitions that cover different aspects. So for example if I may give one; dispute resolution procedures. It's a required element but what many charter petitioners have started to do is write we will agree to any dispute resolution procedure the authorizer choses. So that's a description but it isn't a procedure. So then we have to fall back on the MOU because we're generally seeing these on appeal. Here it's direct so we had a little more opportunity to flush things out. But that's why some of that language is built into the MOU so we have that standard expect and understanding.

Williams: Mr. Durfee, can you, can I ask you a question from a general prospective because I don't think anybody here can answer it. What percentage of school districts both county and K-12 have MOU's with their charters?

Durfee: So I can't give you a percentage but I can tell you

Williams: In general.

Durfee: Typically I do see MOU's with charter schools and districts having MOU's. The extent of difference between them is great and vast and the length and all those things are different. So they do have them. It's when do they give them to, for example, just to elude to the again, it's seeing the MOU prior to having the petition approved gives the ability to have that negotiation so that when it comes to you, you may, everybody's agreed to it, right. Or they can call out heh we didn't agree to this and then you can have a clear picture of whether they should or shouldn't. So that's the practice that I see more and more as the MOU's are pretty standard so people already have them when they're going through the process. So there are MOU's that most district that I deal with, at least large districts.

Williams: Oh, ok. So three out of every four?

Durfee: I...

Williams: Higher? Lower?

Durfee: I think that's probably accurate. I would tell you there are so many school districts right in this state and I have my Southern California region so the ones that I work with tend to be larger school districts and the larger school districts tend to have MOU's because they have on sight attorneys that help create MOU's and they have a lot more sophisticated relationships than some of the smaller school district.

Williams: Are you familiar with this particular charter here?

Durfee: With Scholarship Prep Charter?

Williams: That's correct.

Durfee: I am.

Williams: Do you see any major, glowing deficiencies issues there?

Durfee: Again I believe that this charter is good to go and I also believe that if you approve with option one today that staff will still likely come back working with the charter operator to clarify in an MOU. And it's the same conversation we had for Oxford Prep, right? The difference between them starting to work together as a partnership is different than we approve this then has to come back to you and if you chose not to approve the MOU then it could threaten in some way maybe threaten the approval of the charter. And so if that takes six months to get to some of these issues, you haven't approved them. So what I heard staff say on this particular one is they are approving the charter and they're going to work with the partnership with the school to come up with the MOU and bring it back to you. But the charter's approved so they can move forward. So if they don't agree to terms, like if there's something they can't agree to, I think that's where this becomes less...how do we get there. And we are on the same footing. Let's get there because we have to agree cause there are going to be things in the MOU that the charter school wants also. Probably. So it's more of a negotiation than a, you have to take this or you're not gonna get approved.

Williams: Sure, I'm trying to balance the previous statement by our good Superintendent in the accountability issue and all the details and being the oversight government entity with giving freedom and releasing them from any burdensome oversight, to the charter.

Durfee: And I guess I would just add so most school districts have an MOU with their charter, the charter authorizer has an MOU with their charter entity. But what's a little bit different in your case is that it's not written down as a requirement. It's a fact if they do an annual MOU. They change it on occasion. They know they have to come back to you for renewal. The staff says hey if you don't approve this then you know we don't know if it's up to a renewal because

it's something that's very significant for the kids and for the students in your rooms, right? And that's how that negotiation typically happens. So that happens as part and partial. The difference again for you guys is that the typically you see an approval. We approve this charter, done. MOU comes back to you in three months probably on the consent calendar and everybody goes we agreed, it's all good, vote it up. Consent calendar. That's what we see typically. Does that answer?

Williams: Answers my question, thank you sir. I'm done.

Hammond: Alright, um.

David Boyd: Kelly? Don't run off. As soon as Dr. Williams' finished.

Williams: I'm done.

David Boyd: I'm done. Anybody else have any questions?

Lindholm: I have questions but I'll follow you.

David Boyd: Ok. Let's go through this. What was this, approval with conditions and what was the other? Conditional approval?

Barnes: Conditional approval.

David Boyd: As soon as Dr. Williams got clarity I got foggy.

Barnes: So an approval with conditions has the effective date of the approval the day that the board approves the petition with the condition. A conditional approval means come back and show us you met the conditions.

David Boyd: Ok, ok.

Barnes: And that's the effective date.

David Boyd: So in this situation if we approve, if we vote for option number one today, you will still work on an MOU? No?

Barnes: It doesn't state that I believe in the option?

David Boyd: But is that the, no. It doesn't state that in the option.

Barnes: However...

David Boyd: It doesn't state that in the option but is the idea to sit down with the applicant and work out an MOU?

Barnes: If you were to approve the petition under option one, there is not a requirement, I can't even say requirement really, but there isn't...

David Boyd: You would have no leverage to require additional...

Barnes: We wouldn't have to enter into an MOU because by that statement the board is saying the petition as written can be approved. Without any tweaking, any changes, any additional details.

David Boyd: Ok, I guess I'm gonna put you on the spot here. If I vote for option number one for this applicant, is that inconsistent with the vote I made with the prior school or is it different facts or circumstances. I like to be consistent. I mean some people might say consistently wrong but I...

Barnes: Well one thing I can tell you is that San Diego Unified went through a similar process and they streamlined their operating agreement and now all of their charter schools have signed that new operating agreement because they had a lot of variation. Um, we internally as a charter review team have been looking at this and trying to figure out ways to streamline things as well. It's not that, we didn't even wait to hear from you, we've been already trying to do this and we are looking forward to working with Mr. Durfee. He's already committed to making this a big priority so we will be doing that. So I guess my concern as an attorney looking out for the interest of the organization that without the operating agreement, as detailed as petitions can get, they often do not get into the level of detail you would need for the monitoring and oversight piece. So I know I keep bringing up insurance coverage but that's a really critical piece. And there have been some issues with that with other charter schools that I have dealt with in my professional history and you know getting insurance is such an easy thing.

David Boyd: Would it be fair to say that if we approve, conditionally approve a school requiring an MOU then that gives us leverage to enforce whatever the provisions are in that MOU. Whereas if we approve it without any conditions, you'll work together but you really have no leverage outside of what is specifically set forth in the Education Code.

Barnes: The way option one is presented is approval. The way optional two is presented is approval which would give the same effective date of the approval with conditions meaning there will be a follow-up agreement at some point. A conditional approval would mean the charter petition would not be approved until the conditions came back and the way we do it is through an MOU to show where those conditions are and that would be when that MOU is approved. That would be the approval date of the charter.

David Boyd: And what about the scenario if you can't reach an agreement on the terms of an MOU?

Barnes: Honestly, in my 18 years of doing this, I've never not reached an agreement. Because in the end, we're doing this for children so we can usually find common ground. Even if we go to midnight we can find it.

David Boyd: Ok.

Hammond: Trustee Lindholm, any questions or comments to follow.

Lindholm: Oh, first I want to thank staff. Thank you for working. This is kind of an in-process thing and they've put together at the request of the Executive Committee, I think in all of it, this cover sheet that says, it's going to help us compare apples to apples and oranges in that kind of a thing where it's going to talk about. You will have this at the beginning of all your applications where you get the petitioner, where the location is, if it's district-wide, and I wanna say thank you. Thank you very, very much for that. That's going to be really helpful as we go forward. On this one I am very for approving it without conditions. I think you've been able to talk to them. But I would like to as we said prior put together the best practices. I mean you're talking about insurance but that's something every single charter school needs to do so if have a best practices form which my good colleague David Boyd has talked about then everybody who submits an application get a copy and says oh, look. This is what you have to have in terms of your insurance. This is our expectations. So I'd like to see us get that best practices going and have that where charter schools know what the expectations are. But in terms of this school you I think you were, weren't you the previous principal of Oxford Prep? OPA? Help me out.

Jason Watts: Yes for a year. The Mission Viejo Campus. I was actually a co-founder of the original Chino site and the South Orange County site. Started off as the Director of Ed Services then when there was a principal opening I became principal for a year.

Lindholm: Ok, and then you have a teaching background. I'm assuming.

Jason Watts: I do. Yes. Not in high school I will say but K-8.

Lindholm: Which is what you're proposing here. So what I'm saying is that you have experience and you're tying up with the academy and you have two letters of reference from your school, well the agencies you're going to draw children from. So um, I'm very comfortable that you will do an excellent job. I know your reputations on the line and you have experience so I'm comfortable. But I would like to see if when I say yes to this one a best practices form that we can get for all the other charter schools and now some of them are going to get denied. We've been down that path and it wasn't fun but we did that so...I'm very comfortable with this one.

Hammond: Dr. Bedell?

Bedell: Yes, um, I'm a little confused by Trustee Lindholm and I...

Hammond: I'm sorry.

Bedell: and so I need to know. (Inaudible) Maybe it's that dark chocolate we had.

Lindholm: It's my day, it's my day to confuse people.

Bedell: It seems to me if we go with option one, what would be the damage Trustee Lindholm to your view if that second sentence read; this action will result in the charter petition being approved as written with the subsequent development of an MOU.

Lindholm: I'm afraid by history that they might come back with another 29 page document. Until we get past this, I'm very comfortable with this school, I want to see a new document that we can all start applying. To the charter schools that come by. This is what you're gonna have. This is your best practices and that. And so that's, that's why I'm not for it today. I'm not to that point.

Bedell: Ok, so my understanding is we have an MOU with the parent academy, right?

Unknown: Yes.

Bedell: And worked through several iterations fixing that up, right? So now we would have the second one there would be no MOU? Is that the net result of it, right?

David Boyd: What do you mean by a parent academy?

Bedell: Well the Samueli.

David Boyd: Well they're not directly affiliated.

Lindholm: They're not together.

Nina Boyd: This one is a feeder but it's, they're separate charters.

Bedell: Right, right, right. But there's a different tracking of what was done to them in the development process.

David Boyd: Yes.

Bedell: Right? Yep, ok. No I'm fine.

Hammond: Dr. Williams.

Williams: Yes just real quick. On insurance and risk management issues, I assume you, Jason, will be getting property insurance, general liability, worker's comp, commercial liability, criminal insurance and fidelity bonds, professional educators errors admission liability, sexual molestation and abuse coverage, and client practices legal liability, there is the assumption that all of these are generic to education institutions.

Watts: Yes that's correct. They're pretty standard. And I don't have the element or the page off the top of my head but I know there was a section in our charter that actually outlines the insurances that we would obtain. If there's additional insurances that we would need or typically differences lie in the amount of coverage. One million here, three million here. Umbrella's etc. and those are one of the components that typically you would see in some kind of discussion with staff, authorizing staff. But it is standard.

Williams: As well as the other requirements of local, county, and state government. You would be subject to implementing all of those rules and regulations, correct?

Watts: Absolutely, so we are a public school and so very similarly we have to, you know, ensure that we adhere to all local and state regulations. There's obviously differences in terms of our adherence to education code because as an independent charter school and a charter school and a charter school in general not all Ed Code applies. But for the most part the major points of regulatory adherence we have to abide by.

Williams: And to be fair to your employees you're going to pay them I would assume to be commensurate salary with the local community. Is that correct?

