

## **Orange County Board of Education Meeting November 4, 2015 Transcription**

### Welcome

### Call to Order

Hammond: Good morning everyone. And welcome to the Orange County Board of Education and just a little note here that generally speaking our meetings are normally held at 11:00 am. Of course obviously we're meeting a little earlier today. Um and we just ask that anybody that wants to address the board on any matter whether or not it appears on the agenda just please fill out the appropriate request to address the card and those are available on the table near the front door there. Um, and we'd ask that you submit the card and turn that in to our staff. If you have any questions our wonderful staff is here to help you on that. We allow 3 minutes per person and the total time that we do give is 45 minutes. And we do just kindly ask that please be mindful that this is a public meeting and um, you know, certain outbursts obviously are not gonna be tolerated. And so with that, um, for the benefit of the record, the regular meeting of the Orange County Board of Education is called to order. And to begin with we'll have our invocation by Chaplain Rick Johnson from the Youth Correctional Ministries so Chaplain Rick, if you would lead us sir!

### Invocation

Chaplain Rick Johnson: Good morning it's good to be here. I see your names in the programs in all the graduations I go to with the probation facilities so it's good to see each of you in person. So let's pause for a moment of prayer. Heavenly Father, we recognize you as the giver of knowledge. Thank you for allowing us the ability to learn. We lift up the students God that are a part of this school district God and all the divisions and schools Lord. I pray for these students in school today for there to be growth in their life and maturity. May the knowledge that they receive ultimately lead to knowing who you are. God we lift up the teachers and pray in faith for them to just use the skills that they have; for them to be patient with their students God and just to have that spirit of teamwork at their schools Lord. We pray that you would protect the assets of this department, this district. We pray that you would protect the schools from harm. And that schools to be used properly Lord. So it for unity Lord, for this meeting here today, may each of us focus on what we all have in common. May there be peace here. And for any financial decisions Lord that have to be made over the course of this meeting or this year Lord, I pray for wisdom there. May every dollar be used wisely, efficiently. And so bless each board member here and staff person. I pray heavenly Father use them in their leadership skills. May your will be accomplished and it's in your name we pray, amen.

Multiple Voices: Amen.

### Pledge of Allegiance

Hammond: Thank you Chaplain very much. Mr. Miles Durfee, would you, catching you off guard here, but would you lead us in the Pledge of Allegiance sir?

Durfee: I would love to! Please place your right hand over your heart. Begin. 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.

### Introductions

Hammond: Thank you Miles. Sorry for catching you off guard like that. Miss Nina, do we happen to have any introductions today.

Nina Boyd: We do not have any introductions at this meeting.

### Roll Call

Hammond: Roll Call please then.

Darou Phoungvankham: Trustee Boyd?

David Boyd: Here.

Phoungvankham: Trustee Lindholm?

Lindholm: Here.

Phoungvankham: Trustee Hammond?

Hammond: Present.

Phoungvankham: Trustee Bedell?

Bedell: Here.

Phoungvankham: Trustee Williams?

Williams: I'm here.

Hammond: Ok.

Nina Boyd: President Hammond I would like to mention that the Superintendent is traveling on department business and will not be in attendance at this meeting.

### Agenda

Hammond: Thank you very much for that. I wish him safe travels and am hopeful we'll see him soon. Um, in regards to the agenda, the chair seeks a motion but the chair had placed item 10 on

that agenda and would like to pull that. So the chair seeks a motion approving the agenda but removing item 10.

Bedell: So moved.

Lindholm: I have a comment.

Hammond: Do you want your comment before the second or...

Lindholm: I can second it but I'd like a comment and an addition or question.

Hammond: Alright. Dr. Bedell anything?

Bedell: My pleasure.

Hammond: Alright. Madam Vice President?

Lindholm: Thank you and good morning to everybody and welcome to you all. I'm so glad you're here attending and we're trying to do our business this morning. I have a question for our attorney and I would like to ask you two questions before we go on with the agenda so we don't go down a road we've traveled a little bit before. Um, my questions to you, and I think you're a great guy, but I need to know a couple of questions. One is you've recused yourself on an item on this agenda, correct?

Ron Wenkart: I've recused myself on two things recently. One had to do with the disclosure of public records.

Lindholm: So that would be coming up under our time certain that you've recused yourself under that.

David Boyd: Well, that would be the closed session.

Wenkart: That would be the closed session.

Lindholm: No I didn't say that.

David Boyd: I don't know what Daniel King...

Hammond: Well I'm sorry...

Lindholm: Excuse me; this is questions I'm asking. You've recused yourself in regards to what issue?

Wenkart: Um, two issues recently. One is the disclosure of public records, pursuant to public records requested we recently received and the issue having to do with the production of records by one of the board members.

Lindholm: And which item is that one? That one is...

Wenkart: That relates to item 8.

Lindholm: Ok. So the only reason to ask you those two questions is so that we don't bring you up and ask you any questions during that time.

Wenkart: Ok, thank you.

Lindholm: Do that's all I wanted to ask you.

Wenkart: Ok, I hope that clarifies.

Lindholm: I just want to clarify. So thank you, that's all.

Hammond: So for clarification then Ron you're saying you're recused in regards to item 8 on our agenda?

Wenkart: Yes.

Hammond: Alright. In any other item? I don't think so.

Wenkart: No I don't believe so.

Lindholm: Um, no but we won't be having our board's attorney for the 2:00 o'clock. And so he won't be on that one either.

Hammond: Right.

Wenkart: Right. I won't be there. Ok.

Lindholm: That's all I wanted to add on this.

Wenkart: Thank you.

Lindholm: Thank you so much. And with that I'm happy to move the agenda.

Hammond: Uh, any other comments about the agenda?

David Boyd: I do have a question.

Hammond: Mr. Boyd?

David Boyd: For the 2:00 pm time certain, are we proposing to take the board into closed session at 2:00 o'clock?

Hammond: Not at this time.

David Boyd: Ok.

Hammond: I trust that's not thunder.

David Boyd: Ok but that being the case then Ron could be present of course during the comments by Daniel King.

Hammond: Ron's present now. I'm sure when we discuss item 8, you know even though he's recused himself he is allowed to sit here so I don't see a problem.

Wenkart: (from the audience-inaudible)

Hammond: Any other comments? Alright, seeing none, all those in favor of approving the agenda with the removal of item 10 signify by saying AYE.

Multiple Voices: AYE

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

### Minutes

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

Bedell: So moved.

Hammond: Moved by Dr. Bedell.

Williams: Second.

Hammond: Seconded by Dr. Williams and eh, any, Dr. Bedell, any comments regarding the minutes sir?

Bedell: No sir.

Hammond: Dr. Williams?

Williams: No sir.

Bedell: Is this, just by, I do have a question. Was this Darou's first minutes? Are these your first minutes?

Phouangvankham: Uh, no.

Hammond: I think not, I think it's her second.

Bedell: This is your second?

Phouangvankham: Yes.

Bedell: Cause they're very nice for somebody trying to make sense of what we do up here when we frequently don't know what we're doing up here.

Phouangvankham: Thank you.

Bedell: So any help that you give us to make the record look better than probably what the reality was is most helpful.

Phouangvankham: Thank you.

Lindholm: Comments?

Hammond: Comments. Vice President?

Lindholm: No and thank you. You're getting us all organized so welcome again. I know this is like your second month so you're just; you're doing a really good job. I did notice under 18 it doesn't say who voted for it. You've got the count right and you've listed the no's but you didn't say who voted for it so we just need to add Boyd. Number 18 under minutes. Um, 18

Boyd: I don't have an 18. I have a 17.

Lindholm: You should have 18 under recommendations, minutes. Oh here. Here ya go.

Bedell: So the one should be open parenthesis Boyd closed parenthesis.

Boyd: Ok, alright.

Lindholm: Ya, just a clarification.

David Boyd: Thank you.

Lindholm: That's all.

Hammond: Ok. Um. Mr. Boyd, anything?

David Boyd: No sir.

Hammond: I believe there was something to be added (inaudible)...I'm asking a little indulgence, sorry to my fellow board members. I'm rereading something.

Bedell: Sir where are you Mr. Chairman?

Hammond: I believe it was when we were looking at going into closed session, actually before that. Um. Recommendation item 14. I don't see it in there. I'm wondering if we should add it where Ron had recused himself from that, from that matter and I don't see it in our minutes. I would...

Lindholm: Oh. Well if it's not in our minutes that Ron recused himself on that item I think that would be appropriate and that did occur during the board so that would be appropriate. That happened during the meeting.

Hammond: Right and so I'd, I'm just trying to figure out where...

Bedell: Where would it go?

Hammond: Where it would go. That's...

Bedell: What was the item again?

Hammond: Um, it was kind of going you know do we go into closed session with Daniel King and what not so I was...

Bedell: It should be in the minutes right before we went in with the lawyer then.

Lindholm: Correct.

Bedell: That's what would make sense.

Hammond: Some way maybe we should put that. Before the motion by myself.

Bedell: Under closed session. Under page 8 about a third way down. The board went into closed session. Motion by Hammond. Seconded by Lindholm. Carried to go into closed session. Right up here would it go?

Lindholm: By advice of council?

Bedell: Under closed session?

Hammond: Well that was. Ok, that's the second part. I would just right before that on item 14 that begins on our page 7. Um, Ron had recused himself and I'd...

Bedell: But on the appointment he recused himself?

David Boyd: No, 14 is merely the appointment.

Bedell: Yeah, that's merely the appointment. I think it would be more likely when motion by Hammond seconded and carried by a vote...

Lindholm: But he recused himself.

Wenkart: Maybe I can make a suggestion.

Nina Boyd: (inaudible) to the minutes.

Wenkart: Maybe the best place to put that recusal is right after the motion by Hammond on page 8, seconded by Lindholm, go into closed session. Maybe right there put that board council Ron Wenkart recused himself...from that issue.

Hammond: I understand and I know it's what trustee, uh Dr. Bedell said.

Bedell: Mr. President you could put at the end of that paragraph at the top that the motion was necessitated by Mr. Wenkart going into closed session. Recusing himself.

Hammond: I like that idea.

Bedell: That would go with the...

Lindholm: And that was the language that was used during the meeting. I used language saying the only reason we're doing this is because our in-house council has recused himself. So let's put it there?

(Inaudible)

Bedell: (Inaudible) be and be, you know. Exactly what you said would work.

Hammond: I like your idea of putting it at the, in there, and then the second thing I would like to add, so well the first thing I'd like to have added is exactly what you two have just said. So...at the end of that paragraph.

Nina Boyd: Tell us where?

Hammond: On the top of page 8.

Nina Boyd: The end of which paragraph on page 8.

Hammond: The top top paragraph where it says...

Nina Boyd: (inaudible) with the following amendments after that paragraph?

Hammond: That's fees cap of \$7500.00 and all bills be explained for purpose of discussion and then add it there. And then on close session. Motion by myself, seconded by our Vice President carried by a vote of 4-1 to go into close session on advice of our council Mr. King.

David Boyd: Question President Hammond. Not to extend this any longer than we already have but do we have to indicate what was reported out in closed session? No action taken.

Hammond: I think it should be. That's a good catch. Thank you Mr. Boyd. Um...

Lindholm: You can say that.

Hammond: Yeah, just go ahead and...



Bedell: Last sentence.

Hammond: Last sentence...uh...

Nina Boyd: After Trustee Williams...

Hammond: After Trustee Williams left um, just add another sentence. You know, we came out and nothing was reported. Those are the only, those are my three amendments and thank you Mr. Boyd for that. I appreciate that. It was a good catch. Does anybody else have anything in regards to the minutes? Hearing none, all those in favor of approving...

Lindholm: Well would...

Hammond: Oh I'm sorry.

Lindholm: Ah no, question. Will these come back as a new set of minutes or will these come back with amended language?

Nina Boyd: You tell us. I mean how do you want...

Hammond: We could told us...

Lindholm: No I'm ok voting for it but I would like to see that language...

Lindholm and Nina Boyd both speaking...

Lindholm: ...a complete set of minutes at our next meeting and approved with those two, with those amendments as approved for direction.

Nina Boyd: So you don't want them posted until after the next meeting? Cause typically...

Lindholm: No I think that's fine if you just wanna add those corrections.

Nina Boyd: Ok. And then you would still have them at the next meeting.

Lindholm: No I would like those if you would please just mail it to us. Email it to us.

David Boyd: Yeah perhaps you can send it (inaudible)

Nina Boyd: We can send it to you tomorrow.

David Boyd: ...sign off on the revisions.

Lindholm: That would be fine. Do you have the revisions? And the revisions have been brought out here in public.

Nina Boyd: So once we've sent the revisions forward then we will post it. We won't post it until you've had a chance to review it.

Lindholm: Thank you.

Hammond: Ok. Hearing no other comments. All those in favor of approving the minutes as so amended, signifying by saying AYE.

Multiple Voices: AYE

Hammond: Aye, opposed? Abstain? Motion passes 5-0, minutes have been approved.

### Public Comments

Hammond: Public comment. Madam Vice President, who do we have?

Lindholm: As you know, welcome everybody. So glad you're here. We have allotted 30 minutes here for items that are not on the agenda, so those people who've turned them in and we've numbered those, we're gonna take you in order but we do have one who I think has a little baby so we're gonna give em just a little bit of leeway and they're gonna get to go first. So Amber Booy? Booy. Excuse me. Welcome. Actually she's got a littler one. And you'll be given three minutes and she'll show you how that kinda works.

Hammond: And good morning.

Amber Booy: Ok, my name is Amber Booy. I was here last time and I think you guys probably remember this picture of my two little ones. Um, this is my little one Briel and just a little recap. Briel would not have been able to go to school in China because of perceived contagion due to her disability. Now she won't be able to go to school here also because of perceived contagion. I'm quite proud to live in a country that has no tolerance with perceived contagion when it comes to children who are HIV or Hepatitis B positive. However, SB277 is completely bases on the notion of perceived contagion of healthy children. I'm not sure why this is not thought of as discrimination. The authors of this bill told us that it is necessary to remove the personal belief exemption and religious exemptions from vaccinations for ten diseases in order to protect children from having these diseases circulate in schools and that it was prompted by the Disneyland outbreak of measles. If we look closer we can see that this is false. No cases of measles circulated in schools. The only disease that is spreading in schools is pertussis. According to the California Department of Public Health, in their pertussis report dated January 27, 2015, among 7,081 85% of pediatric cases with vaccination history information, 720 10%, had never received any doses of pertussis containing vaccine. So, 90% of the children were vaccinated that had pertussis and I'd also like to read from an FDA release dated November 27, 2013. It states, this research suggests that although individuals immunized with an A-cellular pertussis vaccine may be protected from disease, they may still become infected with bacteria without always getting sick and are able to spread infection to others; including young infants who are susceptible to pertussis. And the California code of regulations already requires exclusion of pupils from school who have not been completely vaccinated and are exposed to

communicable disease for the completion of the incubation period and period of communicability. So in light of this, I have a question; who needs protection from whom? There is no compelling reason to discriminate against these children or to remove parental rights. It should be up to a parent in consultation with a physician who knows the child and their unique biology to make this medical decision. If we let this happen, how much further will the government go in eroding parental rights? For me this is an attack on my parental rights but for Briel this is an attack on human rights. Thank you.

Hammond: Thank you ma'am for coming before us.

Amber : Can I just give these papers...

Lindholm: To our clerk, that would be great. Actually our recording clerk, excuse me. Ah Gloria. If you'd like to come forward. I don't say your name right. Ahhh, thank you. Welcome.

Gloria Pruyne: Think of prime rib with an "N".

Lindholm: Thanks.

David Boyd: Ok.

Gloria Pruyne: Don't we wish, huh? Well good morning Superintendent Mijares isn't here but I'm trusting that he will watch or listen. And President Hammond and honored board members. Um, I'm Gloria Pruyne as you know. Is data mining linked to Common Core? The federal government mandated the states that signed up for Race to the Top to among other things sign up with one of the federal government's assessment consortia. Create a data system and share the results with the federal government through the assessment consortia SBAC or PARC. And as you know California went with SBAC. Are the assessment companies required to share student data with the federal government? CCSS Assessment Consortia had to agree to deliver student data of student level data to US Department of Ed. The states that signed up agreed to create data system and share the results with the federal government. PARC and SBAC are the federally funded CCSS Assessment Consortia. In order to receive those federal millions for CCSS Assessment Development, both Consortia had to agree to deliver student level data to US Department of Ed. PARC and SBAC must provide timely and complete access to any and all data collected at the state level. Read the following that is coming from the State of Washington. The US Department of Ed has a cooperative agreement with both PARC and SBAC. The agreements appear identical to collect data on students from the assessment tests. PARC and SBAC states agree to deliver student level data to US Department of Ed September 9, 2014. Cooperative agreement between the US Department of Ed and the Smarter Balanced Assessment Consortium and the State of Washington, fiscal agent on page 10, item 6 reads: The granting must provide timely and complete access to any and all data collected at the state level to ED or its designated program monitors. Technical assistance providers or research partners and to

GAO which is Government Accountability Office. And the auditors conducting the audit required by 34CFR Section 80.26. And I have the website and as you know I'll make this available to you so you don't have to write like crazy. I respectfully request that my comments be photocopied for each board member. Thank you.

