

Orange County Board of Education Meeting October 14, 2015 Transcript

Welcome

Call to Order

Hammond: Alright. Welcome everybody to the Orange County Board of Education and as we now do we read a little bit to get the meeting going. Our regular meetings are held each month at 11:00 am as a general rule. Any person wishing to address the board on any matter whether or not it appears on this agenda ah we ask that you complete a request to address the board card and they are available on that table there in the back. Um, if you have any questions, staff is here to help you fill out those cards. Um, when you do fill out those cards you're allowed 3 minutes or up to 3 minutes to speak, uh, and you're not unfortunately able to give your time to other speakers and our total time right now allocated for public comments is 45 minutes. We do ask that all persons be remindful the fact that this is a public meeting and should be respectful of each other and we would ask you know no verbal outbursts and anyone deemed to be disruptive can be asked to leave pursuant to penal code section 403 and all board agendas are posted online at the Orange County Department of Ed's website. And we do thank you as always for attending our board meetings. And with that for the benefit of the record this regular meeting of the Orange County Board of Education is called to order. And to get things going ah, of our invocation led by Pastor Ryan Zeulner, Mission Pastor Grace Fellowship Church right here in Costa Mesa. Pastor Ryan, would you lead us please sir.

Invocation

Ryan Zeulner: Thank you board. Pray with me. Dear heavenly Father, we pause to remember that you are a good God. That you care for us eh the daily things, the lifelong things that you sent our son to redeem us. We pause now to take a deep breath to look forward to this time and all of the different things that will be brought up today. Lord, give us wisdom and give us peace. Help us to see the value in all of mankind, in every child. And help us and direct us and guide us. In Jesus name I pray, Amen.

Group Voices: Amen.

Pledge of Allegiance

Hammond: Alrighty. And a Pledge of Allegiance, gosh, Mr. Superintendent would you do us the honor and lead us in our Pledge of Allegiance?

Mijares: Yes, place your hand over your heart please. Let's salute our flag and our country. I Pledge Allegiance to the flag of the United States of America. And to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Roll Call

Hammond: Alright. Roll call. Darou, would you call roll please.

Phouangvankham: Trustee Boyd?

Boyd: Here.

Phouangvankham: Trustee Lindholm?

Lindholm: Here.

Phouangvankham: Trustee Hammond?

Hammond: Present.

Phouangvankham: Trustee Bedell?

Bedell: Here.

Phouangvankham: Trustee Williams?

Williams: Present.

Introductions

Hammond: Alright. Introductions. Miss Nina do we have any introductions today?

Nina Boyd: We have no introductions at this meeting.

Hammond: Ok. Before we get going on that I noticed it seems like Sharon somebody's walking wounded here in the second row so, I hope you're doing much better.

(Inaudible voice)

Agenda

Hammond: Alright, agenda seeks a motion in regards to the agenda please.

Bedell: I'll move approval of the agenda and with respectfully request that items 18, 19, 20 be moved to the front so we can dispose of them finally.

Hammond: Alright. Been so moved. Is there a second?

Williams: Second.

Hammond: Seconded. Alright, any discussion? Dr. Bedell.

Bedell: No I just think it's the public deserves those items have been there, eight depends upon which ones you're talking about. 6, 8, 10 months. The ideas at least. We need to dispose of them.

Hammond: Ok.

Lindholm: Uh, further comments Mr. President.

Hammond: Absolutely.

Lindholm: Uh, two items. One is the item number, um let's see, 16, um, there's an error in the staff report that says it was brought by President Hammond um as written it is actually coming from um board member Williams. I had a little correction to it so that needs it's it's ah, just needs to say Williams at that time. I wanted to add some time limitations on it.

Bedell: (inaudible) Ok so that will be when we get to the document itself, is that?

Lindholm: Yeah.

David Boyd: This is number 16?

Lindholm: Its number 16.

Bedell: So number 16 is delete the slash Lindholm parentheses.

Lindholm: Yes and then when you go to item number 16 it actually says Hammond. Laughter.

Hammond: That's on page 149 she's referring to so...

Bedell: Sure.

Lindholm: So it's kind of just a an error in the presentation of the of the whole thing. Um and then item on the close session item, um, we might want to either keep it or not as we go forward in discussions. So just, just a note on that as as as we move forward.

Hammond: Ok. Um.

Lindholm: And you've made a motion that includes moving those three items.

Bedell: Yes. To dispose of them, yes.

Hammond: Ok.

David Boyd: I have one minor correction on the minutes. On page one on the...

Hammond: But we're not on the minutes yet we're still on the agenda.

David Boyd: Eh this is the agenda, I'm sorry. Eh the as part of this agenda approving the minutes for the last meeting it was actually a special meeting not a regular meeting.

Hammond: Thank you Mr. Boyd. Alright. Um, parliamentary questions I'm going to ask. Ron I'm going to defer to you on this. Since uh Trustee Lindholm made the suggestion of um of changing or you know or say correcting eh that one item, eh, item 16 um do we need to so amend the motion to approve the agenda or how do you recommend sir?

Wenkart: Um, yeah, I would amend the motion, (inaudible) that might be the easiest way to do it.

Hammond: Will the maker of the motion agree to that friendly change by Trustee Lindholm?

Bedell: I'll move to move items 18, 19, 20 forward and delete the word Lindholm after item number 16.

Lindholm: And then correct the staff report.

Bedell: Yeah.

Hammond: And then correct the staff report.

Bedell: Umhum, that would...ok.

Hammond: Will does the second of the motion agree.

Williams: Absolutely.

Hammond: Ok. Sigh. Any other discussion? Hearing none, all in favor of adopting the agenda as moved signify by saying AYE.

Multiple Voices: Aye.

Hammond: Opposed? Motion passes 5-0.

Minutes

Hammond: The chair seeks a motion in regards adopting the minutes of the Special Meeting of September 28th.

David Boyd: I'll move.

Hammond: So moved. Second?

Bedell: Second.

Hammond: Second with the change of regular to special as well. Any other discussion Mr. Boyd?

David Boyd: No sir.

Bedell: (inaudible)

Hammond: Alright. All in favor of accepting the minutes as moved by Mr. Boyd signify by saying AYE.

Multiple Voices: Aye.

Hammond: Aye. Alright. Ah, moving right along. Miss Nina I'm assuming that the there is no new charter submission?

Nina Boyd: There are no new charter submissions indicated.

Hammond: Ok. Then in that case then we will jump right into public comments and Madam Vice Chair?

Public Comments

Lindholm: Ok, um, we have 30 minutes at this time for public comments. We retain 15 minutes at the end of the board meeting for other comments. If you are here to comment on a specific agenda item, please note that when you turn, turn in your card. Uh, what we have now are some people who would like to speak on SB277 and we have 2 people who would like to speak on Common Core. So I'm going to put those together. We may not have time for all of you at this time but we will call you up and you will have 3 minutes to speak. So this is the order; Mark Brown. And you have the timer, Miss Darou, laughter. And you will let 'em know when their time is up. Welcome.

Mark Brown: Yes, hi. Uh, thank you for taking the time to listen to me today. Uh, my name is Mark Brown. I'm the son of an 11 year old boy, his name is Joshua. He's diagnosed with autism. He's been in the school district now his entire life since pre-school. And I would like to say um I chose to live here because of the quality of education. And all of us have behind us quality education. I feel this is some of the finest schooling we can get in a public school system so I'm very happy that my son is in the school system here and in general he's been treated very well and gotten the help and care that he needs. So I greatly appreciate that. I think all of us are unified and we care about the children and that's why we're here today. So I have some concerns I'd like to raise and unlike some of the previous folks I'm not really here to talk specifically about SB277 because it's obviously outside the jurisdiction of this group. This is something that is up to the state legislature. So, just very quickly um I would like to state though that uh SB277 does not prohibit a student with an IEP such as my son Joshua from accessing Special Education and related services and this is in conformance with Federal Law under IDEA and FAPE. And when the California State Legislature crafted this law they were very careful to to not step on the rights of a student with an IEP. So if go and do some research on this which I have, the California Department of Public Health is charged with issuing regulations and giving

guidance to schools about SB277. The OC Board of Education is not the authority on the subject. The California Department of Public Health is and uh the legal opinion of your attorney or the OCBE is not the final word and it's also very clear that federal law trumps state law. So I'd like you to consider all of this uh through this process. And I was a bit disturbed when I saw the memo that was issued by the attorney and it says, I'll read it; "Our office interprets this provision as meaning the Special Education students must be enrolled even if they are not vaccinated." Uh, but Special Education students are still required to be vaccinated and the parents of Special Education students need to comply with the bill. Uh, its' interesting that the language of the bill doesn't call out any penalties or remedies. It's a very poorly written bill. You know unlike if I exceed the speed limit I get a speeding ticket. Right? I shoplift something I'm subject to penalty for that. So unfortunately there's no penalty so fortunately the California Department of Public Health has stepped in and if you go on their website they have frequently asked questions for those of us who are wondering well what's going to happen here. And it does say clearly uh California Department of Health FAQ site says that the bill removes immunization requirements for access to Special Education or related services specialized in an individual education program. So I think that by issuing this memo I believe this board has spoken out of turn, it's not really your place and I think you should reconsider this. Thank you.

Hammond: Thank you sir very much.

Lindholm: Gloria Pruyne?

Hammond: Welcome back Mrs. Pruyne.

Pruyne: That's ok, I've been called worse.

Lindholm: Sorry.

Pruyne: I'm usually called Prune' or Pruny or who knows. Laughter. Well good afternoon, morning. Good morning Superintendent Mijares and um President Hammond and honored school board members and and again you are appreciated. Your time and loyalty and and as the gentleman said, we are all here because we care about the kids. I'm talking about California State requirements when adopting Common Core. And these are just notes I pulled together from various sources. California State requirements. States are required to adopt 100% of the copyrighted standards word for word. States can add no more than 15% of their own content that will not be on national test. The states that applied for RTTT funds were awarded points for satisfying certain educational policies including adopting performance based standards for teachers and principals complying with Common Core Standards, national assessments, P20 integration; pre-school to work, and building data systems. The Federal Government mandated that the states that signed up for Race to the Top to adopt Common Core English and Math Standards as of course you know. Sign up with one of the Federal Governments assessment consortia, create a data system and share the results with the Federal Government through the assessment consortia SBAC or PAK and implement a state-wide teacher evaluation system.

National standards will be locked in by the tests students must take called Standards which in turn are tied to teacher evaluation. The Standards instruct the teachers what to teach so their pupils can pass the test and teachers can get positive evaluations. The US Department of Education informed Iowa that it would have to implement a state-wide teacher evaluation system if it hoped to receive a waiver. The Iowa state legislature has not vested the State Department of Education with the authority to mandate such regulations on their school districts. Nor were they about to; therefore, Iowa cannot meet the Federal Governments conditions for the waiver. Common Core Standards drive the testing. The testing drives the curriculum. Bill Gates: when the tests are aligned to the Common Standards, the curriculum will line up as well. The DOE shall not be involved in developing, supervising or controlling instructional materials or curriculum. I respectfully request that my comments be photocopied for each board member. Thank you.

Hammond: Thank you Mrs. Pruyne very much. Who's next?

Lindholm: Uh, Lisa Heyrend? Welcome.

Heyrend: Good morning. I have some handouts I'd like to distribute if possible.

Lindholm: Would you give them to the clerk please? I'd appreciate that.

Heyrend: Thank you.

David Boyd: And you can do that after your comments if you like.

Heyrend: Ok. Um, I'm here today and I would like to start out by apologizing to all the board members for some of the behavior of some of the people that attended with us on the 28th. Um, you know, there's a lot of controversy about this bill and there's passionate people involved and a lot of opposition that want to see us fail. Um, anyway, so Juli Stockstill is here and I have attached here an apology letter from her that I would also like to distribute. So, we've been told that this bill in place is to prevent future outbreaks in the school district, in our children's school. Um, there wasn't any reported cases of any children with any measles um by any school, any district. Um this law is flawed and it's not going to do what it promises to do. Um we're asking to retain our right to informed consent. Vaccine injury is real and I believe that we are the owners of our own bodies. There are side effects to every pharmaceutical drug. That needs to be taken into account. I realize that these school districts and the board is not in charge of the law. You didn't put this law into place. You're just following it. However, we entrust our children everyday that we send them to school. We are the parents of these children and our opinions and our rights should be acknowledged. I'm just not sure how we could work together to come to some sort of compromise or resolution on how to move forward here. Parents are not going to go out and vaccinate their children. That concerns me. What are we going to do with these children? We need to work together. Somehow some way we need to come together. Parental rights are so important. If we start taking away parental rights at any level where does it end?

You know, I'm just not sure what to say here today but it is such an important issue. Parental rights trumps everything. I don't think we should sacrifice one child um whether that's you know one in a million that they talk about, why should I sacrifice, if that's my child, it might as well be you know, I might be the hundredth percent! It's not one percent to me. If my child is injured because I want him to go to school and I decide to vaccinate him, which which I do by the way, but if I want him to go to school and I should choose to vaccinate him and something happens, who is going to help me? The pharmaceutical company? They're not. They don't have any liability here. Is the school district going to pay for my child's care? They're not. I mean, what recourse do I have? The 250,000 cap out limit through the vaccine court that is very hard to prove? I have healthy children. I don't want to pull them out of school. They should be able to go to school with their classmates. They love their school. How do I explain to my child? Thank you. Can I distribute this here?

Hammond: Thank you. Please.

David Boyd: Yes you can although I don't see any reason for an apology. I mean, there was nothing that went on at the last meeting that I felt was out of line or in the parking lot either for that matter.

Hammond: Well I wouldn't know about the parking lot.

Lindholm: It's not agendized. So I'm gonna ask you to, thank you. Um, Juli Stockstill.

Hammond: Thank you Renee very much for helping her.

Lindholm: Thank you. And they will distribute that to the board members.

Stockstill: Good morning. Well I'm Juli Stockstill and I'm glad you didn't feel that there was anything major Mr. Boyd. But I wanted to come this morning to address the board. On September 28th you know I got up to speak and I wanted to apologize for my actions of approaching the bench. I was unfamiliar with the formality of these meetings. I had never been to any of these meetings before. I've never even been to court before. So I I'm in no way of making an excuse obviously but um you know I was nervous, emotions were running high and my my my time was up. I had a red light going and my goal was really to expedite and efficiently hand each and everyone of you copies of the law. You know when Mr. Hammond requested that I give them to the secretary I really thought that he was trying to make it easier for me so I I definitely would never want to demonstrate disrespect at any level at any of you. Um, you know you all are so important you know for our children's um, you know, education. And you know I want to thank you in advance for just your patience, your understanding, we're all trying to learn and you know definitely wanting to work together. And you know I thank you for your effort and your time and the work that you do obviously. Um, and I just want to make sure that there you know is a verbal apology from myself um and I in no way would want to jeopardize our opportunity to continue to work together. You know, um, you know, on any level

that would possibly can to again like Lisa says to navigate through the law and the logistics and you know just hopefully work together on a very respectful manor because you definitely have my respect and I just wanted to apologize for that. Thank you. Thank you for your time.

Lindholm: Shanda Lobatos? I did not say it right. I'm so sorry.

(Inaudible)

Lobatos: Good morning. My name is Shanda Lobatos and I'm a mother as I've told you guys before and I'm also provide intervention to children with disabilities. I've worked as a behavior therapist. I work as a behavior supervisor. I work as a program consult eh consultant with parents with children within their homes today. I also provide training for staff members that work at adult facility. I am here today because I have severe concerns about this law that has removed the rights from me as a mother who has a child who has a disability. I have a disability. I had symptoms of adversive reactions. I had seizures as a child and as I understand it from my research, because now all I have to do is read, is that I shouldn't be vaccinating my children. Now the senate has said you know what you guys, we're going to remove all of your rights because of an outbreak that occurred at Disneyland that didn't happen in the schools and you're going to have to vaccinate your child. You cannot do a delayed schedule. Now my children are partially vaccinated. But when I took my 4 year old to start his vaccinations every 2 months and they wanted to plow in 4 shots in his body, I said mentally, being that I have my masters in Psych, isn't that going to create some type of trauma? Post-traumatic stress? Anxiety? My 8 year old lives with anxiety. So I'm starting to question the procedures that are being done to our children while removing our parental rights. Being that I work with children, they now pass 792 to enforce the flu vaccination. The flu vaccination has a high level thermo Sal which over time destroys your neurological connections. These laws are being put into place without communicating with the community and putting our children at risk. I'm not saying every incident is correspondent with a vaccine injury but I'm saying if there's a liability that there must be a choice and that isn't being perceived right now. When I started with working with children and autism back in 1999, the rate was about 1 in 50. Today it's 1 in 48. That means 1 out of every 2 classroom has a child with autism. We're not talking about any other disability. They say by 2025 it's going to be 1 in 2 autistic children. There are many studies to correlate this information but it's not being let out. I want to end you with, I brought a letter from a nurse who wasn't able to come. She spoke to her staff. I have the CDC schedule and I also have some references that some brief references that I can pass out so that you guys can research it. Thank you very much for your time I appreciate it.

(Mixed voices)

Lindholm: Amber Booy? And I know I didn't get that one right either.

(Voice from the audience)

Lindholm: Oh yeah! Welcome.

Booy: Well good morning. This is my first time speaking here. I'm a little bit nervous. But I just wanted to show a picture of my kids that we're talking about. This is my daughter Brielle. She's 4 years old. Um, she was born in a rural village in China. She was abandoned there most likely because of her physical disability and um had she stayed in China she wouldn't have been able to go to school and that is because in China there is this superstition of perceived contagion when a child has a physical disability they're seen as unlikely and so they don't want that bad luck to rub off on other children. And so she wouldn't have been able to go to school there. Um, she was assigned a random birthdate um because she was abandoned in the street they didn't really know of March 2011. And um how this effects our family is that um right now I'm seeing SB277 is very arbitrary. Um, I have been trying to get her um in Transitional Kindergarten class um to be able to get a personal leave exemption on the record so that she can attend school. And um unfortunately because she has this March birthday and she doesn't turn 5 until March she isn't able to go. AB104 permits children to go to Transitional Kindergarten as long as they turn 5 before the end of the school year. However, I've been calling every school, every charter school, everyone and they are saying no we're going to stick with that December cutoff date. And I realize that's because the schools don't get their ADA money until the 5th birthday and um so that's kind of frustrating that I can't get her grandfathered in just like her sister. This is her sister, Ellior, she's in Kindergarten right now and she goes to school in IUSD and really the only difference between these 2 kids is their randomly assigned birthdate and Brielle actually has more required vaccines than Ellior does however, she's the one that's not able to go. And to be honest, I'm going to pull Ellior out of school too because I don't agree with the Common Core teaching that she has so I'm really interested in home schooling them but I want to do a hybrid program where they can still experience field trips, and group projects and music and these sorts of things and I'm afraid that because of the perceived contagion in our country now this is unable to take place.

Hammond: Thank you very much for sharing.

Booy: Thank you.

Lindholm: Susan Borne?

Borne: Good morning. Thank you again for letting us come and speak to you. Ah, I wanted to share with you a little bit today about the parents of the children who are affected by this law so that you can understand a little bit the proponents of the law suggest that by removing the right to make any exemption other than medical to the mandated vaccine schedule that the remaining parents with exemptions on file will fall in line, fully vaccinate their children and then everyone will be safe from disease. And there's several parts of that that we could talk about but what I'd like to tell you about today are those parents who've made that choice. Because the success of this bill is predicated on the idea that those parents will abandon the reasons that they chose to

fill exemptions for their children and go ahead and vaccinate them. And the media portrays those parents as careless, self-absorbed, vacuous, individuals who whimsically follow the advice of a B-list celebrity or a vaccine study that claimed to link autism that was long ago debunked. And that really does not represent those of us who've made alternative choices. Most of us have very principled reasons for choosing alternative vaccination schedules for our children. Many of us only opt out of certain vaccines and our choices are based in logic, and reason, and more importantly, ethics and morality. Some object to the government mandating anything medical for their children. They think that you head down a dangerous direction when the parents roll as decision maker for their children is removed and given to the government. Some have ethical objections to vaccines. Some people have a problem with vaccines that are cultured in aborted fetal cells. And several still are and future research, right, this whole Planned Parenthood thing that's going on, all of that medical tissue make no mistake where that's going. That's going to drug research including future vaccine research. And many others used to follow these mandates to the letter of the law until they themselves or one of their children was permanently damaged by the vaccines. So my point to you is, assuming that this law will convince parents to change a decision that was based in sound ethics and their own personal morality is a mistake and just so you don't think I have enough time to give you all the numbers, but if you look at the state statistics for how many children have exemptions on file in the public schools its 5,200 and in the private schools its 5,200ish in Orange County. And these are only registered for pre-school and daycare. That number's complete but they collect statistics at Kindergarten and again at 7th grade. So understand this leaves 6 primary grades and 5 secondary grades out of the numbers. And of those statistics if we assume \$30.00 per day that the school receives and the 180 day school year that Orange County has this year, that's \$28 million dollars in lost revenue for public schools if all of those parents pull their kids out of school. And if we assume that the parents with kids in private daycare and private education spend \$10,000 a year on their education which is low, in Orange County let's be honest, that's how much you might pay for pre-school but it's more like 15 or 20 thousand dollars. The low end would be \$52 million dollars in lost revenue in those schools. And I think those numbers are stat...are significant and are an important piece of the pie and so as you can see it's a nuanced issue and we'd just like some time in the future on a particular agend...have an item on the agenda or perhaps a special meeting to talk to you about it in more detail. So, thank you for the 3 minutes today. I appreciate it.

Hammond: Thank you for speaking.

Lindholm: Thank you. Jennifer Watson? Welcome.