Watts: Yes, in fact last night I was actually investigating local districts and making sure that we can provide a comparable, if not better, compensation plan. And so we have the ability to be creative in that regard but obviously in order to recruit which we said we're going to be doing we have to provide them not only a salary and benefits but an environment that would get them there.

Williams: Would you allow the CTA to come on and bargain in your school?

Watts: Do I have to answer that publically right now? There are certain provisions that we must provide by that are in our charter as well in terms of we can't prevent union organization and there's Ed Code that's tied to that specifically but I would just refer back to the language in our charter on that.

Williams: I think good Trustee Boyd has shared with me that's a requirement.

David Boyd: I'm sorry what was this on.

Williams: On the on union involvement and allowing them to come in to negotiate.

David Boyd: I mean...

Watts: It's a state law.

David Boyd: I don't claim to be an expert on this but that's federal law. You meet certain conditions you have to allow union representatives to speak it your employees.

Williams: Ok. So you're going to abide by the law.

Watts: Absolutely, it is in our charter in regards to the ability for our employees to unionize or speak minimally to those representatives of a union.

Williams: I'm done.

Hammond: Anything? Alright. Dr. Bedell, anything else sir?

Bedell: I just wanna imagine how you see this working with us without an MOU? I mean, you don't, this is going to sound cheeky and I don't mean to be cheeky, this time.

Hammond: But you are from New York though.

Bedell: Right. If you don't wanna take...Without an MOU, this is the worst case analysis for Jack, alright? Kelly calls you and says I don't have a copy of your insurance form for the million dollars. You don't answer Kelly's phone. And you see what I'm saying about that? I don't understand how we keep this relationship going that isn't totally voluntary on your part. That's my ignorance so help me with.

Watts: So eh, I'll answer that maybe in a couple of different ways. First of all, charter law requires and outlines the authority of the authorizer to be able to essentially ensure particular things are in place at the charter school and there's a number of components already laid out for that. Autonomy is obviously is a major component of independent charter schools but there's still certain things they have to abide by. If in any case, let's say, a lack of insurance thus putting the charter school, students, families in danger, the authorizer could enact a revocation process which typically would begin with hey you gotta do this. If you don't this is what can happen. An MOU typically is something that is more specific. It outlines some operation I guess governance pieces that you would see. I've always, I've been with Oxford as you know we've always had an MOU but I will say that you we've always had one after the fact. We received our approvals and after the approvals were completed then we engaged in MOU discussions and in some cases it did take six months if not longer. I won't name particular districts but there's always one little piece here and there that not everybody agrees to. And there may be reasons for that. I don't necessarily; I can't tell you what could happen. I haven't seen this MOU so I can't tell you what issues could arise from our end. But again I've always been in a position where we've received approval with no conditions and then the MOU discussions begin so that we had for the benefit of both parties and understanding of the specifics of how that relationship would work.

Bedell: I really appreciate that. My understanding is there's an MOU is coming, right? Are we gonna have an MOU?

David Boyd: Under option one, as I understand it, correct me if I'm wrong Kelly. There would be no requirement for an MOU. Ok. The records (inaudible).

Nina Boyd: Right. I was gonna say Kelly, you need to use the mic.

Barnes: Option one does not include an MOU as a mandatory component of the option. Option two would have it but the approval date would still be the same.

David Boyd: Ok.

Hammond: Dr. Bedell, anything else?

Bedell: My preference is to protect our organization is to have an MOU and to protect the students. That's my preference. When push comes to shove...

Lindholm: May I comment?

Hammond: Trustee Lindholm?

Lindholm: It's just a comment. For those who might be new, this is what we get as an application. This is kind of their bible. This is what our staff has. This is what they've agreed to do through their application. For the previous school, we had 600 pages. For this one... So when we're saying we're going to approve without conditions, that's not necessarily the case. You have entire documents on what they're going to do, who's going to be on the board, how they're going to handle things, how they're going to handle English Language Learners. They have this already submitted. So it's not ok, good, go out and start a school. We already have documentation. It's on file. It's on the record. It's been submitted. And they have to abide by that. So when we say maybe your insurance is not the right level, I think you guys can talk on this particular school. There are some maybe not. And that's why I was very comfortable approving a 600 page application and I'm very comfortable with the school. I know the parties involved and I know their background. You're going to see me, not on some of the other schools not be so enthusiastic and you have seen me that way. But this one I am happy to make the motion. I hear what you're saying to approve option number one on this particular school. An again have staff come back with best practices so that we do not go, we don't have to have meetings this long. And we just don't need to and we have terrific staff. I mean you're just terrific, so. I know you can do this. But that's my motion. I don't know if there's a second or not.

Hammond: Mr. Boyd, any other comments?

David Boyd: Yeah, this is my ignorance. The application package that Trustee Lindholm just picked up, how binding are the representations that are in that package?

Barnes: Once it's approved it's essentially a contract.

David Boyd: Ok, so all of the details in that package are enforceable.

Barnes: Correct.

David Boyd: Ok. Now, how much flexibility to they have to change things once the operation gets started? Is there sufficient detail in their for example to, well talk about when certain things are going to be provided? And maybe you can't answer that. Maybe that depends application to application.

Barnes: It does to a degree but the detail about when documents would be submitted is not included in petitions in general. It's usually an operating agreement.

David Boyd: Ok.

Barnes: It is binding, however, I do want to point out it notes that there are bylaws and articles of incorporation. The reason I'm pointing this out that has to do with governance and who the leadership is. And this is not any kind of negative about this group at all or any of the groups you saw today. This is just my duty to the organization that we like to have the operating agreement state that the charter and the MOU are the governing documents before the bylaws and the articles and that the bylaws and the articles will be consistent with the charter and the MOU. Generally speaking bylaws and articles of incorporation don't state that so that's part of the agreement to make sure some other organization doesn't take over the non-profit that's operating the school.

David Boyd: Yeah, well.

Barnes: So there are things like that and I'm telling you this because I've had some horror stories that aren't very pleasant. Those are the reasons those types of provisions are in operating agreements so we're all on the same page as how we're going to function together. And if there are changes how they're going to notify the authorizer.

David Boyd: Now in this particular charter, it may not even be relevant but in many charters there are charter management organizations that provide a lot of back office support. In fact, the one that we just approved had a contract. That contract was listed in the MOU but we didn't get a copy of that.

Barnes: We did.

David Boyd: Well, we didn't.

Barnes: But it's a second amended version and they were talking about amending it further which we, they have the authority to do. Is engage in their contracts. So what we was I guess I would call sample so we could understand the relationship between those two parties because we were drafting...

David Boyd: Ok, but again the MOU we were asked to approve made reference to an attachment that we didn't get.

Barnes: Well we'll make sure that you get those. Alright. Ok, thank you.

Bedell: I'll second the motion.

Lindholm: Thank you.

Hammond: It's been moved and seconded to approve with option one. Is there any other discussion? Hearing none, call for the vote. All in favor of approving Scholarship Prep signify by saying AYE. Opposed? Abstain? Motion passes 5-0. You've been approved.

Lindholm: Thank you. Good work.

Applause from audience

Hammond: Alright. We've got the time certain of 2:15 with Mr. Daniel King. Update on the PRA but you know what I'm thinking.

Bedell: Can we do the hearing for the people.

David Boyd: We need to get these hearings out of the way.

Bedell: The hearing was scheduled at 1:10.

Lindholm: We need to do Daniel King first.

Hammond: I'd like, I'm thinking we need to talk with. We've got

Lindholm: (inaudible)

Hammond: We've also got closed session.

Bedell: Oh I'm sorry. I thought the times were reversed. Ok.

Lindholm: No he's first.

Hammond: Yep. Mr. King, I'm going to call you up to the mic and by the way reintroducing Mr. Daniel King who's been our board counsel helping us on a few things. And good afternoon sir. Good to see you again. I hope you had a safe and fair flight and stuff. Nothing out of the ordinary happened. So. And a, do you recommend at this time that we go into closed session um, cause we have two closed sessions here and you're at number two. I'm taken a little bit out of order or is there something that you would like to address at open session at this time sir.

Daniel King: I've got no update on the PRA matter under item seven for open session. There's been no significant change in that situation excluding of course the matter addressed in what is the second closed session on. If I understand the chair correctly were skipping the first one for now. As for the second, I would recommend we do enter into a closed session to discuss a response.

David Boyd: And the second one was related to the Brown Act? Ok. And it's...

Hammond: Which is one that I think you and Dr. Williams had recused yourselves and so I'm assuming...

David Boyd: I didn't recuse myself I just chose not to participate.

Hammond: Alright, well um.

David Boyd: Now, I just wanna make it clear in order to go into closed session there has to be a significant exposure to litigation. Is that correct?

Daniel King: Litigation being defined as both court action or administrative.

David Boyd: Ok. And significant being...greater than 50%?

Daniel King: No, it's not defined that way. It's not a percentage definition.

David Boyd: How would you define it?

Daniel King: Significant. Meaning there is a significant threat.

David Boyd: Of litigation.

Hammond: So Mr. King then it sounds like you're suggesting that we go into closed session? Um, well the three of us I know can go. Are you going to continue to stay out or did you wish to...

David Boyd: Well since I don't even know what the topic is.

Daniel King: Well if I...

David Boyd: I mean there was a reference to a letter that I was told I would be given in closed session.

Daniel King: Oh, if I could refer Mr. Boyd to the stated item it clearly references Mr. Boyd's previous letter to the district attorney's office alleging that the board as a whole violated the Brown Act. That's the subject.

David Boyd: Ok. And actually it didn't allege. It sought guidance.

Daniel King: I believe that's a mischaracterization sir.

David Boyd: Well I.

Daniel King: Having closely read the letter.

David Boyd and Daniel King spoke at the same time and Daniel King was inaudible.

David Boyd: We don't need to spend time on that. But the bottom line is you feel that there's a, let's say a chance, let's lower it down, significant, that some regulatory body, whether it be the DA, or whether it be the Fair Political Practices Commission, whether it be the attorney general would take some action against this board relative to what happened at the September 2<sup>nd</sup> meeting.

Daniel King: Not if fully informed of the actual facts sir. Which it is not at this point.

David Boyd: Ok, so do we need to go into closed session to talk about what the facts were?

Daniel King: Yes.

Hammond: So there we go, ok. So we're heading into closed session so now my question still stands, the three of us will be going. I just need to know if Mr. Boyd if you're going to continue on with us.

David Boyd: Yes I am.

Hammond: Ok. Dr. Williams, do you care to join us?

Williams: I never recused myself.

Lindholm: Or just not go?

Williams: I'm not gonna go into the room. I didn't before. I didn't say anything. And I'm not going to say anything now. I'm staying out.

Bedell: Mr. Chairman, I'm not so sure I'm going because I don't understand what the significant exposure is and that's my ignorance.

Hammond: Well perhaps we can discuss that in closed session. Would that be your recommendation Mr. King?

Daniel King: I believe the discussion in closed session may well reveal additional things to the trustee but I would say this Trustee Bedell, you're in possession of Mr. Boyd's letter. You understand what this matter is about. Sure. And I think what the issues are and I suppose may elect to make your own way of those circumstances.