Lindholm: Thank you. And I'm gonna ask, maybe we can get the room a little warmer. I see members of our audience with eh trying to keep warm. Maybe we can have that occur. Our next speaker is Jeff Arthur.

Jeff Arthur: Good morning board and audience. I have a few news items you may not have seen I'd like to share with you related to Common Core. First one was on the front page of the Wall Street Journal. A long article that's called Financial Woes Plague Common Core Rollout. And they do mention California on about page 6. It said California allocated 4.8 billion to local school districts and they refer to the Commission on State Mandates. The suit that's there that a number of districts are asking for more funding for Smarter Balance testing. Um, the next article is the Orange County Register, um, recently by Gloria Romero. It says student's proficient either stalled or slipping and she's talking about the National Assessment of Education Progress, I don't know how you say it, NAEP test in 2015. Basically nationwide. Um, 4<sup>th</sup> grade math declined by one point. 8<sup>th</sup> grade math declined by two points. She says both drops are statistically significant declines. Reading as well. 4<sup>th</sup> grade reading scores remain unchanged. At 8<sup>th</sup> grade reading scores drop two points. She writes that many presume that preparation for the new Common Core Standards would have nudged the NAEP scores upward. That didn't happen. Which is kind of interesting. It leads me into the handout that I gave to you guys. There are a number of districts, I think its six districts now in California that are core districts. It's California Office to Reform Education. They sign contracts directly with um the US Department of Education. Santa Ana is one of the districts. Long Beach, Los Angeles, San Francisco, a few others. But what I gave you is the Educator Evaluation System Handbook. So you might be pleased to know, I don't know, that SBAC growth results will be used to monitor teacher and principal evaluation systems and the Superintendent who is not here. So I think that is indicative of what the long term plan is for the Common Core is that the SBAC test will be used for teacher evaluations. And um, as far as the comments about there's another article in the Wall Street Journal Obama's Education Report Card. Arne Duncan said in 2013 that when scores went up, Michigan and seven other states that they early implementation of Common Core was the reason it went up but not surprisingly he says that no it must just have been a blip for the most recent one. So, I don't think you can have it both ways. Personally I'm not surprised that scores would go down. That's what I would expect when you're rolling out new curriculum that's not been tested, not been proven. New methods. Anyway, thank you.

Lindholm: Thank you. Kiko Ellsworth? Welcome. And I probably said that wrong. Okay, I got one. I got one. Welcome.

Kiko Ellsworth: Ah, my name is Kiko Ellsworth. I'm with the SB277 crew over here. Um, thank you for having us. Thank you for hearing us. Um, I'm gonna let them divulge all the facts to you guys and eh but I'm gonna tell you a little story. I'm a Los Angeles native, a father, a former Special Education teacher, an Emmy award winning actor, and a TV content creator. And um, you know one of my passions that's still is one of my passions is teaching women and children empowerment self-defense and how to use their voice and I was the self-defense coordinator for Safe Passage and the Vice President as well for six years who empowered women and children who were affected by domestic violence. So I've taught lots of women in programs, in creative programs and one of the most amazing things that I've seen and really proud to be a part of is, eh, you know these women would often come into our programs and they would come in like scared little mice because they were beaten down; most of them by men. And a lot of them have um, thank god we had a lot of doctors who would give them reconstructive surgery and a lot of their teeth were missing, facial disfigured; I could go on and on and on. But after you know a couple of hours and some of our courses, the rape prevention courses in particular, these women would be transformed. And you would not recognize the women from coming in from being scared little mice to white tigresses leaving connected to their voice. Um, aware of their boundaries and very connected that they have value and something to offer. So, um, that really instilled my passion and now I have a little girl, Zen Satya Ellsworth. Her middle name, Satya, means truth. And you know, since she was born I was guided to teach her boundaries and what's her space and she's barely four years old now and she won't even let seven year old boys bully her. She's not afraid of it. I mean I play fight with her and she fights me off of her and she's not afraid of me and that's exactly what I want because I want her to know that not even daddy is entitled to take her space. That's hers and she owns it and no one can take that for her, from her. Um, so now we get to the SB277 with all of this you know, parents like myself that put all of this passion and you know, you know just everything our heart and soul into these, these children and you know now it's eh to the point where we're being forced to put these toxins and vaccines and chemicals that are unproven that have been actually shown results to kill certain kids in a few hours of getting these dosages. And um..

Nina Boyd: I'm sorry but your time is up.

Hammond: Your time is up. Unfortunately.

Ellsworth: Ok, so thank you. I appreciate it.

Lindholm: Thank you. Thank you for coming. Um, Shanda? Lobatos? Welcome.

Shanda Lobatos: Good morning. My name is Shanda Ellsworth Lobatos and I've been here before and I've mentioned that I'm a mother and I also have worked with Special Ed children for approximately sixteen years within the homes. In the schools as well. And in my course of working with families I've seen regression; I've seen the traumas with these families from children who have had special disabilities. I can't proclaim that some of them were from

vaccines but some of them I have seen and it's very concerning that this law has passed and they don't take into consideration that vaccination is a medical intervention that carries a risk of injury or death. Um, within getting vaccinations, there is a right to be informed, a consent that any medical intervention can kill or injure you. And being that I have gone to school and I love to read I've done a lot of research regarding vaccinations, specifically because I had had seizures as well as eczema and I carry ADHD. Those are precursors for not vaccinating. They do not go through your family history before you walk into that office and say, here's my child. The first thing they ask is oh let's vaccinate. And they go every two months vaccinating these children with four to five toxins in their bodies. But never do they do an analysis to find if this is an appropriate treatment for the children. So my concern regarding this bill is that I work with a lot of families that are disadvantaged. They don't have these resources. They don't have a lot of the resources that I do and I'm not saying that I'm fortunate but they are less fortunate than I do and it's concerning that they're wiping away our parental rights. They just took our rights away based upon an outbreak that occurred at Disneyland that came from a tourist. So my question is why didn't they go to the airports and set up some type of boundaries there? Why did they remove our rights? It makes no sense to me whatsoever. There's no logic based upon this law. And my question to you is that I know that perhaps you guys don't have any bearing, perhaps, but as a community I think this should be an open forum for everyone to be aware of this law and present what their concerns are. Because up in Sacramento, guess what, we didn't get to vote on it. It just sped through Congress and guess what? Now you guys have no more rights. But, in 2020 guess what? They have the healthy adult 2020 and they're trying to track us with vaccinations as well. So this is just the start; taking away the rights from our children. They've taken the rights away from the daycare centers, SB792. Now they're moving to 2020 which is four years away to take away our rights as far as our medical treatments are concerned. Thank you.

Lindholm: Thank you. Lisa Heyrend? Welcome.

Hammond: Times up.

Lindholm: No, come on down. We'll make sure you get to start it on a green, so hang on. She's got it. Welcome.

Lisa Heyrend: Thank you for having us again today. I'm Lisa Heyrend. You've seen me here several times. Um, I, we will continue coming back. Um, we have concerns I addressed in a letter that I presented last time that we would like to have something maybe put on an agenda or in a meeting for us so that maybe we can address the concerns that we keep bringing back to you. We don't want to beat a dead horse, definitely. Um, people keep bringing up you know, the vaccine injuries and you know we understand your position of not being able to address this at this commentaries. So I think, you know, if you gave us an opportunity instead of having us here at every one of your meetings reiterating the same things over and over again, that we can address concerns, we have thousands of parents that you know we're here today for their voices.

I can't tell you the emails and the phone calls and the text messages daily that really are driving me crazy so I can imagine what you're probably thinking; that you're done with us. Um, but we're not going away. We need some answers and we're hoping to get them and maybe clarify it for the parents that are kind of holding on to this in regards to how the this school districts and the board of education plans to implement SB277? I have been working with the private school association to find out how they're going to implement it. We've had some great conversations with them and they've recently updated their website with some misinformation about the personal belief exemptions that are being grandfathered in and the private schools have been under the assumption that there are no personal belief assumptions allowed. So they've recently updated. They were very quick to do it. Made a lot of parents happy. Um, you know the ones who are allowed to grandfather. I think that if we had the opportunity to do that here with you guys it would answer a lot of questions that these parents have and hopefully work together to bring clarification to so many people. We're not going away. Um, even though this law is implemented and even though, you know, I don't know if there's anything you can do about it. But I believe and I would like to think that it's your job here to educate our children and not to keep them out of school. Um, you know it's just very concerning and I'm hoping and I'm hoping and praying, you know we opened with a prayer here today blessing our children and blessing their education and I'm sitting in the room here and I'm wondering my kids not going to have an equal education and here's this prayer we're opening up with and I just, I just don't understand how that is working out for me and for so many other children. Um, so thank you.

Lindholm: Thank you. Susan Born.

Susan Born: Hello again. Thank you all for your time. You've heard a lot of impassioned testimony over the last couple of board meetings about SB277 and what it means for some of the families in your county. And I heard it concern expressed at the last board meeting about what if anything the board of education can do about an existing law. We keep coming to talk to you but what actually can you do. And I'd like to suggest that the board of education of the third most populous county in the state could have a serious impact on this across the state if they chose to. And the first thing you can do is what Lisa just suggested; you can schedule a special meeting for this subject to discuss what I hope we've conveyed to you are some complex issues and allow a deeper and richer discussion of all of the implication and applications of this law in our county. And then if we had the opportunity to do that there are some really concrete actions that the board could certainly attempt. You could issue an opinion on SB277. The Orange County Republican Party issued a public statement opposing SB277 back in June when it was voted on. And as this board is entirely Republican and represents a county which is overwhelmingly Republican that would certainly be a constructive way to support the families in your county. You can ask the Department of Health to issue an extension on these PBE's Lisa mentioned. Right now the law provides for a grandfathering clause where if a child has an exemption on file by the end of this year they can be grandfathered in until the next vaccine check point which is Kindergarten and 7<sup>th</sup> grade. So a simple year extension of that would give a lot of families who

are really stressed in this county some time to plan. I personally collected almost a thousand of the 29,000 signatures that were turned in in this county. And I personally trained many of the volunteers who collected them and not a single one of them said that in response to this law will they comply and vaccinate their children. Every single one said they will turn to home schooling or they will leave the State of California. So, there is some serious implications for our county here. You can ask the Department of Education to issue waivers for schools that wish to opt out of this program and you can also familiarize yourself with the wording of the law, wording of the memo issued to the superintendents, Special Education directors and school nurses back in August saying that IEP children could be court ordered to be forced vaccinated when this law, nowhere in it does it say that. So I'd like to close by saying that there are 4,100 Kindergarteners and 7<sup>th</sup> graders in our state last year with exemptions on file. That represents about \$31 million dollars. I'm just using the \$7,600 per student that CAPO Unified my school district gets. And worst case scenario you won't see thousands, they only represent Kindergarten and 7<sup>th</sup> grade exemptions. Worst case scenario you won't see 20,000 kids not show up for school next year but you might see 4,100 not show up for school next year and there are a 1,000 children in pre-school and daycare with exemptions. And that's \$31 million dollars and 4,000 kids that might show up next fall. So, we really feel like those people deserve representation. They deserve their voices to be heard. And the very, the very smallest thing this county could do to show the parents that they respect that is to allow us a special meeting so that we can talk about it in more than three minute segments. So, thank you for your time.

Lindholm: Thank you. Julie Stockstill.

Julie Stockstill: Good morning. Thank you so much for having us again this morning. My name is Julie Stockstill. I've um come to speak at these meetings before. And honestly, I was at a loss for words this morning. I know we keep coming to you and honestly, why do we keep coming? Um, we don't know where to turn to navigate now through this law and we need people like you citizens, parents, grandparents and respected board members who are on the front line of making decisions for our children in the public school system to really hear us and to partner with us. And I challenge you know just because SB277 has passed, it doesn't make it right or ok. Think about it. It's SB277 as well as SB792; these are mandating medical procedures for children and adults. That is not ok on any level of government. It should not be, you know, constitutionally possible for them to do that. Um, so whether your political views are conservative or maybe perhaps more liberal, we need to make a stand together. A citizen's and in your case a group that has power and control over implementation over such laws that are extreme government overreach in my opinion. I'm asking, um, you know that you work with us. I'm asking that you really hear us and I would really just be so appreciative to have a little bit more dialogue in a special meeting dedicated to this topic. Um, especially because we all stand together as citizens and like I said, parents, grandparents, and this affects everybody cause this law, you know, sets a precedent. Every other state is probably going to follow California and if we don't take a stand



against this together, we're going to be in trouble. So, I just really appreciate your time and um you know hope to, to, um, have a meeting scheduled shortly. Thank you.

Lindholm: Linda Cone? Welcome.

Linda Cone: Thanks for getting me in, I have to leave early. President Hammond, board, I come here to focus on SBAC and I really want to focus on what this board can do or what I would like them to do. First I want to strongly thank and commend Trustees Lindholm and Bedell for the letter that you are going to write concerning the hours that SBAC has taken. But I think that this is only the beginning. And I want to pose some other problems with SBAC; some of what we've raised before and some of which we haven't. Please consider the following: Fact-SBAC has never been vetted as valid, reliable, or authentic. California children are thus guinea pigs in this grand experiment. Shouldn't this concern all of us? Fact-SBAC is a computer test and Dr. Hittenberger acknowledged this in his report that all children have equal access to computers. Shouldn't this be an issue of great concern for all of us? Fact-SBAC is an adaptive test. Where is the research to validate this approach and how can we compare children's scores when children are essentially taking different tests? I frankly don't understand it; haven't seen any research on it. Fact-SBAC as Glory has talked is data mining our students. SBAC has no privacy policy. Should this not be of serious concern? Who's getting this data? Who has access to this data about our children? Fact-SBAC has been analyzed and criticized most notably but not only in the Rasmussen Report. Should we just ignore what this report said? A fatally flawed test that can do more harm than good that should not be given. Fact-SBAC has lost 42% of its state clientele. 13 of the 31 states have dropped out of the consortium. Is this not something we should make note of? Is this a sign that SBAC is successful? One final fact. Initiative California signed on to both PARC and SBAC Consortia. In 2011 California opted for SBAC. Who and how many formerly voted on that decision? The decision was made by California Board President Michael Kirst. One person. Here's what I'm asking you to do. I'm asking you as a board, not just two of the five trustees but as a board to expand this letter and list all of these concerns. Blame us. We're the ones that are griping and complaining to you; meeting after meeting after meeting, and we'll give you the data that you need to marshal this letter. Send it to California. Send it to our legislatures. Send it to the California Board of Education. At minimum, in my opinion, we should demand the suspension of SBAC testing until some of these issues; perhaps all of these issues have been addressed. And I'm sorry, eh, I've listed, I'm gonna turn this in because I have at least four more topics that I did not have time to cover in this (inaudible).

Lindholm: Thank you. And you will get, the board members will get copies of those items that have been turned in. That has concluded our request to speak under the general comments section. I have no more requests to speak under that. Mr. President.

Hammond: Thank you Madam Vice President.

Bedell: Can we have a five minute recess?

### Consent Calendar

Hammond: In just a moment, yes. Alright, we have a time certain at 10:45 but I believe that there is no charter submissions at this time is that correct?

Nina Boyd: That's correct.

Hammond: Ok. Is that for the charter school? I know we have a time certain about now, um, two things before we get there. Chair would like to take consent calendar.

Bedell: Move approval of consent.

Williams: Second.

Hammond: Moved and seconded on consent calendar. Dr. Bedell any discussion?

Bedell: No.

Hammond: Dr. Williams?

Williams: No sir.

Hammond: Mr. Boyd any discussion?

David Boyd: No thanks.

Hammond: Madam Vice President?

Lindholm: No those are items five and six.

Hammond: Yes. Alright, hearing none. All in favor of approving consent calendar items five and six signify by saying AYE.

Multiple voices: AYE

Hammond: AYE. Opposed? Passes 5-0.

### Staff Recommendations

Bedell: Mr. President, would you so also accept the motion to accept the staff recommendation on the quarter report on the Williams Uniform Complaint?

Hammond: Only if it comes from you.

Bedell: I'll move it.

Williams: Seconded.

Hammond: Moved and seconded to accept staff recommendation item seven to accept the first quarter report on Williams Uniform Complaints.

Bedell: There are none. And once again it's consistent with what we had to do with this mandate so I'd like to thank Ellin and her people who do this.

Hammond: It's a phenomenal job on their part.

Bedell: It is.

David Boyd: I believe there have been none in the six years I've been on this board.

Bedell: So I move.

Hammond: Any other discussion? Hearing none all in favor of accepting item seven signify by saying AYE.

Multiple Voices: AYE

Hammond: AYE. Opposed? Motion passes 5-0. On the request of Dr. Bedell we will take a four minute recess.

Bedell: Thank you.

### Recess

### Time Certain/Public Hearing/Charter School Presentation

Hammond: Orange County Board of Education is back in session from our long four minute break and with that I will turn it over to Miss Kelly. I believe we have a hearing here so it's all yours ma'am and thank you once again for what you and your staff do.