Watson: Hi, thank you so much for allowing us to speak. Um, I am a mother of a daughter that is in the CAPO Unified School District. She's in the 2nd grade. She loves her school, she loves her friends a she's been attending there since Kindergarten. They talk about how they're going to be going to high school together. And I am now because of this law left with having to explain to her that I'm going to need to pull her outcome 6th grade for her since her school only goes to 5th grade. And then I'm also um, my husband and I are left with the decision of do we

pull her out sooner so she doesn't continue with these friends and continue to make friendships and continue, you know, so, we're left with tough decisions. We're also considering moving out of state. We do have a business, um, we don't know how we're going to restructure our lives staying here. If I need to stay home to home school her through 12th grade. Excuse me. There's there's a lot of difficult decisions that we now need to make. Over what? Over a measles outbreak? I just want to bring to your attention regarding the measles outbreak. It was 136 cases out of 38.8 million people in California. That's a drop in the bucket. And that's what this law, why they decided to pass this law. And prior to this law the same senator passed AB2109. That law required every dose, if a parent were to opt their child out of even one dose it would have to be approved by their doctor. Now this law has removed that right completely. Even if a doctor agrees that we should be able to opt out of even a dose but they do not write us a medical exemption which is very difficult to get. We must home school our children. Even if we choose to opt out of something like Hepatitis B, when children with the disease are allowed in school. So if I don't want to give my daughter the Hepatitis B vaccine and she doesn't have the disease, she's now left treated as leper. And she's ostracized from her community, from her peers. Um, when her own parents received a third of the vaccines that her children her age are supposed to receive. Her grandparents received less than a 10th of the vaccines that children her age received. We weren't treated as lepers. We weren't looked upon as a risk to society so why are these kids? We're talking about 21/2 % of children in public and private school that use these PBE's and that and that can mean just opting out of 1 dose. Um, California Department of Public Health has stated that we have surpassed our goals for 2020 for 90% coverage throughout the whole state. They have said that we have all time high levels in California. Where's the risk? Are we really at a public health crisis? The California Department of Public Health did not deem the measles outbreak a public health crisis. Another topic that Senator Pan brought up was whooping cough. (buzzer went off) Oh, sorry. Am I out of time completely?

Hammond: Yes ma'am.

Watson: Ok.

Hammond: Thank you for sharing though.

Watson: I would like to pass these if I can.

Hammond: Absolutely.

Lindholm: Please do. Christina Johnson? Hello!

Johnson: Good morning. I'm a little nervous, I've never done this before. I'm coming to you as a mom. I have a 6 year old, a 4 year old and as 1 year old. My 6 year old when he was 2 months old he was given a vaccine that one time. Immediately extremely irritable, crying, fever. Within 2 days he was clenching his fist and tightening his jaw. Eyes were rolling back. I would explain this to his pediatrician and she said oh that's just something he's doing. We'll keep an eye on it.

By the time he was 3 years old he had no speech and he had sensory processing disorder and then full blown autism by the time he was 5. (crying) I believe that vaccine has caused this. I watched it my husband and I both. I have a 4 year old little girl who um would be going to Kindergarten next year who's not vaccine, we've not been giving her vaccines and I feel it could be a genetic predisposition. If it happened to him it could happen to her. So now I'm caught between a rock and a hard place. Do I vaccinate her or do I home school her. I don't know what to do. I'm at a loss. (More tears). The only thing that really makes me uncomfortable is how open ended the law is. They don't, they can add any vaccine that they wanted at any time. You know and that scares me. Also if I wanted to opt out of one you know like so many parents that I know. They vaccinate them. Maybe they opt out of one. They no longer have that choice. They're considered not vaccinated now. So again just coming to you as a mom that doesn't know what to do. That doesn't see the reason in this law. I beg of you to please reconsider what this ah would in Orange County you know there opinion of this law. That's all. Thank you so much.

Lindholm: You take care. Ah, Caroline Brooks? And Darou you're keeping track of time? Thank you.

Nina Boyd: This would be the last speaker.

Lindholm: Uh, ok.

Brooks: Thank you very much for making the time to hear all of us today. As you can tell this is a extremely emotional topic to talk about anyone's kids. They can break down in tears including myself and I'm going to try not to because every time I think of this law, every time I think about all the children who have been injured from vaccines, every time I think about even the children who not super injured, just a little bit injured, how their life has been effected it really makes you emotional and ah, this law has taken more of a toll on my life than taking the bar exam. Then starting my own law practice. Um, all of that seems pretty easy compared to the position I find myself in. I think about growing as a person. I think about what I've been my whole life. I'm just one of those people who likes to play within the rules, I do, and I like when people pat me on the back and say good job and I like following the rubric and I like being that it makes me feel good as a person and to find myself on the other side of this issue and not because of emotion. Since this law has been passed I researched on top of running a law practice and having a 9 month old son I research 2-3 hours a night about vaccines. Their their ingredients. And their effects and um what they do and I I've found myself thinking oh my god, ok, let's think about me as a person. Ok. So I was fully vaccinated as a child. And I suffered from severe asthma, severe allergies, severe anxiety my whole life up until now. Only reason that I'm not stuffy this morning because I was outside due to allergies is because I have tons of adrenalin coursing through my body. But my whole life people would say to me, Caroline are you sick, Caroline are you sick? And I thought to myself, no, I'm not sick. Please stop asking me. Just sounds like it. So I was watching a documentary ah last night with has a bunch of (inaudible) documented

science articles, they're the real deal, and someone was ah speaking about epigenetics and how it's a relatively new field and the science in this area is just unbelievably interesting and I have a background in science and so for me it's learning about is actually quite fun. But I read that in a study there was some vaccinated babies and they got their regular doses at 3-5 months and epigenetically after the samples were taken and the proper test was (inaudible) it showed that 33 allergy genes were turned on and I think over 60 asthma genes were turned on. But it made me think about me, about my son, about all the things we don't know. If I was predisposed to this and it could possibly be related to the fact that I received all my vaccines I don't want my put put my child through this. I don't want him to suffer in any way, shape or form. And the perception out there that people who don't vaccinate are careless or reckless and like they said, you know, they don't base things on science that's absolutely not true. I do everything I can to keep my son's immune system strong I have research on the hilt on how to boost his natural immunity. I work full time. I still nurse full time. I put in everything, all the effort I can. He is the healthiest kid in his daycare and he is not vaccinated. Thank you.

David Boyd: Thank you.

Hammond: Thank you.

Lindholm: Thank you.

Hammond: We have time for one more cause I know 3 people didn't quite use up all their 3 minutes.

Nina Boyd: We have (inaudible) time. We started at 11:14 so we've done 30 minutes of Public Comments.

Lindholm: Ok. Um.

Hammond: Well I know we started at 11:14 but when you count 30, to me 30 minutes means giving 30 minutes of actual public comment not like the 20 – 30 seconds between each person walking on up. Cause that's not public comment. So, I'd like you to call the 11th person please.

Lindholm: Ok, um, let's go ahead and call a number 11 and that will probably be out last one.

Hammond: Yeah.

Lindholm: I'm sorry for the rest who didn't weren't able to speak. We we're holding all non-agenda, and don't time me on this, all non-agenda items to the end of the meeting if somebody wants to stay here and speak on those. Uh, that would be Somer Garcia. Welcome. And you will be our last speaker.

Garcia: I'll be quick. Uh my name is Somer Garcia and I live in Ladera Ranch and we are in the CAPO School District. Um, I'm very nervous so I'll make it quick. I never thought that I would be a public speaker but I never thought I'd be a medical rights activists, a home school mom

either. But um, I have two vaccine injured children; one with autism that we are trying to recover. I've accrued tremendous amount of debt trying to recover my boys out of pocket and will not consider more vaccinations for them because of it. Um, for this reason um, I have decided this year to take my two older boys out of school. Out of Ladero Ranch Elementary which is an excellent school and an excellent school district. Um, I felt there was because of SB 277 that there would be ...um I had a fear that my boys would be segregated and shamed at school and I didn't want them to be put into a position where people treated them differently so I chose to home school them and I took them out of school the day before school started. Um, at this time I was no longer able to fulfill my hours at my job. Um, I was laid off suddenly. Um, I was unable to file for unemployment because I worked for a religious organization. So, that was unexpected. But, the reason why I tell you this is because I'm just an example, one example of one mom in your district who is going to lose their job, forced to home school their children. Um, my husband now works two jobs, two full time jobs at two different hospitals in Orange County. I want to point out the financial impact of this law and I want it to be brought up and I think it's been addresses but I would like to continue doing that. Um, um, my family can obviously not keep up this with my husband working and me being home with the boys. We have considered moving out of state. We will not consider vaccinating our children further to put them into school. Um, if SB 277 were no longer in place I would immediately place my boys back into school and get back to work. And that is, that's, we are, we love our school district. We love our town but we don't have that choice right now. Um, I thank you for your time and I would love you to consider my story and how this will affect our economy and other families in Orange County. Thank you.

Hammond: You're welcome.

Lindholm: Thank you.

Hammond: Alright.

Bedell: Mr. Chairman, I'm wonder while you're getting organized here, I'm very concerned that some people may think that we have a legal role in this. And that could lead them to be frustrated with us when we are not the change agents in this nor are we the implementers in this and I'm just really, really concerned cause I really feel these parents ah pain. I mean I hate to sound like Bill Clinton but I mean, ah, I do. And I just am worried (3 minute alarm went off) that...

Hammond: Your time is up, I'm sorry, thank you very much. You mentioned Bill Clinton (inaudible).

Bedell: I mentioned Bill Clinton, I'm sorry. I knew that would get you. But I'm just really concerned that some people may think that we have influence here that we don't or where that we are the area for um overtaking this or overruling this and I just don't see that and I think that needs to be stated. You know I'm happy that we're providing a venue but I really don't want

them to feel that we've let them down when we in fact that's not our portfolio. My understand, Ron, if Mr. Wenkart could address this. Ron, this is in court now right? And so...

(Several voices at one time)

Bedell: Can we do that?

Lindholm: No you can't. The attorney can address it.

David Boyd: Ok, ok.

Lindholm: We cannot address it anymore.

Bedell: Ok, that's fine.

Lindholm: Because it's not agendized but if he would like to share information...

Bedell: That's what I would like.. the information shared.

Lindholm: He can't.

Hammond: Yeah, I'm lookin' at it. And then we'll get ready for Kelly on this Epic Charter school.

Bedell: Thank you so much for your patience.

Wenkart: I'll, I'll make it quick. My understanding is that there were not enough signatures for a referendum to repeal SB 277 so it's not going to be on the ballot in November 2016 and then also there are several legal challenges. Eh, I don't know that exact status of those but I've read news articles that there have been a few legal challenges filed in court on SB 277.

Bedell: Thank you.

Hammond: Thanks Ron very much .

David Boyd: There was a comment about the health department being involved in this. And it's related to the opinion letter you wrote. Would it be appropriate to supplement your letter at some point in time to address that particular issue?

Wenkart: Um, well I'm familiar with the question and answer that the health department put out. It's similar to what we put out. They didn't address the specific issue eh, that we eh addressed in our memo. So, they were silent on that issue. But I what we can do is provide you with copies of both if you'd like and you can compare them.

Hammond: That would be great Ron.

Wenkart: Provide the board members with both.

Hammond: I'd be open for that.

Wenkart: Ok. Sure.

Hammond: Alright. Why don't we go ahead and get ready for our charter appeal, Epic Charter School um do we need to take a one minute break real quick at all or should we just go right into it.

David Boyd: We didn't move 18, 19 and 20.

Bedell: 18, 19 and 20 but we have a time certain for that charter. Doesn't that take precedence? For the next item for the charter would be 18.

Hammond: Yeah, I well I'm looking at our time certain. Actually we have a couple time certians. But I'm hoping that we can get to that first. Do what you want.

Bedell: Thank you sir.

Hammond: Time certain 11:45 Miss Kelly. Tell you what, we'll turn it over to you for the Epic Charter School's appeal.

Appeal

Gaughran: Good morning President Hammond, Hammond, members of the board and Superintendent Mijares. Today we will hold a hearing to consider input from the public regarding the appeal of the Epic Charter School petition which was submitted to us at the September 2nd Orange County Board of Education meeting following the July 22nd denial by the governing board of Anaheim School District. 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 hearing each party is 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 haven't already, please submit to me 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 also located on the back table and should be submitted by October 23rd. Each board member is reviewing all materials that were presented by the Epic Charter School petitioners which includes a copy of Anaheim City School Board's action that resulted in a denial of the petition. 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 Epic Charter School and call Mr. Ben Harris, lead petitioner to the podium.

Harris: Just pulling my presentation up.

Hammond: And by the way good morning to you.

Harris: Good morning. Ok. Good morning and thanks for the time and uh my name is Ben Harris. I'm a co-founder of Epic Charter School. Eh, I have a presentation and a we also have governing board in attendance as well that hopefully if time allows will be speaking after my presentation in the comment period. A little bit first about the mission of Epic Charter School, whoops. Get rid of that. Our mission is very important to us because it's really what we rally around every day but it's to fulfill every student's individual potential by personalizing an education plan that focuses on school and family partnership to achieve the optimal student performance. And really we've done operationally is about fulfilling that mission. Our school's very unique ah, the reasons for that is we have multiple levels of parental choice throughout our model. It's very typical for a family to choose to attend a charter school but I think what's unique about our school is once they've chosen to attend our school, there asked to make a series of choices that really increase their investment and their level of involvement in the process. Also I think it's important to note a lot of times a people aren't sure what box to put us in a so we we've certainly have had some label us a virtual school. We're applying through the independent study law in California. Eh, but we're really a blended learning model. We combine the use of digital curriculum with face to face instruction and that allows for a very flexible schedule and pays for our students. We also do an individual learning plan in multiple assessments along the way for every student so that we know what they're exceeding in and what they're struggling in. Eh, also eh, eh, it's important to note and this is I think quite unique to our school is we don't reject anyone. Eh, we take all comers. We don't have a wait list. Eh, because we don't have a wait list we've never had to do a lottery because we're not bound by a physical structure so all students that apply eh, eh, get into our school. Eh which sort of removes something that eh, sometimes charters are accused of which is sort of creaming students or being selective with their regard to their admission process. And we don't, we don't deal with that. We also don't allow the digital divide to be an issue in our school. Any student that needs a computer and internet access we provide that to the student. I often find myself as I begin to talk people they sort of like how we sound but they in their mind they have a tough time saying how does this all work because it seems like a lot of moving parts. So, I thought I'd try to address that in a slide today and I've broken this into 4 parts to try and explain to you sort of how it works from soup to nuts in our school. First is our intake process. We've built a lot of proprietary technology to facilitate our processes. One of those things is an open enrollment. A family can enroll in our school in about 8 minutes online. Eh, after they do that they're contacted by a teacher and that teacher does has a meeting with the family and they do a series of things. One is an individual learning plan where they actually make a plan for that student that's designed around that student and that family's needs. Eh, they do a multiple intelligence assessment to figure out the type of learning that student is. And they also do, we use a product called MAP NWEA which is a diagnostic and benchmarking tool. They do a MAP benchmark to see academically what that student is excelling in and what their struggling in. That allows us to very quickly get to know the student on an individualized basis and that really drives our process for individualizing the learning going forward. At that point the family works with the

teacher in collaboration and they make a series of choices eh, we have a variety of curriculum selections that they're able to choose from. We have a variety of instructional technologies, laptops and iPads are included as a choice where they get to choose the tool that they're going to access the education. If they need internet access and things like that though things are made at that time. And then in some instances they made need a specialized teacher. If they struggle in math, they may request a math teach. Our teachers are trained at that point if they don't have the certification that that student is preferring, we're able to reassign them another teacher which is a way that we can further individual the process. After that eh and as we get into the process we really create a layer of instructional support for the family. Eh, one is of course the home room teacher which is the same teacher that meets with them on the IOP. The other is we have subject matter experts eh across the 4 major subjects, math, science language arts and social studies that are available to all the students eh that have a deeper level eh of knowledge by subject. And then we also have 2 eh opportunities for students they can access 24/7 homework help. So 24 hours a day 7 days a week they can go online and they can get virtual help with their homework in any subject. Eh on any of our curriculums. Eh, then the other thing we offer is tutoring when they have to drive deeply in something they're struggling with. We allow tutoring to happen through the computer as well. So depending on the student, those layers of instructional support allow us to individualize further. Throughout the school year we do ongoing measurements. Eh we do 4 measurements a year. Eh and use the same MAP NWEA benchmark tool to determine if we're making learning gains and where the continued areas of need are versus where we're overcoming those needs. A little bit about the families we serve. We're going to serve over 6,000 very diverse students this year. Ages 4-21. Eh we offer services for pre-K through 12. Eh, historically about 60-73% of those families have been free and reduced lunch. About 14% are on IEP's and are in Special Education population. A little over 1 out of 4 of our students are minorities and a little over half of our students actually enter our school below grade level. And this is just based on the Orange County demographic and the research we've done and a kind of a projection if you will of the families that we anticipate serving at our school in Orange County. Eh, about half eh Hispanic, eh, about a third Caucasian. We expect about the same number of free and reduced lunch, about the same number of Special Educations students and about 1 out of 4 English learners so that's kind of what we anticipate based on our demographic research in the county. A little bit about serving English learners. Our process is is is as follows. We identify them through the home language survey. Eh, we access them with the CELDT eh we then notify the parents with the results. And offer a program placement that is then reviewed by the parent to determine if it's acceptable or to request an alternative. Our educators eh will be California certified teachers. They'll also be California residents. Eh, sometimes with school like ours a methology is kind of created that we're teaching students from India, eh we're not. Eh our teachers will live very nearby their students. That's fundamental to our model because our teachers don't just work with their students through the computer. They also meet with them face to face. Eh also eh we have a locally based administrative team and a the school will independent and driven by the local board. And our compensation with teachers is right in line,

maybe slightly above the state average. Eh, a little bit about our academic performance. What this chart is is it shows we have sort of two measures of success. We either want students to show a proficiency eh on the eh state standardized test or we want them to show what is called a norm learning gain which is measured by our internal benchmarking tool in which they are compared to peers that started school at the same point that they did. Eh that measurement tool sort of takes into account the students that are starting with us behind grade level. Eh and as you can see historically eh we're at about a 8 out of 10 level of success eh by the way we measure. Eh, frankly our school goal as a school is to be above 90%. Eh, and obviously we'd love to be at 100 eh but we certainly want to achieve above 90 with regard to either producing a learning gain or producing a proficiency in the subject area. This is our academic performance by sub-group. Eh, as you can see, eh in nearly every sub-group we improved. Eh, and eh eh, are actually a little bit with regard to the sponsorship of where we applied eh in most of these sub-groups we're actually at a higher level of proficiency eh than our eh authorizer. Our authorizer being Anaheim City where we're appealing from. Eh with regard to compliance, we're entering our 5th year eh of our school and we've had a perfect financial audit every year. We've had a perfect accreditation audit every year since our inception. Eh, we also provide to our faculty a very strong professional development program eh, we have an online university eh that our faculty can access. Eh, there's about 40 different systems that our staff use eh or potentially use eh, not all staff members use all those systems but they all use a portion of those systems. We train for those with an online university that we call Epic University. Eh, and we create eh Epic, what we call Epic U courses eh so that they are trained in what we do. And if they ever need a refresher they can go back to those online anytime they need to. In addition to that, we do professional learning communities on a quarterly basis where our faculty come together face to face eh and collaborate eh with best practices or with challenges that they are facing on a daily basis. We form that agenda based upon teacher input. Eh, and we actually perform a professional development agenda for those quarterly meetings that's driven by our teachers. In the months that we don't have those quarterly meetings we offer a teacher driven process where teachers meet eh on a voluntary basis. Now, one thing I wanted to differentiate, the online university participation and the quarterly professional learning community participation is something we require of our faculty. In between those meeting we allow for a voluntary monthly professional development participation that's teacher driven and teacher organized where teachers can share best practices with one another. And we've got a very short video clip just to show a few success stories of some of the different types of students that our school has helped. And our sound worked well in testing so hope it continues.

(Video Clip)

Video Speaker: Well, I was in jail and they came and visited me and then like they sat there with me, you know, and asked me questions. And without (inaudible) school I probably wouldn't have graduated.

Video Speaker: For just throughout my whole life I have been bullied for just for random reasons and it's got really, really bad through middle school. So far I was thinking suicidal thoughts and Epic gave me a way to get away from that.

Harris: And we have other success stories that are very diverse. I think what I wanted to show on this is that eh families choose our school for different reasons and we have students that come to us for a variety of reasons. We had a student that's a success story that went to West Point Military Academy on a gymnastic scholarship and he chose our school because it fit well with his gymnastics training schedule. Eh so we have a lot of different types of families at all different points of the academic spectrum eh that find eh our school a valuable offering. The other thing that I wanted to mention that I forgot is another performance metric that we're proud of is our, our eh average ACT score for our students is above the national average and the state average where we operate eh so we're happy about that and want to build on that. In conclusion um we think that we would be an important alternative and we really believe that we would enhance the educational options in this community. Eh, although there are schools that probably have similarities to our school we feel like the eh comprehensive package that our school offers really gives unique and truly is different choice for residents to, to a have access to. We also want to emphasize we're easy to work with. Eh we wanna partner with the county eh and we want to serve families and even though our experience is in another state eh we wanna emphasize this is a locally driven effort eh. All our board members are residents here. Eh, eh they're all volunteers, eh, that's a big reason of why we're here is our board. And our administration and our staff will be California based as well. Eh, I think the part that that eh eh any Oklahoma personnel will be involved in will be in the training and in in sharing the lessons learned eh based on our experience. We have a track record of compliance and quality management at a large scale eh which I think is important eh when you're dealing with a population size of a county like this. Eh, and also we have performance and experience with challenging and diverse populations. As I mentioned earlier, um, and we just feel like we're a needed option because a lot of students don't fit a one size traditional model and that's why we're here and we hope you allow us a chance to serve your community.

Hammond: Thank you very much.

Gaughran: Thank you Mr. Harris. I would now like to call Dr. Mary Grace, Assistant Superintendent of Education Services, and Leslie Coghlan, Director of Pupil Personnel Services from Anaheim City School District and Mr. Manual Colón, Assistant Superintendent of Educational Services from Anaheim Union High School District to the podium.

Hammond: Good morning and welcome.

Grace: Good morning.

Hammond: Or I guess I should say good afternoon, my apologies.

Grace: Good afternoon. Board president, board members and Superintendent Mijares. Thank you for the opportunity to speak on behalf of the Anaheim City School District as well as the Anaheim Union High School District. With regard to the appeal of the district's denial of the Excellence Performance Innovation Citizen or Epic Charter petition, we understand that as part as this appeal process members of the board for the Orange County Department of Education must conduct a (inaudible) review of this same petition that was received in our district. The district appreciated the petitioner's efforts in drafting the Epic Charter petition and submitting it to the district. However it is important to recognize that if the district approved the petition students attending this charter would still be part of our community. Therefore, as the district, we have an obligations to conduct the detailed review of the petition to determine if it presents a sound educational program that provides our students with the opportunity to succeed. Also, it's important to note that as good as the proposed program might be, schools are still businesses that operate with budgets so the district must be confident that the charter school will be fiscally stable. In terms of this petition, a team of individuals that included representatives from the district's business office, educational services, Special Education, human resources, legal, as well as the high school district conducted a comprehensive review of the petition. The teams review included an analysis of the proposed educational program, fiscal and governance structures, student admissions and discipline, labor and personnel issues, and proposed facilities operations and legal issues. After conducting a thorough review, the district identified several issues that ultimately resulted in a denial of the petition. I won't review, we won't be reviewing each of the district's findings but we will have highlights on some of our concerns that we identified. I'm going to turn it over now to Leslie Coghlan to talk about some of those issues.