Bedell: I don't understand what it means for me as an individual board member. That I would have significant exposure or is that not what it means.

Daniel King: Well no. Not you personally Mr. Bedell but rather the organization because there's been an accusation level that (inaudible) itself and violated the Brown Act.

David Boyd: Have you ever? Oh I'm sorry Jack.

Bedell: As they say in Yeddish (inaudible). I don't know.

David Boyd: In your professional experience have you ever known a board to be sanctioned for relying on in good faith on the advice of their attorney?

Daniel King: I have no idea the relevance of that question Mr. Boyd?

David Boyd: Well presumably the board acted in good faith...

Lindholm: Let ask a question because I know you guys are both attorneys. Could we discuss this letter out here or is that better advised of our attorney to go into closed session.

Daniel King: No the response necessarily includes the potential waiver of attorney client privilege matters. And the discussion in closed session would in some respects, large respects, be about waiving that. If we have those discussions out here which we continue to dance around potentially doing both this time and last time we did this, we then waive them before we've made a thoughtful decision about whether or not we do. That's the issue.

Hammond: Then we're going into closed session.

### **Back in Session**

Hammond: Alright. Orange County Board of Education is out from closed session. Item # two Mr. Daniel King would you help us to report out what just happened.

Daniel King: Happy to. In closed session the board voted to approve a December 8, 2015 letter from me to the Assistant District Attorney and the Fair Political Practices Commission responding to Mr. Boyd's letter to the District Attorney which was subsequently forwarded to the FPPC. The vote went as follows: All in favor.

Hammond: Ok.

Lindholm: That's all.

Hammond: Thank you.

David Boyd: Now just for the record, I would like to state that I have not read the letter so I'm not representing that to the contents of the letter. And if there are factual inaccuracies in the letter this may come back again.

Hammond: So noted. Alright.

Lindholm: Do we need a break while we set up?

Hammond: Real quick. We got a couple other things going on real quick. We do have this other closed session but I'm going to hold off on that for the time being.

David Boyd: Would the closed session be with Mr. Wenkart or...

Hammond: That's what I don't know because...

Nina Boyd: Yes it is.

Hammond: Is it? Because I know that Al in regards to you got a second opinion or I'm sorry I shouldn't say it's a second opinion but you got another attorney help you on that. Did Ron recuse himself from that?

Al Mijares: Ron did not recuse himself.

Hammond: So Ron gave you an opinion and then you got a second opinion?

Al Mijares: (inaudible) me an opinion and then we consulted with an attorney who is skilled in the area of pensions. Highly skilled. It's a specialty in law. And that's how we did that. But I'll talk to you more about that in closed session.

Hammond: We're getting ready to take a break. I know that we've got this other matter but I got board recommendations number eleven and twelve I think we should handle now since Mr. King is here.

Lindholm: So moved.

Hammond: So, been moved to raise the fee cap on Daniel King on item number eleven is there a second.

Inaudible Voice: Second.

Hammond: Alright. Any comment?

David Boyd: Yes sir, a lot.

Hammond: Trustee Lindholm do you have any comment since you're the maker of the motion? On number eleven?

Lindholm: No, I just think he's done a good job.

Hammond: Ok.

Daniel King: Mr. Boyd, if I might before we stop. I just want to alert you to recent case law which suggests the entries are in fact attorney/client privileged. And I know you're a lawyer as well and so you may know that there was some ambiguity about that previously.

David Boyd: Actually I was told just the opposite. With the mayor of Costa Mesa as a matter of fact who indicated as a matter of routine there bills are matter of public record.

Daniel King: They previously were.

David Boyd: And if it. So is it your argument that we can't comment on the work you did or what it cost?

Daniel King: Oh no, you're welcome to. I'm, the point I'm making is I believe to the extent you were to reveal attorney client communications containing the bills, right?

David Boyd: Are there any?

Daniel King: Inaudible.

David Boyd: Are there any?

Daniel King: Of course there are.

David Boyd: Well then maybe we better go through the bills then so I don't.

Daniel King: The case law says the entries describing work are attorney/client privilege.

David Boyd: Well is it describing work what you did and what you're asking to be paid for?

Daniel King: Yes (inaudible)

David Boyd: At the time this was passed, it was passed on the condition. First of all the initial authorization for \$7,500.00 only related to the public records request by Dr. Resnick. It didn't relate to anything else. And it was conditioned upon having a detailed breakdown of what work was done and Trustee Lindholm insisted upon that. So now you're saying that we can't comment on that? Or let's do this. Is there any reason we shouldn't waive the attorney/client privilege with respect to the work that was done?

Bedell: Not that I'm aware of.

Hammond: Counselor, what are your thoughts?

Daniel King: I would waive the attorney/client privilege as to billing entries in any matter.

Hammond: That's my thought.

David Boyd: So, without describing what it is, what the subject matters are, I came up with a computation of \$7,140.00 for one matter. \$2,275.00 dollars for another matter. \$5,600.00 for another matter and \$5,396.00 but I couldn't tell from the bill what it related to. So the only thing that we have before us, the only thing that was approved in the past was the Resnick public records work.

Daniel King: You approved a contract which gave the Executive Committee the ability to consult counsel with respect to matters the Executive Committee determined it needed to consult council about. You did specifically discuss...

David Boyd: When did we do that?

Daniel King: Forgive me. You did specifically discuss the public records act request propounded by your good friend Mr. Resnick to the extent that there are entries which are not directly related to that public records act request. Those entries are well, I would use the term, closely related. They arise out of other matters that the Executive Committee properly consulted my firm on to include the matter we just discussed in closed session. Your view and mine of the amount that cost may well be different.

David Boyd: It may well be, I can't tell from your bill. That's part of the problem. But here's what the board approved and I'm going to read word for word from the transcript. October 14<sup>th</sup> Hammond-question is called then. All those in favor of appointing Daniel King as board attorney in relationship to the public records request from Mr. Barry Resnick as so modified by Trustee Lindholm, and that's where she said she wanted a detailed breakdown, signify by saying AYE. That's what the board approved. It didn't approve anything else. It didn't approve anything related to the PowerPoint issue for example. Do you believe that the Executive Committee has the power to retain counsel independent of the board, unilaterally?

Daniel King: It has since your administration sir. You know that.

David Boyd: No, no. You're on thin ground there sir. Again, you like to go back to the Newport Mesa situation which you weren't even involved in but just to set the record straight once again and we've done this half a dozen times now. I did not retain the attorney. And even if I did. Let's cut through the chase. Even if I did. What if I was right? Do two wrongs make a right? What if I didn't have the authority two years ago? But the fact is, the attorney was retained by Dr. Mijares. I got a telephone call. We've identified this individual that we think would be, has the background necessary to handle this matter. I agree. Dr. Bedell agreed. The board met, introduced the attorney, nobody had any objections; there were no monies expended up until that point in time. And the board never approved that billing because it wasn't ours to approve. It was the Superintendent's. So you're talking about apples and oranges. I believe that the Executive Committee had no authority and we'll get into that later with this new board policy. In fact, Mr. Hammond even acknowledges the fact that on page 120 of the current agenda. Currently the board can only appoint outside counsel during a regular or special board meeting. This is what he wrote.

Lindholm: Is that 14?

David Boyd: Page 120.

Lindholm: Oh we pulled that one. Oh you weren't here.

David Boyd: Well it doesn't matter if it was pulled or not. Never the less it represents what Mr. Hammond's belief was...is.

Lindholm: Well it wasn't on today's agenda.

Williams: Can I provide some historical perspective to the issue on selection of counsel?

David Boyd: Absolutely.

Williams: Being on the Executive Committee several times for the last twenty years it was very common that the Executive Committee would be asked what attorney do you want for such and such; whether it's charter appeal or whether it's an inter-district transfer, or whatever it is, we have as an Executive Committee approach and ask who we want. When, you know, getting back to the Newport-Mesa, even though Dr. Mijares suggested an attorney, it was the Executive Committee that said yes to it. And validated that. So, I tend to see it a little bit differently. The Executive Committee has always had that power.

Daniel King: Getting out of the history Mr. Boyd, to answer your question, yes. I do believe the Executive Committee has the power to consult (inaudible), consult counsel. I do believe that counsel takes the risk. The bills might not be paid if the board does not approve them.

David Boyd: It's a big difference, isn't it? You're saying that they can roll the dice and say hey, we're gonna go ahead and do this which is what exactly what happened and we hope we have three votes to approve.

Daniel King: Well it's more me that's...

David Boyd: I mean that much I will agree with you. If the Executive Committee and the attorney wants to stick their neck out and in essence work on a contingent basis I don't see any problem with that. Mr. Wenkart, are you in any way conflicted on the confidentiality of attorney bills, attorney fee bills. You may have been out of the room.

Wenkart: Yeah I just came in. Now who's attorney fee bills are you we talking about.

David Boyd: Now we're talking about the Cota Cole bills.

Wenkart: No, I don't think so. That's part of my job to review outside counsel bills.

David Boyd: So, what I would like to do and Mr. King is apparently objecting to is go through the bills, not necessary on a line by line basis, but events that took place on certain days. He's saying that...why don't you say rather than paraphrasing what you said.

Daniel King: My understanding Ron is there's been recent case law that the attorney's fees bills and the line items therein are no longer discloseable.

Wenkart: Yeah there is some recent case law (inaudible). I'm sorry if I came in a little late and I missed something. So, I'm not sure what the issue is or what...

David Boyd: Well the issues I see...

Daniel King: Mr. Boyd would like to see a discussion of the line items.

David Boyd: Well what we wanna do is make a decision on what bills to pay. That's the bottom line. And it's my belief that the Executive Committee exceeded their authority in retaining Mr. King to do work beyond what was authorized in the October 14<sup>th</sup> meeting.

Hammond: Well that's how you paraphrase it but...

David Boyd: Here's...I'll read it again.

Hammond: You can read what you want Mr. Boyd but my whole point is that everything that's been done has revolved around that PRA request. So, you can call it what you want and I'm going to disagree with you.

Daniel King: Ultimately if I might Mr. President?

Hammond: Yes sir.

Nina Boyd: Move to the mic. Thank you.

Daniel King: I think it's to some extent a tempest in a teapot now. Mr. Boyd has said, hey, I agree with you. Yeah, you can do the work and then we vote whether it gets paid. To that extent that's exactly the position where we're in and all we really need is an up and down vote. And I'll stand on my record with this body as to the quality of my work and what it costs for what you get.

David Boyd: Well, aren't you conflicted in giving opinions on whether you acted appropriately?

Hammond: Wow.

Daniel King: No, my answer to that question is always going to be yes, Mr. Boyd. I would not act in ways that were inappropriate.

David Boyd: I don't mean you attended to do, don't get me wrong. I'm just saying that you're ability to get paid depends upon the arguments you just presented. Don't you have a conflict there?

Daniel King: I'm simply stating the facts. They are what they are.

Lindholm: Call the question.

David Boyd: Well you're saying the law...

Bedell: We don't have a motion.

David Boyd: And with no authority whatsoever...

Lindholm: I made a motion. The motion's on the table. (King speaking at the same time-inaudible)

Wenkart: The question I think is for this board...