Kelly Gaughran: Thank you. Good morning President Hammond and members of the board. Today we will hold a hearing to consider input from the public regarding the Scholarship Prep Charter School petition which was submitted to us at the September 2<sup>nd</sup>, Orange County Board of Education meeting. Subsequent to today's meeting the charter school review team will meet with petitioners to assist with clarification and address any questions. For today's public hearing Scholarship Prep petitioners are allocated 15 minutes to summarize their position. Then the hearing will be open for the purpose of public comments. For those interested in speaking, if you have not already, please submit a completed speaker card located on the back table and be aware that each speaker will be allotted 3 minutes with a total of 30 minutes for public comments on this matter. In addition the board will consider all written information for the final recommendation. Written testimony forms are located on the back table and should be submitted by November 18<sup>th</sup>. Each board member is reviewing all materials that were submitted by the Scholarship Prep petitioners, therefore in today's presentations and public comments it will not

be necessary to repeat any of this information. I would like to open the public hearing for Scholarship Prep and call former California State Senator Gloria Romero and Mr. Jason Watts, co-founders and lead petitioners to the podium.

Gloria Romero: Thank you Kelly. Good morning members of the board and I know the Superintendent's not here but Associate Superintendent, members of the press, I am former State Senator Gloria Romero along with co-founder Jason Watts and we are very honored to be here today. We'd like to thank your office and Kelly in particular for working with us every step of the way to make sure that we could be here for this presentation this morning. Today is a very important day for me. It's a very inspirational sort of fork in a very long road that I traveled in California and that is a road that I've taken on behalf of educational reform on behalf of expanding quality school options on behalf of expanding choice in education on behalf of closing achievement gaps for all students in California. I certainly am one who believes that education is the key to the American dream and I spent years as a California State Senator, writing laws, the parent empowerment act popularly known as the parent trigger law which gives parents the rights to when their own board members do not use existing federal or state laws to turn around a chronically underperforming school to have that right for parents to do it as well and I think many of you know that I've worked with parents here in Anaheim and in Santa Ana I have family in Orange County and feel very much at home in Orange County. Many people had often told me well Gloria you're so interested in education reform, why don't you just start your own school? And I hadn't done that until I met my co-founder Jason Watts. And he will speak following my initial introduction. But Jason is somebody who when I met with him and worked with him over time we definitely agreed, we had a meeting of the minds and sort of really the vision of how we view education in America. He is the co-founder of the very successful Oxford Preparatory Academy. He's the former director of School Development. He co-authored California Distinguished Awards for both Chino Valley and South Orange County campuses as principal he obtained a 990 API score; ranked #14 among all schools in California. But more than anything, Jason and I met and we talked about our roots as children; where we grew up. And many of our community members and friends along the way who got lost in the system, maybe ended up in prison. As a senator I also not only chaired the education committee but I also rather ironically chaired the prison oversight committee and it was very clear to me early on that if we do not educate we will incarcerate. And there was a recognition of especially at-risk youth in particular. Jason shared that vision and so together we decided to present to you our vision, our petition for what we call Scholarship Prep. Our mission basically you know it is very uh straightforward. It's about scholarship. And it's ensuring that we want to emphasize the importance still, the significance, especially for many working class, high poverty youth who may have the talent and the education but not the means to go on to higher education. We believe that providing students a multiplicity of options in the academics, athletics, and the arts to do this holistically that these students can effectively compete and find their way into higher education which increasingly with a high information society, a global economy, having that additional education strong skills is very, very important. We are committed to provide a

university inspired pathway of success while closing the achievement gap for all students in California. And so as we sat and talked about this we identified the need but we borrowed on this and we created the roots of scholarship really from a vision that you had some years ago and I want to applaud that vision that you had. This county board of education created the Academy, now known as the Samueli Academy. And you did that with the recognition that foster youth in particular in Orange County are at particular risk and are deserving, they're (inaudible) of the same access to a quality education as any other student in Orange County. You worked with the leadership of the now the Samueli Academy and today we are working with the leadership of the Samueli Academy to basically expand the vision. Expand the countywide benefit that you initially created. When you created the Academy, and they're now in their third year I now believe, it was a 9-12. And so essentially what we are doing and we have support from the Academy Leadership, the Orangewood Foundation interested in expanding these ongoing partnerships in Orange County we essentially want to in a sense sort of just sort of close the gap. Expand the pathway. There is a 9-12 countywide charter school with a special focus on foster youth known as the Samueli Academy we come to you to say, let's not wait 'til 9<sup>th</sup> grade. Let's take this dream, this vision, that this board had and expand it. Let's start with Transitional Kindergarten. Let's start with K-8. And in collaboration with the Samuel Academy, the Orangewood Foundation, parents in this community, that way we can truly I think step-up and provide this innovative idea that you had some years ago to make it available for foster youth as early as Transitional Kindergarten. We know that the need is still there just as you recognized some years ago. We know that numerous studies have found lower college enrollment rates, lower college completion rates among young people who have been in foster care than other adults. Based on the 2013 report of the conditions of children here in Orange County we found nearly a thousand foster youth were enrolled in Orange County school districts and we believe that there is a particular need then to not begin this outreach and attention to the youth when they reach 9<sup>th</sup> grade but really start them early on. Certainly if we look at statistics we find that the high school completion rate is much lower for foster youth in California. The general student population, it's about a 79% graduation rate, it varies. But if you look at foster youth, it's 45%. We're talking about half that. And so we are here to basically say working with the Orangewood Foundation, the Samueli Academy, building on that vision that you had some years ago to really be innovative and creative at a time when increasingly the State of California is looking more at how we serve and meet the needs of foster youth and to offer this petition to say that this is not necessarily a school for foster kids but it's a place. It's a significant place that builds on what you already do with the primarily focus and interest on meeting the needs and of course working with all students who would be interested in coming to Scholarship Prep. So I wanna thank you for your opportunity for us to submit. I feel very enthusiastic about what we have to offer and I'd like to introduce to you and bring up to talk about the actual educational program, the co-founder of Scholarship Prep, Jason Watts.

Jason Watts: Good morning. So in regards to our educational program I think the first thing we want to point out is really the kind of environment we want to create for our students. Tying

back to what Gloria said in terms of the drive and the vision of getting kids in the position to be able to make that choice to go to college is creating the feeling, the visual recognition that college is all around them. That college is a possibility. And really what the excitement it brings. And so one of the ways that we're going to do that, or another of the ways, include making sure that when the students go from grade to grade, you're not going from 3<sup>rd</sup> grade to 4<sup>th</sup> grade, you're going from Yale to Harvard. If you are a Yale versus Harvard I apologize for the order. Um, colleges that you will select are going to be based on what the NCAA uses to rank their collegiate programs. That's either the academic progress rate and/or the graduation success rate. So these universities are ranked based on how well they do in graduating their student athletes. And so we're looking at the same universities following that same model, that same level of rigor. And the rigor is going to be a continuous theme you're going to hear. And then of course pep rallies each week. Some of this may sound familiar to you eh of course I've had experience with an organization Oxford Preparatory Academy. But I believe if it's not broke don't fix it. There's significant unique features of our organization but we know that many schools across the nation, not just in California, focus on either a no-excuses university theme or a collegiate theme. And I think that that is an extremely important facet to focus on considering the fact that part of our goal as an educational entity is to position these students, all of our students, to be able to have that choice down the road. To say, you know what? I want to go to college because I can. Our educational program will primarily consist of a project based learning model. So this particular model is actually one that I've had experience with and I think as some of us know, when we're going to college and we're in classes and we're even in our career, so much of what we do is collaboration based. Its project based. We have to actually find problems and then find solutions to those problems. Or maybe a problem is presented to us and we have to find that solution. And so what our program is going to attempt to do is for our students, position them to be able to not only answer questions and solve problems but find problems in the real world of their community and be able to then go take that knowledge to higher levels of education and into their communities in which they live. So we will have focus (inaudible) on student collaboration, research, and again real world challenges that they face or may not even be aware of every single day. This is in alignment to the Samueli Academy Program as well. They have the project based learning model and the STEM model so part of what we anticipate doing is collaborating with them on staff development and training for our teachers to be able to implement the program successfully. Part of our STEAM, the A is for the arts, it includes student use of technology every single day. Our goal is that every one of our students every single day will be able to use a Chrome Book or something similar for instruction and during instruction. And even be able to take those devices home with them and help their families be able to get used to that opportunity to use that technology to their advantage. We are again positioning our students for not only college but career as well. So there are certainly opportunities in schools that present numerous languages to teach students especially in a K-8 model. And what I've found is that it's very difficult when you have multiple languages to ensure that there's really a deeper learning when you have year after year students switching languages. And so in doing

research on what potentially would be the most beneficial language for our students, we want to look at again the global economy. And as you can see here, 845 million people approximately in the world speak Mandarin Chinese and it's probably the most business language that exists. And I found this quote from Prime Minister David Cameron, cause I thought it was very suitable for what we're doing here. He said I want Britain linked up to the world's fastest growing economies and that includes young people learning the languages to seal tomorrow's business deals. So again, we're not only looking at college, we're looking at career. We're looking at getting the students out of the comfort ability of their environment, of their community, and helping them realize there's something beyond just their community. There is an entire globe that they can, you know, research to find to do business in beyond just what they have previously experienced. We know student sports are very important for all of our students to be successful and our school and beyond. We've talked about obviously the foster youth component so it's integral that we have foster youth counseling similar to that of the Samueli Academy. And in working with both Samueli and Orangewood Foundation we will be collaborating on that support for our students. We will have a Special Education of course as our own LEA for Special Ed. We will have an English Language Development program, a gifted program. FILMS is an acronym that we came up with. There's essentially free tutoring before and/or after school for our students who need to get to that next level. The reason that FILMS is used, if you have familiarity with football, after the football game the players and the coaches go and they watch films. So what are they doing? They're studying. They're analyzing seeing how they can improve. And so that's what we're doing. But we're helping our students look at themselves. How they can improve, again focusing on individual learning to master studies. So a couple of our program features are arts and athletics. That's what we're going to explain why. So first of all, we know that there's been a number of things done, particularly by the Astin Institute, that point out the significant gaps that exist between underserved student communities and those more fortunate in terms of not only their participation in sports and there's a lot of reasons for that but also their health. In Orange County alone, we're looking at an increased health risk for our students from a study done in 2000, 2011 and 2013. And that's very concerning when we look at potentially such a large component of our population here in Orange County that should have access to phenomenal health opportunities. And so we tie that into our program with athletics. Now, it's not just about health. It's also about academic performance. Numerous studies have shown that there's a link between academics and athletics.

Nina Boyd: That's 15 minutes.

Jason Watts: Thank you very much.

### Public Comments

Hammond: Alrighty. Senator, thank you very much. Um, now we'll have some public comments.

Kelly Gaughran: Ok, I was going to open that up for public comments.

Hammond: My apologies.

Gaughran: And let them know, that's ok, each speaker gets three minutes for a total of thirty minutes. So please call for the first speaker.

Lindholm: Ok thank you.

Hammond: Thank you, Kelly. My apologies.

Lindholm: And if you don't mind we'd like to request a copy of the PowerPoint presentation? Not right at this time but yet, please. So we will begin with um Punam Corewal?

Punam Grewal: Grewal

Lindholm: Grewal! Oh that's a G! Ohhh, welcome.

Punam Grewal: Thank you. Good morning board members. My name is Punam Grewal and I intend to be the president of um our new school, our new Scholarship Prep school. Um, just a little bit background about me. I am a practicing attorney. I've been an attorney for a little over thirteen years. I was a prosecutor, I'm a defense attorney, and I'm a Special Ed attorney. So I sue school districts all day long and um what I have learned is that if you don't educate you're gonna end up incarcerating and you're going to end up losing your students. I fully support and I'm so excited about the Scholarship Prep program because of their emphasis on some of the most disadvantaged population in our state and now our county which are the foster kids. As we all know that they are uniquely disadvantaged because they have a host of emotional issues, abuse issues. They come from displaced homes. They've been moved around from place to place and one of the things that gets lost which is basic old common sense is there education and their development. As a Special Education attorney what's so exciting to me which I have known for many, many years is the federal and state law empowers school districts and adults to look at each student very uniquely and devise independent and unique education plans for these students. Foster students are in a unique place to take great advantage of Special Education laws and procedures but we've gotta get to them. We gotta be able to identify 'em. We have to be able to identify them early. And um, that is one of the reasons I fully support Senator Romero's program for the Scholarship Prep because what the Senator is basically saying, we don't have time to waste. We've got a job to do. We've gotta look at these foster kids who are in a very unique and vulnerable position. We need to individualize their education. We need to identify them. Do they have health risks? Um, do they have disabilities? Where are the learning and academic gaps and what do we need to do and how quickly do we need to do it to ensure that when they leave the county they're ready to join the citizens of the county and become taxpayers. I'm very excited with the opportunity to be the president of this program. It would be



my first but I have a wealth of experience in being an attorney in education law. So um, I hope that you'll support the program. Thank you so much for your time.

Lindholm and Hammond: Thank you.

Lindholm: Miles Durfee.

Miles Durfee: Good morning members of the board. My name's Miles Durfee as you know. I am the managing regional director for the California Charter Schools Association. And I've on many occasions told you about the Southern California region and charter schools so I won't go into that again but I will tell you that we are speaking today in support of Scholarship Prep. We've worked very closely with this petitioner and we believe that not only is this petition legally compliant but has a very high likelihood of success for the students which is something that is very important to the California Charter Schools Association. Uh, we see this as something that in some ways is a partnership between a former Senator who has been an advocate for justice for students, justice for her constituents over a long period of time and also someone that has rallied communities to support good ideas. And a partnership with someone who's a charter school operator and leader who's proven success in charter schools and knows how to run a school. So, for those reasons we know that they have done a great job of putting a petition together. We are happy to see them for you today. We think that the cause and the potential to feed into the Samueli Academy is also a great step forward for the community that they will serve and we ask you to look at them very positively in your December meeting and urge you to support them and vote for them in December. Thank you.

Lindholm: Thank you. Uh, Robert Loewen?

Robert Loewen: Hello, my name is Robert Loewen and I'm a the Chairman of the California Policy Center and I'm Chairman and Past President of the Lincoln Club of Orange County. Uh, generally I favor charter schools because they are one of the few ways that we legally can offer school choice to parents and students and so as a general idea it's a good idea. Uh, but the unique uh that I can offer to the group here is that I have considerable knowledge about Gloria Romero uh and if you look at our resume you wouldn't necessarily think that we would be on the same side because she was the chair of the whole democratic operation in Sacramento and usually I oppose people like her but as it's turned out she and I have done a lot of things together on things that matter. And I can say the following things that I have learned about Gloria Romero. You know I've known her for several years and uh on these things that we have worked on she's been incredibly accountable. She holds herself accountable. She allows others to hold herself accountable and I would say that I've learned that when she makes a promise she always keeps it. She thinks about it before she makes the promise. She thinks hard about it. And she says it, she promises it and she keeps her promise. And she always tells the truth. That's all I have.

Lindholm: Parrish Percy?

Parrish Percy: Good morning President Hammond and members of the board. I'm Parrish. I am here to advocate to speak on behalf of this dream, this vision, because I am on the receiving end as a parent of what has been successful for my daughter. We attended; my daughter attended Oxford Prep Academy which Jason was Chancellor at. She had spent two years there when I first found when they first opened. We were behind that. I am a mother and a grandmother and I have three adult children and all four of my children have special needs and learning disabilities. So, with that and with the help that they were for my for my student, my baby, they were very successful. And she looked forward to going to school and I appreciated that because as a parent you know how tough that is to get your child to really want to go to school. Now she's at Samueli and she words among along of the fosters and I can tell you I'm a volunteer parent and I also mentor there; I work with a lot of the professionals that come in and help the students; and to see those students so excited to come into school I can say that having the opportunity for charter school that they are behind and they are advocating so that's why I'm here. I have extended family. I'm spreading the word out. I go to my neighbors. I canvas my neighbors. I get thanked by my neighbors for opening this opportunity. So I can say that this is a very promising school based on what I've learned. I do my homework. I did my homework when I learned about Samueli. I wanted to know who they are; who's behind it. Then I find out you're all behind it so it's a win-win for us as parents. I'm the fly on the wall in the school. I see the students; I see the parents. I talk I engage. I love doing things like that. And I find it so beneficial because I truly believe how important an education is as seeing success in my children and my grandchildren; that they are ones that benefit from being better in society and contributing to society. My children are very, very productive in society. And having a charter school available to them and to others in the community I'm all for it and I want to thank you for your time to listen to us today.

Lindholm: Thank you. Eh, Susan Mas.

Susan Mas: Ah, good morning President Hammond and board members. I'm Susan Mas. I'm here for the fourth time with another great charter school that I'm thrilled to bring forward. I'm part of Charter's OC; it's a partnership of Innovators OC and the California Charter School Association. I work very closely with Miles as you know. Um, as you know, our goal is to increase the number of high quality schools here in Orange County there by providing more opportunities and choices for our kids. Um, ironically I was also here three years ago as some of you know with the petition for the Academy so this is really very thrilling for me to have the feeder school that will make the Samueli Academy even more successful. Today I'm here to speak on behalf of Scholarship Prep, a high quality charter school choice for Orange County students. Both Charter's OC and CCSA have worked closely with the Scholarship team leadership trip team for the past year which time they went through a rigorous evaluation process which was require to gain our support. We can assure you that this is a well written petition. I'm not gonna go in you've seen all of charter's wonderful program particularly the project based learning that they're gonna do and the support that they have for foster kids and other kids. They

may not be called foster kids but they have, they face some of the same issues. This is a new approach based on some of Jason's experience with Oxford and bringing some new ideas and I also was very pleased that Gloria is doing a charter school because she is just the right person to do it. So, um, I would like to finally say that one of the most fundamental obligations of adults in any society is to prepare its young people to lead productive and prosperous lives. Scholarship Prep helps us fulfill that obligation. We are very fortunate that the Scholarship Prep leadership team has chosen to locate here in Orange County. Thank you.