Coghlan: Thank you, good afternoon. Um upon review of the Epic Charter petition staff did find several areas of concern with regard to the petitioner's ability to provide a sound educational program. First, the petition failed to specify how Special Education services would be provided at the charter school and failed to include information regarding the plan or the charter schools plan for ensuring they have appropriate staff to provide Special Education services to qualified students with disabilities. Um, likewise the plan for identifying responding to students with um below grade level at risk needs was inadequate um with regard to what types of supports or interventions they would be providing for those students. In the Anaheim City School District we have 75% of our student population designated as English Learners. So this is a very important part of our curriculum and is very important to our student population. We found that the petition did include a plan that was not adequate for English Learners. It didn't include a description of the content of their ELD curriculum. The specific instructional time that would be allotted to ELD was not included, um, nor where the specific kinds of support that would be available to English Learner students. In our review we also had several concerns regarding the financial and operational plans of the petitioner. Um, the petition didn't include information regarding the location of the facility so we were unable to meaningfully evaluate whether the charter school would be able to identify suitable facilities to implement his/their program and also the petitioners response to our findings indicated that they did not have facilities and did not

intend to secure facilities to provide Special Education services to our students. Further the proposed budget did not sufficiently account for appropriate staffing by the charter school. Um, or through contracts with other agencies to provide Special Education services in the manner required by law. There were two parts of the petition that we felt were misleading to parents. Um, specifically the petition states that they will provide a laptop or tablet to students to complete their course work. However, this expense was not reflected in their budget and the petitioners then stated in their response to us that um the charter school would only commit to provide laptops and internet connections to students who do not already possess these tools for their education at home. Um, we felt this was misleading to parents who were relying on what is stated in the petition as submitted. Similarly the petition states that each student will provided with a student learning fund eh with a range somewhere between \$800-\$1000 dollars per students that the family would um be free to direct that spending with eh consent by the school. But this portion was also not included in their budget and their response to us regarding that concern was that the amount reflected of the \$800-\$1000 was the total value of customized services available to each student for various learning options that would be offered which was to include a computer or other technology and we feel that that is very misleading to parents who are just going on what they saw printed in the petition that they would be receiving um this amount of money. We would also like to note that at our public hearings in the Anaheim City School District there were not any members of our community that came out to support the charter school at the public hearings. And one of our final concerns is that the Epic's Oklahoma program is involved in litigation with the Oklahoma Department of Education and currently the subject of a fraud investigation by the Oklahoma State Bureau of Investigation concerning falsification of records to fraudulently receive payments from the Department of Education. Um, since the individuals managing Epic's Oklahoma program are the same individuals that would be managing this eh program here in our county, we had serious concerns regarding the Epic program and their operational plan. I would now like to turn over to Dr. Colón who has some feedback from the Anaheim Union High School Districts perspective.

Colón: Thank you. Good afternoon Board of Education, Superintendent, eh, thank you for this opportunity to speak to you. My name is Manuel Colón. I'm the Assistant Superintendent of Education with the Anaheim Union High School District. I am here to urge you to deny the charter petition submitted by Epic Charter. As you know the petition is for Kindergarten – 12th grade. We represent students in 7th – 12th grades in the cities of Anaheim, Buena Park, Cypress, La Palma, and Stanton. We offer a comprehensive education program for all students. Engage them in academic extracurricular social and emotional activities. We also offer a wide-range of support programs for our students and families. Moreover we have built strong relationships with our colleges and universities and our local businesses. We pride ourselves in providing services to the whole child. Our districts model is to ensure that all students are learning with purpose and are college and career ready. Our focus on writing and 21st Century Skills enables us to/enabled us to be recognized by the State of California and the nation. 8 of our schools were recently named California Gold Ribbon Schools. 5 are California Distinguished Schools and 1 is

a National Blue Ribbon School. All of our schools were ranked amongst the top schools in the nation by US News and World Report and one of our schools is also a National P21 exemplar model. In addition to our academic program, we have implemented extensive support systems for all of our students. Each of our schools has a school community liaison and a multi-tiered systems of support coordinator. Both of these full time positions support our neediest and most challenged students. They have (inaudible) support system that engages each student when they are struggling academically and socially emotionally. We also offer a wide range of alternative programs for every type of student. Our families are also provided the resources they need to support their student. As I stated before, we serve the whole child. Finally a student in the Anaheim Union High School District has the opportunity to take a wide range of career and technical education pathways, enjoy a multitude of visual and performing arts programs including the largest and best marching band programs in Southern California and have access to college ready because of the opportunities that are available to them as well as the daily focus on ensuring they are prepared and have the skills they need to compete in a global economy. Epic Charter does not offer any of these opportunities to our students/Epic Charter does not offer any of the opportunities our students currently have access to. In fact, everything that Epic Charter is recommending we are currently offering to our students in the Anaheim Union High School District. We believe that Epic Charter has presented an unsound educational program. That state that they have highly qualified teachers yet they fail to state that the program they will offer for high school students, Apex Learning, does not require the teachers to have credentials in the specific subject area. In addition, the only person that has any traditional school experience has only been a teacher's aid and a substitute teacher. In addition, she is only credentialed up to the 8th grade. We believe these credentials do not qualify this person to make sound educational decisions for high school students. Moreover, Epic Charter states that the graduation support manager or GSM will guide their students through the challenging process of graduation and college and career planning. Epic fails to state what qualifications GSM have for providing this service. As you know, California school counselors has specialized credentials to be able to offer these services. We are especially concerned with the program offered to students with disabilities and English Learners. There is no clear direction or plan for how Epic will ensure access to core curriculum for these students. There is no clear plan to support these students and what type of properly credentialed teachers will support these students. These students require as you know the most prepared and qualified teachers. Epic Charter offers online support services which many of these students cannot access because of their ability or language barrier. We believe Epic Charter does not satisfy minimal standards for supporting students with disabilities or English Learners. I thank you for your time and hope you consider upholding the decision made by the Anaheim City School District. The children of Anaheim deserve better.

Hammond: Alright.

Gaughran: Thank you Dr. Grace, Ms. Coghlan, and Dr. Colón. We will now open the hearing for public comments. Each speaker will be given 3 minutes and a total of 30 minutes is allotted to this portion. President Hammond please call for the first speaker.

Lindholm: Um, Autumn Strier? Please come forward. You have 3 minutes.

Strier: Good afternoon members. My name is Autumn Strier and I'm the president and CEO of Miracles for Kids. We are a non-profit Orange County based organization that provides critically needed skills and support to families who have children battling life-threatening illnesses. This includes the entire age demographic from newborn to 21 years old. Through programs that provide access to grants for shelter, food, medicine and other basic needs as well as wellness to patients and their families, we have created stability when families are crumbling from the devastation of fighting for their child's life. I am a co-founder of the organization. It's been in this county for over 11 years and we represent students who are in every city in Orange County. Over the last 11 years I have watched as the children we support battle extreme illness and as a result fall behind in all areas of growth including and especially academic growth and advancement. A truly heartbreaking impact as it affects their entire lives and their ability to achieve beyond their youth years. And it is for this reason that I have chosen to be a board member of Next Generation Education which is the governing body for Epic Charter Schools. As a non-profit executive with over 20 years experience in finance, policy, and non-profit management, I'm looking forward to providing my expertise and leadership and strategy to the school because I know that organizational management, thoughtful planning and targeted program development will be very important for the school to drive student achievement and offer unique services to the families that live here and again that is within every city within Orange County. It is how Miracles for Kids was built and it is the reason that it now thrives as an organization providing a needed solution to all members of our communities where there are families in great and dire need. I'm also a parent to 3 kids in Orange County, 12, 10, and 8; a boy and 2 girls. And I'm very passionate about quality educational options for both my kids and all the kids regardless of their socio-economic background. Epic Charter School offers a unique approach that combines parental choice with individualized learning which is exactly what families served by Miracles With Kids and countless other families need to have as an option in order to advance the learning of their child regardless of their economic background, health status, or other challenges that they may face. Specifically is the fact that the Epic Charter School model brings schools to the students as opposed to asking the students to come to the school. This matters greatly in the lives of the nearly 1,000 families that my organization has served as well as many others who are homebound or hospital bound limiting their ability to learn and advance in a community that has very little resources for this very needy demographic. Epic has specialized expertise in providing education to this very vulnerable population and a track record of doing so in other states. The Epic model does not require a physical location to serve students and it offers flexibility to a family to schedule learning at a time that works for

their own schedule. This would have great value to the families in Orange County facing health challenges.

Hammond: Is that her 3 minutes?

Strier: Yes.

Hammond: Alright.

Strier: Thank you very much for your time ladies and gentlemen.

Lindholm: Michelle Lopez? Michelle? Hi. Welcome. We have 10, speakers.

Lopez: Hi, good afternoon. My name is Michelle Lopez. I'm an attorney with the law offices of Young, Minney and Corr eh representing Epic Charter School. Thanks for your time today. Um, as I said our office serves as general counsel for Epic Charter School and we request your support of the Epic Charter Petition. Um, this charter was unfortunately denied by the Anaheim City School District based on findings which we believe went far beyond state legal requirements. The legal standards set forth in the education code provides that the authorizer shall be guided by the intent of the legislature that charter schools are and should become an integral part of the California Educational System and that the establishment of charter schools should be encouraged. Despite this legal mandate, the district denied the charter based on findings that were legally deficient. Moreover the concerns raised by the district were all matters that we could have worked out with the district staff through further discussions and an opportunity to provide clarifications, through conditions on approval or a separate memorandum of understanding. But unfortunately district staff declined to work with Epic in this way. In particular Epic plans for Special Education and English Learners are fully described in the Charter Petition and supported in the budget. The charter is an independent study program that will not operate through a traditional classroom based program or facilities which the district failed to understand. The district raised allegations today during their presentation regarding an investigation of Epic's existing program in Oklahoma. This is based off a single news article several years ago that is proven to be false as no findings or issues have been raised. Um Epic was involved with a lawsuit with the State Department of Ed in Oklahoma that was brought by Epic and Epic won. We're happy to provide you further information about this and we're surprised to hear it raised by the district today. Our legal opinion is that the Epic Charter petition meets or exceeds all legal requirements for the establishment of a charter school. Our office worked very closely with the petitioners in the development and writing of this charter petition from day one. Um, as you well know it is very rare to see a charter approved without some corrections or to see a staff report that finds the charter to be 100% perfect. Um, we look forward to working with board members and staff as you review the petition and are here to work with you to answer questions about the program. Um, we believe that working together to clarify or expand upon certain aspects of the charter petition is an essential part of this process. Through this process we are confident you will find the charter petition is consistent with sound

educational practice and that the Epic Petition meets and exceeds all requirements set forth in the education code. Um, and we can address any remaining concerns together. Thank you for your time.

Lindholm: Thank you. Alex Arcila? Welcome!

Arcila: Hello and good afternoon. Eh, my name is Alex Arcila and I'm a Orange County resident and a parent of a student um I'm also a first generation immigrant and I'm proud to be a part of this Latino Community in Orange County. I'm a board member of the Next Generation Education which is the governing board for the Epic Charter School. I agreed to join this board because I strongly believe that quality choices for parents is the only thing that will improve public education for all people. I have spent my career with people who have learning disabilities and I only wish that the Epic Education Model will have been available to so many of these people who I have worked with over my career. Um, the individual attention, and the ability to customize learning base on the needs of the students is exactly what is needed to develop someone's to achieve their full potential. I also the fundamental belief that all people can learn but everyone learns different is the heart of the Epic philosophy. I'm proud to be part of this unique school offering for my community. (Arcila began speaking in Spanish) Once size fits all does not work for everyone. Please approve this unique choice that will meet the needs of many population that are currently underserved by approving this charter you are trusting the parents to decide what is best for the childrens and I believe parents know best. Thank you for your time.

Lindholm: Are you ready? Kenny Dodd? Please come forward. Thank you.

Dodd: Ladies and gentlemen. My name is Kenny Dodd and I'm also a volunteer board member with Next Generation Education and I'm also senior pastor at Claremont Emanuel Baptist Church here in Southern California. Before becoming a pastor I worked in education teaching and administration and looked forward to launch this public innovative school option. I know that this school will provide a valuable option for our community. Part of my job as a pastor is to help families who deal with a lot of challenges that are really difficult. This last week I met with a couple looking for alternative education Epic would be perfect for and in their case it was a child that was very gifted that had some learning issues as well. Ah, another issue I deal with is bullying. It's a growing problem today. It's a little bit different than when I was in school. It's more subtle today. It's happens in ways that are often times hard for schools to stop. Often schools do try to intervene and it just results in more teasing and harassment and I've dealt with that a number of times. One of the things that made me want to be a part of bringing a school like Epic to Southern California is their experience in serving students and families that choose Epic because they didn't feel safe in their schools because of bullying. I have 4 children of my own and I know that when they were in grade school through high school I would have loved to have this option available for them. So, how does a family take a hopeless situation and create a fresh start for their child? I believe that it is one of the things that is so powerful about Epic

schools. Eh, that it gives a family an option to choose an individualized education that focuses on their student's needs and potential without the fear of being bullied by others because they're unique or because they're different. Um, options like Epic Charter Schools allows families to make a choice that could prevent school violence or some other tragedy that could happen if other options to traditional schools do not exist. So I look forward to doing what I am able to do to make this public education better in our community and in Southern California by making sure that this school is providing a valuable service for the residents. Thank you very much.

Hammond: Thank you sir very much. Next speaker is Troy shall I say, McKay? Medley. Wow. Guess I'm gonna have to work on my eyesight here. Thank you Mr. Medley.

Medley: I am, I am Troy Medley. I am currently the chairman and CEO of Personal Care Physicians which is a local health and wellness company that's affiliated with the St. Joseph/Hoag Health system. I'm also currently the treasurer and incoming chairman of Miracles for Kids and have served on numerous eh for profit and non-profit boards in California. I'm going to be serving as chairman of the board and I am interested in taking this model of education to the public in Orange County because of my 3 daughters. I have 3 girls, 2-11, 1-16. The public school system was perfect for my 16 year old. She is a type A, she is competitive, she likes structure, shes been incredibly successful. She's going to graduate with about 30 hours of college credit. We're flying to Tulane next week to see if that's where she wants to go to school. We've been to Vanderbilt, we've been to Duke. But for my twins, it's been a different story. Uh my twins were preemies. They have severe learning disabilities. Dysgraphia, dysphoria, dyslexia, it's been a struggle. And we were used to with the first child and we were incredibly perplexed when it just wasn't happening for them in 1st grade and by 2nd grade they would cry every night and as a dad I just wanted to fix it. And I've been lucky in life and I can fix it by throwing money at the problem. Eh, my wife folks from home. She was able to drive my kids to Prentiss 45 minutes to and from. I was able to spend the \$20,000 per student per year to make sure they had the best educational resources and the way they've learned there through a mix of eh online, through a mix of intense tutoring, through a mix of classroom has worked. My daughters are reading, eh one of 'em Claire actually read the whole Harry Potter series last year and drove me crazy talking about Harry Potter all the time. But that's awesome. And I kept thinking to myself as my kids are mainstreaming next year back into the public school system, what about the dads that don't have the luxuries I have and can't do whatever they can financially to make these tools available. So, um, I'm sure there are things I don't know. I do have a Bachelor of Science in Education but that was 25 years ago. Um, I'm willing to do whatever it takes to figure it out because these kids deserve the same chance my children have had. Thanks.

Hammond: Thank you sir, very very much for sharing. And I can understand about the Harry Potter stuff. My daughter did the same thing to me. Next up will be Mr. eh Chris?

Relth: Good after noon. My name is Chris Relth. I'm the founder and CEO of Artemis Search Partners a local executive search firm and IT staffing firm. Um, I'm excited to volunteer with the Epic School System here. One of the things that I'm very passionate about and became very passionate about is education reform and the opportunity to become somewhat of a concerned citizen and getting involved and I see this as an opportunity for me to roll up my sleeves and do a little bit more hands on work and give back to the community. Uh, one of the things that attracted me to the Epic model is the individualization of the learning, um, and the one and one attention that a lot of students deserve. As a young man I overcame a lot of changes and learning disabilities including ADHD and dyslexia. I was fortunate enough to grow up in an environment where my parents were able to get me involved with the right people so I can get a leg up on that system and um I think it was just through pure tenacity and I wanted to keep up with the other kids that I was able to kind of sneak through the public education system in the Bay area without that individualization that I probably could have got up to speed a lot quicker with. Um, so I don't believe in the one size fits all model. Uh, and I hope that my involvement in this school uh can make sure that we get the right type of education for the students that have some of these challenges that I grew up with and can help them out a little bit better. The Epic model for me is based on the philosophy that every kid can learn but each student learns differently. I agree with this philosophy and look forward to helping them put into practice uh, this philosophy through my volunteer service. Thank you.

Hammond: Thank you sir very much.

Lindholm: And our last speaker is David Chaney.

Chaney: Members of the board, thank you for the opportunity to come and speak with you today. I'll be brief. I know you heard a lot about eh Epic and what we provide. I am the co-founder of Epic Charter Schools. And what I wanted to speak to you about today is kind of take you back even further than than what Mr. Harris did. Eh, in addition to serving as the Superintendent in Oklahoma for Epic Charter Schools I see my more important role as a parent like Troy, like many people have talked about, I'm the parent of 3 children who are all unique and special in their own ways. Eh, and my oldest son Josh, he loves when I talk about him. Uh, but when he was in Middle School he's actually a sophomore at eh University of Oklahoma now, but when he was in Middle School Josh is what I would call that bright but board student. His grades were great. He did well. He was an athlete, soccer player. Played competitive soccer but my wife and I can a call from the school and when Josh was in 8th grade we started having issues at his level public school with discipline. So we had a meeting with his teachers and we walked in and we sat down and we said ok, first, how are his grades? Well, his grades are great. He's making straight A's. You know he's an 8th grader in advanced math. And we said ok, what are the issues? And they said well the issues are he gets his work done in 20 minutes. And then he spends 30 minutes disrupting the class. Talking to his friends, poking the girl with a principal. And I said, this is easy, ok? We want you to challenge him. We want you to push him. Let's load him up. Let's advance him. You know, you send him work home, we want to work with

him at home. We wanna you know, push him to achieve. And they looked at us and said that's not our job. And so I left that day, and I understand where they're coming from in a classroom setting they have to teach to all students. But I left that day and, you know, there is another way to do this. There does need to be other opportunities for students. And so that was kind of the genesis of our start in Oklahoma. We've obviously been very successful there in just a few years growing to thousands of students that have found us as an option. And then when Troy and Next Generation Education about our model and the potential to bring it to students here in Southern California, that's why we're here today. We are interested in helping students in finding customized learning solutions that include both online and off-line content and activities that fit their individualized needs. So, thank you for your time today.

Hammond: Thank you sir.

Gaughran: Thank you to all presenters and thank you for your due-diligence in reviewing the documentation before you. President Hammond I now close the public hearing and turn the meeting back over to you.

Hammond: Thank you Kelly and thanks again for you and your wonderful staff. Um, Madam Vice President do you have any, feel like we should go into any questions at all about what was presented or just move on?

Lindholm: No I think we can because we have no vote until the next meeting, correct? So this will be an exploratory time for staff to work with them and answer any questions. I hope they work really well together between now and the next meeting. So, there's no decision being made on that at this time...

David Boyd: If I can make 1 comment Mr. President.?

Hammond: Absolutely Mr. President.

David Boyd: The name of Epic University came up which they indicated was the online program. I know nothing about them but I could find myself in a conflict, so, I will talk to legal counsel between now and the next meeting.

Hammond: Ok.

Bedell: We're doing Boyd questions now on this item. Is that what you're for?

Hammond: (Inaudible) I was just curious...

Bedell: On the bottom line?

Hammond: Yeah. Ron is it appropriate for us to ask some questions at this time or what.

Bedell: I have a question for our own staff first. What they described with the high School piece, is there any duplication or redundancy with what our department does relative to ACCESS for our high school kids.

Hammond: Good question.

Nina Boyd: There could be but I think until staff dialogues with them and has the conversation to look at what they're offering um it's premature for us to weigh in.

Bedell: Cause when I heard what they described what I heard, I was impressed with what they're doing with these kids and I thought that's what we were doing with our ACCESS kids as well at the high school level.

Nina Boyd: And you would be accurate. So in our community based programs we offer very similar program in content at PCHS High School. Um would be another one.

Bedell: I thought of that as well. Excuse me. I wonder if I could have the head of the Epic Charter local people I have a question for them. Please who would that be?

(Unknown voice): Mr. Harris.

Bedell: Yes, thank you, thank you yes. You could please in your words tell us why you think those districts rejected your proposal. You don't, I don't need a dissertation. But I would just like in your professional opinion which I trust, uh, why did they say no to you.

Harris: Uh, I...

Bedell: The reason I say that is I know both those boards. I know both those administrations, they're in my trustee area, and I have a sense that they typically, overwhelmingly, are student sensitive and parent sensitive. So I would just like that's an anomaly to me. So if you could help me out on that.

Harris: I think two things and these are not really critical. They are meant to be factual. One, we didn't get, other than a few phone conversations we didn't get to do really in-depth kind of a point-counter point with staff. And I suppose that's because frankly they're busy. It was in the middle of a lot of the Palm Lane things with that district as well which I'm sure was occupying staff time in fairness to them. Eh, the conversations by phone that were brief that I had were cordial and professional. Ah, I think from are hearing with the board in my opinion probably the part that they were, although it didn't show up in their denial, in the heart of the matter, I think they were a little uncomfortable in the sense that we serve pre-K through 12 which we're allowed to do as a charter and that there district is a elementary district. So I think entering into the secondary level or having a charter that they're sponsoring that serves secondary kids makes some of the board uncomfortable. Um, I personally think that a lot of the things mentioned in

their denial are just erroneous but I also think that staff has a job to do to create a denial that eh is strong and a multi-faceted and they did that but I just don't think all of it is accurate.

Bedell: Thank you. I'm done Mr. Chairman.

Hammond: I had a quick question. Did you have a question?

Lindholm: Oh a yes please. Will you supply the board with a copy of your PowerPoint presentation? Not the video but the PowerPoint?

Harris: Absolutely.

Lindholm: Thank you.

Hammond: Uh, are you WASC accredited?