Lindholm: The motions on the table.

Wenkart: Oh I'm sorry.

Hammond: Question has been called. At the same time Lindholm speaks: I called the question.

Bedell: I need help, where are we?

Hammond: We're on item eleven. Motion by Trustee Lindholm seconded by Dr. Williams to raise the fee cap for Mr. Daniel King so we can basically approve item twelve.

Bedell: Ok, now I. This is I'm interested in Trustee Lindholm because she has focused my sinuses in ways on caps that nobody's focused them before. That recommendation is very, very vague. Trustee Hammond requests approval to raise the fee cap for Daniel King. Up to? \$21,000 bill? That's much better.

Lindholm: Um hum. Yes, that's correct. We could take eleven and twelve at the same time if you would like.

Hammond: I think before, no I think we have to separate them.

Lindholm: But that's where we're going with the fee cap.

Hammond: I like what you were suggesting to raise the fee cap for now to \$21K.

David Boyd: Well isn't that kind of moot? It's already been spent.

Hammond: Well it hasn't been approved.

David Boyd: Well that's my point.

Williams: We need a subsidiary motion to add to...

Hammond: Yes, yep.

Williams: (Inaudible)

Hammond: Jack, do you want to make that motion then?

Bedell: No, because I'm going to vote no on the next two items so I wouldn't want to rewrite that. So I just wanted to protect the board.

Williams: So I make the subsidiary motion to raise the cap to the \$21,000.

David Boyd: And you're not conflicted since most of these legal fees related to

Williams: I have no idea what they are.

Hammond: And you're not conflicted?

Williams: No idea. I'm not involved in any of these discussions. I'm just trying to make this board get along and you're trying...

David Boyd: You saw the bill though...

Williams: David, my dear sir, my dear friend, you're trying to make it complicated.

David Boyd: Aren't you conflicted because much of the attorney fees, you got a copy of the bill same as we did, I assume. But wasn't he provided a copy of the Cota Cole bill? So you're seeing the same thing I'm seeing.

Hammond: Then are you conflicted out? Because, you know, this all revolved around with you in the letter? No?

David Boyd: No.

Hammond: Ok, well then neither is Dr. Williams in my opinion.

Wenkart: I think you can all five vote on it.

Lindholm: Here ya go.

Wenkart: Because none of you have a direct financial interest in Cota Cole.

Lindholm: I seconded Dr. Williams' motion. We have a lot to do today guys.

Hammond: Alright so it's been moved and seconded on item eleven to accept it and raise it to \$21,000 and a motion has been called. All in favor of raising it to \$21,000 signify by saying AYE. AYE. Opposed?

Bedell and David Boyd: No.

Hammond: Motion passes 3-2. Item twelve approve the invoices from Cota Cole for the amount of \$20,441. The chair seeks a motion.

Lindholm: So moved.

Williams: Second.

Hammond: It's been moved and seconded. Any discussion?

David Boyd: Well Trustee Lindholm was out of the room when we had part of our discussion a moment ago. I'm interested in the thought process of the Executive Committee when they found it was necessary to incur these expenses without waiting for board approval. None of this seemed to be particularly time sensitive with the possible exception of what we discussed in closed session so I'll concede that. But you know let's talk about the public records PowerPoint issue. Was it really necessary to get that opinion without direction from the board as a whole? Cause I have a piece of information that would have materially influenced your decision on whether to do that.

Williams: Well didn't we have Mr. Whitley say that he did contact legal counsel...

Hammond: Yes.

Williams... regarding that (inaudible). So again I'm not an attorney but you weren't here for this but we had Mr. Whitley who's involved in this whole affair say that he did contact an attorney. Does that, is that a concern for this board?

Wenkart: Potentially, could be. I mean I was there when he made the statement.

Lindholm: I'm sorry, on this one you had to recuse yourself.

Wenkart: Um well.

Lindholm: Yeah.

Hammond: Yeah. Sorry.

Lindholm: So you can't comment on this.

Wenkart: Well just on his whether it was a threat or not.

Lindholm: I know, I'm sorry. I wish...

David Boyd: My question to Mr. King on the Power Point issue, we're gonna get to that in a minute anyway so let's blow through it quickly right now. Did Mr. Hammond inform you at the time you were given this assignment that that PowerPoint presentation no longer exists?

Daniel King: Mr. Boyd, I'm not going to undergo cross examination on the contents or absence of content of attorney/client communications between anybody on this board in an open session.

David Boyd: Well I'll take that as a no because you didn't address it...

Daniel King: You may take it as whatever you like sir.

David Boyd: So basically we spent X amount of dollars on something that is completely moot. That presentation doesn't exist. The Supreme Court could tell me to turn over that presentation. I couldn't do it because it no longer exists. Mr. Hammond knew it no longer existed going back to September 28th.

Hammond: I didn't know that.

David Boyd: Oh, I love this one.

Lindholm: Ok, gentlemen.

David Boyd: Here's an email.

Lindholm: We're going to move on an action on this. You have legal action going on I just want to pay the attorney. So we can move on and do the board's business.

David Boyd: Ok, well we'll get together.

Lindholm: The motion is here.

Hammond: So you're calling the question?

Lindholm: I'm calling the question.

Hammond: All in favor of approving the invoices from Cota Cole for the amount of \$20,441 signify by saying AYE. AYE. Opposed?

Bedell and David Boyd: No.

Hammond: It passes 3-2. Thank you Mr. Daniel King. I appreciate your time sir.

Daniel King: Is the board finished with me Mr. President?

Lindholm: Is he here for thirteen?

Bedell: So thirteen is gone?

Lindholm: No.

Hammond: No.

Lindholm: Fourteen is gone, thirteen is there.

Hammond: Fourteen was removed.

David Boyd: Well we're you going to make a presentation on the PowerPoint issue? Mr. King?

Daniel King: I don't believe we have one...on the PowerPoint issue.

Lindholm: We can just pass it.

David Boyd: Ok, then for the record. Since we're not going to have a presentation on this.

Hammond: Um, hang on a second Mr. Boyd. Sorry. Trustee Lindholm was talking to me about something.

Lindholm: Oh, just item thirteen. We were trying to see if we needed counsel for that cause you know attorney's cost money. Laugh. Daniel King, do you need to be here for this item?

Daniel King: Thirteen?

Lindholm: Yes.

David Boyd: It might not be a bad idea.

Daniel King: I would leave that to you. I think there's an existing drafted policy that you proposed Madam Lindholm. Which would essentially lay out formally what I think I've heard several board members understand to be the longstanding informal practice of the Executive Committee consulting counsel.

Lindholm: As...

Daniel King: I'm happy to stay if I might be helpful.

Lindholm: Ok, we should be done soon. This one is between my...brought forth by myself and Mr. Hammond. Historically because we have had our in-house counsel unfortunately recuse himself on several issues this year so this policy clarifies some of that and of course he's still the in-house counsel on the majority of issues. But it's when he recuses himself or we need...there are four items stated here and we're just formalizing the policy that then we shouldn't have controversy going forward.

Hammond: Alright.

David Boyd: I would support this if we could add language in situations where we have a time sensitive issue where's there's not an opportunity to bring it before the board. I would support it. That makes logically sense.

Hammond: You mean add that in addition to?

David Boyd: Well, basically say in the Executive Committee's judgment, if it's necessary to retain an attorney, and there's insufficient time to hold a regular board meeting then you would have the authority to do so. No problem at all. But it's taking on a routine matter like this Power Point thing which was not time sensitive at all. Um, to me it doesn't make a whole lot of sense and as long as we're talking about that. September 30 email David Boyd to Robert Hammond...

Hammond: Out of order. I'm ruling it out of order.

David Boyd: So this is one sentence...

Hammond: I'm ruling you out of order.

David Boyd: I'm sure you will because it says in anticipation of assembled presentation (inaudible)

Hammond: I'm ruling out of order. Be quiet.

David Boyd: It has been edited...

Hammond: Good gosh. So

Hammond and David Boyd talking at the same time: (Inaudible)

Hammond: We will move on with this and we will have...I know that Trustee Lindholm had wanted the word outside inserted between the words determined and that in the second line and I would agree with that.

Bedell: Where are we?

Hammond: We're on item...

Lindholm: Thirteen.

Bedell: Right, but the recommendations are (inaudible)

Hammond: Negatives. Right here. Second line. In between determined and that add the word outside. When it's determined. I'm sorry, should be that outside.

Lindholm: It's after consult. Outside.

Hammond: Consult. I'm sorry.

Lindholm: After consult.

Bedell: Outside legal?

Lindholm: Yes.

Bedell: Alright.

Lindholm: With those conditions. You know I don't mind adding if we can work in a timeframe. For instance last meeting we had there was a judgment that we needed to do on the 15<sup>th</sup>, 15<sup>th</sup>? We had one day by the time we had learned about the recusal and hiring an outside attorney. One day.

David Boyd: That makes perfect sense.

Lindholm: Well that's how a lot of these is occurring.

David Boyd: But you know the PowerPoint thing did not make perfect sense.

Lindholm: We're not talking about that right now.

David Boyd: No but we're talking about an item that was not time sensitive. And if the Executive Committee on their own decided to go forth with.

Lindholm: Actually well I'm gonna go there. I'm not the attorney. We have an attorney. So I just want to add outside under consult.

Bedell: Right.

Lindholm: Is that what you're looking for?

Hammond: Yeah, the authorized retains outside...

Bedell: That will work.

Lindholm: Yes.

Bedell: But in the bottom recommendation if you said docket, the second sentence Executive Committee existing authorization to consult...

Hammond: Outside.

Bedell: ...legal counsel...

Lindholm: Outside.

Hammond: Should be...

Bedell: Outside of there. Outside there.

Lindholm: Yes.

Bedell: Outside. For specific matters of a time certain...

David Boyd: Time sensitive.

Lindholm and Bedell: a time sensitive.

Bedell: Time sensit...

Lindholm: If I don't know time sen...

Bedell: Yeah, time sensitive.

Lindholm: of time sensitive. That's fine.

Bedell: Specific time sensitive matter.

Daniel King: If I may Mr. President.

Hammond: Yes sir.

Daniel King: The question then arises who determines time sensitivity? The Superintendent, the Executive Committee, the board?

Nina Boyd: Excuse me-for point of record. And David Boyd: the intent of the Executive Committee. (Talking at the same time)

Nina Boyd: Is Daniel King representing you on this item or is Counsel Ron Wenkart representing you?

Hammond: I would say Daniel King is.

Nina Boyd: He's not your counsel.

Daniel King: Happy to have Ron come back up and he and I can play the dance where we figure out who's on which time.

Lindholm: Yeah.

Lindholm: The reason was.

Daniel King: My apologies if this time I was dancing to the wrong. And Lindholm: Because in-house counsel has a conflict of interest (talking at the same time).

Lindholm: Ok.

Nina Boyd: Cause I mean Ron is your counsel unless he's recused so this item would be something that would fall under in-house counsel.

Wenkart: So I've got, the way it's worded you're asking that the Executive Committee would determine it's a time sensitive matter? Is that?

Daniel King from the audience and not on a mic-(inaudible).

Wenkart: Oh yes.