Lindholm: Mark Bucher?

Hammond: Good morning sir.

Mark Bucher: Yeah, I'm Mark Bucher. Thank you President Hammond and the rest of the board for allowing me to speak. Um, I um, the success of a charter school is going to be based on its leadership and I personally know the people here in front of you. Some of you may not know them but I just wanted to tell you that you could not have a better team leading this school. I first learned and became an advocate of charter schools because a friend of mine has someone that goes to, has a child that goes to Oxford Prep and frankly I got sick of hearing about how wonderful Oxford Prep is. Every time I talk to him and so what Mr. Watts has accomplished there and will bring to this school is phenomenal. Ah, Punam I've gotten to know over the last couple of years and I've never met a more passionate warrior on behalf of disadvantaged children. That's what she has devoted her life to. And um it's, it's touching and just amazing to see the, the, the kids and she'll come along side of and give an opportunity that never would have had one. And then Bob sort of stole my thunder on Gloria but eh someone I never thought I could have the type of working relationship because we are so different on so many, so many things but eh she's a rare politician who essentially gave up her political career because of how much she cares about kids. And uh, that doesn't happen very often. It really doesn't. I've, I've been in in eh you know other, other battles that we've fought, you know, she is, she will, she will, pick the children every time. And eh, so anyhow, I'm just here to say that eh the people running this school are gonna do a good job and I know that personally. Thank you!

Hammond: Thank you, sir.

Lindholm: Jose Tolentino? And correct me if I didn't do that right.

Jose Tolentino: Tolentino.

Lindholm: Tolentino.

Jose Tolentino: y, Seniorina. I tell everybody that cause they get all...well. I'm secretary of the board for this school and um, I gonna go back to my roots like everyone should do. My mom was an immigrant but to Mexico. She came from Kansas City to marry my dad in Mexico and she had like every Mom thinks; eight very talented children. I tell you they were, not me.

(Inaudible) It was incredible. My family could do anything. You know? Swimmers, musicians, chemists, physicians. Everything. And she always told us you know, I wish we were in the states. I wish you grew up in the United States. Why? Because it's the land of opportunity. You know, in Mexico you're either 9-5 or you're an artist. In United States you can be both. So, I was the youngest one. They send me to the states to play baseball. Fortunate enough that I got a scholarship to the University of Texas, played professional baseball forever and now in my real life, if you can call it real, I'm one of the broadcasters for the Angels in Spanish as you can tell. And then I woke up after being pampered as a well-to-do family in Mexico. University of Texas, you know how they pamper you. You don't even have to make grades, yeah you do. And then professional baseball you know so I'm in a dream, I wake up and all of a sudden I start working and helping the Angels in the community and I took as my thing is to go to juvenile delinquent centers because I could relate to the kids. They were Mexicans most of them or immigrants. And I find out that through baseball you could open their eyes. It was amazing. They couldn't play baseball but in the second camp that I could do for them they would tell me all kinds of secrets that I cannot tell you. And I would tell them hey, your parents brought you here cause they could give you a scholarship in this crazy country if you know how to tie your shoes. Come to find out, yeah they do, but you have to learn how to search for it. Now that I have kids of my own it's a lot harder. It's really hard to find a scholarship. Well, that's why this is part of my dream now. In casual conversations all of a sudden we know each other and I want to be part of this dream and we are going to be part of this dream and we're gonna help these kids tie all kinds of shoes. It is a dream that I think is beautiful and is just right in front of us to be able to do it. Thank you for your support. Thank you very much.

Lindholm: Teresa Hernandez?

Teresa Hernandez: Hi I'm Teresa. Thank you for the opportunity to speak today. Um, I've been a resident of Orange County for 19 years, I'm a mother of four children and I know how important education is in their life. You've heard so much and a lot of it is I don't want to repeat. But I met Gloria a few years ago, I've actually known her for years but became a more working relationship with her a couple of years ago when some parents in Santa Ana, I'm sorry, in Anaheim, were in an underperforming elementary school called Palm Lane and those parents through a grassroots effort wanted to change their school around and use the parent trigger law that Gloria helped to write. And we met in parks with those parents. We met after school. Gloria was out there encouraging those parents. Educating those parents and helping those parents to try and get the American dream for them so that their children could go to a good school. And she gave a lot of her own time and I too am on the opposite side of the political spectrum of Gloria but I have to tell you there is nobody else that I know that is a champion for children like her. And it was so encouraging for those parents to have a State Senator out there encouraging them and helping them. And I don't know, I'm sure you'll all read recently in the newspapers just, we've got some excellent schools obviously in Orange County, public schools but we also have some very challenged ones. And in Santa Ana I read recently that only 31% of

the children in 3<sup>rd</sup> grade are literate. So, what about the other 67%? And I think statistics have shown that public charter schools can really outperform some of the public schools and I think in areas especially like Santa Ana to have a good public charter school come along like this, this is something that they need. I also read that out of the 50 schools in Santa Ana about 40 of them were underperforming and so I think this is a perfect time to have a school like this come aboard. I also just want to vouch for her character and also in putting her board together my husband who has 35 years of education, arts, and music is on her board and will lend his expertise to her when it comes to the arts and education for these children. So I know when you vote in December it's a hard vote to think about all the things you have to but I would highly hope that you would consider giving Gloria and her team the support that they need. This county needs a good school like that. Thank you.

Lindholm: Thank you. Ah, and that concludes all the requests to speak that we have under Scholarship Prep.

Kelly Gaughran: (Inaudible-away from the mic)...for you. President Hammond, higher? Sorry, is that better? President Hammond I now close the public hearing and turn the meeting back over to you.

#### Board Questions

Hammond: Kelly again thank you and kudos to your staff for just working so hard and helping the community and the kids. Um, any questions? Mr. Boyd?

David Boyd: Yes, uh. Very brief questions for the administrator. Whoever. You're planning to open in the fall I take it?

Male Voice: That's correct.

David Boyd: Have you identified a location?

Male Voice: We are actively looking at a private facility. We've also submitted a proposition 39 request to the Santa Ana Unified School District. Our desire is actually not to necessarily use the facilities. If we can prevent that for a number of reasons obviously in looking at potential impact on the district and we've communicated that with them as well. They've been very helpful in our meetings with them in that regard but we are actively looking at a private facility and we are zeroing in on a couple of opportunities we think will be viable.

David Boyd: Would you like to be logistically close to the Samueli Academy?

Male Voice: Absolutely. So our desire is to be within a five mile radius at maximum of their facility for transportation and collaboration purposes. Will your students or

Gloria Romero: If I could just add, that's why when we did the notification we intentionally only selected three districts. It was Santa Ana, Orange, and Garden Grove because of the geographic

proximity to the Samueli Academy. We want to make it possible and accessible for parents to be able not go crazy going from one end of the county to the other but really to sort of use Samueli Academy as the focus and then sort of build around that. That's why we chose those three districts.

David Boyd: Now ultimately your goal is to move as many of your students as you can to the Samueli Academy is that correct?

Male Voice: In particular I think our focus is more about our foster youth students having that opportunity to go have a K-12 continuum so I think that more than anything else insuring that through not only maybe an enrollment preference but also working with the Samueli Academy because when we first met with them, this whole idea really came about because of a conversation I had with their head of school and ultimately what Mr. Saba said to me was we wanna catch these kids earlier. And so and that discussion stemmed on kind of what we wanna do then going forward and so ultimately our goal is to minimally have our foster youth go that K-12 if they have the potential to do so.

David Boyd: Ok, thank you. Good job guys.

Hammond: Madam Vice President.

Lindholm: Thank you. Um, I just want to congratulate Gloria for all your efforts eh, Senator Romero. I know your heart has been with students for so long and you are you are a champion for them. And Jason being at Oxford prep, yeah, people kinda get tired of hearing about Oxford Prep cause of your high scores. Uh, it's an exciting project for children, foster children county wide. I've been an advocate for foster children for gosh, probably fifteen years now. College is a real possibility for them and to open that door for them I think is very exciting. You said you have foster counseling for them and you have free tutoring. Can you elaborate on that?

Male Voice: So in terms of the counseling, one of the first things we did was not only work with the Samueli Academy but to meet with the administration and the leadership of the Orangewood Foundation. So we visited Orangewood, talked to their staff. We even had time spent with foster youth at the Samueli Academy in a kind of a roundtable discussion which was very interesting and key opening. And ultimately what we discussed early on even before those meetings with Samueli was the opportunity to share resources in that regard. So Orangewood and Samueli would be helping us provide that support to those students.

Lindholm: Ok. Fantastic. And you two are working very hard for the American dream for all children and I think especially the disadvantaged foster children need that through no fault of their own they've become in this predicament and they need all the encouragement that anybody can ever give them. I just want to bring this back to the board. We have a policy on uh on charter schools. I would like, because this last, we we've had a couple where I haven't quite had the communication I would have hoped for. I'd like to suggest that we have perhaps the

president and the vice president on a conference call the week before so we understand the status before we see it on the Friday agenda. So, I'm just suggesting to the board if they would so um I'd like to have the president and vice chair unless somebody else would like to be on it so that we have an update the week before the agenda goes out so that's more of a procedural element. But thank you.

Hammond: Alright. Dr. Bedell?

Bedell: Pass.

Hammond: Uh, Dr. Williams?

Williams: This is exciting and I share your joy and your excitement.

Hammond: Alright. Um, I'm sure I have questions but I'll pass for now. You know, thank you Senator for once again just fighting for the kids. It's an honor to know you and it looks like you have a phenomenal staff ready to come on board with you all so that's, that is truly going to be exciting and as someone that's, to the Angel broadcaster I might have been your worst nemesis only because I put myself through college as a baseball umpire so um.

(Inaudible voice from the audience brought on laughter)

Hammond: So, thank you. If there's no other further questions I guess we will move on. Thank you Senator so much for everything.

Lindholm: Do we have a closure on the is it alright for um the president and the vice president to have a conference call early on.

David Boyd: Sure, would you like to amend the formal procedure or just try it out for a few months and see how it...

Hammond: I like what Mr. Boyd has suggested just to try it out for a friendly way.

Lindholm: Um because on this some of them we don't know until we read the Friday report and I.

Bedell: Staff recommendation.

Lindholm: Yes, we don't have the staff recommendation and I kinda like to get a heads up and see if there's any questions and issues that can be resolved before then. So I'd just like to have a conference call the week, the Monday before it appears on the agenda.

Nina Boyd: And that's in reference to not when they're presenting for the first time but when it's coming back as an action item.

Lindholm: Correct.

Hammond: All set. Alright.

### Board Recommendations

Bedell: We can do some agenda items. Like we have a time certain at noon.

Hammond: Yeah we don't...

Bedell: We can do number eight. Mr. Chairman can we do number eight?

Hammond: I think so cause we obviously can't get to the 12:00 o'clock one just yet and of course you know for the record number ten was pulled so, um...I guess we'll move on to some board business then so board recommendation number eight. Board action is requested for the archival of public presentations. And eh...

Williams: Also motion.

Hammond: The chair seeks a motion, alright. Eh, moved by Dr. Williams. Is there a second? I'll go ahead and second. Um, and I'll ask Dr. Williams any comments on item number eight? And by the way, for the record, you have submitted your PowerPoint presentation did you not?

Williams: Correct. I have a constituent who's been fairly active coming to our meetings who requested via public records act the presentations. We finally got the transcripts and so um, I believe that everything that we present is public record, our public record act. So, um, that thus the reason for this request and uh it's as simple as that.

Hammond: Ok. Um, Madam Vice President.

Lindholm: Just a comment. I think procedurally it would be a good idea before people make a presentation even from the schools that they give a copy to the clerk. So before not after. Whether that's a flash drive or a physical presentation that goes to the clerk before the presentation...I'm not sure if that's what you have in here but I think that would solve this problem in the future.

Nina Boyd: That's what you have in item number eleven. You address that in that new board policy.

Hammond: Ok. Mr. Boyd, any comments on number eight?

David Boyd: Ah, yes sir. Um, every word that was spoken in my presentation as well as what was included in the videos is already on our website so I'm not really clear on what the purpose would be. The I did promise that I would make the links that I referenced in the PowerPoint available to anybody who's asked and I've done so. So, in terms of transparency I don't know what you could really do beyond every single word that was spoken. That's all.

Hammond: Ok. Dr. Bedell, any thoughts.



Bedell: I guess I'm just confused why it's needed. I guess I'm just since it was all in public anyway and it's again, I just don't know why it's needed so I need help on that.

Williams: Yeah, so regarding transparency that in concept transparency is anything that occurs in the confines of this meeting should be available to the public and the public record act actually talks about that. The one item that my good colleague Trustee Boyd submitted regarding the requirement for the ethics training, that's item thirteen, great! I'm going to support that but I actually took the course and went through it and what they talk about is any material, including any writing that was prepared or used, any documents, computer or photograph whatever should be a part of the archival records of this institution and um for completeness sake, if one gives a PowerPoint presentation, yes we do have an audio and yes we do have transcripts. But the full context cannot be realized until you have a PowerPoint presentation. And anytime you give something in public in this board or at a board meeting, should be part of the archival record. Um, so it is a legal question. Um, potentially it can put us in a situation where if we cannot provide all the material that was requested in the PR request there is liability potentially. I don't know if that answers your question.

Bedell: Well I'm just...can Mr. Wenkart respond to that piece or is he recused?

Hammond: I believe he's, no he's fully, Ron you're fully recused from item eight that we're discussing now, correct?

Wenkart: I would just...

Lindholm: Oh

Wenkart: that I think (inaudible)

Williams: Did he recuse himself?

Lindholm: He did you did recuse yourself on this item.

Nina Boyd: At the beginning of the meeting...

Lindholm: I think it would be wise not to add anything.

Wenkart: I'll save my comment (inaudible)

Hammond: Alright.

Lindholm: Thank you.

Hammond: In that case then I see board attorney Daniel King is here. Good morning Mr. King.

King: (inaudible)

Hammond: I guess it's barely morning still. Sir I'm going to ask can you make a comment here in regards to item number eight to what Dr. Williams has so stated.

King: If I understand the question correctly, I think whether or not there's an obligation to disclose PowerPoints that were given by members of the board. Um, my understanding of that issue is relatively simple. Government code says any writing that's distributed to a majority of the members of this body during or in connection of the meeting is required to be disclosed. Um, the term writing is broadly defined such that it's anything that you can use to communicate information. Um, I think that's the basics of what I would tell you. I understand about the provisions. Um, publics got a right to access. That's I think the bottom line but I'm not totally clear on the question I'm being asked.

Hammond: Um.

David Boyd: Perhaps you could clarify the question President Hammond.

Hammond: Well as Dr. Williams you were the one you know that brought up the information just now, do you care to ask a question or clarify.

Williams: Well I think that this speaks to the request of to our good Trustee Boyd that he provides his PowerPoint presentation for archival records.

Hammond: So you're ask...just make sure I'm clear, basically you're asking...

Williams: Well we're taking a position that the archival documentation of the PowerPoint presentation specifically that good Trustee Boyd presented be a part of the archival record for our department.

Hammond: Ok. Do you feel like you've answered that question?

King: I do. I think Mr. Williams' position is essentially correct. I also question why it's an issue ultimately. And in this regard anything that any of you put out in a public meeting I assume each of you would stand behind. Why in the world not. Give it to staff.

Hammond: Ok. Mr. Boyd.

David Boyd: With permission.

Hammond: Of course please Mr. Boyd.

David Boyd: You're aware of the fact that nothing was distributed during the meeting. There was no paper distribution whatsoever. There was merely PowerPoint that was presented to the audience and a recording made of that PowerPoint.

King: I'm not aware of to what extent there were paper copies distributed.

David Boyd: There were none. Zero.

King: I understand that fact.

David Boyd: Ok, does that change your opinion?

King: No it does not. Um, to your point I think to the extent what you're saying is well um a person wouldn't have to give that to staff under the government code because it wasn't quote distributed. I think there's real difficulty there in that the California Constitution says these statutes are going to be broadly construed to demand disclosure to the public. Um, yes, could a seasoned lawyer make a good argument that the word distributed doesn't include that? I'll give you that. I would not want to be standing in front of a judge trying to defend that interpretation though.

David Boyd: Were you or are you aware of the fact that there's a copyright notice on the first page of the PowerPoint?

King: Being that staff doesn't have it clearly I don't.

David Boyd: Ok. How would copyright law influence your opinion if at all?

King: It would not. The case law is relatively clear. The agency can't claim a copyright except in very narrow circumstances.