Harris: Eh we are not. To become WASC accredited you actually have to be in operation so once we were to get our charter granted we would actually begin to pursue WASC accreditation immediately because it takes a fair amount of lead time to obtain that. Certainly something we want to do.

Hammond: And are you looking at receiving any Title I or Title II funding?

Harris: Ah, ultimately yes.

Hammond: Ok. Dr. Williams do you have any questions?

Williams: No sir.

Hammond: Dr. Bedell?

Bedell: Yeah I just want to refresh my memory from our staff. If we approve a charter in the city but it's our charter, correct, it would be a county board charter, what impact does that have on these districts who said no. Does that totally cut them out of it anymore? That they have no responsibility and it's all our show or if we approve the charter does that have any daily operations, again this if from my memory refresh, that they are impacted by approval. Could you help me with that? I don't know the specifics of that. Maybe just the answer is simple. Nothing Jack.

Renee Hendrick: Um, it's not that simple. Um so if it's authorized by our board, we become the financial oversight of that. But that doesn't relieve the district. And so they just have to pass through what they call in lieu of property taxes and so they're doing financial transfer for that and they also responsible for the Prop. 39 and so if a charter wants facilities they're not actually our facilities, it's the district of their residence. And so even though they don't approve it there still is some corporation with them and some things they need to do.

Bedell: Ok, so then let me understand that. Prop 39 means that the facilities had to be provided so that the charter can operate and it's the districts in which they are housed that had to provide that even though we would be the authorizing agent. Did I get that right?

Renee Hendrick: That is correct. So it's the district of residence where the school resides.

Bedell: And that's true up and down the state.

Hendrick: That's a state law.

Bedell: This is not unique to this particular proposal.

Hendrick: Thank you very much. Thank you for that refresh.

Harris: Just to simplify in that regard. We are not intending to file a Prop 39. We plan to lease commercial space. And which would alleviate that she mentioned. So.

Bedell: And that would be in writing?

Harris: Yes, we're happy to agree to that in writing.

Bedell: Ok.

Harris: We have no need to do a Prop 39.

Bedell: Thank you. Thank you Mr. Chairman for your patience.

Hammond: Any other questions? No? No? Mr. Boyd? Nope?

David Boyd: I'd love to but until I figure out my status.

Lindholm: Oh that's right. Do you want to do this or no? 145 and then take a break at one? We could do this.

Bedell: Can we move the consent calendar.

Lindholm: Um, we could.

Hammond: That's I think you know what?

Lindholm: Sure.

Bedell: Would you like that?

Lindholm: If you would like sir.

Hammond: Let's go ahead and do consent calendar.

Bedell: I'll move the consent calendar.

David Boyd: Second.

Hammond: Alright. Any questions on the consent calendar?

Lindholm: No.

Hammond: All in favor of approving the consent calendar is moved signify by saying AYE.

(Multiple voices): AYE.

Hammond: Opposed – none. Passes 5-0. Um...

Lindholm: Do you wanna go to Jeff.

Hammond: Jeff, how much time do you need for your presentation sir?

Jeff Hittenberger: About 10, 10 minutes.

Lindholm: That would work.

Hammond: You know what? Um...

David Boyd: There would be questions after though.

Bedell: There would be people actually coming for that?

Lindholm: It's says 1:40 oh!

Hammond: Oh you know what, we can't take it. I'm sorry.

Bedell: We have several people who might be very interested in this.

Hammond: It is listed as a time certain.

Lindholm: Ok.

Bedell: Can we take it as a lunch?

Lindholm: Lunch break? 30 minutes.

Bedell: Does that work? If you like we could do the resolution the item #7, oh no that's too big. That's going to be too big. Ok. But I move that we go take a lunch break.

Lindholm: I agree.

Hammond: Alright.

Lindholm: How long?

Hammond: We will take a 29 minute lunch break. Gavel.

Back in Session

Hammond: Orange County Board of Education is back in session and before we get to our time certain of the Smarter Balanced Assessment from our wonderful Dr. Jeff Hittenberger followed by the Oxford Prep Academy, we have a few things that we need to go over and we're going to take care of a little bit of board business on our recommendations. So before these two time certain. Alright we had items 18, 19 and 20 moved to the head so recommendation, # 18 ah adopt resolution 13, 15 for censorship. The chair seeks a motion.

David Boyd: I'll move.

Bedell: I'll second for the purpose of discussion.

Hammond: It's been moved and seconded um, Mr. Boyd, you have the discussion?

David Boyd: We've gone over this in past meetings so I won't take the time to reiterate the issue but in my issue there was a paper that was written and distributed in violation of board policies and I think there needs to be some ramifications for violation of board policies. I offered a compromise about two months ago to remove the sensor motion and never got the courtesy of a response. So, this is where we're at. I suggest that we take care of this matter quickly and move one.

Bedell: Yes, I just ah. I moved it for the purpose of discussion. I will vote against it because I don't believe motions of censor aid boardmanship and collegiality within the board. I understand the genesis of why it was proposed and I can see why that would be interpreted that way but I do not think this kind of resolution helps the business of the body and I urge a quick disposal of it.

Hammond: Alright.

David Boyd: Call for a vote?

Hammond: Well, before I do that uh, Vice President, any comments on item 18?

Lindholm: Um, no I understand the genesis of it. I hope if any board member makes comments to the press or anywhere else that they just make sure that they say it's a singular opinion if it is a singular opinion.

Hammond: Dr. Williams, any comments on item 18.

Williams: No.

Hammond: I have no comments either.

Bedell: Call the question.

Hammond: Call the question, alright. All in favor of adopting resolution 1315 signify by saying Aye.

David Boyd: Aye.

Hammond: Oppose?

Multiple Voices: No.

Hammond: I will vote no. Ah, motion fails 1-4.

(Child in the audience says NO)

Hammond: Pretty much like that. So.

Bedell: Let the records show it was a 6 person vote.

Laughter

Bedell: We don't know who the 6th person...

Hammond: Alright, item # 19. Should the Orange County Board of Education direct its Executive Committee to recommend legal counsel for the purpose of filing a lawsuit against the Federal Government for alleged violation against the US Constitution related to the adoption of the Common Core State Standards by the State of California? Huh. Chair seeks a motion.

David Boyd: Move.

Bedell: I'll second it for purposes of discussion.

Hammond: Mr. Boyd, you have the floor sir.

David Boyd: Thank you. I will of course vote no on this but my constituents have been pushing me for many, many months to get on the record as to where the board stands on this particular issue.

Hammond: Dr. Bedell.

Bedell: Yes, as the seconder as well. My constituents also have asked me where we are on this and that's why I moved to reorder the agenda so that we could deal with it. I too will vote no.

Hammond: Alright. Trustee Lindholm, anything on item 19?

Lindholm: No.

Hammond: Dr. Williams, anything on item 19?

Williams: Yeah. So to bring a lawsuit, the entity has to have standing and I don't know if we have standing. The far greater issue here is this is about gamesmanship, politics, demonization of political foes, and the politics of personal destruction. Um, and that's all this is about. I'm against Common Core. If I was the President, if I was the Governor, if I was the State Board of Education I would do everything to go back to the previous standards of which according to the Fordham Institute were much higher. I think Common Core hurts kids, dilutes academy standards. It's based upon social emotional learning rather than direct academic instruction. It removes parental rights, we had a big contention this morning on SB 277 on the vaccine bill about how government continues to loot parental rights as well as deluding the ability of local school boards to make decisions. Common Core in California is a mandated curriculum standard. It dictates pedagogies and it dictates everything else. I'm so sorry that you folks have to be here to listen to this but this is about public policy and governance and eh those will be my words.

Hammond: Alright sir. Um, I understand what you're saying too Dr. Williams. It is interesting that the Fordham Institute which is very pro Common Core says that the old California Standards are much better. My only concern, maybe not my only concern but one of my biggest concerns about the new Common Core is that it does state in California law that we have to use internationally benchmarked standards and I haven't seen where this stuff is actually internationally benchmarked and I really wish I could get some answers to that. Um, so.

Lindholm: Call the question.

Hammond: Sounds like a plan. All in favor of item 19 about filling a federal lawsuit signify by saying Aye.

David Boyd: I'm not sure I understand the call in question. Are you saying in favor of filling a lawsuit? Ok, you're right. Excuse me.

Lindholm: You wrote it!

David Boyd: You're right. My mistake.

Hammond: So are you voting yes then on this?

David Boyd: No, no, no.

Hammond: So I hear no yeses? All those against this signify by saying NO.

Multiple Voices: NO

Hammond: And I will abstain.

Williams: I understand.

Hammond: So motion fails on a vote of 0-3-2.

Bedell: Thank you Mr. Chairman.

Hammond: You're entirely welcome sir. It's why we're paid the big bucks. Um, item #20, should the Orange County Board of Education openly defy California law as regulations unanimously adopted by the California State Board of Education by refusing to fully implement the California Common Core Standards. Chair seeks a motion.

David Boyd: So moved.

Bedell: Seconded for purposes of discussion.

Hammond: Alright. Mr. Boyd you have the floor one again sir.

David Boyd: Thank you sir. Um once again I intend to vote no on this but my constituents have been encouraging me to take a formal stand for going on close to 2 years now and many of the people we hear from on a monthly basis are my constituents and I thought it better that eh, this is where I stand.

Hammond: Alright, thank you. Dr. Bedell.

Bedell: Just briefly we have had several people over the course of the last 10 months tell us in/ with various degrees of emphasis that we should violate the law which is the Constitution of California and law of the state and eh, I personally find that very distasteful. And I too will vote no on this.

Hammond: Trustee Lindholm, Madam Vice President.

Lindholm: It's our job to follow the laws of the State of California so I have no further comments.

Hammond: Dr. Williams.

Williams: I agree with good Trustee Lindholm that we are to follow the laws of the state as well the Federal Government. However, we're undefined this law because the law requires that our standards be internationally benchmarked and during our meetings one year ago, it was described by Dr. Stotsky and Milgram that these are not internationally benchmarked. And that is the controversy about Common Core. So to openly defy something that's already breaking the law, that is already in defiance of the law, for us to accept it is breaking the law. And so one can argue that we are already in violation of state law. Ah, it needs to be on the record that Dr. James Milgram, because it has been said many times that he said that the Common Core State Standards are internationally benchmarked in a letter that was introduced two meetings ago, in that letter Dr. Milgram very pointedly made the statement that they are not internationally benchmarked. His words that were given during our public meeting last fall as he said what was

not articulated very well but in the letter correcting the record, the Common Core State Standards are not internationally benchmarked and Dr. Milgram and Stotsky still are waiting to see if international benchmarking data

Hammond: Anything else Dr. Williams?

Williams: That's it.

Hammond: Ok. I echo and share your sentiments and I agree with you. And I hold the same position that I believe right now that the Common Core Standards are not internationally benchmarked and by using them we are in essence in violation of California law specifically Ed Code 60605.8 delta, second sentence. It's not like I have the code memorized. Um, so um...

Williams: I do want to say something else when you're done.

Hammond: So I wanna make sure that we do follow the law and I feel like we are not. I feel like nobody is following the law right now on this one. That's all I have to say. Dr. Williams, do you have something else to add?

Williams: Yeah, if I may add so recommendation 20 again is about politics. It's about campaigning against political foes. It's about demonizing people. It has nothing to do with what constituents want Mr. Boyd. I'm gonna abstain just because I think this is poorly written and has other purposes other than conveying public policy and governance. Again, it's about politics. That's it.

Hammond: Mr. Boyd anything else sir?

David Boyd: No sir.

Hammond: Dr. Bedell?

Bedell: Pass.

Hammond: I know you pass so...alright. Chair will call it. All in favor of a should the Orange County Board of Education openly defy California law signify by saying AYE.

(Silence)

Hammond: All those opposed.

Multiple Voices: No

Hammond: I vote no. Abstain.

Williams: Abstain.

Hammond: Motion fails 0-4-1.

Lindholm: Mr. Chair?

Hammond: Madam Vice President.

Lindholm: Just a note for future things that may be brought forward. Normally any resolutions that are brought forward or recommendations are made in a positive vein that you will vote yes to support it. These are all brought forward as a no vote. So um, just in terms of wording as if you're voting on a state proposition they have to be a yes vote. Hopefully they're written, hopefully they don't come back. Sorry. Uh, they'll be written as a yes.

Hammond: Understand. Alright.

Bedell: Mr. Chairman I'd like to congratulate you getting through 3 contentious items in a record time.

(Laughter)

Lindholm: I think we could do (inaudible).

Hammond: You know what? We have kids here. I've gotta lead by example.

Bedell: Oooooohhhh.

Hammond: Maybe it helps to being a Special Ed teacher and a varsity coach. You know what? Time on deck is 1:44, 13:44 for my fellow military guys. Um, we have a time certain at 1:45. Um, where's Dr. Hittenberger at. There you are. Dr. Hittenberger? Why don't you come on up and um since it's now about 1:45 I will turn it over to you for your 10 minute presentation on the SBAC. Um, Dr. Hittenberger, take it away.

Jeff Hittenberger: Thank you President Hammond, Dr. Mijares, members of the board. Thank you for this opportunity to provide a brief update regarding Orange County students' performance results on the Smarter Balanced Assessment Consortium Testing. Let me begin with the headlines. First headline: Orange County Students Outperform Their Fellow California Students at Every Grade Level at Both Math and English. And if you have your pom pom and want to shake it that would be a good time to shake the pom pom.

(Applause)

Unknown voice: (inaudible)...you didn't read the policy.

Hittenberger: Sorry. Second headline: Orange County Students Outperform Their Fellow Students in Every Other Southern California County in Both Math and English. Thank you again. Let me provide a bit of context and a bit of background for these headlines. In 2001 we administered the California Standards test for the first time. The California Standards test is the testing system that preceded the SBAC. In 2001, we did not have Smart Phones. If you think

back to 2001 you may have had a cell phone and think for a minute what that cell phone would have looked like. Smart phones were actually not introduced; in fact the I Phone was created in 2007. Today there are over 180 million Smart Phone users in the United States. In 2001 we used our cell phones for one thing; to make phone calls. Today we use our Smart Phones for virtually everything. In fact, the recent study by the Pew Research Center found that over 60% of Americans have used their Smart Phone to seek medical information. So the question is, how effectively are we preparing our students who are coming of age in a generation where the world has changed. Among the competencies needed to navigate such a world are things like critical thinking, problem solving, innovation, and advanced technological proficiency. Given the changes in what is needed to navigate the complexities of the world in which our young people are growing up, California adopted a new set of standards that focused on these things: critical thinking, problem solving, innovation, and advanced technological proficiency. These standards have now been translated into new assessments that also focus on these things. How is the SBAC different than the California Standard's test? Here's a brief way to summarize those differences. First of all, the SBAC is linked directly to College and Career Readiness. They are built on a set of College and Career Readiness Standards. Secondly, they set a higher bar. They are in fact more challenging. Third, they have less multi-choice as their focus. Fewer multi-choice items and more real world problem solving required. And fourth, they are computer based and adaptive. The first time we have had a state testing system that has that characteristic. So, back to the question of how did Orange County students do. I'm going to walk you through a little bit of data and we'll just take a few minutes to break down some of this data. Orange County student's first point and this is the headline: Out-Performs State and Regional Counterparts on SBAC at Every Grade Level. These are the English Language Arts results, the blue bars represent Orange County Student Performance, the red bars represent California across the state. You'll see 3rd grade results, 4th grade results, 5th grade results, and so on through 8th grade. The test is not administered in 9th and 10th grade. You'll see 11th grade results and then an average for all of Orange County and for all of the State of California. So, for English Language Arts, let's take 3rd grade for example you will see that Orange County students 46% of Orange County students achieved, met the standards or exceeded the standards in their results compared to 38% for the state as a whole. At the 4th grade level 49% of Orange County students met or exceeded the standards. For California as a whole, it was 40%. If you would look up the columns as they move right you'll see the same pattern repeating itself, 5th grade, 6th grade, 7th grade, and 8th grade and by the time we get to 11th grade, 64% of Orange County students have met or exceeded the standards compared to 56% in California as a whole. You'll see the same kind of pattern in math. The blue bars going higher than the red bars; Orange County students achieving at higher levels at each grade level than all California students. And if you take the average for all students in Orange County, 45% met or exceeded the Math Standards. 33% of all California students met or exceeded the standards. This is a comparison of Orange County students and students in the other Southern California Counties. You'll see Orange County students in English 53% met or exceeded the standards and in math 45% met or exceeded the

standards compared to 42% in English in Los Angeles, 41% in Riverside. As you look down the list of our adjoining counties you'll see that the Orange County performance exceeded all of them as well, and the same pattern holds in math. The second major point I'd like to make is Orange County students achieved at a higher level in the first year of SBAC than Orange County students did the first year of CST. You can recall that some of the conversation about SBAC and the concerns were that the results would be dramatically lower than the CST results. And there was a lot of concern about that and it was legitimate concern in the sense that this is a more demanding test. So what we did is we went back to the CST scores from the first year that CST was administered and compared them to the first year that SBAC was administered statewide. You will see that categories differ a little bit and the tests are very different so it's it's tricky to compare them. But what you can compare is the the percentage of students who achieved proficient or advanced in 2001 on the CST and the students who met or exceeded standards. These are the top 2 categories out of 4 categories on each of the 2 tests. And a compare how those look. In 2001, 2002, 40% of Orange County students achieved proficient or advanced. In 2014, 15, 46% of Orange County met or acceded the standards. And we can see the same phenomenon happening in math in 2001 and 2002. First year of CST administration 38% achieved proficient or advanced compared to 45% this year who met or exceeded the standards for SBAC. A way that the superintendent from Tustin Unified School District depicted this and I asked him if I could borrow his slides and he agreed, imagine two peaks on a mountain, one higher than the other. The first is the CST peak. We started at a basecamp for CST in 2001, 2002. We made progress across 12 years to a certain point on the mountain on 2013. Every year the scores got better. Students learned more. They learned more about the structure of the test and the standards to which they were responding. Now we begin the climb of the SBAC. It's a higher peak. And the good news is we started at a higher basecamp and over the next few years we expect to see the same kind of progress as students become familiar with this new set of standards in this new testing system. That's where we're headed. My final point is eh this. SBAC reveals particular challenges for students who are English Learners, are from low income families or who have disabilities. You probably heard this discussed in terms of an achievement gap and this gets revealed through the testing system. Let me give you an example. These are the percentage of English Learners, and we have a large percentage of English Learners in Orange County and in the state in general who met or exceeded the standards in English Language Arts. You'll see the percentage in Orange County is 14. The percentage in California is 11. Now compare that, think back to what the averages were. In fact you have in the first column all students, 53 and 44, versus 14 and 11. So English Learners have significant particular challenges in taking standardized tests. The same as we would if we were taking a test in a language that we took for 4 years in high school. Imagine taking a standardized test in Spanish if you studied Spanish in high school it stands to reason that there are going to be special challenges there. Likewise economically disadvantaged students have some particular challenges. Think about the availability of learning resources in the home. Who can afford the purchase of books? Do you get to take the trip to the museum? Are parents working two full

time jobs? Is there a place, in a quiet place in a crowded apartment to study? And so, economically disadvantaged students perform at a level below the average in California and you can see some of the reasons why. And finally, students with disabilities you see the scores at 18% and 12%. Again, Orange County students outperform even in these categories, all California students. But you also recognize that the reason we need to provide special resources to these students is because they face particular and unique challenges. On the good news front, students who have gone through our English Learner programs and been reclassified as fluent English speakers outperform their peers across the board. Now think about that for a minute. English Learners go through our programs, learn English, are reclassified as fluent, and look at the scores they achieve. Higher than average both for Orange County and for California as a whole. It's a story that doesn't get told a lot but a really important one. So, you're familiar with the Local Control Funding Formula; the change of the funding system in California. You'll recall that special funding is focused on schools and districts that serve students who are English Learners, who are economically disadvantaged or who are foster students. These test results demonstrate why it's so important that we provide those extra funds where students are being served who have extra challenges. And those are many of the students that the Orange County Department of Education serves in our ACCESS and Special Education programs. So, to conclude. First of all, Orange County students met or exceeded standards at higher rates than other California students. SBAC offers a better way than CST of accessing student progress toward acquiring competencies they need. This is really important to remember. We're talking about a standardized test here but there are many other ways to assess student progress so as to strengthen learning and testing. Assessment is going on every day in every class and teachers are using that information to help their students learn more. Standardized testing is just one small piece of the whole picture. The Local Control Funding Formula and LCAP offer new opportunities to serve students from families with low incomes and those who are English Learners or foster students. OCDE teams are working to strengthen the support we provide to ACCESS and Special Education students to enhance their College and Career Readiness and finally, we will continue to provide high quality supports to our districts and schools as they empower students for higher levels of achievement. Thank you for the opportunity to give you the update.

(Applause)

Hammond: That's the first time I've ever heard a standing O for that. Alright. Jeff, thank you very much for that. I know we have some questions for you. Madam Vice President?

Lindholm: Thank you as you can see Dr. Hittenberger we are so lucky to have him.

Hittenberger: Thank you.

Lindholm: to be the head of our academic program. And um, incredible. We are very very lucky. Um, when I had spoken with Dr. Bedell we were talking about the length of some of the testing.

Hittenberger: Yes.

Lindholm: And that sometimes in the 3rd, 4th, and 5th grade it was like up to 8 hours and we were going to try and figure out how to send a letter to the State Board of Education. Can you elaborate a little bit on that?

Hittenberger: These are concerns that have been expressed both in California and in other states. The length of standardized testing, the amount of time devoted to standardized testing, many people feel like given the whole range of other kinds of assessments that we're engaged in. Do we want to spend that much time on standardized testing? So I think it's a legitimate issue. It's a live issue. One that we've begun having conversation with and I look forward to continuing the conversation.

Lindholm: If we get a letter out on that, Dr. Bedell and myself or no.

Bedell: We haven't finished that one yet.

Lindholm: Ok, well I'd like to pursue that in the next month.

Bedell: Sure.

Hammond: Alright. Mr. Boyd any?

David Boyd: Yes sir.

Mijares: Just one comment if I may Mr. Boyd and that is that the state is looking at consolidating the testing program. Cause you have the high school exit exam. You've got other exams. And so by the consolidation we'll be able to also limit or do some time.

Lindholm: Well maybe we can support that.

Mijares: Sure.

Lindholm: If you bring us something forward that we can support to the State Board I would love to sign on on that and say hey, this is a little too many hours spent on testing.

Hammond: Dr. Mijares, didn't Sacramento suspend the CAHSEE?