Daniel King: Up here and on.

Wenkart: I wrote in here of a time sensitive nature, is that?

Daniel King: That is, that was Jack's addition. And...

Wenkart: After the word any specific matter of a time sensitive nature?

David Boyd: Yeah, we could put in the judgment of the Executive Committee.

Wenkart: In the judgment of the...

Lindholm: That's fine.

Wenkart: Ok. Thanks. Judgment of the Executive Committee. Ok.

Bedell: Just while he's writing, it seems to me the board has a right to know when this has been done.

Lindholm: Oh sure.

Bedell: And I appreciate what thoughts you might have...action of the...reported out at the next board meeting. So we have, so in other words, this is not personal, this is macro. We don't have a rogue Executive Committee getting 35-40 opinions without anybody knowing what's going on.

Lindholm: Absolutely, sure. At next scheduled meeting.

Bedell: Yeah.

Daniel King: Mr. President if I may ask a question as a concerned member of the public not giving advice in this matter.

(Inaudible voice)

Daniel King: I'm usually loud enough the mic can pick me up anyway. I understood Trustee Boyd earlier to take the position that the prior vote did not approve the contract which you executed prior to the board meeting. That was not my understanding of the facts of that board meeting. I'm not saying I'm right. I just. I understood that what had happened is the board approved that specific contract which functionally carries out what you're considering doing today subject to the (inaudible) which has now been raised to the \$22,000. I just wanna be clear on do we in fact have an engagement agreement that's been ratified by the body as a whole with respect to the matters we're talking about now and perhaps I might suggest that the order there is policy then approval of actual agreement. But either way, the nuts and the bolts of this thing I'm concerned get carried out as well.

David Boyd: I don't know what that means.

Lindholm: I know, we already voted on twelve.

Nina Boyd: Well I think what the implication is, is as a result of this board policy that you're saying that you would have an engagement agreement with the board?

Daniel King: I already have one. Well,

Wenkart: Ok, then maybe I'm not...maybe I could clarify correct me if I'm wrong. Are you saying that you may need to send us an invoice for work on this policy? Is that, or is that already included in the invoice you already sent? Is that what we're talking about or we're talking about in general?

Daniel King: No, we're talking generally speaking is it's almost a common issue which it is. Assuming I get the call or call on October 14<sup>th</sup> about a matter to be October 15<sup>th</sup> right?

Wenkart: Um hum.

Daniel King: There's an existing agreement, the agreement Mr. Hammond executed right with my firm that essentially says, if the Executive Committee calls in a matter it has determined it's going to seek legal services in, right? We've got set terms. Standard hourly rate...

Wenkart: Right, yeah.

Daniel King: all the boiler plate varieties (inaudible-not at the mic). My understanding was that the last time we met, the board approved that. Subject to Miss Lindholm's fee cap right?

Wenkart: Right, that's my understanding.

Daniel King: Mr. Boyd's statements earlier suggested that it hadn't been approved and I just want to make sure I was clear on it.

David Boyd: Well, here's where I'm confused. And going back to the transcript to from October 14<sup>th</sup> word for word what the board approved; Hammond: The question is called then and for all those in favor of appointing Daniel A. King as board attorney in relationship to the public records act request of Mr. Barry Resnick as so modified by Trustee Lindholm, signify by AYE. And I believe your modification was a detailed breakdown. So it had seemed to me that you were retained for that specific purpose and nothing beyond that specific purpose.

Daniel King: I think the agenda item, if I remember correctly, was to approve that specific (inaudible)

David Boyd: Well then maybe we had better...

Daniel King: So that may be the source of the misunderstanding.

David Boyd: Maybe we can clarify that for your benefit and for ours.

Hammond: Well I know, Dr. Williams has to get going so I guess, Miss Nina?

Nina Boyd: Well I was just going to say a point of clarification, what we had from staff in terms of what we were doing on behalf of the board was a contract for not to exceed \$7,500 based on the approval of the board at that October meeting. So we were trying to work with your office to get a document so that we could pay him at least up to the \$7,500. We have not been able to do that yet because there are other things that have come into play, so. He hasn't been paid anything at this point. But another point of clarification, this document is for the board to contract with any outside counsel, not pursuant just to Cota Cole...

David Boyd: Right.

Nina Boyd: So when we talk about engagement letters I just wanna make sure that we're all on the same page.

David Boyd: And for the record too, I would have voted to pay the \$7,500 that the board previously authorized but that wasn't what was before us.

Hammond: Alright. I'm going to call the question.

Bedell: What is the vote?

David Boyd: What is the question?

Hammond: The question is on basically the...

Lindholm: Thirteen.

Hammond: moved to approve item thirteen as so amended.

David Boyd: And what is the amendment?

Lindholm: Darou? Did you get those amendments?

Wenkart: I think I've got them. Maybe I can read it to you.

Lindholm: Ok, you've got them?

Wenkart: It'll read: the Executive Committee of the board is hereby authorized to retain and consult outside legal counsel on behalf of the board about any specific matter of a time sensitive nature in the judgment of the Executive Committee when it has determined that any of the following conditions exist and then it goes on.

Bedell: And also reported out.

Nina Boyd: Reported out at the next meeting.

Wenkart: And reported out.

Lindholm: Next scheduled.

Wenkart: When it's determined and reported out at the next meeting. Ok.

Lindholm: Did we have a motion?

Hammond: Yes.

Bedell: You made it. I amended it.

Lindholm: Good.

Hammond: Ok. All those in favor of the motion of the motion as amended signify by saying AYE. AYE. Oppose? Abstain? Motion passes 5-0.

Bedell: Be safe Ken.

Hammond: Mr. King, I think we're good.

Lindholm: Thank you.

Hammond: Thank you, sir.

Daniel King: Thank you very much.

Lindholm: Safe travels.

Hammond: And have fun playing with your twins.

Daniel King: Thank you.

End of Disc Three

Hammond: Item 20.

Lindholm: I gave it to you.

David Boyd: Twenty's what?

Hammond: Alright. Moving on with our staff recommendation. We're gonna jump to item # 20, adopting resolution 34-15 recognizing the importance of Christmas in Orange County.

Hammond: The chair seeks a motion. David Boyd: Second (both at the same time)

David Boyd: Will I guess sorry.

Hammond: Um well you know what I'll move and David Boyd: (inaudible) (both at the same time).

Bedell: I'm sorry I missed the very...

Hammond: I'm moving for # 20 and Dave seconded # 20. I don't think there's going to be any discussion but I'll open it on up if there's any discussion on 20.

David Boyd: Let's move on.

Hammond: Ok, all those in favor signify by saying AYE. AYE. Oppose? Abstain? Motion passes 4-0. Item 21-adopt resolution 35-15 Religious Freedom Day.

Bedell: So moved.

Lindholm: Second.

Hammond: All those in favor? Signify by saying AYE. AYE. Opposed?

David Boyd: Abstain.

Hammond: Motion passes.

David Boyd: Only because I know nothing about the Virginia Statute of 1786.

Hammond: Fair enough.

Bedell: 3-0-2

Hammond: 3-0-1 cause Ken's not here so it's just. So. Whatever. Item # 22, adopt resolution 39-15 and request that the staff of the Orange County Superintendent work with legislature and State Board of Ed to extend the deadline for filing personal belief exemptions to July 1, 2016 on behalf of the board. Chair seeks a motion.

Lindholm: So moved.

Hammond: I'll second. Any discussion?

Nina Boyd: You have public comments.

Lindholm: We have request to speak, do they want to speak? If you're gonna do that then.

Hammond: Oh, are they all here?

Al Mijares Three, they've been waiting all...

Lindholm: They are here but I was gonna leave so I was hoping to vote. What. I was hoping to vote before I left to support the motion.

Multiple voices-inaudible words

Hammond: Alright.

Al Mijares: They've been waiting the whole board meeting.

Lindholm: I know they have.

Bedell: Is there a legislator doing this already?

Lindholm: Pardon?

Bedell: Is there a legislator defined as carrying this already?

(Inaudible voice from the audience)

Nina Boyd: They'd like to speak after the vote.

Lindholm: Ok. And then you can discuss all the issues.

David Boyd: I can, if I may comment Mr. President.

Hammond: Yeah, please go right ahead.

David Boyd: I'm ok with this with the exception of 1, 2, 3, 4, 5 whereas'. Whereas there was insufficient time for parents to submit personal belief exemption. I don't know that for a fact so I prefer that simply be deleted.

Lindholm: Is that the only item?

David Boyd: And # 2, it's a little vague is what we're asking the staff to do. To, to work with the legislator. But if staff is clear I'm fine with it.

Lindholm: That's ok and then,

Bedell: Where are you gonna pick out..

Lindholm: It's 'til July 1, 2016.

Hammond: Yeah it's to extend the deadline to July 1, 2016.

David Boyd: No the one right before that was the one I was concerned with. There was an insufficient amount of time. I don't know if that's factual or not.

Lindholm: We can pull that item, that line.

Bedell: Yeah, that's not...

Lindholm: We can pull that one line.

David Boyd: And eh item # 2 as far as directing the staff. If the staff is clear on what we're asking them to do then I don't have a problem with it. To me it seems a little vague.

Nina Boyd: In our understanding having had conversations with President Hammond communication, we dialogued with Ron and the intent would be that Ron would reach out to legislative body with regards to the concerns there and send some letters forward and then with other entities that might have an interest then we'd be dialoging with them.

David Boyd: Ok, alright.

Hammond: Alright. Ok. Um...alright then. Trustee Boyd would like the fifth whereas redacted. Is that the consent of the body? I'm ok with that.

Bedell: I'm ok with it.

Lindholm: I'm ok with that.

Hammond: Alright then I'll call to prove this with the fifth whereas redacted. All in favor say AYE. AYE. Opposed? Motion passes 4-0.

Lindholm: And then they can still come talk if they'd like to.

Hammond: So, alright.

Lindholm: Ok, I'm gonna go.

Hammond: Alright. Safe travels.

Lindholm: Ok, safe travels.

David Boyd: Drive safely.

Lindholm: Thank you. You too.

Hammond: Alright. Miss uh...

Bedell: We can do a lot of these items, can we?

Hammond: Lisa Heyrend.

Unknown: Merry Christmas.

Lindholm: Merry Christmas.

Hammond: These could just be lumped over to our next meeting.

Bedell: Oh I'm sure.

Nina Boyd: Three minutes.

Hammond: So, you have three minutes so welcome Miss Lisa.

Lisa Heyrend: Minutes now. I appreciate your time and energy in this all of you. I have some things to say today hoping I would need to convince you guys of some information. I brought some emails from school districts about misinforming parents about the deadline of the PPE's and some schools that actually had posted that effective January 1<sup>st</sup> that the PPE's were no longer accepted. Which includes the grandfather clause so that was very concerning which is the reason we're requesting the extension of the personal belief exemption. So instead of giving you all of that I will just say thank you and we appreciate it. It's gonna help many, many families and I think it will give time for the districts and the state board to clarify some of the gray areas in this law so that the schools and districts can properly implement it. So thank you for your time today.

Hammond: Um, Shanda Lobatos? Am I saying that right?