David Boyd: The agency's not claiming a copyright. I'm claiming the copyright.

King: And now we get into I guess employment law. And whether you're acting in your official capacity in making a presentation in a board meeting. I think the answer to that question is pretty clear. I haven't been asked to write a memo about it but...

David Boyd: If you're not clear, I mean you have a feeling but. As you said, you haven't been retained to research this.

King: No, but I think any lawyer whose been around for a while will understand that um we're talking about actions taken in the course and scope of your official duties as a trustee.

David Boyd: Ok, my last comment. Someone mentioned why. Why do I care one way or another? 99 times out of 100 I wouldn't care one way or another. But the individual that has requested the PowerPoint has a history of editing documents and videos in a very, very misleading way and that's my concern. That the PowerPoint that has my name on it and my copyright will be edited in such a way to make it misleading. That's all.

Lindholm: I think we can move forward with the there was a public records request and what we're simply saying that this option says you will make the presentation and turn in the

PowerPoint presentation. So that's what the motion is. The request has come from a member of the public.

Hammond: Alright. Sounds like we will then call the motion. Cause I don't think there's much in the way of any other discussion. All those in favor of supporting item eight signify by saying AYE.

Multiple Voices: AYE

Hammond: Opposed?

David Boyd: No.

Hammond: Abstain?

Bedell: Abstain.

Hammond: Motion passes 3-1-1. Um...

David Boyd: Now I was a no. Oh I'm sorry. You're right. 3-1-1.

Hammond: Ok.

Lindholm: And that puts us...do we need a break to reorganize?

Hammond: Um

David Boyd: Or whether to abstain, sorry. Did I hear that?

Hammond: You abstained, right? Ken you voted yes? Ok. 3-1-1 is what I had. Is that what you have Darou?

Phouangvankham: Yes.

Hammond: 3-1-1? Ok.

Bedell: Point of procedure now Mr. Chairman.

Hammond: Yes good Dr.

Bedell: What's the next step with this?

David Boyd: (inaudible)

Hammond: Um, well I was gonna move us into a quick adjournment so we could reorganize on this because I know we have a time certain right now.

Bedell: I meant specifically on what we just did because somebody's got to follow then right?

Hammond: Well, in regards to item eight it is my understanding that that Dr. Williams has turned in his PowerPoint presentation um Mr. Boyd has not. Perhaps that's a question that we could defer to legal counsel. Do you have a suggestion?

Bedell: That's why I abstained. Because I'm so, in the Yiddish term is meshuge, right?

Hammond: I thought I knew some good Yiddish. I haven't heard that one.

Bedell: My New York (inaudible) now. Because I think there's so many things going on here with compliance, non-compliance, intent first time, I mean, procedures, dynamic, that's why it's meshuge for me. So that's why I abstain, I never like to abstain cause for me it's basically a cowardly position. For me personally.

Hammond: Ok.

Bedell: So I just want to know what's next now. Do we say Boyd turn it in or do we leave it up to his good will or he snubs his nose at us or a majority. I don't know what's the next step and how does it help our board and our kids?

Hammond: My only concern and I have to echo what Dr. Williams said. I think it would be better to have it turned in just to avoid any impropriety. You know, I want to make sure that we're not looking bad. You know, because apparently there has been a PRA request for both of their presentations in totality. So I would much rather err in the side of full disclosure and get that out. Now if Mr. Boyd decides not to turn it in then that's something we'd have to discuss maybe at our next board meeting. But for right now I think the matter has been relatively resolved. So. Alright. This board will adjourn for about two minutes so we can get ready for our next time certain that we're now a little bit behind on so about a two minute recess.

#### Recess

#### Time Certain, EPIC Charter School

Hammond: Orange County Board of Education is back in session from our very long couple minute break. And eh, so with that I will turn it over to Miss Kelly once again to carry on with the EPIC Charter School.

Kelly Gaughran: Thank you. You shall now render a decision regarding the EPIC Charter School petition which was submitted to us on September 2<sup>nd</sup> on appeal following denial by the Anaheim City School Board. The public hearing was held on October 14<sup>th</sup>. As legally required the petition has been reviewed according to California Education Code regarding charter school petitions received on appeal by county office of education. Copies of the staff report are available on the back table. Each of you has been provided the Orange County Department of Education's staff report and three options for action. Option one approves the charter school petition. Option two conditionally approves the charter school petition pending the execution of

a memorandum of understanding agreed to by all parties which address the issues outlined in the staff report. Option three which is the OCDE staff recommendation denies the charter school petition. Representatives from EPIC Charter School and Anaheim School Districts will each have ten minutes to speak on behalf of this charter school petition. Then audience members who wish to speak related to the EPIC Charter School petition will be given three minutes each with a maximum allowable time of thirty minutes. I now call Mr. Ben Harris, co-lead petitioner of EPIC Charter School to the podium.

Ben Harris: Thank you. Kinda wanted to start with a video that many of you may have seen. I'm Ben Harris. I'm the co-lead petitioner for EPIC Charter School. Some of you may have seen this but I felt like it was sort of a metaphor for our school and I thought it might lighten the mood a little bit and eh and eh, start off the presentation on the right foot.

Video: Ideas are scary. They come into this world ugly and messy. Ideas are frightening because they threaten what is known. They are the natural born enemy of the way things are. Yes, ideas are scary and messy and fragile. But under the proper care they become something beautiful. One day...

Ben Harris: If I have some pregnant pauses I apologize as I'm going to try and cover as much as I can in the ten minutes. What I don't cover hopefully the additional presenters will cover. Fifteen years ago, David Chaney and I had an idea and we started a company called Advanced Academics. I didn't plan on bringing that up but in the questioning in the process that's gone forward we fielded a lot of questions and provided a lot of responses on that effort. Eh, in the denial recommendation that was put forward eh, and I'm not going to read the entire part of the denial but there were basically issues brought up regarding tax liens of advanced academics in 2009 and I wanted to speak to that because I think it sitting by itself it could leave the wrong impression. We were never asked by county staff who are affiliates are. None of the entities listed, neither Advanced Academics nor Connection Learning or affiliates of either EPIC Oklahoma or EPIC California. Both of the entities listed are simply proposed vendors. I think there might be some confusion in the sense that Advanced Academics was founded by myself and David Chaney about fifteen years ago but it has no affiliation with EPIC and none of the individuals associated with our organization have been an officer, shareholder, or board member of Advanced Academics since 2003. And we have never been involved with Connections Education or Connections Learning as that entity actually acquired Advance Academics in 2013. So I wanted to bring that up because I think we're dealing with dated information that could leave the wrong impression. Secondly I wanted to go in there was also something out there that was a bit surprising. It dates about twelve years old and it brought up some time that I had personally that I spent in government service in Florida and it raised an investigation in which I was investigated and that no findings were ever created. To me if anything this suggests that my conduct was above board. Sometimes in a political environment as you well know there's a lot of hyperbole. There's a lot of conjecture. And there's a lot of articles that are inaccurate. I actually have if you care to read it for a bed time story about a 23 page document detailing the

two years of accomplishments from my government service that I'm very proud of but I don't want to bore anyone. But the bottom line is that if you think you're really clean and above board you're really clean and above board when you get investigated for a year and you're exonerated and I went through that process and the final conclusion was that no wrong doing was found. So I'm not sure why that was included but I wanted to address that head on. Next I would like to go into the A-F report card that was circulated. You have an article there. Eh which that article is not from five years ago it's from about a week and a half ago. And that article shows you sort of the furor that is surrounding the A-F situation in Oklahoma. And I wanna put that in a context because I don't think it's fair to judge the quality of our school based on that report card. Also wanna show you a video that highlights what I'm talking about which I think will present it better than I would. And this is actually the State Board of Education in Oklahoma that you'll see on this video. Woops. Dealing with a live internet feed here. My apology.

Video: The State Board of Education voted to certify the latest school report cards which says the existing framework of the system needs to be changed. What are we doing here? I mean why are we release these grades and put another year worth of incredibility on what we are doing. Why would we do that? Why would we send this out? Give 'em all a B-. I mean why would we do this and say well you know you're really not an A you know, we're gonna give you an A but you know you're really a C. Why are we doing that? What are we accomplishing there? State Superintendent Joy Hofmeister called for a grading system that accurately measures student progress and achievement. Hofmeister said she has quote no confidence in the current process and will recommendation to the state legislature. We need to shine a flashlight onto the current education system. How we are working in the schools to serve students. Right now there is little confidence. So it's time to have a system that is a full expression, an accurate expression of what is happening so that we can move forward. Schools do important work but we need a better tool to measure that work so that we can make better informed decisions when it comes to strategic intervention and where we place dollars to achieve that.

Ben Harris: Thank you. Eh, so um I also want to bring up and I have I'm just gonna leave this slide up, I don't have a lot of slides for you it's actually the only slide I have. I do have a very inspiring Teddy Roosevelt next but we won't get into that next that my staff provided. Eh but I usually don't do this because I honestly don't think this is fair. Uh, when you take two schools who have different populations and different locations and all these types of things and the reason I wanted to put this up and highlight it is the only reason I'm putting it up there because essentially in the denial recommendation our capacity to serve particular populations of students has been attacked or a least questioned. And I want to make the point that not only are we capable of serving them but at least in the data that is comparable which is the proficiency with regard to state standardized exams we are performing at a higher level than the school district that denied us in the same subgroups. And I wanna point that out not to say that were better cause we're not perfect. I don't think any school is. Not to be braggadocios at all cause we're not trying to but we also wanna say that we do have the capacity to serve. And not only is it proven

in a quality document that we presented to the county, it's proven in a four year track record of operations and we're now in a fifth year track record. So I wanted to highlight that and have it up on the screen because I think it speaks for itself as opposed to speculating as to whether or not we have the capacity to serve all populations. The other thing that was in the report that is troubling enough that I wanted to hit head on is a mention of investigation regarding an OSBI investigation was raised. And I just wanna, I wanna summarize our response to this and several key points. The investigation has never found any wrong doing by the petitioners or anyone else associated now or in the past with EPIC in California or Oklahoma. The petitioners have never been interviewed or indicted by a grand jury. The petitioners have never been charged with any crimes let alone convicted of them. The current EPIC school has a current accreditation that dates in July of 2015. That's way after the article that was circulated to you guys to put us in a bad light. The current EPIC school has had not one, not two but three clean audits since the single article appeared mentioning that investigation. And I've disclosed to you actually two of those three audits. One is a summary of the financial audit the other is a summary of our accreditation audit. The third I simply didn't share because I was trying not to deluge you with paper because it looks exactly like the financial audit except for it's in the prior year. But all three of those audits were issued since our former employees made the allegations that they made. And keep in mind this is a matter that's over two years old. We provided a letter also from our current authorizer that I don't know if it was shared by you but it was shared with you but it was a very glowing letter. Eh, if it isn't it was provided to staff. I think it's very key since that's the person in Oklahoma that's literally sitting in your shoes. And also we believe that Orange County staff talked to staff in Oklahoma. We've heard that the comments were quite positive. Uh, is that telling me that I'm out of time? Ok. The other thing I wanted to bring up is there were also EL questions and answers that we provided and in the staff recommendation they either ignored or disregarded and I wanted you to know that those copies you now have in front of you to demonstrate our EL capacity and I'm hopeful that you'll go through and questions because we have an answer to each and every aspect of the denial recommendation.

Hammond: Thank you Mr. Harris very much. Miss Kelly.

Gaughran: Thank you Mr. Harris. I know call Dr. Mary Grace, Assistant Superintendent of Educational Services, Leslie Coghlan, Director of Pupil Services and Trustee Ryan Ruelas, board member from Anaheim City School District to the podium.

Mary Grace: We apologize. We brought our presentation today. We will make copies available to all parties. Thank you and good afternoon. While we're pulling this up. Good afternoon Orange County Board Members, audience. We wanted to start out today with reminding you about the demographics of the students we serve in the Anaheim City School District as well as the Anaheim Union High School District. 91% of our students are considered to be part of the unduplicated counts for the new local control funding formula. What that makes up are students that are low income, English Learners, and Foster Youth. In the Anaheim City School District, 85% of our students are children that come from low income homes; the range being between 65



and 96 percent at any given school. Our English Learners are 60%. Again the range is between 44% and 73% at any given school. And our Foster Youth are about .27% ranging from 0-1.63%. It's important that we continue to focus on the demographics of the district because they do not match the demographics that EPIC Charter is traditionally shown to be successful serving. If I remember correctly during the public hearing when they presented their demographic data there English Learners were about 25%. So, along those lines we want to emphasize that there was inadequate planning and programming for English Learners. There were no curriculum or time allocations for designated or integrated ELD and just today I got an email from the California Department of Ed reminding me of our obligation to legally serve English Learners and the requirements that we show that they're in a designated ELD and they're also getting integrated ELD. That was a large portion that we had a concern with denying the charter. In addition they have ineffective instructional programming for English Learners due to the online learning and the independent study. We questioned whether or not it's effective for an English Learner to learn English in an online environment. We also had concerns about the budget. Specifically going back to our demographics, the Student Learning Fund. 85% of our families live in poverty and the Student Learning Fund did not support those families being able to not only have the device needed to access their free public education. It didn't include any information about how they would have connectivity. We also had concerns about the Special Ed budget and Leslie Coghlan will discuss that. Also a reminder, that Education 49011 in the State of California requires that students have a right to a free public education. The notion of an online school requires the students to have a device and connectivity and again that was a concern in the budget that was presented to the Anaheim City School District by the EPIC Charter. We also have concerns about access and equity. It's important that you consider the students that actually live in the Anaheim City School District and Anaheim Union High School District attendance boundaries. There are 91% come from low income English Learner or Foster Youth homes. Again, look to the equity and access for students in Orange County. I'll turn it over now to Leslie Coghlan.

Leslie Coghlan: Thank you. Additionally the Anaheim City School District found that the EPIC petition did not provide an appropriate plan for educating students with disabilities. Specifically the petition failed to demonstrate a clear understanding of the requirements under IDEA and California Law, necessary to demonstrate Special Education needs. EPIC Charter School was denied entrance into the El Dorado County Charter SELPA and although they wish to be an LEA of an existing SELPA, they do not have an agreement for membership with an existing SELPA and the Anaheim City School District is a single district SELPA. The petition does not specify how Special Ed services will be provided to students in an online environment and how such an environment constitutes the least restrictive environment for students with special needs. Um, the petition does not include data on protected Special Education costs in their proposed budget and the budget does not sufficiently account for appropriate staffing to provide those Special Education services in the manner required by law. Um, specifically the petitioners budgeted a \$45,000 item for a .75FTE Special Ed RSP OT Speech and Psych Staff Member. For a student body of approximately 300 students which is completely inadequate and does not provide for

other specialists that are necessary to provide a full complement of Special Ed services to students. With the failure to include these specialists we feel that the charter school will unlikely be able to provide for the needs of students with Special Education requirements. Um, the fact that the petition does not have a clearly defined and appropriate plan for educating students with disabilities is particularly concerning to the Anaheim City School District as we have recently approved a charter school that did not have an appropriate complete Special Education plan and we drafted an MOU, a memorandum of understanding with that charter school and presently are experiencing great difficulty on the part of students, families, and staff to ensure that those students with Special Education needs receive the services that they are due under the law. In addition to Special Ed program concerns, the petition fails to specify services and supports for students who are low achieving. I will now turn over to Mr. Ryan Ruelas.

Ryan Ruelas: Besides these many faults with the EPIC Charter School petition, I come here to speak about the faults in three areas in particular. The lack of the appropriate educational services for English Learners, the horrific learning environment for students with special needs that will result in an isolated virtual world, and the unfair Student Learning Fund that sounds great at the surface level but runs contradictory to the California Constitutional Provisions regarding free public schools and equitable access. As an educator myself, we work with many different students from various walks of life. Our students come from different backgrounds, speak many different languages and are from various economic backgrounds. However, we educators in the public school setting are well aware of this and have the appropriate credentials and training to address these needs. After working at Anaheim High School for the last twelve years, this training has proved to be beneficial especially to the students that we serve. When we create lessons framed around language objectives and are cognizant that in every lesson students will read, write, listen and speak at some point. The same holds true for the schools in the Anaheim City School District. This is the only way EL students improve, by talking with their fellow classmates about the subject matter at hand. And as an educator speaking from personal experience often times this is the only opportunity our students have to practice their English language skills outside of their homes in the public school setting with their fellow classmates, at lunch with friends on the playground, etc. In regards to students with special needs, I was one of the first classes chosen in AUHSD to include both general education students and students who are in Special Education. This inclusion model although intimidating at first resulted in amazing gains for our students in Special Education. No longer were our Special Education students isolated and cut off from the general student population, they were part of the classes. They were empowered to take ownership of their own education and were able to socialize with their fellow classmates. Sure modifications in the learning process took place according to the students IEP but it was a classroom teacher in Special Education teacher the professionals who work with these students on a regular basis who made these modifications to ensure that student learning was taking place at the appropriate level. You cannot get that appropriate modifications for students by just offering extra tutoring. And finally, public education is public education and it's free for everyone and is what makes our country so great. However, this whole idea of

creating student learning fun that contains money that students can utilize clearly destroys this idea of equal access and free public education. Just look at what EPIC is trying to create. A free online school that provides students with funds that and their parents see fit to use at their discretion. On the surface level this sounds great. Talk about empowerment. But what if the child comes from a family that struggles financially like many of them in Anaheim City School District do.