Mijares: They did. It did, yes.

Hammond: Alright. Did they come up with a replacement right now or is it just simply...

Hittenberger: No, the eh, the state graduation exam, the CAHSEE has been suspended. And there's discussion if what if anything replaces it.

Mijares: And that's part of it. We may just benchmark that to Smarter Balance.

Hammond: Alright. Thank you. Mr. Boyd, sorry.

David Boyd: That's alright. Could you explain to the folks what an adaptive test is?

Hittenberger: An adaptive test starts a student with a question and based on whether a student can answer that question or not, either gives them a little bit harder question or a little bit easier question. And um, instead of everybody having kind of lockstep journey through the same set of questions, it can adapt and find the correct level for that student either perhaps lower til it kind of finds the level or higher to where it finds the level. So in a since it provides you the option of a test that's not a one size fits all kind of exam but one that adapts to the level at which the student responds to the question.

David Boyd: I think that that kind of testing is wonderful but could that contribute to the length of the exam that we're talking about?

Hittenberger: I don't think that that is a particular has a particular impact on the exam. If anything I think it might have the potential to allow you to shorten the exam because you don't have everybody lock step through the whole thing.

David Boyd: Ok, put on your, get out your crystal ball for a minute. Five years from now, do you think we'll be at the 90% level. Or what type of goal do you think is obtainable here in Orange County?

Hittenberger: What we saw with the CST is that as teachers receive professional learning opportunities with what was then the new set of standards as they felt more comfortable with the testing system and were able to teach in ways that eh empowered better with regard to that system every year there was incremental growth. And I would anticipate that as the same thing happens now, we will see incremental growth over time. I would hesitate to put a number on where we might be in 5 years but I do expect us to move up the mountain.

David Boyd: And right now it's not only the students that are being exposed to Common Core it's the teachers. And one would expect that the level of competence of the teachers as the years go along would increase which will result in higher test scores.

Hittenberger: I think that's absolutely right. We're asking teachers to do more with critical thinking, innovation, project oriented things, teachers are doing a great job with that but they'll become more familiar with those strategies as time goes on.

David Boyd: Thanks Jeff. Could we have a hard copy of that presentation?

Hittenberger: Be happy to give that to you.

Hammond: Anything else Mr. Boyd.

David Boyd: No sir.

Hammond: Did you have a? Dr. Bedell?

Bedell: Just very briefly, I really appreciate this and I hope that there will be copies of this on our website because a lot of the people are interested in Common Core have been very rightfully so concerned about SBAC. And as we looked around the nation I was interested in your thoughts, excuse me, but one chart that showed that, it seemed to me that the variance, the difference was heavily accounted by the limited English as opposed to the disability or the socioeconomic status. Is that the way you read the data?

Hittenberger: I think the students who have the greatest challenges with the exam are students who are either English Learners or who have learning disabilities.

Bedell: Right, ok.

Hittenberger: And the number of English Learners taking the exam in California is very large, like 600,000 students who are English Learners took the exam this year so that does have a substantial impact on the...

Bedell: Now with our own unique children who we serve...

Hittenberger: Yeah.

Bedell: ...do we target? What are those data lead you to believe that we should be targeting specially that maybe we're not doing in order to bring them up?

Hittenberger: What I see it as is a real affirmation of the plan we brought to you in the LCAP because that plan was built by our ACCESS and Special Ed teams around this set of priorities that comes out of LCFF and LCAP and that is focus special attention on the needs of English Learners, on students from economically disadvantaged families, on foster students and in our case, we have a huge commitment to students with special needs. And I think these results tend to reaffirm the things that were at the core of that plan.

Bedell: To your knowledge, have we received any comments or requests for help from districts who scored not where they wanted to score?

Hittenberger: We have regular interaction with and our teams are working very closely with our districts and we can kind of customize that now that the results have come out to the needs that are revealed through that testing.

Bedell: Thank you very much.

Hammond: Dr. Williams?

Williams: No questions.

Hammond: Alright. Um, you know I'm not a big fan of some of this stuff so I'll just save it for another time. I am glad that our kids did well. I mean that is, you know, that is really nice to see. Um, and a thank you for the presentation and thank you to your staff too. I know that they've worked really hard.

Hittenberger: Thank you for mentioning that. We have a terrific assessment team who helped me put this together and I'm glad you mentioned that.

Hammond: Well, please pass on our thanks to them I know that they've worked hard. So. Dr. Bedell, you have something else?

Bedell: Yes, I'm sorry. I apologize for this. Eh, my understanding is that the English piece, now the student actually has to put quote "pen to paper" quote and actually write something rather than fill in the bullet.

Hittenberger: That's right.

Bedell: And we know from the research that one of the best ways to access critical thinking is through writing, not filling in a bullet.

Hittenberger: Yeah. The performance tasks that are a part of this system are part of what makes it better than the old CST system.

Bedell: As Trustee Lindholm and I look at this one of the things I think we might want to recommend to this board is that if they mess with this test, don't mess with the writing piece. Mess with the bullet kind cause if you really want to access critical thinking, which this is supposed to be all about...

Hittenberger: Right.

Bedell: You're going to go with the writing piece.

Lindholm: True.

Bedell: Thank you again. Sorry for the...

Hammond: That's quite alright sir. Jeff, thank you very much. Blessings to you and your family sir.

Hittenberger: Thank you.

Hammond: Alright. On to our 2:00 time certain.

(Applause)

Hammond: On to our 2:00 time certain. It's now about 10 after 2. Oxford Preparatory Academy. Miss Kelly. You once again ma'am. You have the floor. Amongst a sea of blue or turquoise or teal.

Kelly Gaughran: Good afternoon again. You shall now render a decision regarding the Oxford Preparatory Academy Charter School petition which was submitted to us on August 20th on appeal following denial by the governing board of the Saddleback Valley Unified School District. The public hearing was held on September 2nd. As legally required, the petition has been reviewed according to California Education Code regarding charter school petitions received on appeal by county office of education. Copies of the staff report are available on the back table. Each of you has been provided the Orange County Department of Education Staff Report, 3 draft resolutions and options for action. Option 1 grants the appeal and approves the charter petition as written. Option 2 conditionally grants the appeal pending the completion of a memorandum of understanding which clarifies the relationship between the Orange County Board of Education and the charter school educators and includes securing an appropriate facility for the proposed school program. Option 3 denies the appeal. The lead petitioner from Oxford Preparatory Academy will now have 10 minutes to speak on behalf of this charter school petition. Then audience members who wish to speak will be given three minutes each with the maximum allowable time of 30 minutes. I now call Miss Barbara Black, Oxford Preparatory Academy Executive Director and Mr. Jerry Simmons, legal counsel to the podium.

(Applause)

Hammond: Ma'am, before you get going. I understand the enthusiasm, trust me. If you guys could just...so we can get through this quickly. You have the floor.

Barbara Black: Ok, we will do that. Good afternoon President Hammond, fellow board members and Superintendent Dr. Mijares. I'm Barbara Black, Executive Director for Oxford Preparatory Academy. We are also affectionately known as OPA. I have been a part of the OPA family for 6 years. I have worked in public education for over 30 years. It is an honor to stand before you and say, both as a former teacher and an administrator, I am proud that the Orange County Board of Education staff has made the recommendation that Oxford Preparatory Academy Saddleback Valley Charter School be approved. So many of our parents and students in the room are looking forward to being the open champion. They have visited our schools, attended meetings about our program, and have worked to have school choice an option for their families. As it is with this board and the OPA organization, education is a serious endeavor for them. They know that their child's future is greatly influenced by the school they attend and many of them have been on a waiting list to be a part of the OPA family for some time. Oxford Preparatory Academy Saddleback Valley will inspire them to be lifelong learners who will make significant positive contributions to the surrounding community. I would like to thank your staff in leading

us through this county appeal process. They have been very professional and encouraging in working with our OPA personnel. Taking the time to meet with our team and communicate their concerns has been very helpful. Our team has reviewed the conditions that were stated in the recommendations to approve and feel that clarifications or changes needed are easily addresses. We are looking forward to continuing the positive relationships formed and working with both this board and your staff. As California School Superintendent Tom Torlakson has stated, we are all committed to making our schools better and helping our students achieve their dreams. I believe by approving our Saddleback Valley Charter today that is indeed what will be happening in Orange County. OPA is a charter with a proven record of success, one that believes all students are gifted and as stated previously we look at educating students as a very serious endeavor. We know that you will expect us to establish a topnotch instructional program and we will do so. To us educating is not a job. It is a vocation. One that we're very passionate about. Working with your staff will be a privilege and I thank you for the opportunity to become a part of the Orange County Board of Education team.

(Applause)

Jerry Simmons: Good evening President Hammond, members of the board, Superintendent Mijares, Jerry Simmons, partner with Young, Minney and Corr. And as I mentioned last time, it's been my privilege to represent Oxford Prep since their inception. And a little story about that that may help you understand the turnout today. When we showed up for the initial charter petition in Chino, the school districts staffs concern was that they thought there might not be enough kids interested in enrolling in the school. And so, eh, during the public hearing the school board hearing the school board president said you know, I think that's a valid concern by staff and so I want to know that you'll have enough kids to enroll in the school so that the budget will be workable. So this was around December 15th or so and eh, and the school board was set to vote on it just after January 1. And so the challenge from the school board chair was I'd like to see enrollment forms from at least half of the total number of students who you would like to see enrolled and I wanna see that at our meeting on January, I think it was January 3rd. Um, and of course it was the Christmas holiday and so I looked at my client and thought what are they going to say and they said we'll do it. We'll be back. We'll make that happen. That's not a problem. We'll do that. And they spent the next two weeks setting up a tables in front of every grocery store in town. And they went door to door through the neighborhoods, dozens and dozens of parents went door to door. And it was my pleasure on December 31st to put through the fax machine to their legal counsel enrollment forms with more than a thousand students who were interested in enrolling. And we only needed 250 to meet the (inaudible) that the school board chair had laid out. Um, by the time that the charter was approved, there were still more, several hundred more that had come in over that intervening three days and by the time the lottery was held for enrollment eh I think we had somewhere near 2,000 students who had desired enrollment in that first years of that schools operations. And so you know this is an impressive and talented group of people. They work night and day, 7 days a week. I get calls

from them at all hours of the day and night as they will testify. Um, but I love them anyway. Because I know that when they call it's because they want their program to be the best. They value every decision they make being the best possible thing. And the thing I love too about them is that they always frame their question as Jerry what do you think would be the best thing for kids. Um, and that seems so simple, right? But you'd be amazed how many times administrators have conversations with their legal counsel and start the question in a different way. Um, and I'm pleased that that's their focus and that's their primary lens. Yes they want to do things that are legal. Yes they want to make sure it's appropriate but they always want to at all times strive to do really truly what's best for kids and I think that has built this amazing team and this incredible amount of community support that they've had for so many years. Um, it's been a real pleasure working with your staff. You have an incredible team. Uh, we have, uh, we met with them and they spent quite a while going through their initial list of questions with us and we gave them some verbal answers. Um the staff report that you see before you none of those things are in our mind significant issues or barriers to this school's operations or future. We know we can work closely with your team to address all those things with a Memorandum of Understanding. We're completely comfortable with the fact that those things will be easily resolved. Um, we're asking that you approve the charter petition today and and right now there are 850 students sitting on the waiting list at the current school here in Orange County. And of course countless more that frankly don't even bother to apply because the wait list is so long that they have no realistic opportunity of ever being able to enroll. Ah, and we hope for the benefit of those 850 students and the many more who would like to attend that you'll vote in favor of this petition today. Thank you so much for your time and of course where happy to answer questions later as appropriate.

(Applause)

Kelly Gaughran: Thank Miss Black and Mr. Simmons. Saddleback Valley School District representatives have chosen to not make further comment on this charter petition. So it's now time for public comments. President Hammond, please call for the first speaker

Public Comments

Hammond: Madam Vice President would you call the first speaker up please. Yes, each of you will have who are called will have 3 minutes to speak and Darou will show you on a red, green and blue kind of thing that's like a signal light. Shally Zomorodi? I think that's. Ok, here we have her. Welcome. Right over here please. And they can come too. And since we're about kids I think that's a good idea.

Shally Zomorodi: Good afternoon board members and a very big thank you for having us here today. This is my 4 year old son, Roshia. Roshia do you want to say hi? Thank you for having us? Do you want to say hi?

Roshia: Hi, thank you for having us.

Zomorodi: This is my 2 year old son, Arshawn. This was the no vote, right here. And this is my mom Sherry, who 37 years ago along with my dad left Iran. And they left Iran to give me and my two younger brothers a shot at an education and life here in the US. I'm thankful that she did. I know how lucky I am every single day because of them and the education I received in California within the Saddleback Valley Unified School District, I am now a morning news anchor for a major news network in San Diego. So, I've actually been up since 2 o'clock this morning. I was on the news all day. Came straight to this meeting because I want to give my two boys the same chance at a life and a career that I did for myself. Everyday on the news, everyday on the news we cover stories about education, schooling, testing, and the concerns parents have about their children's future. And those stories really took a new meaning to me when I became a mom myself just 4 years ago. I now sit for hours researching schools, looking online, looking at testing scores, to make the best choice for my kids. As a parent I get one shot at it and I want to get it right. My eyes have been all over Oxford Preparatory Academy since I've been pregnant and since he was born, this little one. And I know several families who actually attend the Mission Viejo campus and they just rave, and I've seen their children truly flourish. Because of Oxford's success their organization and passion for education and proof they are delivering the results that you see parents like me and the ones that are here today along with the hundreds and hundreds of families who are on the waiting list to get into these schools. I know there are great schools in our district. I know because I drive here and there for the education for my kids. But what I want as a parent is to be able to make a choice. That's what's important to me. I wanna decide where my kids go to school. So I ask today that you give me that choice. It's something that I know many people take for granted. But my family knows how lucky it is to be able to choose how we live our lives and I ask you that you give me that choice today.

(Applause)

Lindholm: Alisha Bent?

Bent: Hello President Hammond, Superintendent Dr. Mijares and Board of Trustees. Thank you for allowing me to speak and thank you for listening. My name is Alicia and my husband Jeff and I moved to Lake Forest in the Saddleback School District when our daughter London was 4 months old. She turned 5 last week. Since then we've taken the opportunities to learn about our home school, other schools in our district, schools out of our district and private schools in our area because we wanted to know what options we had to be able to make an informed choice for London's learning. Fast forward to a few years ago to last spring when we were trying to determine which school would be a good fit for London to attend transitional Kindergarten or T-K. We heard about Oxford Preparatory Academy, or OPA, in South Orange County and began investigating the school. We liked OPA's mission and vision of believing all students are unique and gifted. I really liked that their use of the theory of multiple intelligences and incorporation of music and foreign language and believed it would be a good fit for the way London learns. We decided to apply for the program even though we were out of the district. We had made

tentative plans to have London attend T-K inter-district when we found out that she had been accepted into the independent study program at OPA SOC which is similar to a home schooling program. We carefully looked at our options and decided to enroll her in OPA and I'm so grateful we had that choice. Jeff and I had an opportunity to tour OPA in Chino. We saw kids who were focused and engaged in their learning time during class and playing hard during recess time. OPA has set up practices to support student goals that make good sense. For example at lunch time the kids played before they eat so nobody rushes through lunch and they are ready to learn by the time they get back to class. They offer choices to the kids at recess so they can choose which activities they want to do which further allows the kids to explore their intelligences. We saw multi-media repeatedly being used in classrooms and observed the class leaning to write with quotation marks by practicing the sidewalk chalk on the blacktop. Both are observed and direct experiences with OPA have been exciting. Jeff and I both commented that we wish we could have attended a school like this in our youth. I think having OPA is a wonderful addition to the Saddleback School District and I hope it becomes a choice for Saddleback families.

(Applause)

Lindholm: Susan Mas? Oh, she's coming forward. Oh welcome.

Susan Mas: Nina do you have a lot of people who are gonna speak cause I'll cut this.

Nina Boyd: (inaudible)

Lindholm: We're fine. We have eh, up to 10.

Mas: Okay, eh, good afternoon President Hammond, board members and Superintendent Mijares. I am Susan Mas, the Executive Director of Charters OC, a partnership of Innovators OC and the California Charter School Association. As you know the goal of Charters OC is to increase the number of high quality charter schools here in Orange County thereby providing choices to our young people and you just heard how important those choices are to parents. Today I'm here to speak on behalf of Oxford Prep. A well known high quality charter school for Orange County students. Both Charters OC and CCSA have worked for the OPA team for the past year during which time they went through our rigorous evaluation process which is required to gain our support. We can assure you this is a very well written petition. The success of Oxford Prep's educational program is well known. Their waiting list for their present school as well as the hundreds who have signed up for parent information meetings for the new Saddleback School that is on the agenda today speak to the fact that parents appreciate the opportunity to choose an excellent school for their kids. OPA's utilization of multiple intelligences to address the diverse needs of their students and their focus on motivating students to pursue university level academic studies provide their graduates with the skills necessary to be successful in the global environment of the 21st Century. Oxford Prep is a much needed addition to our portfolio of excellent public schools here in Orange County. One of the most fundamental

obligations of the adults in any society is to prepare its young people for productive and prosperous lives. Oxford Prep Academy helps us fulfill that obligation. We are all very fortunate that OPA leadership has chosen to locate their high quality schools here in Orange County. Thank you.

Lindholm: Thank you. Steffanie Cook. Welcome. Come on down!

Cook: Good afternoon President Hammond, members of the board, Superintendent Mijares. I'm a parent of a 4 year old boy who's about to enter Kindergarten in the Saddleback Unified School District in fall 2016. Providing my child with the best possible education of my choice has always been a top priority of mine since having children. Over the past few years I have spent a significant amount of time researching the schools in which I would like to send my children to. Unfortunately, several of them are not available to me because of the zip code I reside in. I was ecstatic when I learned about Oxford Preparatory Academy in the CAPO Unified School District. I've heard nothing but rave reviews from parents that are lucky enough to send their children there. The philosophy, vision and approach to teaching really resonated with me as a previous early childhood education. I believe their approach around the 8 theories of intelligence empowers children to think, explore and be creative. This style of teaching was and is exactly what I want for my children. Oxford Prep is my school of choice. Unfortunately, the SOC OPA campus is not favorable to my zip code as a Saddleback parent so the chances of me being selected out of the lottery system are slim to none. Learning that there was a wait list of over 800 children was devastating. Allowing Oxford Prep to open up a campus in the Saddleback School District is going to open up that opportunity and allow us parents to make a choice in where we send our children to. This choice is that one that parents of Saddleback Unified School District have not been previously allowed. Please vote favorable in allowing Oxford to open up a Saddleback Campus. Thank you.

Lindholm: It's John or Jan DeVore. Jon. There's no h. Welcome. Eh no.

Jon Devore: My name is Jon Devore. And thanks for taking the time to listen to me. So it all started for my family a handful of years ago we watched a documentary called Waiting for Superman. And this documentary really opened our eyes to what's going on with education in this country and there's a need for parents to have a choice in education and have an option to go to charter schools. So after that documentary did some research and when she first told me about OPA, it's teaching techniques and what the school stands for, I was excited. I was excited to have the option for a different type of education for my children. While we enrolled our daughter in the lottery for OPA Mission Viejo but since we were also at a district from the Saddleback District we didn't have much hope for her obtaining one of the most coveted permanent spots in the school. So when our family was not able to get into the school we decided a hard decision to put my wife's career on hold and enroll my daughter into OPA's Independent Study program so we could benefit from some of the amazing programs that OPA offers. While fast forward a couple of years and we just started our 4th year at OPA and both my

daughters are enrolled in the IS program. And even though we have thoroughly enjoyed the IS program, our family would like a full time position. My kids love going to OPA and we like the creative, innovative approach to learning that OPA offers. My daughter's excited that she has the option to choose if she wants to sing or write her spelling words. Both our daughters look forward to their music classes and library time. And believe it or not, my little 5 year old is even excited for her Chinese class. And a they both proudly wear their OPA uniform, not just in school but to see them beaming when they're going out to their Tae Kwon Do classes or even the grocery store really tells me a lot about the school and the way they operate. That's why I think it's important to get this new OPA charter approved. I'm not claiming OPA is for everybody but that doesn't mean you should deny parents a choice for their children's education. It's important that you provide an alternative to traditional public schools. Thanks for your time.

(Applause)

Lindholm: Marjorie Kollen, hello.

Marjorie Kollen: Good afternoon distinguished board members, my name is Marjorie Kollen. Sorry, I have to catch my breath. I am an Oxford Preparatory Academy parent and these are my daughters, Ava and Grace who are in 1st and 4th grade. We have been blessed to attend Oxford for the last 4 years. I have the privilege of getting to know many of the professors and administrators over the years by volunteering as room mom, art master parent, homework checker and so on in both my daughters' classes. My daughters have enjoyed music, band, tall flags, Tae Kwon Do, Italian, Mandarin, physical education, majors and many other programs that would cost me as a parent time and money to provide outside of school hours. These programs have given my children a positive exposure that has created confidence that is translated into the classroom and into our home. Our university classrooms are a fun and creative way. My kids have learned about higher education and they already envision themselves in those settings. My kids have also learned the OPA motto which is posted in hallways, classrooms, and upheld throughout the school. Take care of yourself, take care of OPA, sorry, take care of OPA, take care of others and take care of yourself. These guidelines help children put into perspective their choices each day inside and outside of the classroom. In addition to our student goal of high academic achievement, our other goals include integrity of character, spirit of unselfishness, physical vigor, respect for others, and potential for leadership. In creating an environment where the whole child is developed my kids have thrived by becoming the best version of themselves and being by kids where that is the norm. It is a blessing to have a school that holds these values, instills confidence, giving every child the chance to learn because every child is gifted. I am very proud of my daughters and their ability to be recognized for positive traits even when we are not in school. For instance, stand and deliver. My daughters have been taught that when they speak in a group setting, they stand up, project their voice and in a complete sentence answer or ask a question. I am passionate about school choice and I have seen first-hand the time and dedication it takes from Oxford Preparatory Academy administrators, staff, teachers, and parents to have such a thriving program. This school has been a blessing to my children, to

my husband, and to myself. We are a proud OPA family and we look forward to seeing more families benefit from this outstanding program. Thank you for your time and dedication to provide educational opportunities for Orange County students. Thank you.

(Applause)

Lindholm: Miles Durfee.