Shanda Lobatos: Good afternoon, like Lisa said, we had different speeches but I'd like to say that I'm really appreciative of your vote. I'm working, I've been working with Special Ed since 1999 and this just like almost brings tears to my eyes. Cause the families, they just don't know. And I've seen families go through a lot of heartache, changing diets, delaying vaccine schedules, going to different doctors, and this gives them an option to decide if they want to go along with the law or not. So I really appreciate it. Thank you very much for your time.

Hammond: You're welcome. Susan Born.

Susan Born: Good afternoon. I too will start by saying thank you all so much for putting this on the agenda and taking the time to give more consideration to you. Ah, Mr. Boyd so you know, you weren't sure about the part about the timeline? And it's true, the bill was signed into law in June but as far as we know we've all been to our home districts and spoken to our district boards. And as far as we know the state hasn't sent any information but the school sites were still giving out incorrect information. The school boards knew even less than the staff on the school sites did. We're fortunate we've been to, different parents have been to twelve different school boards of the twenty districts, almost thirty districts in Orange County and eight of those did respond in relatively swiftly with emails, phone calls, things like that to their students. But that's only eight of the almost thirty districts. And like I said, the boards didn't really know very much about it. So I'm really grateful for your time and consideration because pushing that deadline back will give the state time to give you information. You can make sure that your districts have accurate information and then of course the districts can inform the school sites and they can let the parents know. Because that's what this is all about, it's their parents being able to exercise their legal rights under the new law. So thank you so much for your efforts. We're the third biggest county in the state so hopefully that push will send the ball rolling in the right direction. So we're really grateful. Thank you so much.

Hammond: Alright. Yeah, I'm thinking that it is getting kind of late. There's a lot of things on here the rest can probably be pushed to January. Ken asked that # 18 be tabled and that was approval for the board to seek attorney general's opinion. No wait that's yours. I thought that was him. My apologies.

David Boyd: Yeah, actually I don't have any objection. I would like to get the ball rolling on this and I thought what I hoped to do if the board elects to go forward with this at the first meeting just to appoint an ad hoc committee to talk about exactly how this would be accomplished.

Hammond: That would make sense. Well you know...

David Boyd: Well if you wanna vote on that and...

Hammond: Yeah, why don't we go ahead and do that.

David Boyd: I'll appoint the ad hoc committee next time around.

Hammond: Um, well.

David Boyd: Or the Executive Committee can handle it for that matter.

Hammond: Would you be willing to be on that? I mean cause I appreciate...

David Boyd: Well yeah I would be but I don't have any particular expertise in attorney general opinions. I mean realistically you know we're gonna have to rely on Ron and whatever legislator we get to carry this. And I'm hoping that eh Trustee Lindholm being close friends with Senator Bates she might be carrying it on behalf. It does have to come from a legislator or a judge or somebody.

Hammond: Right.

David Boyd: We can't do it unilaterally.

Hammond: Alright. Jack, any thoughts on that? No? Alright. Um,

David Boyd: And just to refresh everybody's memory too, Superintendent Mijares has agreed that he would abide by whatever ruling the attorney general may ultimately issue.

Mijares: Well my comment was it's within your latitude obviously for the board to seek the attorney general's opinion and if the AG renders an opinion that is different than what we have known to date then it will effect, potentially affect all 58 counties.

David Boyd: Right, exactly.

Mijares: So I think the board has to understand that in these matters probably a lot of outside agencies will weight in.

David Boyd: Yeah, which is good.

Mijares: Yeah.

David Boyd: I mean, you know what we want input from.

Hammond: Ok. Um, alright. Ok. Going back and looking over board recommendations and looking at 15 and 16, they were both, one was from Ken and Linda, the next one was from Ken. They're neither here. I think it's appropriate to just push them over.

David Boyd: Do we want to do something with 18 or not?

Hammond: Yeah, I'm sorry. You know we should. Um, I like your idea about having an ad hoc committee. Why don't we go ahead and take a vote forming an ad hoc committee and then we can just fill the other committee member...

David Boyd: We'll take a vote to proceed and then maybe the Executive Committee could appoint the ad hoc committee.

Hammond: Would you be willing to serve?

David Boyd: Yeah, yeah. I mean...

Bedell: I'll move that we adopt this agenda item and include to begin the process by forming an ad hoc committee to develop strategy, direction, etc.

David Boyd: Good.

Hammond: Ok. Will you second that?

David Boyd: Yes, I'll second.

Hammond: Alright, um...the I think the first step is then well look at appointing an ad hoc committee. And we'll go from there. Motion passes 3-0. Unless there's any objections I'm looking at 15 and 16 to table 'til the next meeting.

David Boyd: Yeah, those are both Ken's and he should be here.

Hammond: I'm gonna move that we table 15 and 16 to next month. Can I have a second?

Bedell and David Boyd: Second.

Hammond: Alright seconded, all in favor say AYE. Alright it's been tabled. Yeah.

David Boyd: We could also take care of the ethics training. Linda expressed earlier that she had no objection. And Ken expressed earlier that he had no objection.

Bedell: Right. Let's move # 17.

Hammond: Ok, you move 17. Do you second it David?

David Boyd: Yes I do. There's one typographical error in the second paragraph. It should be the Fair Political Practices Commission. I left out Practices.

Hammond: So noted.

David Boyd: Should know that.

Mijares: That's a tough one.

David Boyd: Ok, so

Hammond: Do you accept his...

Bedell: Sure!

Hammond: Ok, alright. All in favor say AYE. AYE. And I'll abstain; motion passes 2-0-1. I didn't get a chance to fully go through it. So, alright. 17 has been taken care of. Alright. Number 18 has been taken care of. Ah, 19. That' from Linda, I'm gonna move we table.

Bedell: Fine.

Hammond: Fine. All in favor say AYE, AYE. It's been tabled 3-0. 23, Linda's not here. She wanted to talk about that one so I'm gonna move that we table it. Can I have a second?

David Boyd: Yeah, I'll seconded it but maybe when we bring it back we get a little bit of clarification cause I don't understand what it's talking about to be perfectly candid. Ok.

Hammond: Ok, well at least we'll ok so, it's moved to table. All in favor say AYE, AYE. It's tabled. The last thing then is really is the um first closed session.

Mijares: Right.

Hammond: So I guess we should go into closed session.

Bedell: Is that time sensitive?

Hammond: Well that's not time sensitive.

David Bedell: Towards sundown.

Mijares: It's time sensitive.

### **Closed Session**

Hammond: You know what, let's do closed session, item # 1. Mr. Ron?

Wenkart: Ok.

Mijares: You gotta go into closed session.

### **Board Meeting Out of Closed Session**

Hammond: The Orange County Board of Education is grindingly back in order from closed session. Miss Nina, I believe, you had something to report out for us. Yes, just for the record I wanted to make note that Trustee Lindholm had recused herself from this closed session item even though she's absent. If there are future closed session items around this matter she has formerly recused herself and also for the record Dr. Williams because he was absent was not a participant in the closed session.

David Boyd: Ok.

Hammond: Ok. Alrighty. So, moving on to...

David Boyd: Question Mr. President, and I apologize for being late but there was on item that was removed from the agenda. Could you refresh my memory?

Hammond Uh yes sir it was item 14 because it was very similar to item 13.

David Boyd: Ok.

Hammond: And that was I believe on motion from Trustees Lindholm and Bedell.

David Boyd: Ok, alright, so. And that's not going to be brought back then?

Hammond: No, at least I hope not. Alrighty. So with that communication information discussion. Um, I don't know who do I turn this over to.

Nina Boyd: Well if they're any questions from the board in compliance with Ed Code 1302 A and board policy 100-10 we have put information on the agenda so that the board is aware of increases for those four individuals. If the board has questions then Renee is prepared to answer questions. If not. For transparency purposes this information was included in the agenda and Trustee Lindholm had requested some comparative informative that was sent to each of you in your board packet.

Hammond: Alright. Um, well I'm just wondering, if Trustee Lindholm had requested such information then would it be appropriate to table this 'til next board meeting.

Nina Boyd: Well it's not an action item. It was just information so the information was provided so there's...

Hammond: Ok. Um, alright. Any questions or comments Mr. Boyd?

David Boyd: Ah, no sir.

Hammond: Dr. Bedell?

Bedell: Yeah, I mean we have what over 100 people here today or something like that over the course of the day. And the way our, and this has been this way since I've been on the board. There are several important things that could be reported out from the California School Board Association. The new legislation, what's going to be coming on as it relates to Perkins and Forestry Money? And we have nobody here except six of our beloved staff and a lot of it is very germane of what the people have been schlepping here for. I wonder if there is some way that there could be way up early board members comments, etc., because I'm sure you...

David Boyd: (Inaudible) at the city council is at the beginning of the meeting right before public comments.

Bedell: Yeah, I would like it right before public comments or right after. Earlier. This...

David Boyd: To move things along maybe we could limit it though to maybe three minutes each to start off with? What do you think Mr. Hammond?

Hammond: I think it's a great idea.

Bedell: Cause they don't know what we're doing. They really don't and that one comment about the ESSA, about that new legislation was off. Alright. And it was off!

Hammond: Which is why I threw it at the very beginning. Because my thought was is that you know what I'm sure we're gonna have people here talking about either Common Core or you know...

Bedell: Sure.

Hammond: ...whatever, maybe I can nip one or two things in the bud. I think maybe we nipped one thing in the bud. I'd be great, but my thought if we could nip a few more things.

Bedell: That's why I think early...

Hammond: We might get out of here instead of say 5 o'clock we might get out at I don't, 4:50.

Bedell: I think it's important for us to have an education function as board members and what we do. And they're not getting that. By the way this agenda is put.

Hammond: Do you think, and I'm gonna I'd like your input, I'd like input from both of you. You know we have announcements, I guess that's done at the end but what about legislative updates. Would you want that at the beginning as well or just simply board member comments.

Bedell: I'd like board member comments. Would suffice to me cause board members comments at least in my case would take care of three of them. And at least the public knows.

David Boyd: And I think it's, correct me if I'm wrong, it's the Brown Act. We could make comments on any topic but you can't discuss unless it's on the agenda. Is that right?

Wenkart from the audience with not mic: (inaudible)

David Boyd: So Dr. Bedell could give us three minutes on the higher education, or the elementary and secondary education act but we could not dialogue with him on that unless it was on the agenda.

Hammond: Ron, can you comment on that? Because it sounds like what Jack is asking for and I think we're all in agreement is to have board member comments first and you know it would be great let's say when Jack goes to DC again or somewhere and then it would be like and he has something and he shares something with us. And let's say Dave has a question. I wanna make sure that we can ask the question that we run without.

Wenkart: Well you could do it a couple of ways. I mean you could the board comments at the beginning and if you list what those board comments are going to be then you could make it...

David Boyd: So it could be legislative update. And then we could talk about it, right?

Hammond: And then we could talk about it, right?

Wenkart: Yeah.

David Boyd: Well that's a good board.

Wenkart: Or you could put it a little bit later in the agenda and just make comments in the beginning and then have it a little bit later if you want. I mean there's several ways you could do it but you do need to list it. So for example the Every Student Succeeds Act that was mentioned earlier we could put it under discussion. Discussion of Every Student Succeeds Act and then we could have a discussion and we may not have a lot of information by January so then you can move it and also do it on February too.