Nina Boyd: Your time's up.

Ryan Ruelas: Thank you.

Mary Grace: Thank you.

Gaughran: Thank you Dr. Grace, Miss Coghlan, and Trustee Ruelas. We will now open the hearing for public comments. Each speaker will be given three minutes with a total of thirty minutes. President Hammond, please call for the first speaker.

#### Public Comments

Hammond: Thank you Kelly very much. Madam Vice President.

Lindholm: Yes, we have several speakers. The first is David Chaney.

(Inaudible)

Hammond: This is public comments.

Lindholm: Public comments.

Hammond: Thirty minutes for public comments.

David Chaney: I don't know if this will come up or not but I wanted to put the letter that was referenced hopefully it will here if I can adjust it on the screen from our existing authorizer.

David Boyd: That's the one dated October 28<sup>th</sup>?

David Chaney: Yes, do you have a copy of that?

David Boyd: Yes we do.

David Chaney: Ok. I wanted to make sure if you had a copy of it that's fine. Yeah, if they have a copy we're fine. I just wanna make sure that that was provided. Thank you. And again my name is David Chaney and I am the co-founder of EPIC Charter Schools and thank you for the opportunity to speak to you again today. And late last week when we read the recommendation and the comments from staff while it was disappointing and has been disappointing at every step of the process eh that we've gone through to try to be innovative and provide more choice to

students, it's not that surprising our model is one that doesn't fit neatly into the traditional public education box. And many traditional educators find it very hard to think that far outside of the box. And in Oklahoma many of these same comments were things we dealt with five years ago in starting the school there. Today, many of those same educators refer to our school as innovative, as the most compliant and the highest achieving virtual school in the state of Oklahoma for independent study. As referenced in the letter our sponsor, the Oklahoma Statewide Virtual Charter School Board and their executive director, Rebecca Wilkinson actually rave about our school. But my involvement in the school choice debate, you know as I mentioned the last time I was here, started as a parent. As a parent that wasn't happy with the choices and options that I found out there in the public school sector for my children. And so I decided to uh do something about that and founded and started our public charter school. One of the things I wanted to uh address in my brief time was the whole issue of the learning fund. There's a lot of questions around the learning fund and what the learning fund is. Eh, and access to internet technology. Our students, all of our students that need to get access to internet, get access to a laptop computer, iPad device for free. Ok, there's, I don't have enough time to address all of the misconception about what the learning fund is and what the learning fund isn't. But all of our students that need it we're about removing barriers to access and barriers to education and finding ways to customize the education for each individual child. And that's really what I'm about and what I've dedicated career to now is expanding these choices for families cause I've seen hand the empowerment parents have in making choices that they feel are best for each individual child. A denial here today takes the choice out of those hands of those parents. An approval empowers parents with more choice. I would respectfully ask that you use your vote today to demonstrate like me that you trust parents and believe in choice by approving our application. Thank you.

Lindholm: David Kaserman?

Kaserman: Yes ma'am. My name is David Kaserman. I am Voter Contact Services and I'm speaking as to this part of the staff report invalid petition. Invalid signature pages. I am co-owner of Voter Contact Services and my wife and I personally either collected these signatures or personally supervised the limited number of persons collecting these signatures. I feel a little awkward here I feel like I need to give everyone a sack lunch working through the noon hour but I've only got three minutes here to I feel like defend thirty years of integrity according to this report. I know staff was not being malicious. I submit that they were being inexperienced in reviewing these signatures that were submitted. When I say thirty years I met my wife thirty years ago and I'm not going to tell you my personal history. I will tell you I was a young attorney, a lead attorney and my job was to attack 200,000 signatures submitted to the Oklahoma Supreme Court. That was my job, to attack the voracity of the circulator that collected the signatures or the validity of the signatures themselves. I did not know anything. I was educated in the law but I didn't know about signature collection. For three months I attacked 200,000 signatures and she beat me like a drum. I lost. For the next 20 years, now I was an expert in

petitions, circulating petitions, signature gathering, everytime a signature campaign came up, we knew who to go to. Her name is Lorianne Kaserman. It was not at the time it's now my wife. In this particular case and that's what we're interested in, we have an office here in Orange County. We are California residents. We had a pool at that time of approximately 100 trained and experienced signature collectors. Out of those 100 who chose I believe six for this project. The response was overwhelming. The qualifications were you must be a resident of Orange County. The qualifications to obtain signatures must be a resident. You must have either a background in education. Some of our people are current or former educators here in Orange County. They do it in their off time or they are currently have kids in the Orange County school system.

Nina Boyd: Your time is up.

David Kaserman: Wow, that was quick. Sorry. Take an old lawyer and he talks too long.

David Boyd: Mr. President? I think this is a very significant issue. If we could, if we could ask if he could stay around for a few minutes if board members have questions?

David Kaserman: Be happy to.

Hammond: Be happy to, um, you know I want to pause here for just a moment. It sounds like he's touching on an item that you'd really like to get some, maybe a little more information on. I'm wondering when we're done speaking and with these other people speaking perhaps we can as a board address questions to him. What do you recommend?

David Boyd: Yeah, that would be my recommendation. Let's get the rest of the public comments out of the way.

Hammond: Madam Vice President.

Lindholm: Yeah, um to get to all our speakers. Paul Vargas.

Paul Vargas: Three minutes goes really fast.

Lindholm: Now please.

Hammond: Yeah now. Will you be referring to the handout you just gave us?

Paul Vargas: Yes, yes. I'll wait...

Hammond: We'll hold the time for a moment. Thank you Miss Darou.

Bedell: Why are we doing high school?

Paul Vargas: I'll go ahead and start. Ah, my name is Paul Vargas. I'm a retired educator.

Nina Boyd: Give us just one moment so she can set.

Paul Vargas: I'm sorry.

Nina Boyd: Thank you.

Paul Vargas: Retired educator. I sit on the board of OPA, the number one charter school in California. I'm sit on the First Five Commission in California. I sit on the First Tee. I'm a governing board member for PGA. Served on President Bush's Education Excellence Roundtable. So, having said that I'm all about equity. I'm all about access. And uh, I want you to keep that two words in mind as I speak. I'm a little um taken aback um I say this school EPIC and I said to myself, this school really, really responds to the needs of the kids and the options and choices to the parents. And I'm gonna plead guilty for EPIC if Ben allows me to. Yes, they're guilty of providing a laptop and access. Internet access to kids. Absolutely. That's true. Absolutely true. And why is that? Because if you look at the handout I gave you, Anaheim High School District says that they already provide what we do, what they do. Uh, yes and no. It provides one curriculum and sixteen courses. (inaudible) EPIC provides thousands of courses and sixteen curriculums. Um, and also...

Nina Boyd: Excuse me can you move the mic closer to you. Thank you.

Paul Vargas: I'm sorry. I feel like a lawyer. Um, so eh, you talk about access and equity. We address that issue. The high school district as well intended as they are they don't. How are our kids going to access their online curriculum if they don't have access to internet or computer? So I think that's the crux of the issue here. EPIC provides access, equity, and options. And I'm open to any questions that you may have. I think that's three minutes correct?

Hammond: Actually it's about two.

Vargas: Ok. Well let's continue then. In the supplements I passed out you'll see that uh, that this uh, that bares what, that supports what I'm saying. And once again, the website for the high school does provide an online independent program but it doesn't provide kids who do not have a computer or a laptop or high speed internet, DSL access and we provide that, we do. Uh that's why I'm confounded I'm lost as to why the district as well-meaning as they are would find that to be uh detrimental. Made it. Thank you so much.

Lindholm: Tim Adams. Op, hold on. Have to reset the clock. Thank you.

Tim Adams: President Hammond, Vice President Lindholm and trustees. I'm a Special Education attorney. I've been in practice for over fourteen years. I've represented hundreds of students throughout Orange County, across the street, in state and out of state. I've had cases in a variety of federal courts, night circuit court of appeals, and a petition for fiduciary before the US Supreme Court. I know Special Education. I, some of you are familiar with me. I have lawsuits pending now against school districts across the county. I've lawsuits pending against school districts across the state. I have lawsuits against charter schools. But I like this school.

Ok? And I like this school because it gives parents choice and many of my parents, many of my clients, many families don't have the choice that they need for their student and we, we spent a lot of time talking about the least restrictive environment. We spent a lot of time talking about what's appropriate and no this gives the parents an option to place their child in a program if this child has an increased level of anxiety, concerns about interaction with a large population of peers on a general education campus and most school districts can't offer the type of unique program that's tailored to the unique needs of the child as a as a school like EPIC Charter School. I've seen many of my clients participate in a virtual programs. They can be modified, they can be accommodated, they can be tailored. In fact in my opinion some of, in many cases they are less restrictive than the alternative. You're not pulling the student out of the classroom, taking that a math class or a language arts class to provide education. They're missing these opportunities. You're able to structure the program so we are not losing on these opportunities for education. And you're able to pause if you're in the middle of a math session or a language arts session and go back to it through the staff and curriculum that's provided by EPIC Charter School. Uh, I, I see this as an answer to many of the concerns that my clients have expressed to me about options within school districts. They have very little options. Many people that are looking for a virtual academy have tried brick and mortar public schools. They have tried private schools and sometimes the alternatives are to sue the public school system to obtain funding for a private school education because there aren't any options. So what we're doing is we're giving these parents, these hundreds of family's opportunities and options for their special needs child. This is a parent choice. Nobody is forcing any of these families into a virtual academy. They sign up. They know what their getting into and I counsel parents almost daily about school options including virtual academies. I would love to see a virtual program like this in place. So I, I ask you to approve this petition.

Hammond: Thank you, sir.

Lindholm: Jerry Simmons?

Jerry Simmons: Good afternoon President Hammond, members of the board. My name is Jerry Simmons. I'm a partner with the law offices of Young, Minney and Corr and we represent the charter school petitioners today. Ah, obviously in three minutes there's no way I can do a point by point reputation of all of the issues identified in the staff report. Ok? Um but with that said I wanna share that I'm deeply troubled by the content of the staff report for a number of reasons. First, a number of the items in the staff report were raised previously in your approvals of both Vista and Oxford Prep Academy. Like those schools, the petitioners here agreed in our meeting with county staff to address those minor technical concerns through an MOU. However, the staff report fails to acknowledge that agreement throughout the document which leaves the impression I'm assuming with you that those issues are unresolved. Or that they're more significant than they really are. Second, the staff report includes a number of concerns very similar to those expressed by county staff previously in your consideration of the Magnolia Charter School petition. These issues include concerns about enrollment, parental participation

in board meetings, bylaws provisions, child abuse reporting requirements, complaint procedures for stakeholders of the school. The program for English Learners and the legal requirements pertaining to Special Education. So those last two being hot button points in the discussion so far. As you know however, the Magnolia petition although it was denied by this board based on your staff report this board's action was overturned unanimously by the State Board of Education. And specifically that language in that Magnolia petition if you study it quite similar to the language that you see in this petition before you today. I wanna bring that to your attention. And to see your staff raise many of the same concerns here is a bit like the local judge issuing a ruling that deliberately contradicts a ruling of the Supreme Court. It's not respectful of the rule of law in our democratic society. Third, you're staff report notes a significant concerns a number of issues that are not required to be detailed in the charter petition. Either by the charter schools act or by the recently adopted Orange County Board of Education policy on charter schools. If you have local expectations that exceed the requirements of state law at the very least your charter school policy must contain those expectations so that everyone is put on notice and can comply. The fact that you adopted a county board policy on charter schools and your staff now seeks to deny a petition based on factors not identified in that policy raises fundamental due process concerns. Fourth, it is evident that the staff report and the staff report the staff only included information that supported their recommendation for denial rather than all the relevant information. For example, the fact that staff included academic performance data from prior years but not the most current scores is misleading. The most current scores show growth in student achievement over time.

Hammond: You can finish that sentence if you needed to.

Jerry Simmons: That's ok. Thank you. Appreciate it.

Lindholm: Our last speaker is Karl Yoder.

Karl Yoder: Eh good afternoon. My name is Karl Yoder. I'm the co-founder and CFO of Delta Managed Solutions. Um, we provide back office services for 37 charter schools throughout California. We're California only but eh DMS has been doing this for about 13 years. I've been doing California school finance for 26 years now. So we're very happy to be able to provide the administrative support structure for EPIC as they come into the California education space. Um, I'll keep my comments very brief and like Jerry I didn't want to go through line by line but um two things that I did want to point out. These have more to do with Anaheim's comments just to make sure that the facts are clear. Anaheim had mentioned the Special Education budget only included  $\frac{3}{4}$  of an FTE for Special Ed. It actually includes  $2\frac{3}{4}$  FTE, total cost of \$210,000 Special Ed consultants on top of that so I just wanted to clarify the budget does in fact include sufficient funding for Special Ed personal given schools of EPIC's size and what other charter schools like that in California allocated towards funding Special Ed. And the other one just has to learn with Student Learning Funds and really an online or non-classroom based education in general. Um, that concept, a non-classroom bases education and how to provide Special



Education and EL services to those students is pretty well grounded in California. It's been done for the last fifteen or twenty years. Tens of thousands of kids. We performed services for eleven charter schools serving about 11,000 kids total doing non-classroom based education with Student Learning Funds. So I do think there's questions of making sure that those funds are allocated effectively. But the general concept of can you do this is pretty well established in California and the facts of how other charter schools have done that successfully support that. So I'm available for any questions um but did want to make those couple of points clear. Thank you.

Lindholm: Uh, Mr. President that concludes oh go ahead Kelly, the number of requests to speak I have.

Gaughran: Thank you to all speakers. To reiterate the board has three options. Option one approves the petition. Option two conditional approves the charter school petition pending a memorandum of understanding and option three denies the charter school petition. President Hammond I now turn the meeting back over to you for the staff report.

Hammond: Thank you very much Kelly.

Bedell: Given that Trustee Williams has to leave.

Nina Boyd: Sorry Jack we can't hear you.

Bedell: Oh, given that Trustee Williams has to leave for an airplane perhaps it would be courteous to have him go first to ask questions?

David Boyd: That's fine.

Lindholm: I'm fine.

Hammond: Doc, you got some questions. Yeah I sure do. Soooo

Nina Boyd: Excuse me. A point of reference. Are you gonna take questions before the staff report cause you have in terms of what's on the agenda.

Bedell: I was just trying to honor a colleague.

Nina Boyd: That's fine.

Williams: Ok. Yeah, I'm, I'm pretty clear on where I'm gonna be voting on this. Just one quick question sir if I can have you get up there? Um, it's been brought up by the good Anaheim Union School folk that you're not going to be providing internet accesses as well as computer hardware drives and systems. Is that true?

Ben Harris: No, it's not true.

Williams: Ok, so you're going to be providing that for all the kids in that in the community um in Orange County...

Ben Harris: Correct.

Williams: ...if do want to come to your school.

Ben Harris: All they have to say is that they don't have it and they need it and eh we provide it. We don't do any further investigation beyond their testation.

Williams: Is that free of charge?

Ben Harris: Correct. We actually just as a curious point in the history of our school we have not collected a single dollar of fees from any of our students and families because we see it frankly as something where the juice is not worth the squeeze. The accounting that needs to be set up to collect private money is not something we do at all. So that is a red herring.

Williams: And you're going to be providing connectivity to the internet for the children that are in your program?

Ben Harris: Correct. We deal with the device just like this that we mail to the front door and we do it in their home so they can access our program from their home as opposed to having to go to and be tethered to a building site.

Williams: Ok, the English Language Learners was also a big issue that they brought up. How do you teach to those families and kids in your program that are struggling with English? Is there a particular program for that?

Ben Harris: There is eh Imagine Learning eh is our recommended program for EL students. I gave you a set of questions and answers which was an exchange between staff with specifically with regard to EL. Imagine Learning is the uh online curriculum that we use for our EL students. And what I would also make the point of is we've never professed to be you know, to advertise ourselves as an ideal placement for EL students. But I also think it's misleading to the board to make is sound like all EL students are alike and that all EL students are similar in need. There are types of EL situations in which we are a great fit for. There are other types that we are probably not for. But we believe that parents in those families that know intimately the unique details of the situation are the ones that should make that determination and for those EL students that decide that we are the best option we're perfectly capable of serving them.

Williams: SELPA is an issue that's been brought up. Are you a part of an SELPA.

Ben Harris: We are not currently part of a SELPA however we would obviously have plans to become a member of a SELPA prior to implementation and we would be open to discussing that as making that part of the MOU as well.

Williams: Ok. Um, Mr. President I over all I think this would be a fine program. I like the online learning component to it. I think it would add options. You know whenever you're in the situation where this ethical dilemma where you have two sets of competing values their both pretty good arguments that have been made. But I think um and I have to agree with Mr. Simmons the comments that he made a lot of what the staff said I think can be overcome. I'm going to be, depending upon the time making a motion for option two to conditionally approve this charter petition. My problems are I board a plane soon.

Lindholm: Would you like to make that motion now?

Hammond: Well, I think it would be premature. Unfortunately I understand.

Williams: That's all I know.