Durfee: Good afternoon members of the board, Superintendent Mijares. My name is Miles Durfee and I am the managing regional director for Southern California Charter School Association. I'm speaking today to support the approval of Oxford Prep's petition and its appeal from the Saddleback Valley Unified decision. I participated at the Saddleback Valley Unified decision hearing and I shared with them that SSCA believes that this petition is legally compliant and it's submitted by a charter school association that has proven success in multiple locations in Southern California region. I also today wanted to address a few of the myths that were mentioned during your public hearing with Oxford Prep last month. It was a little concerning for me to hear the comments from Saddleback Valley Teachers that viewed Oxford Prep as an attack on Saddleback Valley and it's really unfortunate to hear that I and I wanted to just let you know that CCSA's position is that charter schools are options for students and parents that are looking for unique and different instructional environments. It's not an attack but an option so that all students can get the best possible public education at a traditional or charter school and learn in the way that they best can serve their needs. Uh, today I also want to publically commend your staff for their continued and thorough analysis of charter school petitions that have been submitted to you. I can't say enough about the approach your team is taking on charter petitions and asking fair, reasonable questions to clarify what's best for students. And so I think it's really important to take about that. I work with a lot of school district staffs around the region of Southern California and you need to know that your staff is top notch. It may seem like semantics today but in this case I would also ask that you support full approval of this charter school in option 1 and understanding that there will be an MOU created and that the issues that have been called out are minor and will be established in the MOU. Traditionally in school districts that I work with we see approval and then an MOU that comes back to the board but not a conditional approval so I would seek that today from you. Thank you.

(Applause)

Lindholm: Barbara Casas. Thank you.

Casas: Good afternoon board members and fellow OPA family supporters. My name is Barbara Casas. Thank you for this opportunity to share with you why I support the approval of the new Saddleback Unified School District Oxford Preparatory Academy Charter School. My husband and I reside in Trabuco Canyon area and we have a 9 year old daughter, Jordan. She's currently in 4th grade and attending Portola Hills Elementary. I believe that having choices in life is part of the American moral fiber that makes this county so great. We cherish the freedom to choose our

own paths in life and that freedom of choice has always included the type of educational institutions we choose to send our children to. The Oxford Preparatory Academy concept of education is a proven method of higher education that has been well vetted through established campuses located in Chino and South Orange County. I'm sure you've all seen the state statistics and awards the Oxford Preparatory Academy has received over the years and I think you would all agree that their record speaks volumes. 10 out of 10 similar school rankings, 10 out of 10 statewide API rankings. 2014 California Distinguished School Awards for both Chino Valley and South Orange County campuses. This is truly driven school. The Oxford Preparatory Academy mission statement is a very clear reference on how they educate their students. It state we believe that all students are unique and gifted individuals. My husband and I also believe that our child is unique and gifted in her own way. Am I sure many of the parents present in this room feel the exact same way about their children. I feel very strongly that having an Oxford Prep Academy Charter School in the Saddleback Unified School District would only complement the current schools we have in the district. But more importantly it would offer parents a choice and opportunity to send their children to a high achieving school that share the same educational values as our current school system. So please allow us to have a choice of which school we send our children to by approving the charter request submitted by Oxford Prep Academy. And welcome them to Saddleback Unified School District family. Thank you.

(Applause)

Lindholm: Debbie Ruvolo. I didn't say that right at all. Help me out.

(Inaudible)

Lindholm: Ok, you gotta say it for me.

(Inaudible)

Lindholm: Ruvolo-oh it's a v.

Debbie Ruvolo: A v.

Lindholm: I got ya.

Debbie Ruvolo: Hi, my name is Debbie Ruvolo. When he was just a baby, I remember fondly holding my son Brendan in my arms making the same promises that every parent makes. I wanted to lasso the moon and giftwrap it for him. He would look back at me with those happy innocent eyes and just smiled. I promised myself that I would give him the best of me, offer him more choices than I could for my adult children and expose him to the world around him through various means. I am here because of that promise. The promise is choice. As someone who has 20 years in the ECE field and a dad who worked in a school district, education is a big deal to me. I have helped hundreds of parents choose which pre-school is the best for their particular needs as no one school is perfect for every child. It's a parent's choice. With my adult children,

my choices were public school or private school. They went to private school until we could no longer afford it for three kids. Therefore the only choice for them was public. This time with Brendan, I wanna have more choices than I did years ago. With my adult children I found out that one was a kinesthetic learner and struggled in a traditional learning environment. She would fumble with paper when the teacher would be talking but if she were called upon to answer the questions, she would know it correctly. Therefore she struggled in the traditional learning environment. I have a love for children and for their successes big or small. I truly believe each child is unique and should therefore be treated that way. For you see, all children learn and all children are gifted. We as educators and parents need to teach to each children's strengths and weaknesses and help expose them to various ways of learning. Whether it's hands on, field trips, literature or simply watching something about a particular subject. For example, this weekend we took Brendan to JPL in order for him to see the Mars Exploration and Climate Science. He was fascinated and enquired more. We have passes to the Safari Park in San Diego Zoo due to Brendan having a love for animals and wanting to learn more about them. With OPA Saddleback, Brendan, along with others will be able to be taught via the theory of multiple intelligent learning and he may not have to struggle that my adult children had to. I know that OPA will help give him the ability to reach for the stars if he so desires. When he's reached for the stars I will have kept my promise. I would have kept the promise of choice. So I urge you to vote for the new OPA Saddleback Charter. Thank you.

(Applause)

Lindholm: Ok, I think I have this one. Jared McLeod. And you are the last public speaker.

McLeod: Good afternoon President Hammond, Superintendent Mijares and trustees. My name is Jared McLeod. Oxford Preparatory Academy Orange County developer, supporter of charter school expansion and a parent choice in education. To echo the sentiments of the OPA team, it has been a pleasure to present and work with you and your wonderful county staff and I look forward to continuing that partnership. Seated and even standing behind me is just a sampling of our current students, families and staff who are a living testament to our academic success and our preview of what is to come in Saddleback Valley Unified School District. Just released our OPA SOC champions and staff achieved an 87% exceeded or meeting on last years' ELA SBAC exam. With an 85% achievement in ELA from English Language learners. We couldn't be more proud. (Applause) Also here today are a sample of more than 564 children whose parents have already submitted an intent to enroll form for the soon to be established OPA Saddleback Valley Charter School. The OPA program and its passion for serving all children has led to over 2,200 enrolled OPA children and over 1,200 students on current OPA wait lists to request this high quality program for their children. Orange County residents and more specifically, Saddleback Valley Unified families want this as an option for their children. To sum it all up, today is a wonderful day for parent choice in adding another high performing public school to add to Orange County's number one caliber performance as presented earlier. Today is also a new day for education in Orange County with the expansion of Oxford Preparatory Academy to

make a positive impact on the academic lives of hundreds of more children are future champions. By looking at the past actions of this county board in recommendations from approval from county staff, we are extremely humbled to be approved here today. I look forward to having the esteemed privilege to inviting each of you to our first day of school next fall. I thank you very much. Thank you.

(Applause)

Gaughran: Thank you to all speakers. At this time the board will proceed with deliberations and questions and then vote on this charter school petition appeal. President Hammond I now turn the meeting back over to you for the staff report.

Hammond: Kelly thank you once again for what you and your wonderful staff do. Um, Miss Nina, can you help us out here on do we have any staff reports that are prepared like probably Miss Renee.

Nina Boyd: We do we have Renee ready to speak to the board.

Hammond: Looks like she's only down to about a minute on that timer though.

(Laughter)

Renee Hendricks: I can do it in one minute. And you notice (inaudible).

Hammond: Welcome Miss Renee.

Hendricks: Thank you President Hammond and the board. First we would like to thank the Oxford Preparatory Charter Academy group. They have been a pleasure to work with and they have been thorough in answering our questions. Our goal as a staff to the board is to provide a comprehensive review in accordance with education code requirements. This has been a most thorough petitions we've reviewed and the conditional approval is solely to ensure that both the petitioner and our office work together to develop a MOU which will ensure the board has done their due diligence and protect them from the misunderstandings to protect them from any misunderstandings as we move through the process. The reason to conditionally approve is that so all parties are clear on the expectation and there's three areas that we kind of highlighted that we had concerns with. One of them was in the delegation of the board and so that was an area that we had spoken to them about. The second is just clarification on how they segregate their funds and the third area is the restriction of not opening a resource center out of our county based on some of our prior petitions we've seen. And so with those um we felt a very strong petition and but we felt that the approval with conditions is a stronger legal standing and that doesn't allow for any compromise. Based on our meeting we do not feel that this will be a problem with Oxford Preparatory with this is in part of our initial conversation. That's it.

Hammond: Alright. Renee thank you and thank you for you know to you and your staff once again over the last I don't know 30-60 days you all have been asked to do yeoman work and I greatly appreciate all that you've done. Miss Nina do we have any other staff reports?

Nina Boyd: No, not unless you have questions of counsel.

Lindholm: Mr. Chair, would you entertain a motion?

Hammond: Um, well

Lindholm: Premature.

Hammond: U board questions. Uh, with that I'll tell you what. Mr. Boyd, do you have any questions?

David Boyd: Um, yes sir and I'm not sure who specifically to address this to but it represented (inaudible).

Hammond: Mr. McLeod then.

David Boyd: Um in terms of um priority in enrollment, will your current independent study students have preference in enrolling in this new campus or is everything thrown into a big lottery?

McLeod: I'm more than happy to clarify that. Every student that would be anticipating to attend the Saddleback location would have to submit an intent to enroll and fill out another application. The current petition that you've seen is requesting 595 students to attend this school. There is no transfer from other OPA locations. They are all completely separate and um institutions. And so any students would have a fair and equal chance of getting into the school. Um, that's according to our preferences.

David Boyd: Ok, I would like to comment that a your application may be the best I've ever seen.

McLeod: Thank you, sir.

David Boyd: All 500, 605 pages of it.

(Laughter)

McLeod: I was telling staff that we might grow that a little bit too before it's done, so.

Barbara Black: In all fairness though I do have to say there was a time when we tried to condense it and we just feel like the essence of what we wanted to have in there.

David Boyd: I wasn't being sarcastic. I would rather have more information...

McLeod: Thank you sir.

David Boyd: and sort through it. Um, there was one brief reference and I think it was in one of the vitas to your administrator, an administrator to a San Diego campus but I didn't see it anywhere else in the application and again 605 pages I could have missed it but could you give us some history of the San Diego campus?

Black: The San Diego campus is a different, um, it's a different part of the Oxford Preparatory Academy. It doesn't come under Oxford Preparatory Academy, Inc. It's a completely different board. It's a completely different program. It's a K-12 independent study program. So they're 2 different separate entities.

David Boyd: Ok, um. There was some comments about your efforts to reach out to the Hispanic Community. Could you tell me your game plan for that?

McLeod: Included in the charter petition was just a sample of the documents that we used to recruit. Um, the majority of the documents were in Spanish the (inaudible) language. There was a big presentation in there that was in Mandarin Chinese. Um, but that was just one sample of that presentation. So the majority of the documents are in Spanish. Working with our web content managers everything on our websites is able to be translated into whatever home language it might be. Spanish, Tagalog is also another prominent language up over 1% in the Saddleback Valley School District.

David Boyd: Ok. Renee just raised three points. What do you feel about that? Are you comfortable with option #1 or option #2 and if you're not, explain a little bit.

Black: Whenever we go for a, we're actually over achievers if you haven't noticed that. You know we also come from a strong background in education and so we've been principals, and administrators in school settings, in district settings and Mrs. Roach was even at the district level. So we have always taken great pride in being the best. We like being #1. We like putting everything you know, out there. We we don't hold anything back. We've been very successful in our program and so our feeling is that you know we we know that we can do a great job. We know we have a lot of children and families who would like to be a part of the OPA Community and family so we did take the time to put it into the charter. We try to cover all of our bases and yeah we do like to look at it as um today walking out and truly celebrating that this is an approved charter knowing that as we have always worked with our chartering agents, and in this case the county to develop an MOU. And um we took a lot of time when we received this document on Friday. Just so you know a little bit about us, um, our particular program we have chosen to have Columbus Day as one of our official holidays and I just want you to know that our administrative staff who should have been having a 3 day weekend and enjoying it probably, ah, and just because we are who we are we went through every, every condition that you had mentioned. In the past we have always filtered through these, negotiated, or whatever, really to be honest answered clarifying questions as to what was going on. And so that by the time that we are able to come towards this hearing, sorry, come to this hearing, we're able to say to you

these conditions are not a problem. You know these conditions you know are just par for the course. There are a few things that need clarification but we feel very comfortable in meeting those. So we spent 3 days just to go over it, research it, make sure that everything was you know, um, something that we are already doing or clarify and to be quite honest we want to be the best. We want to be the first school that um, the first charter that Orange County Board of Education has approved without any conditions. We think we're pretty good and don't we? (laughter).

David Boyd: That's all I have for these folks but at some point in time, I don't know if this is the appropriate time, I'd like to call Ron to see if there's any legal differences...

Hammond: Bring him up now.

David Boyd:... between option #1 and option #2 in terms of our oversight responsibilities.

Ron Wenkart: There is a difference between option 1 and 2. Option 1 you approve it and then we rely on their good faith to negotiate a MOU which we have no reason to not believe that they would not negotiate with us in good faith. Cause everything that I've heard has been positive. Option 2 says with conditions. You approve a conditional approval so that gives us more leverage. That gives us more legal clout to be able to negotiate.

David Boyd: But in this case you know reading through the conditions, it looks like they're mostly disclosure. We need to go into more detail, um on how this is going to happen.

Wenkart: Well if you come it to some of the things that we've pointed out in prior charters and petitions you see a difference. They're not as major as they were in the prior charter petitions.

David Boyd: If you recall when we approved the Academy, now the Samueli, soon to be, was that unconditional or was that with conditions?

Wenkart: I don't recall. Do you recall Kelly with the Academy Charter?

Gaughran: The Academy Charter was approved with conditions and then we worked with them to come up with the MOU that all parties agreed to.

David Boyd: Ok. That's all I have, thank you.

Lindholm: Uh, thank you on those. You weren't quite clear on the answer to that. I think what I'm leaning towards and I will make a few comments is the option 1 without conditions.

McLeod: We would like option 1.

Lindholm: Cause it wasn't quite clear. We know you want to be the best bet...

McLeod: I'll go on record for that that's fine.

Lindholm: There we go, ok. Um, I wanted to share with my fellow board members that I did go and visit the existing Oxford Preparatory Academy and I didn't just visit one room to see if it was a good room, this was the room, I visited every single room. And it was absolutely incredible. It was stellar. It was exciting. It was inspirational. It was challenging for the children and it was quite incredibly and I'm sure any, because it was in my district, I visited it but I'm sure anyone else would also be welcome. Um, I have just a statement, not necessarily a question for you in that my goal as being elected is not to be over regulatory when possible. As you know we turned down a school just recently and it was devastating to us; it was devastating to the teachers, principal and to the children. I don't want to be over regulatory. This one is 600 pages as Trustee Boyd has said. I think it's very comprehensive. I see no reason to add anything else to it. I don't want to complement our staff. They do a great job. I mean if you want to find out a detail in terms of finances or auditing or that, our staff is very, very good and I'm very grateful to them for that. You have a proven track record. Your API at the existing Oxford in Mission Viejo was 993...

McLeod: 993 year 1 and 990 year 2.

Hammond: Slackers.

Lindholm: That's too bad. Yeah slackers. Slackers. Uh, so my question to you is, brief question...

McLeod: Yes ma'am.

Lindholm: is a that anything in option # 1 is easily addressed. Are you comfortable with all those in option #1.

McLeod: We are comfortable. We've worked diligently with county staff and we feel we have a wonderful relationship and we will take care of anything that needs to be handled but yes we are comfortable with option #1 and everything that entails.

Lindholm: Alright. That was my question to you and eh, great job at that school. I hope everybody gets a chance to visit it.

McLeod: More than welcome to invite them. Thank you.

Hammond: Anything else? No?

Lindholm: No I'm just waiting.

Hammond: But I do wonder how you're feel about this? So, Dr. Bedell?

Bedell: Yes, thank you Mr. Chairman. Myles you through me off, through me off. If what is being suggested here goes through it is a 180 degree change from what we have ever done and it doesn't mean that we shouldn't do it. I'm not saying that. Ok, my understanding was that the

people from the Academy were very enthusiastic as they've said publically. Working our staff and could live with what the staff suggested. If this goes through as Trustee Lindholm is evidently going to suggest, this board loses every bit of leverage except turning down the MOU, is that correct?

Lindholm: Oh, did you ask our attorney?

Bedell: No, I'm gonna see if he understands it. Cause the issue as I understand, this is my naiveté so bear with me here Myles.

Durfee: I will tell you that 90% of the districts, 95% of the districts that I work with do not use approval with conditions in the way that this is done. What I will tell you is I don't believe you're giving up your leverage. I believe you're still the monitoring, complying, authorizing entity that needs to make sure that this charter school who I believe has every intention of doing that, working and partnering the way they have will continue to do that. That's my belief. And that's the way we see it happen in the districts that I work in. And so I, what I would say and just because you asked the question what I would say is, um, the way that the counsel indicated I believe is probably accurate. But this is a partnership of trust that they've already created and by approving with conditions in a partnership of trust is what you're saying is that we trust you but not completely and we want to have leverage over you. And I think that that's not. You know it is fair and it was great for a number of the schools that you did that for. And I believe that the process is something that is able to be done. And you've done it for good reason with a lot of the charter schools that have come in front of you. I just don't believe that in this case that that...

Bedell: You know I really appreciate, don't go away Miles, please. As I understand this, if we approve this as I think Trustee Lindholm's motion will go and we approve this and the MOU comes back in how long...couple weeks, couple months?

Durfee: I think it said December in the resolution I read.

Bedell: There will, that's so. Pardon me?

(Inaudible voices)

Durfee: I think it said December

(Inaudible voices)

Bedell: I don't have that in front of me.

Durfee: December 14th.

Bedell: So the bottom, I don't want anybody to be misunderstand, to misunderstand something. We say we approve this without legal option #1 and things blow up in the MOU and this this this whatever? Right? That doesn't mean this board signs off on this MOU. Is that correct? I mean

it's possible the board will say no to an MOU if this staff is not happy or whatever's not happy with what comes out. Isn't that correct?

Hammond: I think that's a question for Ron.

David Boyd: Yeah, probably is. Although Miles

Hammond: Let's just make it a question for Ron. Ron would you answer that for us please?

Wenkart: Well, I think Miles and I are saying the same thing with a little different language we're really saying the same thing. It gives us more leverage if we prove it with conditions and if there's a problem, it's easier for us to revoke the charter later on. It would be more difficult if it's approved without any conditions then it'll be a little more difficult to revoke the charter if we have a problem. If we approve it, if its conditional approval and then we come back and say you didn't meet the conditions I think it's an easier hurdle for this board to revoke the charter.

Bedell: I get that piece. That piece is not my problem. My understanding is and again, I want to vote for this. Ok, I want you to understand that. But we have a board, you know we have an institution to protect as well that is beyond just this charter. Ah, if in the next weeks there cannot be a reproach (inaudible) between OPA and our staff. And the MOU doesn't, we're going to see an MOU, right? Doesn't this, see that's my.

Wenkart: Yes, that's the intent by December 14th, 2 months from now.

Bedell: So if something, I'm a little nervous about this because Miles made me very nervous. Miles I'm sorry. I'm sorry.

Hammond: Blame Miles.

Bedell: I'm going to blame Miles this afternoon. Ah, but I'm more comfortable knowing that we're going to see an MOU. You folks have said repeatedly you can deal with what our wonderful staff has said. We're having a kumbaya moment here with our staff, ok? So my understanding is everybody is going to work together. Kelly is going to shepherd this and we're going to get an MOU everybody loves because it's going to deal with these issues. Is that fair?

Wenkart: That's the intent.

Bedell: Thank you.

McLeod: And Dr. Bedell we can add to that. We would really like to move forward in a quicker process too with the MOU. We're very comfortable working with Tammy's staff and we'd be happy to sit down and be kumbaya and get it all done next week. We're ready for that.

Black: And let me tell you I know I took a long time and didn't really say it. I was trying to be a little, you know.

Nina Boyd: Could you step over to the microphone so we capture it.

Black: I tend to me a little more, you know, I don't want to demand things and ask things because we're so glad and so thrilled to be in this position. But what I did say to you and I guess I need to make that point, we felt the same way. We're very conscience. We want to be very comprehensive in everything we do. You can't probably get a more legalistic person than myself in the field of education without being with a law attorney. I just feel like if it says it we gotta do it. That's why we spent 3 days; we spent 3 days going over everything so that we could come here and be able to say are we comfortable with the MOU going along the same trail that your recommendations made. We talked with our attorney. We spent many hours and we feel very comfortable with that. There's nothing hidden here that we look at holding back on you. Does that help?

Nina Boyd: And if I could just add, Kelly informed me yesterday also that the attorney did contact her with questions as a result of their review. They talked that through. She was able to respond to them. He was able to communicate back to the leadership at Oxford. And everyone was satisfied with the conversation and that collaboration.

Bedell: Thank you.

Hammond: Dr. Bedell, anything else sir?

Bedell: No, I think I've exhausted my welcome.

(laughter)

Hammond: Never, absolutely never. Alright. Dr. Williams sir. Thoughts, questions, comments.

Williams: This represents and looks like it's dancing with the stars and the next thing we gotta do is put up our...

(Laughter and applause)

Williams: So, yeah, I'm gonna vote for this but I'm confused now cause I just heard that you're ok with the MOU, is that right?

McLeod: Yes we are.

Williams: Ok, so you don't see it as burdensome or onerous or anything difficult. So...

McLeod: After our good conversations between attorneys we feel very comfortable that every side is seeing the same direction and we're very comfortable with that.

Williams: So Ron, my question to you sir is, is the MOU is everybody is happy, is that option 2 as I see it according to how we vote.

Wenkart: Well, you can still do it under option 1. It's more voluntary under option 1 where under option 2 it would be more mandatory. So that's another way of looking at option 1 and option 2. Um, you know what I'm hearing from everybody that everybody's on board to do an MOU and it doesn't seem like there will be any problem. Everybody's agreeing to it. So, you know, voluntary is almost the same as mandatory in this case.

Williams: Yeah, I'm a little hesitant about going with option 1. I like the concept of MOU and if we're all sincere about MOU option 2 seems to be the most reasonable option. You know Ronald Reagan said trust but verify and that's what basically option...

Wenkart: That's another way of looking at it.

Williams: Yeah, that's what option #2 is to make sure that all these other issues which you yourself have said is not honor if burdensome. Um, I would feel more comfortable with option #2 to be quite honest with you from the business perspective. It still gets the same thing at the very end. I know we disagree but we agree to disagree.