David Boyd: (inaudible)

Wenkart: Well have some; it's 1000 pages so it will probably take a while to...

Bedell: Do we have more charter apps coming?

David Boyd: Segerstrom.

Inaudible voice from audience

Nina Boyd: Yes.

Bedell: So there'll be. So that's another reason. That means we're going to go, if we could put the board ahead of that,

Hammond: That would be good.

Bedell: Then we can be sure what's going on. Cause you've had some legitimate questions about ESSA. Some of which I can answer and some I can't. So I think that would have been. See what I'm saying? Run with it?

Hammond: No, I'm in agreement with you and I think you in agreement with Jack on this, right?

David Boyd: Yeah, you know and if you're a member of the Executive Committee, Trustee Lindholm's comfortable with it, let's do it.

Hammond: I was thinking.

Bedell: Can we try that?

Nina Boyd: For clarification, just for staff. You talk about information items and then you talk about board member comments. Are you talking about the communication information discussion section on the agenda being moved to the beginning of the meeting? Somewhere either before public comments or after or are you only talking about portions of that because I've heard it both ways.

David Bedell: My thought was that it would be a portion of it. It would be limited to three minutes at the beginning and if they're other topics that needed to be covered then that would be up to you to do it today.

Hammond: I think that would be fairly appropriate. We could probably have board member comments...

David Bedell: Just like we carry over public comments...

Hammond: right.

David Bedell: if necessary.

Hammond: I think we could have probably the board member comments probably right after we approve the minutes and before we actually get into anything else. You know, we could take

about 15 minutes then as a board and discuss stuff. I mean, does that sound like a good place for it?

Bedell: It's fine. I like it, yes. Before we have any votes on any other items.

David Boyd: Are there any other topics besides legislative update we might want to throw under that umbrella? Um...

Bedell: Well they're public policy issues.

David Boyd: Think about it. Yeah.

Hammond: Ok, why don't you think on that? We've got a little bit of time and then if you guys don't mind.

Bedell: I mean if you could try that and see how it works.

Hammond: Let's try it and if you think of some other things that are germane or something's that appropriate then why don't you send me an email and then as Executive Committee we could just try to massage that. Al, what do you think?

Mijares: I think it's a great idea because as Jack said you have a captive audience here who wants to be informed, they're here on their own volition. And they should hear from you in terms of the leadership aspects of your work as opposed to just responding to problems and issues. So I think this gives you the perfect forum. Jack, your comment about ESEA and the changes there, you have been intimately involved with this. You'd be a great voice. You know then also like this CSBA thing. We're gonna ring the bell here but nobody's here. We gotta CSBA award for an Inside the Outdoors Project and we even had a little video which we're not gonna show you know cause then you'll want to leave but. So people begin to see a different light of us.

Bedell: And it's very significant. Nina's gonna be head of her association. We're gonna have the president of the CSBA at the same time. The public doesn't know that. That's huge!

Mijares: What took place at that meeting was huge. Right from the floor being elected. I don't think that's happened before.

Hammond: I was gonna ask you if that's ever happened before.

Mijares: I'm being told that is hasn't.

Hammond: That two minute video that you're also referring to, could we go ahead and schedule that at the beginning of our January meeting?

Nina Boyd: January meeting?

Hammond: I think it would be most appropriately.

Nina Boyd: And if the legislative updates are at the beginning of the meeting that would be a part of that. But we could have the time certain on there so that you would be aware. You've also asked for and received an update on ESCA so we would be working with you to find out you know the parameters of how much time staff's currently trying to go through that and working through that information, so.

Hammond: Do you think about a 20 minute, or do you just wanna get back to me.

Nina Boyd: Let me get back to you after I've had a chance to confer with them because I think it may be two part because the information is still unfolding and so I think there's going to be an initial and Jack may have some things he may want to add on to that so maybe we can dialogue and get some input and I know who's going to be at NSBA and one of the key individuals who moved a lot of this working with Jack up in DC will be there. We have another recommendation to honor that individual and do some type of appreciation letter a-I think it should be done at the board meeting and then it could be carried back because we've partnered with a number of folks back there. And it's instrumental in terms of what this county has done working with the folks in DC to get this passed. Um, through Jack's leadership and our lobbyist, Bob Canavan and others, so.

Hammond: Alright. And speaking of Bob back in DC, I know he gave a little synopsis. Has he given a much more detailed?

Nina Boyd: No but we pass along everything he gives us immediately, not sure if he's going to do something in more detail working with Jack but with regards to that but our staff is definitely working and trying to get more in terms of a summary of some of that.

Bedell: He gave a three page something that we've had already that we put out there already. We got it in an email. It printed out three pages on my machine. I don't know...

Nina Boyd: Right. And I think that's so what Ken had asked us where it came from and who didn't. And so we said that is what we received from Bob Canavan. That was sent from everyone the day of the vote.

Bedell: I just really am intrigued and I seek my board my remaining board members here. Congressman Rohrabacher. I wonder if it will be appropriate for you to request a meeting with him to have him discuss his vote because...

Hammond: On which item?

Bedell: He was the only negative vote in the California delegation on that entire bill.

Hammond: On the ES eh?

Bedell: Yes. Loretta Sanchez was absent. Somebody up North was absent and then Dana was the only no vote out of the 50 some odd Congressman.

Hammond: And everybody else voted yes?

Bedell: Yes, everybody.

David Boyd: What do you think we would accomplish by that meeting? I mean Dana's Dana. I mean...

Bedell: Well.

Hammond: I mean Dana's big thing is he wants to see the US Department of Ed abolished and put that money back into the states. That's I know for a fact is his big thing. Um, I mean yeah, I can call him. I don't have a problem with that. I mean but David he's in your area. Do you mind if I?

David Boyd: No, be my guest.

Hammond: Darn. Alright. Alright well.

David Boyd: Question Ron. Parliamentary procedure. Um, is it too late for me to change a vote.

Wenkart: Um.

David Boyd: I think Dr. Bedell's abstaining on the Scholarship Prep Charter School was more appropriate than my no vote so if possible I'd like to change my no to an abstain.

Wenkart: Uh...

David Boyd: Not a big deal.

Wenkart: Yeah I'd have to go back and check and see how it's done but I think you can do it during the same meeting...

Mijares: Before the minutes.

Wenkart: Before the minutes.

David Boyd: Well to the extent we can I would like to do that.

Hammond: I don't have any objections.

Wenkart: If nobody has any objections we can...

David Boyd: I don't want it to be perceived as anything negative in particular with Scholarship Prep.

Wenkart: We can change it in the minutes to an abstention.

Nina Boyd: Um...

Wenkart: I'll check and see if there's anything else.

Bedell: That's intriguing. I never knew that was possible.

Hammond: Changing a vote.

Bedell: Yeah.

Hammond: I thought can you (inaudible)

Wenkart: I'll check to be sure.

Nina Boyd: On Scholarship Prep wasn't that a 5-0 vote?

David Boyd: Oh, wait a minute I'm sorry. It was the other one. The MOU. Oxford. It was Oxford. Right.

Hammond: We were 3-1-1 on that. The weird part I knew what you meant.

Wenkart: So change from a no vote to an abstention. Ok,

Hammond: Does that have to come back before us as a motion to reconsider and then go with

David Boyd: Well an abstention.

Hammond: Cause that would be a really waste of time to do that. Yeah don't spend a career on this. I mean it could be done easily, do it.

Mijares: You can change it. It has to be done before the minutes are approved. But we'll do Robert's rules.

Wenkart: We'll check to be sure.

Hammond: Ron will you send me an email as relative to Dave. I think just the two of us.

Wenkart: Ok.

Mijares: Sometimes people get a little addled and they forget or whatever you know they say I didn't mean to do that. So I think there's that provision allowed.

Hammond: Alright. To finish up I think then moving I'll say in essence having board member comments part 1 at the beginning. I like your ideas Jack and Dave I like you're idea about 3 minutes per person. That should be enough to hopefully ramble through some things really quick. Um, by the way, before we get going, Anthony Saba, we got a copy here. Great email. I

hope you guys get a chance to read this about how much fun he's having working with staff. Alright. So we have a notification of salary changes and stuff for the four people. Al, just so ya know, I've got people screaming in my ear. I sure hope you guys are going to find a way to put more money on the table for the hourly employees cause I know with new Obama Care man they're getting hammered. So...

David Boyd: I just wanna make one thing clear. This letter than we're going to send to the Fair Political Practices Commission. The attorney client privilege has been waived, is that correct? So it's a public document at this stage or not?

Bedell: I thought it was.

Hammond: I thought it was.

David Boyd: Yeah, ok. Before I show anybody.

Hammond: Do you want me to text Daniel and just verify with him?

David Boyd: Yeah, if there's a problem just let me know in the next 24 hours. Otherwise I'll assume its ok.

Hammond: Ok. I'll do that then. That's got all the exhibits down at the bottom. Alright. Announcements. Mr. Superintendent. I see you've got a bright bell there by you.

Mijares: Yes, just to wake you up. We'll report later on this but I wanted to thank three Trustees were there. It was Dr. Bedell, Miss Lindholm and Mr. Boyd, attended the CSBA Conference and some of our staff were present. And then Jack was gave us the honor of representing the board at the luncheon for the Golden Bell Award. And we received this award. There were probably only three county offices I think that got a Golden Bell Award. It's rare for a county office to get it because it's very competitive. And um, we won. And so we wanted to praise our staff and let you know about it and I won't show the video now but if you let me bring it back and maybe we can do this in the beginning. Jack you can do it.

Bedell: Sure.

Mijares: Beginning at the next board meeting.

Bedell: Sure

Mijares: And it's a two minute video. It says it all. You really don't have to say much but to introduce us. I wanna thank you for that and I also wanted to let you know, and there are some many good things here like the Teacher of the Year Ceremony was fantastic. At the Disneyland Hotel, Dr. Bedell was present for that. I wanna thank our staff. School and Community Outreach, Laura Watson who's back there, her team did a marvelous jog as always. And it was

spectacular. Gift of History took place on the 11<sup>th</sup> of November at the Anaheim Angel Stadium. There were some 37,000.

David Boyd: We didn't get a notification on it this year did we? Cause I always like to go to that.

Mijares: I don't know how the 37,000 it was 10,000. 10,000 3<sup>rd</sup> graders across the county came to that event and it was just we probably had um I don't know some 25 sponsors, big name sponsors who were there. And Todd Spitzer actually was there.

Hammond: This was at Angel Stadium.

David Boyd: Yeah, I've always gone in prior years. I didn't get a notice.

Hammond: I don't remember getting a notice on that.

Mijares: Yeah, we normally send that out to the board.

Nina Boyd: I'm sorry. There may have been a lapse with the changeover and so forth. It might not have gone. It was our impression that you always get it so. Well follow-up on that.

David Boyd: There's always the Duck's thing I enjoy going to in January or February.

Nina Boyd: February it is.

Hammond: That's the one where they scream their little heads off, right?

David Boyd: Yeah. Bring your son.