Hammond: I know what you said. Um, Mr. Boyd I believe did you have a question? Did you wanna bring somebody back up for?

David Boyd: Yeah actually, I have a number and start at I don't know if this goes to Kelly or Ron. But I just want to clarify that if we approve this charter we are approving the charter for the Oklahoma organization not the local non-profit that has been formed to run this. Is that correct?

Jerry Simmons: You would be approving a charter that would be going to the California based non-profit and what they've proposed in the petition is that they would um be contracting with the Oklahoma based non-profit.

David Boyd: Ok. So we actually have three entities involved then. We have EPIC of Oklahoma, we have EPIC of California, and we have Next Generation Education. Is that correct? That's the Orange County group.

Jerry Simmons: the Orange County group is the Next Generation and that is one in the same as the EPIC California. So you have two entities.

David Boyd: Ok. I guess I need help from Ron? Or Kelly? Cause as I read this, it doesn't look that way. It looks like EPIC is going to be hiring the local entity to run the day to day operations. But the charter would actually be granted to EPIC Oklahoma.

Female Voice: As written in the petition, the charter will be operated by the non-profit Next Generation Education which is a California non-profit. I believe that there's a proposal that the vendor will be the same, for a lack of a, it wasn't management services it was a program basically would be through or in collaboration with the entity that runs that program for them in Oklahoma. So it would be a vendor.

David Boyd: Ok. So what you're saying if I understand this correctly. I thought this what was a rather confusing application, um there are a lot things I like about this application. You know I

like the local board a great deal. I are there any representatives from the local board here? I like the local board. I like the law firm. I like other elements but I have this couple of threshold issues here. The way it looked to me was well actually let me back up. If you're saying we're going to charter the local entity...

Female Voice: Correct.

David Boyd: ...that covers my question and we can move on.

Hammond: Ok.

David Boyd: Ok. Um, now. While you're there. We have the issue with respect to the signatures.

Female Voice: Yes.

David Boyd: And I was extremely surprised that the first time this issue was addressed by the applicant was ten or fifteen minutes ago. Now, as I understand this, this is a threshold issue that in the sense that if they don't have an adequate number of signatures then the rest of the application really doesn't matter. It's not really a judgment call. We often make decisions on whether well it's a good program, it's a poor program, it's a good budget, it's a bad budget but this is they either have a 142 valid signatures or they don't.

Female Voice: Correct.

David Boyd: And if they don't, um, we can't authorize this charter.

Female Voice: It's one of the requirements under the charter schools act.

David Boyd: So, let me say that again. Let's make sure that everybody understands. If they don't 142 signatures, there's nothing we can do regardless of what we feel about the rest of the application.

Female Voice: It is one of the legal requirements for a charter petition.

David Boyd: Alright. I have eh a few more but why don't I pass it down to the other folks while I get my notes in order here.

Hammond: Alright. Dr. Bedell?

Bedell: Are you done sir? Yeah, I uh have a couple, this is my district so I read all these very deeply for but I pay attention, really pay attention to the ones in my area and they've been very few although more recently we have some. I was for the lack of a better word and I really need your help with this. On page 25, 26, 27, 28, 29. I have to say to you with all due respect, why in the heck would I want for my trustee area to take in something A-F report card, 57 D, 65 C,

76 C-, 70 D, 63 and C. Now I understand the charter act in California. I don't know about Oklahoma. The things the charter act in California was to have unique stuff to be learning stuff to help the districts to reach kids who didn't have a chance and now this comes up. C, D, C-, F. There are several districts in Anaheim and bless their soul, they're trying to redress them. How does this help those kids who are already, who are ready in our society. Many of them are victimized because they are poor and (inaudible). How can you suggest F, D, C, D, C-, D, C and say Bedell, please accept that in your trustee area? Help me with that.

Ben Harris: Sure, well it's very easy. The F, D, C, in the letter grades are not indicative of school quality. And very rarely in our...

Bedell: So you're saying, excuse me, 57, 65, 76, make it a number, 70, 63, and 73 are?

Ben Harris: What I'm saying is that the methodology behind those letters has been invalidated by a bi-partisan consensus of academics and policy makers in the state that originated the formula. What I would also say is that when you look at proficiency rates on state standardized tests our performance is better than the current districts that are providing services and then it's a third point I would say that we serve families who have challenging situations similar to the schools in your area. And for those three reasons I don't think although those facts were included in staff report I think those facts are very misleading because they're not indicative of school quality. While I'm at the mic I just wanna say...

Bedell: Well now it's my time.

Ben Harris: Ok. I apologize.

Bedell: Yes, I need Kelly. Help me with SELPA please. How does one become part of a SELPA and can somebody say to you no you're not welcome.

Gaughran: Yes they can say no you're not welcome and (inaudible)

Bedell: So it's possible...

Gaughran: ...to reapply to El Dorado. I don't know the situation behind them.

Bedell: So let me, so we would perhaps a SELPA organized to El Dorado County with a million, in the middle of nowhere in Northern California related to an organization from Oklahoma operating in an Orange County School. Am I missing something here?

Gaughran: Only thing you're missing is that El Dorado does provide SELPA for many charter schools. They like to call themselves a CHELPA...

Bedell: Outside of their county

Gaughran: Outside of their county. That's who visit is with. Vista Heritage.

Bedell: But we have nothing from them that they'll take this.

Gaughran: Only thing I have is in the petition that says reapply. So I don't, that implies to me that they did apply and did not get approved. And I don't know why that happened. There could be a logic reason for that you'd have to ask them.

Bedell: Sure, sure. Ok, could you please on page 18, somebody from the company please. My page 7 of 13 which is 18, it says on page 402 EL's will have access to an online EL curriculum but the petition does not indicate which one. Could you help me? I've taught online and I understand I get a piece of it. Not as well as Trustee Boyd but...how and Kelly I think I need you here too. How do you wrap around, this does not have a site right? We do not have a class site. We do not have a Proposition 39 request right?

Ben Harris: Correct. No Prop 39 request.

Bedell: So how do you wrap around the notion that you're gonna have the local accountability plan that's gonna be ours, right? It would have to be our accountability plan cause this would be our school, how to you wrap around the service of the delivery to the individual child without a site. Help me understand that.

Gaughran: Can I just say one thing?

Bedell: Yes.

Gaughran: They would have their own L-Cap.

Bedell: Right. I'm sorry, yes.

Ben Harris: Well it's actually done through interactions that take place not within a building. Uh although we do have face to face in person meetings in facilities. Those facilities are typically either the homes of the students or they're public facilities like public libraries. And we do have those face to face meetings at a minimum of every 20 days which is the independent study legal requirement but many times those are more frequent on face to face. But the key to understand is what happens between those meetings. Right now Orange County has an independent study program. I don't know if there is EL students in that program but I bet there could be. It's hard to believe with 1,300 students there would be a single EL program but eh what happens between those face to face visits are a series of computer bases interactions that can happen through video conference, email chance, telephone, etc., in which there continues to be language emersion and learning and instruction going on. So that's how it happens. It happens through intense interactions between teachers and students similar to how it does in a building.

Bedell: Could you refresh my memory how we're going to train the parents online for these?

Ben Harris: Well one as far as training parents what we like to do is encourage parents to be involved in the process but we have students in the school whose parents are completely

unengaged. Uh, and although that doesn't happen all the time it certainly is something we deal with and our teachers know that they are responsible to drive the students education and if the parent is involved and will be a helper in that process and an additive that's wonderful. But if the parent is not, they've got to get the ball across the line. So that's very clear in how we run our school in former policies.

Bedell: Thank you. You've been very patient. I'm done for the moment.

Hammond: Vice President Lindholm.

Lindholm: And welcome. I think what we have here from my perspective are some special kids and I think you had a speaker here last time who spoke about having a hundred students that were in hospitals and so very much special needs and probably a reason why they would get a D or an F on some classes. Um, can you tell me some of your target audience? Do you recall that speaker from your last presentation?

Ben Harris: Yes, the speaker was Autumn Stryer. She's Executive Director for Miracle's for Kids. They're a charity that serves kids that are hospitalized; many times for terminal illnesses. But always for long term hospitalizations. Lot of times those kids, some have learning disabilities, some do not. Some are just facing a medical challenge. But the key is that they are unable to go to a school building and they need the school to come to them. They need a very personalized and individualized approach which is what attracted her to our model and brought her on as a volunteer. So that is a key point. Another point is you know between 50% and 2/3 of our kids in any given year come to our school behind grade level so that is another factor that I mentioned earlier that contributes to those A-F report cards but again that they're feeding into a failed methodology. And although our A-F grades have improved year over year I harken back to the proficiency rates because it's more of an apples to apples approach. And I just wanna add because I don't know if I'll be able to get it in there, the notion that we do not have enough signatures is a fallacy and a false statement and I hope I get the opportunity to answer that but those signature were not invalidated to a point where we're below the legal threshold, not even close.

Lindholm: Just following up and I do note you have 526 signatures. Um, I've worked in hospitals and with special needs and it's exhausting for them, for the children, for the patients, it's not like you're taking, let's say you're a star athlete, you're a football player, you need an online class so that you can take your last period and you can perform as a football player. There's a lot of challenges for a lot of people with special needs and children each child is unique. I like that you are meeting those special need options. Not for everybody. It's a choice of the parents. It's a choice of the student. But there are and to go out sometimes for a child who is on chemo, it's exhausting. To be able to use a computer at home versus that is a good thing and gives them hope and a dream. So I'm kinda looking at it from that. I'm also looking at, I appreciate all the information but I'm looking at the Anaheim School District where it says

ok you can have you can do an online program but by the way, you have to have internet access required which is what we've been talking about that you provide or it's available for the library or through public libraries. So the problem with that is again getting a child who has special needs or maybe doesn't want to be, maybe their undergoing physical transformation because of their medical needs, they don't want to go here so it sounds like you're making that particular opportunity for those particular children. Not taking from Anaheim School District as a whole especially for the athletes or the ones who want to take zero period or those things. So I see you meeting those needs. Um, and I think that's kinda a good thing. So I'm gonna be supportive of having it with an MOU. I think there's still questions to be asked. They're very clear. But I think a lot of these of what we have was passed down. There's an item in here that said we investigated but oh by the way we found no criminal wrong doing so why is it even included? There's certain things in the report that I think should have been excluded but uh that's my opinion. I think there's some special children who could benefit from this not all children, but there's some special kids out there this would make a difference in their lives. So I'm gonna be supporting number two with the MOU to see if you guys can get together.

Hammond: Ok.

(Inaudible)

Hammond: I have no questions at this time. There might be some further questions but the chair will entertain a motion at this time.

Williams: I'd like to motion for option two to conditionally approve this charter petition with the details to be worked out in a MOU with the staff.

Lindholm: I will second that motion for the reasons I've stated.

David Boyd: I do have some follow-up questions to the applicant please.

Hammond: Ok. Hang on just a second. Dr. Williams do you have any further questions or comments since you're the maker of the motion?

Williams: I have many but for time and limitations I'd like to keep it short. I have a plane that I have to be on in about two hours and it's at LAX.

(Laughter)

Hammond: We'll it's up to you I mean if you wanna, or do you want to defer to Mr. Boyd.

Williams: Yes, yes sir. I wanna make sure everybody, everybody has their due process.

Hammond: Alright.

David Boyd: Ok, questions for the applicants.



Hammond: Mr. Boyd (inaudible).

David Boyd: Eh included in your package, application package was a bank statement from the Bank of Oklahoma sent to Dr. Mijares and I'll read this one paragraph. Please find the attached copy bank statement for Community Strategies Inc. The financial capacity exhibited on the bank statement will be used in order to obtain the \$500,000 in capital for year one. That was for a working capital loan I assume.

Ben Harris: Correct. And it was in response to a staff question.

David Boyd: Ok. I've got a bank statement. What am I supposed to do with that bank statement? What does that tell me? I mean it tells me that at a certain point in time you had X number of dollars in the bank eh, it doesn't say how many outstanding checks there may be. I mean there could have been zero in this account.

Ben Harris: I think our four perfect audits in the last consecutive years shows that we're very solvent and what we were trying to show with the bank statement is simply that the capacity was there.

David Boyd: Well I don't see capacity.

Ben Harris: To fund the loan. What's the balance on the bank statement?

David Boyd: Two million six but there could be two million seven of outstanding checks.

Ben Harris: About five times the amount...

David Boyd: But there could be outstanding checks of two million seven.

Ben Harris: I'll just let it speak for itself.

David Boyd: And eh we didn't get the audit financial statement so it's...

Ben Harris: Yes you did. Those were sent to Kelly Gaughran. Every single financial audit in our history and I can actually pull the email up and put it on the screen.

David Boyd: Ok, it was sent to Kelly but it wasn't included in your (inaudible).

Ben Harris: Well actually I sent you a summary of the most recent year but...

David Boyd: Ok. Moving on. Cause I know Dr. Williams has a plane to catch. Um, last month you said and I quote, we also provide our faculty very strong professional development program. We have an online university that our faculty can access. And we train for those on an online university we call EPIC University. EPIC University is not really a university at all is it.

Ben Harris: Uh no it's really a nomenclature we use internally.

David Boyd: Isn't it misleading?

Ben Harris: No, it's actually similar...

David Boyd: I find it very misleading.

Ben Harris: There's actually a large organizations, MacDonald's University...

David Boyd: Of course there are but you're in the education field and I think there's a distinction to be made between what MacDonald's might do to train their employees...

Ben Harris: We're happy to change the internal name if it pleases the board.

David Boyd: Well I don't care if you change it or not I just find it very misleading that it was presented that way in the first place.

Ben Harris: Ok.

David Boyd: Ok. Point of clarification on the Magnolia Charter since Trustee Lindholm was not on the board at that point in time. Let me give you a little historical perspective. Um, the board turned down the Magnolia Charter on a 2-2-1 vote. I abstained and the only reason I abstained, I liked the Magnolia otherwise I abstained because I didn't have adequate financial information. So the fact that the state ultimately approved it the state had information available to them that we didn't have and that's just the way the process works. Um, with respect to the signature issues, there was nothing in your written report that even addressed that. Anaheim said there were insufficient signatures, our report said there was insufficient signatures, you know what that's a huge issue in my mind.

Ben Harris: May I speak to that?

David Boyd: Of course that's why you're there.

Ben Harris: It's very simple. The report's conclusion says there are insufficient signature. However the data that they site to support the conclusion contradicts their conclusion. They state that a 106 signature were quote invalid in their survey but they only reached 38 people. So they are counting as people that they could not get ahold of as invalid signatures. That's ridiculous. There's that in no way is a invalidation of a signature on a petition. So if you took the 38 that they actually did. And if you give them the credit which I think is a stretch to invalidate the 38 they found and you multiply that by four, out of the sample that was given, which over 400 were legible, we have two to three times amount of required legal signatures to meet the threshold. So I would urge the board to look below the sound bite, below the conclusion statement at the data because it's frankly a red herring. It is not true.

David Boyd: Well it's true in the sense that they, are you saying that the information we were given was not true...

Ben Harris: Yes.

David Boyd: ...or the conclusion that's wrong.

Ben Harris: I'm saying the conclusion that's drawn is not true.

David Boyd: Ok. Could we ask the local board members to come up?

Hammond: Whatever you like? I know I believe Dr. Bedell has a question too.

Bedell: I have a question for him as well.

Lindholm: And we're just watching time as well.

David Boyd: Well with all due respect we're talking about authorizing a charter that over five years is going to get ten to fifteen million dollars. This meeting was scheduled five or six months ago and you know what Dr. Williams conflict is I don't know but its information I need.

Hammond: Could Anaheim come on up please.

Lindholm: I thought you wanted board member.

David Boyd: Board members for Next Generation.

Multiple voices

David Boyd: I'm sorry I didn't make that clear.

Hammond: Forgive me. So you said board members for EPIC?

Ben Harris: We have one board member that's still here, Alex Arcela. So I'll let him come forward.

David Boyd: If you could, thank you sir. One of the things I liked about this charter was the local board. I don't know who put it together or who recruited who but I was very impressed with the local board members. Was it a situation where you guys got together and found EPIC or EPIC found you.

Alex Arcel: Oh yeah. EPIC found me. I've been friends with Ben for over seven years. We work together here in California and he knew, I have a daughter who's going through (inaudible) public school and you know I thought it was a really great idea.

David Boyd: What about the rest of your board members? Were you the one responsible for recruiting the other board members? Because they're all very good. That's the one thing I really liked about this application. There are local people who are going to be running this is this charter is approved. And the point I would like to make if I can do this diplomatically, this is

your reputation that's on the line and you're other board members. So if we approve this I want this to succeed and we'll do everything we can to help you make it succeed. But um,

Ben Harris: Just for information, Troy Medley, the chairman of our board, actually recruited the majority of our board members and he...

David Boyd: That's what it appeared and you know he's got a very strong business background but uh...

Ben Harris: He had a death in the family or he'd be here.

David Boyd: Ok. Alright. Um, with that I will pass it to Dr. Bedell I guess.