Hammond: Anything else Dr. Williams?

Williams: No sir.

Hammond: Are you sure? Is that your final answer? Alright. Mr. Boyd anything else? Follow up on that?

David Boyd: Yeah, um. I could go either way with 1 or 2. Mostly because everything that we're asking them to do is simply clarify. And even if they clarify it in a way that we don't like, I mean, it's still satisfying the condition. I'm somewhat, I'm concerned when I think well perhaps Dr. Williams feels somewhat the same way that we're setting a precedent here that eh if we don't in the future unconditionally approve any application we approve that there's some type of taint that goes along with that.

Lindholm: Can I?

Bedell: I'm just, I just follow up to that cause I'm confused, again. I thought we were gonna if the motion would be option 1 with an MOU, not just option 1.

Williams: But that's option 2.

Hammond: For clarification, ok, option 1 is we get the MOU but like the 3 changes that Miss Renee was bringing up which again, thank you, basically is optional, but I have a feeling they're going to do it. Option # 2 is we get the MOU but it's that we say, do this, and they go, ok. So we get the MOU with either option 1 or option 2. The difference is that basically with option 1 we're just saying hey, we trust you to get these things done which they've pretty much said, yep, we're gonna get them done. Option 2 is we pretty much mandate it.

David Boyd:

Lindholm: Can I enter on this?

Hammond: Yeah, go ahead.

Lindholm: What I thought option 1 should have been was we approve it with no conditions which is I think bringing the confusion here. Option 1 as written by staff says we will have the conditions and they will get back and they will approve them together. Option 2 says we will mandate those conditions. So, we are not approving at point blank. It's not a blanketed approval. It comes with these conditions that will be brought back with an MOU. So that's where it bothers me. I think option 1 should have been just to approve it because I think they have a proven track record and they're a good school. We know what they're gonna do. So when option 1 came back to me with this clarification of having, well we're still gonna write it but we're not going to force you to write it that's where I think some of the problems have arisen. And the other issue I have is we've had some schools that definitely needed those MOU's. They had some very complicated issues that we had to have written in those MOU's to be brought back to be approved. This school I don't see that happening. If you want to move forward with the number 2, that's fine with me. I was willing to approve this school with no conditions and have them come back and meet with staff. I trust in parents, I trust in our society and I believe they will do this. I don't think we have to handhold everybody in the world. I don't think that's our job. So, that's. I would approve it without any conditions.

Hammond: Dr. Williams, anything else.

Williams: Aren't we wordsmithing here? If we're going to make a motion to approve it with an MOU isn't that what we're doing? Isn't that option 2.

Lindholm: As is written by staff but I'm hoping in the future I don't know that we'll ever have a school quite this strong come before us.

Williams: I agree.

Lindholm: So that's why I wanted this one to be a clean slate. To say...

Williams: But there are some very valid issues that staff brings up. Can they open another school in another part of the county?

Lindholm: Yeah, that needs to be decided.

Williams: That's huge! We had it with the Albert Einstein.

(Multiple voices)

Hammond: But I think that'll be addressed though in the MOU cause it's finalized in December.

Lindholm: Well, it's either a trust issue or just a...

Williams: I have trust issues I guess.

Lindholm: Well then may I make the motion for number 2 then?

Bedell: Second.

Hammond: Um, yeah, I guess you can make the motion.

Multiple voices: She just did.

Lindholm: I did.

Hammond: She just did. Alright, so you're making the motion to prove this charter school via option 2 and our very good Dr. Bedell has seconded that motion.

Bedell: This is true.

Hammond: I've gotten it right. Youhoo!

Lindholm: And they've said that they can agree to all those conditions already.

Hammond: Ok.

Bedell: Call the question.

Hammond: You would. Alright, fantastic. Um, all in favor of approving, oh I'm sorry, wait a minute. This is actually under recommendation # 7 which is adopt resolution #...I'm sorry I don't know what it is Nina, and except the Orange County Department of Education's recommendation regarding the charter school petition for the Oxford Preparatory Academy. In essence we just immediately transition from 4 to 7. I think I've done that correctly.

Bedell: Yes, yes.

Lindholm: Good job.

Hammond: Not bad for a grunt uh?

Bedell: But you gotta nice tie on.

Hammond: My wife dresses me well. So, all those in favor..

Williams: Do you wanna do a roll call?

Bedell: We don't do a roll call?

Hammond: We can do a roll call if you would like but...it's up to you. You can make the motion to have it as a roll call.

Williams: I defer to you sir.

Hammond: I just wanna quit, so.

Wenkart: Since it's resolution you should do a roll call. Typically do a roll call.

Hammond: I know but a few times there...

(Multiple voices)

Wenkart: That's been our past practice.

Bedell: That is past practice.

Hammond: So what is the consensus of the board? Do you guys wanna do a roll call or not?

Williams: Do a roll call.

Lindholm: It's fine.

David Boyd: I think we defer to your judgment and vote and move on.

Hammond: Fine, we're just going to do this quickly, sorry. Alright. All those in favor of adopting with the Orange County Department of Education's recommendation option 2 signify by saying AYE.

Multiple AYES.

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

(Applause)

Nina Boyd: Jack, ask him is he recessing for a few minutes.

Lindholm: We should call a 5 minute recess.

Hammond: Gavel-we are recessed for 5 minutes.

Back in Session

Hammond: The Orange County Board of Education is back in session. Moving on to the next thing or item is closed session. Conference with legal counsel. The chair seeks a motion to go into or not go into closed session with legal counsel.

Lindholm: Do you want to explain it?

David Boyd: Yeah.

Hammond: Well I was going to go into it after we had a motion. I mean if it's turned down by the board there's no reason to go into it.

David Boyd: It depends on what it is.

Hammond: Well it's what here is on.

Lindholm: It doesn't say that.

Hammond: Just says, you know, one potential case public records act request so, um, and since Ron has requested himself unfortunately.

David Boyd: I'll make a motion for purposes of discussion as to what they is all about.

Hammond: Alright.

Lindholm: I'll second it.

Hammond: Ok, so we are moved and second to go into closed session and at that.

Lindholm: Do you wanna have Ron describe what the issue is?

Williams: I think he's gonna...

Lindholm: Yeah, he's gonna say he's recused himself.

Hammond: He's gonna say he's recused himself.

Wenkart: Well, I recused myself on the issue of the public records act in determining which records are disclosable and not disclosable. But I did send you a memo on going into closed session and advised you not to go into closed session because I don't think that there's an issue here that justifies going into closed session. There has to be a threat of litigation against the Orange County Board of Education and I don't know that there's even a stake or an issue here for the board.

Hammond: Well.

Wenkart: Because it's really, you know, the way these public records acts usually go is staff reviews them, if there's a board member involved they let the board member know. If the board member objects we try to work it out which is kinda what we tried to do this time but weren't able to do it. And then if the board member is still unhappy then the board member will try to stop the disclosure. But the board usually doesn't get involved because the board doesn't have a stake in it. So that's kind of the process we went through. But when we got to the point where it was clear to me that we couldn't resolve the issue, at there was a conflict, that's when...

Lindholm: He needs to say he's recused himself.

Hammond: Would you say that you have recused yourself from this matter.

Wenkart: Yeah, from the public records act determining whether the public records act, whether the records should be disclosed or not.

Hammond: Right, ok.

Wenkart: But I'm still your counsel whether you should go into closed session or not and I'm advising you that I don't think you can go into closed session because there's been no threat. You can't routinely go into closed session to talk about public records act request.

Hammond: Right and I think that there is something that we should discuss in closed session, specifically deals with the very subject matter that you're that you're discussing.

Wenkart: Well let me mention one other thing. It's first of all you can only go into closed session if you have legal counsel and so since I've recused myself from the public records act issue, who would you go into closed session with to talk about this.

Lindholm: Ok, so we have to go the other way.

Hammond: Alright.

Wenkart: So you'd have to, you have on the agenda hiring legal counsel so you have the option of...you should determine that issue first and then you can get a second opinion if you want. But I feel strongly that there's no basis here for going into closed session. You know there has to be some type of threat in all the dealings we've had with all the attorneys involved with this before I recuse myself. Nobody made a threat of litigation. No body threatened to sue the county board.

David Boyd: Mr. Hammond?

Hammond: But if a threat came in after you recused yourself then or something.

Wenkart: Ok, I'm not aware of any threat.

Hammond: Right, but I'm just saying but that you've been recused so... there may have been some things happen that you wouldn't be aware of.

Wenkart: That's possible.

David Boyd: (inaudible) are you aware of any threat of litigation?

Hammond: Um, well you know before we move on it would be helpful if we had some legal counsel so chairs prerogative, I'm gonna go to item 14 which is approve the appoint of Daniel

King of Cota and Cole to represent the board related to the public records request from Mr. Barry Resnick and I will so move on that. Chair seeks a second.

Lindholm: Can you give the details of that approval. The cost, etc, etc.

Hammond: I can, is there a second though. It would help...

Lindholm: Well the motion should include the cost, duration..

Hammond: Ok, the duration is for us to advised by legal counsel, um, over about a 10 business day period of time with a cost not to exceed \$7,500. Reason being for that cost is I spoke with Ron and Ron said it took him roughly 2 weeks to go through all the emails and about this public relation and there were some other things. Granted he's working full time so I know it's not like he can do this 8 hours a day. But I'm assuming with Mr. King or any other attorney that we would hire probably they don't live just to do PRA stuff. I'm assuming he has other things on his plate that would probably take him almost an equivalent amount of time. So my thought is...

David Boyd: Is Mr. King here?

Hammond: Right there. And he has worked with our board here not too long ago. And actually came in under budget.

Lindholm: Um, ok your motion is, I would have given less, sorry. I would have given \$5,000 for this, there's a cap and had the legal opinion addressed whether the documents, I needed a little help on this, whether the documents are exempt from the disclosure under government code section 6254b as records pertaining to litigation under government codes section 6254 are as personnel or medical files disclosure which would constitute an unwarranted invasion of personal privacy or other provisions of the law and to be completed by October 23rd and not to exceed 5 pages in length. That's the motion.

Hammond: I can agree to all of that except for the \$5,000. My only concern is I'm wondering if it took Ron 2 weeks to do this while still dealing with everything else, I wanna make sure we give our legal counsel enough time without having to maybe shelve other stuff that they are trying to concurrently work on.

Nina Boyd: Point of clarification. Um, Ron clarified that it was he estimated that be about 2-2 ½ days to go through those documents as opposed to it being a 2 week if somebody was just looking at that full time.

Hammond: But I believe that he did say it took him 2 weeks but he had other things going on as well.

Wenkart: Right. It took about 10 hours you know. But I didn't have the 10 hours. It took me you know 2 weeks period to devote those 10 hours to review it.

Hammond: That's cause you had other things going on as well. So.

Wenkart: Right. Exactly.

Lindholm: I will accept as um...

Hammond: How about \$7,000.

Lindholm: Your \$7,500 with a cap and all bills to be explained for purposes of discussion. Excuse me. And the only reason I'm supporting this motion is because we are without as the Orange County Department of are without an attorney in this issue. Ron has excused himself formally from the board on this issue so we do not have an attorney and that's the only reason I would support it for discussion purposes.

Hammond: Ok, so then the motion is to go into closed session.

Multiple voices-No.

Hammond: I'm sorry I'm sorry. To hire Daniel King, sorry I got ahead of myself. So the motion is to appoint Daniel King as to your friendly amendment, um as said. Alright. Any other, Dr. Bedell?

Bedell: Is it seconded?

Hammond: She seconded it.

Lindholm: I seconded it for discussion.

Bedell: I, I guess I'm spending my day being confused today. Um.

David Boyd: You and me both.

Bedell: I'm not so sure, I don't know where we are with this so if we have our attorney, in this case this gentleman, do we get to see the email?

Hammond: Unfortunately, I think that's something we're going to have to discuss in closed session because..

Bedell: Ok, let me just tell you where I'm coming from.

David Boyd: Why would, why would we have to discuss that in closed session?

Hammond: Because anything we discuss out here, there's no attorney private, attorney client privilege.

David Boyd: Why would we need attorney client privilege to determine what we're going to be able to look at?

Hammond: Ah, so we don't make mistakes. And I don't like to proceed as a board without legal counsel.

Bedell: Ok, let me just tell you where I'm going with this then. Ok? It's a different issue and has absolutely nothing to do with this person as an individual.

Hammond: Ok.

Bedell: We have had a board member who's worked very closely with this individual and this law firm who found this individual and law firm. And I guess I have concerns about how this looks. How it smells or it doesn't. About how when we go with somebody who's been so identified, so picked, and again I'm not zinging anybody and you notice I've been silent on names, and now we're using this same person as our board (inaudible) attorney with one of the members of the board involved in this who is also his records have been looked for. If you had this motion and then said Maggie Chidester, or somebody else then the Executive Committee appoints a neutral person with a well-established Orange County reputation, I would say I'll vote for it. You know I'm not big on spending money cause it takes money away from the kids...

Hammond: I agree with you on that.

Bedell: but if this were, approve the appointment of counsel to represent the board in terms related to the, from Mr. Barry Resnick, counsel to be determined in consultant with Mr. Wenkart and the two members of the Executive Committee, or maybe even he can't even do it if he's recused himself, but probably but then that's we've had lawyers, Maggie did a beautiful job. I think everybody agrees on both sides of the issue. I would be much clearer and much happier if this were somebody who was totally neutral on this, nobody with a history. Nobody out there has to wonder if...is the particular getting information about what's being kept out or not. Is the particular board member, you see? And again, it's clean if everybody involved, and again I'm not disparaging any individuals, I just wanna be sure, if we think this is our business, and (inaudible) I'm not so sure I do, but that aside, I think it's better to have it super super clean for all five of us and the board and the County. So I would, yes?

Lindholm: The only issue I have that I totally agree with you 100%, time is of the essence in the deadline and this issue has been bubbling way past what we need to do in terms of the deadline.

David Boyd: Why? (Inaudible)

Lindholm: It would be really wonderful if we had a chance to go out and interview people and vet them and resume and but, the only thing I know, this individual gave a good, a clear report on the last thing we had. If we had, I think even the 15th which is tomorrow is supposed to be one of the deadlines, so I, that's where my problem is.

Bedell: So how can we fix this so that we don't have this cloud?

Lindholm: You're welcome to fix it.

Bedell: See well I would just recommend that approve the appoint of counsel to represent the board in regards to the public records act and everything else you specified that it's silent on name, name to be determined by...

David Boyd: Let's look at the reality of the situation.

Hammond: Hang on, hang on please Mr. Boyd. I understand what you're saying. But the problem is that my understanding is that we're looking at a tomorrow deadline.

Bedell: So he's going to look at all these emails between tonight and tomorrow?

Hammond: Allegedly he's our he might have been looking at some now, I don't know. But see I, I, I'm in a quandary as board president that we were operating without any type of...

Bedell: Sure I get that. I'd rather not feel that. I understand that that's why I'm trying to not throw this whole thing under the bus. I'm trying to protect the board and individuals involved. I don't want any board individuals to have his character impugned by the selection of a lawyer.

Hammond: Well, I...

Bedell: Does that make sense? Am I making sense?

Hammond: I understand what you're saying. I just felt the necessity to try and move quickly kinda like a couple of years ago when we had the Corona del Mar situation where Ron, in that situation had recused himself, it seemed like we needed to move pretty quick. Here is something that I felt we don't even have the luxury of a drawn out issue like the Corona del Mar thing where you know, it was going to be a while. We were looking at an absolute deadline and I was going like, holy cow. And the only reason I reached out to Mr. King is because he had worked with this board before, come in under budget and had done I thought a pretty good job. I know nothing, you know, I have no stake in this whatsoever. Um, and he's out of the county and I thought, you know what, here's somebody that's from outside the county.

Bedell: Ok, so now. As you understand, will any board member, will any of the five of us see any of these emails or will he have a total. I'm asking you because you're the president. I know I could ask him but I don't wanna...I wanna be sure that nobody is given, and don't misunderstand how this sounds, ah, an advantage, no I don't want anybody, I don't want to be, do you know what I'm saying? I don't want anybody's character on this board impugned by the people they had access to. (inaudible)

Hammond: I understand that.

Voice from the audience: If I could be heard...(inaudible)

Hammond: Hold on just a second because I know Mr. Boyd had something to say before that. Do you have something you wanted to...

Lindholm: No, I just wanted to say. We have 2 members here who are involved to some degree.

David Boyd: I'm not involved. I mean legally I'm not involved.

Lindholm: Um, ok.

Hammond: Potatoes, potatoes.

Mijares: If I could make a comment.

Lindholm: Please.

Mijares: Yes. Both Nina and I because of Ron's recusal have counsel and it is Jim Romo from Atkinson, Andelson et al. Jim told me today that he was going to advise Mr. Resnick that he needs 2 more weeks. And he's just going to advise him of it. Whether he wants to accept it or not he's going to advise him of that. And I think that attorneys understand the process and the complications and are willing to compromise.

Hammond: Well the problem is that he doesn't (inaudible)

Mijares: I also want to...(inaudible) as I had the mike I just want to say...

Lindholm: Hold on, hang on.

Mijares: one more thing and that is that Ron recused himself in this specific situation involving the emails. He has not in reference to whether this is even a matter that effects the full board. He is still your counsel and I have to sign pay warrants that would pay him or anybody else and so if I feel there's a potential violation of the Brown Act, I'm not signing anything.

Hammond: And that is definitely Mr. Superintendent. Um, but as soon as Ron...

Mijares: Somebody's gonna have to pay the bills.

Hammond: Well I understand that and as soon as Ron recused himself from this matter it left this board with no legal counsel and as president it's like...

Mijares: Yeah, I'm just saying there're 2 stages to this.

Hammond: I think it's (inaudible) upon me to make sure we are covered as board, whether we actually need counsel or not.

David Boyd: Mr. President? Ma'am?

Hammond: Mr. Boyd.

David Boyd: Put this in historical perspective. The only reason we're faced with this deadline is because we dragged our feet. We've known this issue existed since at least September 2nd board meeting. That's 6 weeks. You could have called a special meeting or it could have been added to the agenda of the September 28th meeting. Nothing's changed since then so now we're supposed to spend all of this money because we're faced with this pressure, um. Has Mr. Romo drawn a conclusion with respect to whether he um...

Hammond: We have a tentative signed contract.

David Boyd: feels the documents are privileged?

Hammond: But I went ahead and I gave him a (inaudible) signature.

Multiple Voices

Lindholm: Too many people are talking.

Hammond: So, the motion as it is right now is to approve the appointment of Daniel King to be the boards attorney only in relationship to this matter as so specified by Trustee Lindholm. With that, is there any other discussion in regards to this motion?

David Boyd: Yes sir.

Hammond: Mr. Boyd.

David Boyd: Are we authorizing litigation?

Hammond: I'm sorry?

David Boyd: Are we authorizing litigation?

Hammond: That is something I think we'd have to go into closed session to discuss. You know. We are really on the horns of a dilemma here and I would rather be safe than sorry.

David Boyd: I just don't see where the board has a horse in this race. You know we've got a dispute between one board member and one of his constituents. Has anybody threatened to sue the board to your knowledge Mr. Hammond?

Hammond: I think this is something we need to go into closed...

David Boyd: No, that's the reason we go into closed session. If we have been threatened that's one thing.

Hammond: Ok. Mr. King. I believe you had something you wanted to address. Was it to Dr. Bedell?

Daniel King: It was sir if I may.

David Boyd: Sure come on up and...

Hammond: Absolutely.

Daniel King: Dr. Bedell to your concern. To be clear, my first relationship has always been with the board as a whole, irrespective of who the president might be at a given time. Um, and I hope that the fact that spans to presidents indicates to you that that's the case. I'm clear on my obligations and under no circumstances would I be leaking documents to anybody on this board inappropriately. I can give you that assurance, ironclad.

Bedell: Wow.

King: To the extent that any of you have issues about my work what I would ask you to do is think about the way I conducted myself in our prior dealings. Even at times under pretty good cross examination from the good Mr. Boyd. I hope what you'll realize in looking back on those instances is I've strived to be a neutralize advocate for this body as a whole.

Bedell: If I may speak. I think you've done an excellent job and this is nothing personal but it goes to perception more than anything else.

King: I appreciate that and I do think that Trustee Bedell brings up a legitimate issue. One we should vet. I would suggest to you that if what you are in need of is counsel in a given closed session today, and you find at the close of that close session that you're not happy with that counselor, you want to switch that counsel, fire him! Even though he's me.

Bedell: Well you've already been retained, correct?

King: I have, well, that's an interesting question Trustee Boyd.

Bedell: Yes it is.

King: And it turns on for what purpose you want to talk about so for purposes of the CPRC right? I'm sure you're familiar with the fact that if a punitive client asked me a question and I answered that question, I am for ethical purposes their lawyer. Meaning, that if Trustee Hammond were to call me and say, hey, I wanna run something by you and I listened to him and offer any responsive comments I couldn't then for instance represent you in a matter that was related right? Because for ethical purposes I've become the boards counsel. Um, and again I've been clear on that with everyone at every time I've dealt with them whether that was the immediate past president or the current one that (inaudible) considers this five head beast (inaudible)

David Boyd: We received a copy of eh a document in pdf form that appeared to indicate that em President Hammond had retained you on behalf of the board and agreed to pay \$7,500.

King: Correct. And now you want to talk about the other half.

David Boyd: Well ok.

King: Am I correct?

David Boyd: Well um, hey, are you our attorney now as a board.

King: Yes. Without a question when we're talking about issues of loyalty, competence...

David Boyd: So you've really already been retained. There's no need for this motion.

King: Well that's not entirely correct. Here's where I'm not retained. For purposes of enforcing the contract as I'm sure you are familiar with, I'm going to need the approval of the entire body to get paid. So what I've done is taken a risk, for a good former client mind you, of doing a significant amount of, what is factually legal work in coming down here based on the idea that frankly I felt our prior interactions suggested I should trust that you would be fair and impartial with me. You would look and say, Mr. King has been a fair advocate for this body as a whole and yes, I'm going to cast my vote for retainer. I don't want to get stuck with the bill.

David Boyd: I don't have the document in front of me but in one of your documents you've referred to me specifically and I'm paraphrasing now as an ally of Dr. Resnick. Now that doesn't sound very objective to me.

King: My understanding of those facts is based on my discussions with other members of the board. It wouldn't be appropriate for me to get into those discussions in an open session. Because I would be waiving the attorney client privilege of the board as a whole without a vote from the board as a whole instructing me to do so and that I think gets us back to what we're really debating her which is do we go into closed session. And I would, in a small area respectfully disagree with Mr. Wenkart. It does not require an express overt threat of litigation to go into closed session.