Mijares: Stan Oftelie's book, Nothing Rhymes with Orange, we give to the kids. By the way if you don't have a copy of that book you need to get it. We can get you each a copy. It's fantastic cause it's filled with factoids about Orange County. Amazing.

Hammond: That would be nice to have. I'd like to have a copy of that please.

David Boyd: About 5<sup>th</sup> grade level?

Mijares: 3<sup>rd</sup> grade. Yeah, I also wanted to let you know I spoke at the Juvenile Justice Regional Summit and Nina is very involved with this. Great event that happened over at the where the Sheriff Academy trains. OC Pathways. We did an OC Pathways Showcase at the Great Park in Irvine at a big hangar on a very crisp morning. And it started at 8 o'clock in the morning and we had about 300 people Jeff? Approximately that were there but this is part of our OC Pathways Grant from the California Department of Ed. A 15 million dollar grant which has over 100 business partners, 9 community colleges are involved with us. 14 school districts and the Orange County Department of Education leads this and this is a...and two four year colleges. UCI and Cal State Fullerton. And what's amazing about it is it's really creating this coalition of K12 and

higher ed. It's forging this thing because that's not easy to do, to get the two together and it's putting us together. Todd Burnett, the President of Saddleback College and myself were able to serve as the moderators of that day. We have four amazing students who spoke. And then we had an astronaut. What is his last name? Leland Melvin. African American Astronaut who graduated from the University of Richmond. Amazing story of how he became an astronaut. And um it was very motivational his speech. So I'll let you know about that and then I think I'm just gonna, oh I wanna thank Jeff Hittenberger and Brian Donnelly for all their hard work and I think that is all I wanna report tonight. I have so many more things but it's late. That's my contribution, thank you Mr. President.

Bedell: Mr. President, I'd like to thank Dr. Jeff for all the work he did with Nina and others for making the presentation in San Diego and Al's involvement in that...

Hammond: Yes.

Bedell: which talked about this innovative program and the partnerships that the county has developed through this grant. I think it was a very good session. Especially 8:30 in the morning.

Mijares: And a Saturday morning last day of the conference and we had a good turnout, I thought.

Bedell: Yeah, I was presently surprised. I did want to add that I have been blessed by having an Administrative Assistant who is the sister-in-law of Chris Johnson. Chris Johnson is Rihanna's drummer, Madonna's drummer. He is Stevie Wonder's drummer and he is now Jennifer Lopez's drummer. And he is willing to work with a group of our county people sponsored by us to do some kind of music education program for our kids for a day, maybe we could bring in pizza. He does, I've seen he (inaudible) out. He's just extraordinary. And I think it's a wonderful opportunity, wouldn't be that expensive. And he's got two bands so I don't know what he would do with that, but I think it would be a great opportunity, following music, and music is in this new legislation. So that would be another piece to it. So I'd just like to mention that to you. Plus he's a nice guy so I think it would be very helpful to our students and many who are risk. There all in music and can be helpful.

Mijares: Great.

Nina Boyd: And Dr. Bedell has been so kind to forward the information, the contact information. I think he mentioned it when we were at CSBA to some of us. So he did follow through and send the information so that we could see where it might fit with our programs.

Mijares: Perfect.

Bedell: Thank you.

Nina Bedell: My turn? First off Renee she has a short information item on the Esplanade.

Renee Hendrick: I just wanna make sure you get this because we're going to come with the second quarter but this is the update on the Esplanade so I wanted to give you a little more information also, so. If you remember back in October/November you gave approval to refinance the COP's and so we did do that. We were able to receive a 3.5 interest rate for four years with is very favorable and thank goodness because I haven't heard yet if they increased interest rates today or not.

David Boyd: They did.

Renee Hendrick: They did. We thought that was coming so that's favorable to us. Um, our occupant rate, this shows 89 but actually as of today I think we're up to 95.

Bedell: Alright.

Hendrick: We just signed about five more leases and so we're doing very well in occupancy. So we are still looking into the elevator issue. I wanted to let you know. And so what...

David Boyd: I walked around there a couple of months ago...

Hendrick: Did you? So I guess part of the struggle that we're still trying to work with before we give a proposal to the Superintendent is there is only one building that makes it really easy. It's the building four.

David Boyd: Yeah...

Hendrick: Because it has a spot where it wouldn't interfere with our other offices that...

David Boyd: Right...yeah it's sort of an atrium thing.

Hendrick: The other buildings we would actually be going through different tenant's spots and to come in and off the elevator.

David Boyd: What the federal government often looks at in these situations are we making progress? You know, you don't have to do everything today or tomorrow. But if you show good faith that we've don't what we can. Maybe even adopt a plan within the next five years we're gonna do this. Litigation wise it helps a great deal to have that type of documentation.

Hendrick: Ok.

David Boyd: I also noticed there's only one driveway in and out of that place.

Nina Boyd: Two.

Hendrick: There's two.

David Boyd: It took me a long time to get out of there.

Nina Boyd: Well actually three if you want to recognize the third half way onto our property in the back.

Hendrick: It's a little thing, yeah. What we are seeing is the occupancy rate is skyrocketing because so many of the businesses around here are leasing or selling and most of them are moving into an apartment, multi-family dwelling.

David Boyd: A lot of Costa Mesa, the older office buildings are becoming residential. Torn down to become a residence.

Hendrick: So that is good news for us. So, but we will continue to work on that. Our staff's trying to put a plan together so that Dr. Mijares can look at that and then we can bring it back to the board. So that's it. The only thing I forgot to mention is we did make it prepayment of 1.5 million which we would have sent back to the state so we made sure we paid down the financing so that way it shortens our amount that we owe.

David Boyd: Good, thank you.

Nina Boyd: And just as a reminder, our next board meeting is January 13<sup>th</sup> at 11:00 am. Submission deadline for agenda is December 30<sup>th</sup>. So please if you have agenda items because of the holidays and so forth we wanna make sure that we can honor people's time. Also, Jack will be representing the board at NSBA Advocacy Institute in Washington, DC at the end of January. That's all I have.

Hammond: Um, board member comments. A lot of this is really stuff that I'll just carry over. The only thing that I was gonna, it says change of board policy on the speakers. Handouts and approaching a Trustee. I would just, I just wanna make sure that we have something in place to where when anybody comes up and they have handouts it just directly to you all instead of just somebody walking by and just dropping stuff off like what happened last time.

Nina Boyd: Do you want us to just put something on the back table so that we can give direction to individuals. I don't know that we need a policy per se.

Hammond: Yeah, that.

Nina Boyd: I think more just trying to stream line that for you?

Hammond: That would be fantastic.

Nina Boyd: Ok. And then we can remove that from the comments.

Hammond: Yeah, there's a couple other things that are on there that Linda wanted to join me on and talk about and so I'm just gonna carry over the board assistant, you know security, let's see.

Nina Boyd: Can I ask you a question, um Robert.

Hammond: You can ask all you want.

Nina Boyd: You also have public comments cards and I know we updated those three times and the current one is the most recent and we worked with Trustee Lindholm. Did you have some additional?

David Boyd: I haven't seen one of those in a couple years.

Nina Boyd: We can give you all copies.

Hammond: I don't think so. I think it was accidentally carried over because I think Linda was wanting to talk about something. I don't need it. I don't remember if Linda wanted to add something on there about like something in the upper left hand corner is there's a little line. Potatoes, potatoes. So, as far as I'm concerned, let's just take off.

David Boyd: If memory serves me, Ron a lot of this information is optional. We can't require a name. We can't require an address. That should probably be noted on the card.

Bedell: Name optional. Address optional?

Nina Boyd: We don't put optional only because it's helpful for us to do follow-up if the board's asking us to do something but we do have individuals who don't give the information, so.

Mijares: Can I ask something because I don't think it's required to put optional. And the good thing about that is that with all the stuff going on today with people not wanting to disclose their identity and their involved in terrorists acts and everything perhaps they out to leave it on like this. I don't know.

David Boyd: Well, I have no problem with it as long as Ron's comfortable with it from a Brown Act standpoint.

Wenkart: I think it says you can't require people to give us this information but this card doesn't say required but I'll check and see what it says.

Hammond: If it's fine the way it is I'd like to just leave it as is. We don't have to make anymore changes.

David Boyd: Yeah, I agree.

Hammond: David you have something here; you know PTA District 4 Board Meeting. I'm assuming that's for Ken and since Ken's not here should we carry that over?

David Boyd: Yes, please.

Hammond: Alright.

David Boyd: Can you mention to Trustee Lindholm too that we've had very heavy agenda's the last few months and if I put an item on the agenda that's not time sensitive I will not be offended if you will email me and say heh can we carry this over until the meeting after next or something.

Hammond: Ok. Um, well I don't see anything else. David do you have anything else for today? No I guess dinner will be in 10 minutes?

Nina Boyd: You asked about the charters earlier if there were submissions for next month? There, we know there are potentially four coming forward.

Bedell: Brand new?

Nina Boyd: Brand new.

Bedell: So we do the quickie meeting?

Nina Boyd: Right. Four coming that would be appeals. Potentially.

David Boyd: Somebody, somebody should do a computation and see if we're complying with the minimum wage law (inaudible).

Hammond: I can tell you right now the answer to that is no.

Bedell: And where are we with adding staff help to help our poor colleagues? Do we have any...

Nina Boyd: We're in process.

Bedell: Oh good.

Mijares: It's affecting literally everything we're doing and it's touching a lot of units within the Orange County Department of Ed. Legal for example. Curriculum and instruction. Kelly Gaughran is obviously involved. We're hiring support for her. Finance because we have to maintain, you know, the accountability with respect to money and our people, and the money they allow to charge the charter is just a drop in the bucket.

David Boyd and Al Mijares at the same time: One percent.

Bedell: That's nothing.

Mijares: Yeah.

Hammond: And that's by statute, you can't even go over that.

Al Mijares and David Boyd: No.

Mijares: It's by statue, right.

Bedell: So just help me from my own ignorance. The charter we approved this morning. Is that a proposition 39 one? Are both of them 39's? So that means what? That means that they, my concern is that, forget about the specifics, district X turns down a charter. We approve it. Does that have any impact on what district X does.

Hendrick: Yes, they still go to the district, the first district for the prop 39. And they're required to give them any available space.

Bedell: So I can see why districts would be truly pissed at us.

Hendrick: Yes.

Nina Boyd: And their...

Bedell: (Inaudible) because you're theoretically if they're going to be stuck with that, wouldn't it make sense that they should do whatever they do to keep the charter so they can manage it more closely?

David Boyd: That's what I've been telling my...

Hendrick: Yeah, I don't know. I mean I can tell you that not only do they have to give them that space but they can't charge and they're also required to have them furnished and to do the deferred maintenance on those.

Nina Boyd: So there's a financial impact to those districts.

Bedell: And they lose the ADA.

Hendrick: Yes.

Bedell: Thank you Miss Renee.

Hammond: And they don't even get the one percent. We get the one percent.

David Boyd: Yeah.

Hammond: Alright. Ah 2016 is going to be an interesting year. Ah chair seeks a motion to adjourn.

David Boyd: Move.

Nina Boyd: I'll second it.

**Adjourn**