Bedell: Yeah, I wonder if I could have our Anaheim City people up please, the superintendent. I don't want to belabor this but I just wanna, when you, speaking board member to board member, what stood out as the elected representative of the district about what this charter would do or not do to the schools that you presently have and the kids who would be served. It wasn't clear to me the boards view versus, you're (inaudible) very eloquent and very passionate and I respect that. I wasn't clear what the board was thinking. Can you give me a synopsis?

Male Voice: Yeah, the board basically the thought behind it all was basically the services that will not be provided for our students that we serve. That was presented from the data that Dr. Grace, exactly. And you know I was speaking on behalf of my personal experience as an educator in regards to some of the shortcomings that can take place in regards to the EL population. And I do hear what Miss Lindholm argued in regards to the whole issue of helping serve some of the students and I get that. That's a valid argument. But what I don't want to see and what I can easily see this turn into is students themselves being, especially special needs students being isolated in behind a computer screen in a virtual setting. And that's something that we don't want.

Bedell: And was that, was this rejected by your board on a five or seven on that board?

Male Voice: Five. 5-0

Bedell: Was that rejected by 5-0?

Male Voice: Correct.

Bedell: Now from the Supt to staff's viewpoint, uh SELPA. Talk to me about your SELPA.

Unknown Voice: Where a single district SELPA so we just sort of the students within our district. The Anaheim Union High School District is part of the North Orange County

Bedell: Which is a (inaudible)

Unknown Voice: Which is a five or six district SELPA I'm not quite sure. So we are experiencing some challenges with the approved charter. Our board did approve a charter and we did have concerns and we conditionally approved it.

Bedell: Yeah but (inaudible)

Unknown Voice: Yes, absolutely but we are concerned. We have a letter from the El Dorado County SELPA where they were denied entrance into their SELPA.

Bedell: And did they say why?

Unknown Voice: No they did not.

Bedell: Ok.

Unknown Voice: And I we shared that information with EPIC and their response was well we'll just join you and we are our own SELPA so they would need to find a SELPA to join.

Bedell: Can you, do you have the authority to say no to them in a SELPA?

Unknown Voice: Yes.

Bedell: You do?

Unknown Voice: As a single district SELPA yes.

Bedell: You do.

Unknown Voice: They would need to join a SELPA that has multiple districts.

Bedell: Right. Ok. I would like to see, can I have you again please? I really appreciate this cause I'm especially interested in ACCESS. So what happens if nobody jumps in with you on SELPA? What happens to these poor kids?

Ben Harris: Well, we're actually, I'll let Jerry answer it.

Bedell: Jerry, by the way I appreciate your time.

Jerry Simmons: Yes, no absolutely. So uh the school needs to join a SELPA as an independent LEA member. So if this SELPA if they don't find a SELPA willing to approve them as a member this school will not open. It's just that simple.

Bedell: That's easy. That's simple. Ok.

(Inaudible)

Jerry Simmons: Sure. It could be a condition of the, I mean I'm expecting that if the motion were to go through I'm expecting that staff would insist that that would be a condition of the MOU.

Bedell: Sure.

Jerry Simmons: So and just to shed some light on the approval question...

Bedell: El Dorado you mean?

Jerry Simmons: El Dorado or any other SELPA frankly. Typically does not approve an application prior to a charter petition being approved. Um and so, so in this case the petitioner submitted their application to the SELPA in advance of even the district taking action.

Bedell: It's a pig in a poke idea.

Jerry Simmons: So it's sort of a chicken and an egg thing.

Bedell: Sure. Sure. Thank you Jerry. I get, thank you Jerry.

Ben Harris: We felt like going through the SELPA process would be a learning experience and make us better for when we had to get it done.

Bedell: Sure.

Ben Harris: Whether we were successful or not.

David Boyd: Uh one quick question for Ron if I may. Are you?

Bedell: I'm done, yes thank you Mr. Chairman.

David Boyd: I would like to support this. My biggest concern is the signature issue. Could, is it possible to draft an MOU, and they seem very confident that they have the signatures, that would condition the ultimate approval of the MOU to statistically validate that they have a significant number of signatures.

Ron Wenkart: We could come up with some wording. I'm sure we could do that.

David Boyd: Would that be acceptable from your stand point?

Unknown Voice: You've read it.

Unknown Voice: I think it would depend on the methodology used. So I think we would want something more than just hey we couldn't reach the person so therefore we invalidated the signature. I mean I think you know, so I guess...

David Boyd: If we hire somebody like the register of voters hires, you know, when they're determining whether or not they have a significant, a sufficient number of signatures.

Lindholm: I think you can do whatever you need to do to verify. When I was looking through here one of the things it says is they left 35 messages. Well, of course you do. If you call anyone of us we're not home. They're gonna leave a message and that's not counting towards a valid signature so I don't think...

David Boyd: Well but now we have the luxury of having time to follow up on some of these.

Lindholm: Put it in the MOU.

David Boyd: If we're willing to put it in the MOU that the parties would get together and agree on a methodology on how we're gonna do this then I will support it.

Lindholm: Absolutely. I see no reason not to. There's 526 signatures. If they can't get to 142?

David Bedell: 142. Should be (inaudible).

Lindholm: Ah then it's not gonna go through. And the same with any other issues that we had. It has to be for the SELPA that has to occur. They're looking to start, you're looking to start in next fall?

David Bedell: Yeah, so there's plenty of time.

Lindholm: So you have time to do that. So, I'm comfortable with that. And I really, our staff is just incredible, I admire them tremendously and they do a tremendous job so...I'm happy with that.

Williams: May I call the question Mr. President?

Lindholm: It's mandatory.

Bedell: Isn't there (inaudible) from the staff? Or do we admit that?

Hammond: Oh, we kind of like, well we have a written staff report and so the question has been called. Um, Jeff how long would it take for this staff report you're wanting to give?

Nina Boyd: It's just Ron.

(Inaudible)

Hammond: Oh it's just Ron?

Bedell: It's just?

Hammond: Oh it's just Ron, oh.

Ron Wenkart: Um, I'll make it quick cause I know that Dr. Williams has to catch a plane so I won't go through all the comments that I was gonna make. Just to raise a couple of issues that I highlighted is um concerns. One was the Student Learning Fund. The concern was is that for affluent families who already have computers and already have internet access they will get that \$800-\$1000 per student and they can use that to enhance the educational program to buy all kinds of extracurricular activities and services that are listed in the petition whereas the less affluent students cannot because they will need that money for connectivity and for...

David Boyd: The computer.

Ron Wenkart: Right, for the computer. So they'll have less money left over to spend.

Lindholm: But how do you address that Anaheim says you can take these online classes but you have to have internet access or you have to go to the high school library or a public library?

David Boyd: Is it because those are elective courses?

Lindholm: So it's the same...why are you wearing it two different ways?

Wenkart: Well, I'm not completely familiar with Anaheim's program but they would be providing these services to the students. The school district would be providing the computer and the access to them through that program.

David Boyd: If it was a required course.

Wenkart: It would be available. Yeah.

David Boyd: If it was an elective course then perhaps they wouldn't have to do that.

Wenkart: Um, possibly. But as I understand what the school district's doing from the way you described it is that all students who take that course would be able to come to the library and use the equipment so there's no differential among the students.

David Boyd: Is this an issue we could go through on the MOU.

Wenkart: but I don't know for sure...

Lindholm: Yeah.

David Boyd: Can we work through this on the MOU though?

Wenkart: Um, yeah we could...

David Boyd: Cause I'm assuming that they...

Wenkart: We could try to do that, sure.



David Boyd: ...will do what's necessary to comply with California law.

Wenkart: And then the other concern and I'll just say it quickly is that they're meeting in places where they'll be one on one. There won't be any supervision. They won't be in a school building where there's other teachers and other adults around. And so that opens it up to abuse, possible abuse by adults against children.

David Boyd: What type of insurance would they have to have?

Wenkart: Well they would have to have liability insurance to cover all of that and you know I just think that it opens up possibility of a, you read about a lot of cases around the country. We've had a number of cases in the Los Angeles County involving adults who are abusing children and this...

David Boyd: Once again, could we put in the MOU that there will be sufficient...

Lindholm: I think he wants to address that.

Wenkart: Sure.

Lindholm: Do you want to address that?

Jerry Simmons: So the answer is yes we could put it in the MOU and just to be absolutely clear for the record, um, there is absolutely no time where any EPIC employee is going to be alone in a private setting with students and we clarified that with county staff in our meeting with them cause they was a huge issue of conversation. The only time that an EPIC staff member could be alone with a student is in a public place. So for example they were to meet at a public library where there were in fact other adults around and they were in a public place then fine. But if they were going to meet in their home the parent obviously has to be present. Ah, and so certainly we have no concern about the insurance in light of the nature of the program. So, I think these are easily addressed.

Hammond: Ron, anything else?

Wenkart: No, those were the two major points that I wanted to raise.

Hammond: Alright. Motion has been called by Dr. Williams so discussion is stopped. Therefore all in favor of approving EPIC Charter School as so moved with option two and thus through an MOU signify by saying AYE.

Multiple Voices: AYE

Hammond: AYE. Opposed?

Bedell: No.

Hammond: Abstain? Motion passes 4-1. EPIC you're approved.

Lindholm: Can we have a break.

Hammond: Ummmm, I guess so.

### Recess

### Time Certain

Hammond: For the benefit of the record the Orange County Board of Education is back in session from its' scheduled lunch. And with that we do have a time certain 2:00 o'clock that now ten after 2:00 and with that. Mr. Daniel A. King, how are you sir?

Daniel A. King: I'm good Mr. President. How are you?

Hammond: We're doing great. How are your twins doing?

King: Adorable. I just wish they'd sleep through the night.

Hammond: Alright.

King: So I have only one official item of business to report on and it is this. I'm happy to report that with respect to the matter we met in closed session on last time the circumstances have changed such that another closed session is not necessary or appropriate today in my view so I would suggest the president remove that item from the agenda.

Hammond: Ok. I think we can do that. Um, Madam Vice President anything?

Lindholm: No, do we need a motion to remove it? Just consider it unnecessary at this time.

Hammond: I think that's all we have to do is just...

Lindholm: Ok.

Hammond: So.

Nina Boyd: We just want it to reflect that in the minutes that the board will not be moving into closed session since it's not required based on council's comments.

Hammond: Ok um, Mr. Boyd or Dr. Bedell?

Lindholm: No does he have any more comments?

Hammond: Do you have any more comments about anything?

King: Well on a personal level I'd say thank you to all of you for establishing the academy. Um, my single greatest pro-bono commitment as a lawyer was serving as the president of the

(inaudible) special advocates for foster kids up in Sacramento. We spent a lot of time talking about how challenging for those kids to navigate the education system because a lot of what we would see, particularly with special needs the kids who were successful were the kids who had good people on their side helping them navigate a system that's hard to navigate. So, um, I on a personal level I really appreciated that.

Hammond: Thank you. Alright, um well if there's nothing further then at this time I will simply say...go.

Lindholm: No it just um we might need in the future because we have a contract with you, we might need in the future whenever our attorney needs to recuse himself we might need to have continued representation so I'd like to see that in kind of where it flows together easily where we're not to the day before and we need to hire somebody. Just something to keep in mind for the future. I'd like to see us have a policy. Wherever he recuses we're able to have somebody. That's all.

Hammond: Ok, alright. Dr. Bedell anything else sir?

Bedell: On this? No.

Hammond: Mr. Boyd anything?

David Boyd: No, um ready to adjourn if you are.

Lindholm: Can we talk about a couple?

Hammond: We can absolutely talk about some things. Madam Vice President.

Lindholm: Uh there's just a couple things if before we um, (inaudible)

King: Does that mean I may go?

Lindholm: Yes. I think so.

King: Thank you ladies and gentlemen.

Bedell: By, travel safe.

Lindholm: Thank you. I just if we can skip, can we skip around a little bit?

Hammond: Yeah, whatever you'd like to.

Lindholm: I wanted to talk about the math. The testing talking points so that we can get that off the agenda. Dr. Bedell, you have a tentative letter that we could write on the length of test taking in our schools.

Bedell: Right. That's ready to be finalized.

Lindholm: Ok. So let's try and take that off and maybe you can run that by Jeff Hittenberger? And we can get that one out the door. So I'd like to just take that one off. Uh, did you want to talk about security at all? I'm trying to get some off of here.

Hammond: Yes, what we need to do I think is have a request for proposal on those top two items there. Security and executive board assistant position and so since Ken is not here...

Lindholm: Well you could do security.

Hammond: Yeah I, I'd like us to start having security and I think look, the first thing is we're gonna have to ask staff to work with staff to do a request for a proposal RFP. And we should have hopefully something for the board at our next board meeting.

Bedell: Mr. Chairman I'm confused. I have an item and I don't know where it goes on the agenda but I believe it goes uh sort of a derivative of a couple of comments especially the last six meetings that we've had. And that is I would like some kind of discussion, if the Executive Committee would be so kind to do some, I'm not looking for a doctoral dissertation here but we've had a huge interest and a heck of a lot of work done by our staff on charters. And I would, I'm being very candid with you, I was not too happy with the tone of some of the respondents from this charter this afternoon. With all due respect. And it makes me nervous about what they're gonna be to work with and will say that to their face as well as saying it publicly here. That said I wanna be sure when we craft a budget and when we're looking at a budget and we're looking at the work needs of our staff, they're going to be held increasingly responsible for program per se, especially charters. And if you look and talk to our colleagues up and down the state, that doesn't always go swimmingly. And a cue is how is to work with people on doing the MOU. That's really a cue. Because if they're difficult when they don't have it you can imagine what it's going to be like when you've gottem. And so I wanna be sure that we have in our budget the requisite numbers of persons to do...cause we're gonna be stuck. It's a board. We have to our 500,000 constituents we're gonna be stuck. And I think we really need to back up the staff to be sure we have the requisite number of positions dedicated to this to be sure we're not running the good people in the ground and they heaven forbid and it's human they may miss something that blows up later in eighteen months and then there we are and we'll say...I think I just really want to be sure. I think it's the collegial thing to do. I think professionally the thing to do. I think it's the appropriate thing for tax payer's money. And as somebody who is getting a lot of them, if you look where they're coming from, there coming a lot of them from my trustee area. So, maybe I'm being selfish and I'm not as dumb as I look hopefully but I really wanna be sure that we protect our staff and have adequate staff coverage. It may be legal, it may be accounting, whatever. Just the judgment of the staff.

David Boyd: Can I ask Ron a question?

Hammond: Absolutely.

David Boyd: On this topic?

Nina Boyd: Ron's coming up to the podium. Ron we have a question for you. I'll just respond to Jack's comment.

Hammond: Well I was just gonna say real quick. You look brilliant to me.

Wenkart: Sorry if I missed something.

Bedell: It's the stage makeup.

Nina Boyd: I wanted to let you know that we have taken into account all the activity and the number of charters that have been coming before the board and we've had conversations with the Superintendent and he has approved additional positions. Um, Ellin is currently looking at recruitment to add some additional staff to support the chart capacity that has grown. So, that is you will see some changes as we move forward and we'll be dialoging with you about that as those things continue.

Bedell: Well I just want to speak for myself as one board member. I support that idea because I think it's fair and appropriate.

David Boyd: I'm trying to recall what Santa Clara told us that they have one staff member for every twenty charters, does that sound right?

Bedell: They have twenty-four charters at least in Santa Clara.

David Boyd: Ok, so maybe they have twelve, ok. In terms of the MOU do we have a pro forma MOU that covers the major elements we would want involved in the contracts?

Bedell: Boiler plate you mean?

Wenkart: Yeah we don't have a boiler plate. We have a few that we've used. We probably should develop a boiler plate.

David Boy: Yeah if you could. I mean they would always have to be customized depending upon the individual circumstances but I would think that 75-80% of the language might be standard and the board could just approve that.

Lindholm: Yeah, my only concerns I wouldn't want to start from scratch. I'd like to see us go to the California Charter School Association who has been very clear about only wanting to approve high quality charter schools and not coming forward on those that they don't believe are high quality. So uh but I don't want you to go out and do 59 pages.

Wenkart: Oh yeah we can...

David Boyd: On your own. You know I don't believe in reinventing the wheel.

Lindholm: Oh Renee has something.

Renee Hendrick: Ron, we do (inaudible)

Wenkart: Oh you do.

Nina Boyd: Renee, before you, waits 'til you get to the mic.

Renee Hendrick: That is the model we have used and then basically Kelly has been editing that based on the specific needs and so I think there's a little bit of difference between a countywide charter and a district (inaudible) hear on appeal. But that is what they are using is the (inaudible). Yes.

David Boyd: Could you send us a copy of it?

Hendrick: I think it will be different. We can send you I think Heritage, uh Vista Heritage is probably about more than (inaudible).

David Boyd: Even a blank one, I'm mean you know to say this is the language we always use.

Lindholm: I'm looking at this going I think we could postpone everything. You had a motion to adjourn so...

Hammond: Well, do we, well ok. I guess we can.

Bedell: What about a motion to table the remaining items and then adjourn?

Hammond: That sounds good to me. Would you like to make that?

David Boyd: Sounds good to me.

Bedell: Well I made it. Have you recognized it?

David Boyd: Yes. That means it would just automatically carry over to the next meeting. I don't have to email you again you know.

Hammond: Thank you, yeah it's. You know what I will second that motion and you know what? We're adjourned.