David Boyd: Has there been a threat of litigation to your knowledge?

King: Yes.

David Boyd: And where did that come from?

King: One of the folks who was involved. Again, I'm not going to wave the boards privilege absent in instruction (inaudible)

David Boyd: But it wasn't Dr. Resnick.

King: Again I've said I'm not going to wave the boards privilege...

David Boyd: Ok, well I will make a statement. You know at least as of 9 o'clock this morning it was not Dr. Resnick.

King: And I suppose that statement reveals the fairness of calling him an ally of yours.

David Boyd: I have no problem with that. I'm not trying to distance myself. What I'm saying in the fact that you needed to point that out in your letter, you know, leads me to believe that you're not...cause it wasn't relative/relevant to your letter.

Kind: I'll be frank Trustee Boyd. I think the identity of both the person who is ostensibly making the request and the identity of the person who is affected by it are both highly relevant here. Because they are what puts us on the horns of the dilemma the president referenced.

David Boyd: Ok, if eh we go into closed session, you will then disclose (inaudible) question, done, statement, um the details of the threat of litigation?

King: I'm happy to.

David Boyd: And you consider that to be any discussions in closed session to be totally privilege? So if I learn anything in that closed session about who threatened litigation, that would be privileged.

King: I think you'd also be subject to potential criminal sanction for sharing it outside the board room as I understand closed session.

David Boyd: Ok.

King: It's a very serious matter.

David Boyd: But if we look at em who's, who are the relevant parties here, there are really only 2. I mean there is Dr. Resnick and there is Dr. Williams. So if Dr. Resnick didn't threaten litigation, then it had to be Dr. Williams to threaten litigation.

Lindholm: You know we need to get back to the task at hand.

King: I don't follow your logic given where we're going.

Lindholm: The task at hand is to determine will you explain how you went back in terms of standard operating procedure of this board and help past presidents had when, I'm sorry I don't feel that great, um when the board attorney had recused himself the past president had chosen another attorney. Will you explain that?

Hammond: Two years ago when we had the cheating scandal that came up from Corona del Mar Ron who as everyone knows is quick to help a lot of people and it helped the people down at Corona del Mar and for all intense and purpose Ron it looked like you did a great job and next thing you know it comes back before us and so rightfully so you had to recuse yourself and you know, it left us without an attorney but at the same time it left the Superintendent without an attorney as well and so the EC at the time I believe, Mr. Boyd was president, um, went ahead and

picked an attorney for us and we were not under any time crunch like we are right now. And eh, if I'm right I don't think it was ever brought before the board on being able to actually approve the appointment of the attorney. It was just simply done. So in this situation, I'm just trying to make sure that what we're doing is absolutely before the board and we can proceed as a body as is appropriate. So, I'm in essence following in the footsteps of Mr. Boyd. So if there's really nothing else, I think we should (inaudible). If you'd so like, go ahead.

David Boyd: I think the facts are a little bit different and you know perhaps Dr. Bedell can help me refresh my memory a little bit. The situation was factually different because yes Ron was out of the picture but he wasn't out of the picture because of a conflict between the Superintendent and the board. So I received a telephone call and I forget who the parties were; it may have been Ron, it may have been Lynn April, it may have been Nina, I can't remember who the parties were, explained the circumstances, and if memory serves me, correct me if I'm wrong, we've identified, I think it was Mr. Romo, wasn't it?

Wenkart: Eh we hired Bill Schafer.

David Boyd: Ok, Schafer. Ok.

Wenkart: From a...

Hammond: Rutan and Tucker.

Wenkart and David Boyd: Rutan and Tucker, ok.

Wenkart: Thank you.

David Boyd: So I never met him. I knew by reputation that Rutan and Tucker was one of the top law firms in Orange County and I said I had no problem with that. I believe I contacted Dr. Bedell who was VP at that point in time to simply explain the situation. He had no objections so we had a situation where the Superintendent is the one that technically hired um Schafer, not the board. So it didn't require board approval. Now we could have gone in at that board meeting and said, well wait a minute, you know. We've got a conflict here. But there was really no conflict so that was the reason it was not put on the agenda.

Wenkart: I just add one thing. That had been our past practice at that point and we had done that several times before. After that event, after we went through that process of the issue of the expulsion appeal involving Corona del Mar, it was the feeling of the board that we shouldn't do, we should change our practice. So we've changed the practice to bringing it to the board for approval. So that's been the new practice for the last year, year and a half or so.

David Boyd: So, just to summarize, I mean, the comparison doesn't match up exactly. I'm mean there were different facts and circumstances from the Corona del Mar situation to what we're dealing with now.

Hammond: Well I would agree that some of the facts are different, you know. Like we were under the time crunch then like we are now. Dr. Bedell?

Bedell: Yeah, let me see if I understand this. We basically have had a contract led with an attorney partially on the grounds that we have a time frame problem.

Hammond: Yes.

Bedell: Ok, so it's my understanding that from the assurances of this attorney, that no board member will be given any special preference or any access to any information, any emails, any cuttings out cause he is our board attorney. He is not an individual board member's attorney. Do I have that right?

Hammond: That's my understanding.

David Boyd: He sees we can see.

Hammond: Would you care would you care to comment on that?

Lindholm: I don't want to see the emails.

King: Again the identity of the requestor and the person affected confront us. That is an interesting question Mr. Boyd and one I think we should have a conversation with about in close session.

David Boyd: Well but you are the boards attorney. You're not representing one individual here.

King: Absolutely. And from the boards perspective, the answer to that question is I think important and my advice to the board would be to the extent that it as body wants to be involved with the decision making, it would behoove those members personally affected to recuse themselves, whether or not they're required by statute to do so.

David Boyd: Ok, so for example. Should Dr. Williams recuse himself?

King: The political realities that it would take a bilateral recusal being that the requestor is a known proxy of yours. That's how I think that's going to have to play out to be frank. Put simply, if you functionally the board member do not recuse yourself, I doubt seriously Dr. Williams is going to recuse himself and vis-versa. But I would advise you both to do it.

David Boyd: That's that's interesting because you're saying that eh...

Hammond: I'm sorry Nina, did you have something?

Nina Boyd: Well I'm just saying that the public records were for both information between Dr. Williams and um

Hammond: and me.

Nina Boyd: President Hammond. So the singular it's not just Dr. Williams.

David Boyd: So we have two people now that are...

Hammond: But I released mine.

David Boyd: (inaudible) recuse themselves if we have 3 we don't have a quorum.

Hammond: I released mine between Al and me because it was like 12 I think?

David Boyd: Yeah but as I understand, you refused to release the rest.

Hammond: I haven't refused. I just...

Bedell: I'm gonna get this, I'm gonna get this.

Hammond:...it's a piece of paper.

Lindholm: I don't feel that well if you guys can move this on that would be helpful.

Bedell: I would like to call the question.

Hammond: The question is called, then, all those in favor of appointing Daniel King as board attorney in relationship to the PRA request from Mr. Barry Resnick as so modified by Trustee Lindholm, signify by AYE.

Multiple Voices: AYE

Hammond: Opposed

Bedell: NO

David Boyd: Abstain.

Hammond: And 1 abstain. Ken, Ken I'm sorry, what did you vote Dr. Williams.

Williams: I voted for.

Hammond: For it? Motion passes 3-1-1. Now we go back to the old motion that is still on the table which is go into...

Lindholm: You can ask him now.

Hammond: closed session. So Mr. Attorney since you are now our attorney, do you recommend that we go into closed session sir?

King: I do.

Hammond: Thank you, sir.

Lindholm: Then you do it.

Hammond: So

Lindholm: Do you have to site a reason?

King: I believe Ron already did that for me in drafting the notice. But to be clear, under the potential or threatened litigation exception. Both (inaudible) and as reasonably anticipatable. One of the subsections and I can track down the authority if you'd like me to. Permits the board to go into closed session where it knows the facts which might lead to litigation and the other party does not know of them. To the extent the board decides to without documents that in our view a situation it has information likely to lead to litigation on a somewhat routine basis. So.

Hammond: Alright, well we do have the motion still on the table (inaudible) you've made your recommendation. Um, Nina would you please refresh my mind since I now share Dr. Bedell's issues, I guess. Part-timers is fun, isn't it? Um, who made the motion, was it me? To go into closed session?

Darou Phouangvankham: It was, it was eh

Nina Boyd: Yes.

Phouangvankham: It was President Hammond.

Hammond: And who seconded that motion.

Phouangvankham: Linda eh

Hammond and Phouangvankham: Trustee Lindholm

Hammond: Ok. It's been moved and seconded we go into closed session. All those in favor of going into closed session, signify by saying AYE.

Multiple Voices: AYE

Hammond: Opposed?

David Boyd: Opposed. And for the record I will not be participating in any closed session based on the advice of my attorney and our attorney.

Hammond: Ok. So motion passes 4-1. Do I have that correct? We are in closed session.

Board in Closed Session

Hammond: Orange County Board of Education is back in session once again and we are coming out of closed session and at this time we have nothing to report. Mr. Daniel King, thank you sir very much for your advice and direction and stuff. Is there anything you would like to say at this time.

King: (away from microphone) There is not. (inaudible) if I'm no longer needed if I might be excused.

Hammond: Goodbye. Have a safe drive home and all the best to your family.

Bedell: Travel safely.

King: I appreciate it. Likewise.

David Boyd: Thank you.

Unknown voice

Hammond: Oh, I was just going to say, for the record. Trustee Lindholm was not feeling well so she had to leave and she wanted that recorded into the minutes. Miss Nina?

Nina Boyd: And the other report into the minutes we wanted to make note that Trustee Williams left closed session at 4:214 p.m. and he has also recused himself from the closed session.

Hammond: Oh, ok. Thank you Nina very much. Appreciate that. Alright, recommendation # 8. Approve the material revision to the Academy Charter School petition and associated MOU and change the name of the charter school to Samueli Academy. Chair seeks a motion.

Bedell: Move

David Boyd: Second.

Hammond: Alright.

Bedell: Question.

Hammond: Dr. Bedell. What is your question sir?

Bedell: Uh, in the future it will be helpful to me if motions that are multiple in content which have separable parts, in other words, this motion has 2 pieces; one is the material revision which is taking it to the 20,000 and the other is the changing of the name. Those are technically parliamentary questions that could be divided and separate so in the future if we could just have that conversation about when you...suppose I really like the name change but not the one piece or reverse, it's a difficult issue. It's a multiple stage motion. But don't, I called the question.

Hammond: Fair enough, alright. Mr. Boyd, did you have anything on that one?

David Boyd: No sir.

Hammond: Dr. Williams?

Williams: I agree with Dr. Bedell.

Hammond: Alright, all those in favor of approving the name change to Samueli Academy signify by saying AYE.

Multiple Voices: AYE.

Hammond: Opposed. Motion passes 4-0. Um, recommendation # 9, approve the request to wave the MOU's restriction on limited liability provisions and vendor contracts for the contract between the Academy and Ex Ed. I'm assuming, I'm gonna have to ask this of you Miss Nina, that where it says the Academy, is that Samueli Academy.

Nina Boyd: It is. But at the time it's currently the Academy until now the minutes will reflect that they've changed the name so.

Bedell: Move.

Hammond: Ok. So moved by Dr. Bedell.

Williams: I'll second it.

Hammond: Seconded by Dr. Williams. Dr. Bedell, any thoughts questions?

Bedell: No it's fine. Great program, great program.

Hammond: Dr. Williams?

Bedell: Lots of community support.

Hammond: I'll say. Um, Dr. Williams any thoughts on that?

Williams: Yeah, um. Who would be the one to answer the questions regarding the waiver of the MOU's?

Nina Boyd: Kelly?

Williams: Basically, it's like why are they asking for this.

Kelly Gaughran: Because the Ex Ed contract is \$5000 over the amount requiring that limited liability provision and so it's \$20,000 instead of \$15,000. And so Ex Ed is requesting that same, none of their other contracts have that and they are doing a lot less work for the Academy. The work they are doing for the Academy now is just crunching numbers and so they feel there wouldn't be a liability issue.

Williams: Ok.

Gaughran: Ok?

Williams: Thank you.

Hammond: I haven't touched this. Alright. Dr. Williams, anything else on that?

Williams: No sir.

Hammond: Alright, Mr. Boyd?

David Boyd: No sir.

Hammond: Alright I have nothing on that either. All those in favor of approving item 9 signify by saying AYE.

Multiple Voices: AYE

Hammond: Motion passes 4-0.

Hammond: Recommendation item 10, approve the staff recommended changes and adopt the Esplanade Resolution # 30-15. Chair seeks a motion.

David Boyd: I'll move.

Williams: Second.

Hammond: Moved by Mr. Boyd. Seconded by Mr. Williams. Um, Mr. Boyd, any thoughts on that?

David Boyd: No, but I'm wondering since Trustee Lindholm has always had an interest in that project, is this timely? Does it have to be? Ok. I have no questions.

Hammond: We're you looking at possible tabling it?

David Boyd: Yeah. But if it is..

Hammond: But it is absolutely timely? Alright. Dr. Williams anything on this one?

Williams: Share with me the time sensitivity?

Renee Hendrick: Um, if you remember, our notes actually expire on December 1st. And so we have to give, you guys have to approve the documents, give us approval to actually work with the underwriters and everything and complete all that prior to December 1st.

Williams: Ok.

Hendrick: So, lock the rate mode in and all that type of stuff. It's pretty, it's very similar to what we did the last time.

David Boyd: Yeah, I don't really see an issue. I was just bringing it up since Linda had expressed an interest in the project.

Hendrick: So that's that's why. Just the dates.

Williams: Question just for discussion here. Is there any contingent plans in the event that we need to sell that property? Um have we thought about that? Have we considered it. Do we need the property? Originally when we first moved in there...

Hendrick: right.

Williams: there was the discussion that we would occupy a significant portion of that and that was one of the reasons why I always supported this and that would be part of our property that we would be using. My question is now do we anticipate ever increasing our use of that and if not, what can we get to sell it?

Hendrick: We actually have increased over the last year.

Williams: We have.

Hendrick: Which is, yeah, and so we're in not quite a full building but if the economy keeps on the way it is obviously that could get better and we can offer a much lower lease rate for ourselves. The other piece we have to remember is because we are in financial hardship with the state, if we get the school bond passed in November 2016, we will be able to build the school, the community school we've already purchased the property for. If we sell this property, the state will actually take any excess and we will cap and go against our...

Williams: Gotcha.

Hendrick: So that's one of the other.

Williams: So we don't want to sell it.

Hendrick: No. Not right now. Although we have many offers.

Williams: Oh really?

Hendrick: Yeah, there are a lot of developers right now in the area cause I don't know if you've noticed but if you come off Baker, they have that fenced off building right there.

Bedell: Yes, yes.

Hendrick: That's going to be luxury apartments.

Bedell: By the freeway?

Williams: Really?

Hendricks: Yes.

David Boyd: Beautiful view of the freeway.

Hendrick: Yeah, and so um they are anxious to get a hold of some of the land. I think you guys may have enough gotten some correspondence. I know Al has heard quite a few and so they actually want to use that area to build luxury apartments. Which I, yeah, cause just the zoning changed. Yeah. So.

Williams: Ok.

Bedell: There's no accounting for taste.

Williams: That's all the questions I have.

Hammond: Alright. Alright. Since there doesn't appear to be anything else then all those in favor of item 10 approving the staff recommended changes signify by saying AYE.

Multiple Voices: AYE.

Hammond: Aye. Opposed? Motion passes 4-0.

Hammond: Item 11.

Bedell: Mr. Chairman I have a question for you.

Hammond: I hope I have an answer for you.

Bedell: We have had several people in the audience wait a long time. We have about 9 items left I think maybe. One's been pulled. 7 maybe 6. I was wondering if there's anything, is there something that can be done to the agenda that we can have public comments?

Hammond: Um.

Bedell: And then what I'd like to do candidly is to have public comments and then adjourn.

Williams: I'm willing to move mine to the next meeting.

Bedell: Ken is willing to move his, so.

Hammond: Let's see. I'm...give me a moment here. You're causing me to think.

David Boyd: And some of these items Trustee Lindholm may wish to weigh in on.

Hammond: Well I'm looking at 12, 13, and 15 I'm willing to see tabled and I think 16 probably would be best to have tabled because Trustee Lindholm is not here.

Bedell: And if Trustee Williams is willing to suspend his...

Hammond: on 17 as well,

Bedell: and you want you need 11 approved?

Nina Boyd: Yes.

Bedell: So I'll move approval of 11.

Hammond: Alright ah is there a second?

Unknown Board Member: Second.

Hammond: There is a second. Ah Dr. Bedell any comment on number 11?

Bedell: No, it's self-evident.

Williams: Right, right. No, no discussion?

Hammond: Dr. Boyd?

David Boyd: No sir.

Hammond: Well, you actually can say it cause you do have a juris doctorate, right?

David Boyd: Yeah, technically. I mean it's a first professional degree the same as an MD, technically.

Hammond: Alright. So alright. Anyway, any other comments? I have nothing on that. Alright, all in favor of number 11 signify by saying AYE.

Multiple Voices: AYE

Hammond: Motion passes 4-0.

Williams: I'd like to make a motion to move items 12, 13, 15, and 16, and 17 to our next meeting.

Hammond: I will second that.

Bedell: Excellent.

Hammond: Any comments on that? No.

Bedell: No.

Hammond: Good. All in favor of tabling those items which is 12, 13, 15, 16 , 17 to our next board meeting signify by saying AYE.

Multiple Voices: AYE.

Hammond: Opposed? Motion passes 4-0. Um.

Bedell: Mr. Chairman I request that we go to board...

Hammond: Public comments?

Bedell: Public comments, yes, for the sake of the public.

Hammond: Is there any objections from my fellow board members?

David Boyd: I need to leave in about maybe...

Hammond: 5 minutes?

David Boyd: 10 minutes.

Hammond: Alright. Let's do public comments then.

David Boyd: Anybody wants to scold me let them go first.

Hammond: Where do we begin? No um.

David Boyd: There you go. David's go his hand up.

Hammond: Well alright. Do we have the cards? I mean I could just pick, I know everybody, so.

Bedell: How many do we have.

Hammond: Christian do you wanna, do you wanna speak?

Nina Boyd: You have the cards right up there. In front of Linda.

Hammond: By Linda.

Nina Boyd: They're upside down. Ok? And they're in order.

Hammond: Alright.

Nina Boyd: I'm not sure if all those people are here but if you call the name.

Hammond: Rina Yoshimoto? Calling once calling twice. Lisa Klipfel? David Whitley, you're our next contestant.

David Whitley: Thank you board and Superintendent. Over the weekend I watched the movie To Kill a Mockingbird with my daughter as part of her school lesson plan. And the courtroom scene reminded me of the last board meeting. I've been speaking before this board monthly for two years, maybe longer, and the last meeting on September 2nd and that was the low point and there have been many. In what was to be a presentation by Trustee Boyd critiquing and correcting the findings as put forth in the Williams/Hammond paper in the fall 2014 Common Core Public Hearing held in this room, I was at first pleased to see my Common Core minute video shown in its entirety but then was equally shocked to see that I became the focal point of Mr. Boyd's presentation. He veered from the facts and entered a world of make believe in which in order to undermine the credibility of the Williams/Hammond paper he used (inaudible) attacks against me and many of the people in this room. He used, eh, he tried to link us to racist, and bigoted and anti-Semitic individuals that have an interest also in the Common Core. But it was not because of what we said, but it was rather because of who was in the video. As chancellor of the Taft Law School and with a lot of background himself, Trustee Boyd knows better than to use (inaudible) attacks against constituents and those of the public at the Orange County Department of Education. He turned the meeting from a factual discussion into a witch hunt where allegations were tossed about in order to bring doubt into the discussion rather than sticking to the voracity of the claims made by the video and the paper. Trustee Boyd as Chancellor of the Taft Law School tarnished his own credibility and that of the school he represents by making such slanderous and defamatory allegations. I emailed Trustee Boyd in order to discuss the presentation as it related to me and he refused to meet. I asked on several times for a copy of his presentation and he refused to share it. I asked the Department of Education for a copy and they said they did not have it either. In Trustee Boyd's presentation he chided Dr. Williams for not quoting page, paragraph, and line in the transcript from the hearings and yet Trustee Boyd's presentation, his remarks, are curiously missing from the transcripts from the last board meeting. Why is that? I see the hypocrisy but where's the transparency. Trustee Boyd insinuated, (inaudible), suggested and implied that I and other's in this room were anti-Semites or racists and that our views were not legitimate, like his. That they were polluted and perverted. Yet he himself failed in his own test by wielding a hammer of arrogance against truth and justice. He made himself out that day to be judge, jury and hangman, and never asked a single question of those he accused. He metaphorically pulled the lever, let the floor drop and in full view of the public, lynched an innocent man. Thank you.

Hammond: Ah, Suzi Kahn. Um, so are you giving up your time and letting your son go then?

Kahn: (inaudible)

David Boyd: That's a violation.

Hammond: Sorry, I called you. But I mean I can rearrange it though. Cause you can't technically give your time to him.

Inaudible voice from the audience

Nina Boyd: She has a card in.

Hammond: I know. That's why I called you. Suzi Kahn. I'll call Christian Kahn. Christian, go ahead.

Christian Kahn: Good afternoon board and Superintendent. Trustee Boyd. I will be responding to your exhibition of fallacies last meeting. First I'd like to thank you for opening your presentation with a compelling quote from Samuel Blumenfeld. It is easier to believe a credible lie than an incredible truth. I would also like to correct your illusion that I am taught in the way of John Birch. I attend Adelpia Classic Christian Academy. You're fortunately enough that I am able to attend these meetings as I'm on campus Mondays, Tuesdays, and Thursdays and I'm at home on Wednesdays and Fridays. I will also refer to my previous comments to the board regarding the censure. Censuring is used when a group of officials are concerned about the actions of another member of the group. It is used as a public reprimand to the official of concern. This is not typically done by one person persuading the group to go along with their personal feelings and ideas as well as it is not typically done simultaneously to multiple members at a time. This sounds very familiar to things I've seen take place on the elementary playground. We call it bullying. Is this because you simply don't agree with them? I wonder if someone is pressuring you. Or could it be that you know your colleagues will be up for election next year. Where are the adults here. I've sat in this board room and listened to many meetings. Mr. Boyd, you often seem argumentative with your fellow trustees, often straying off topic to tracking or stalling from business at hand. I've also noticed that these two board members who you want censored seem to have been listening to the people who have come to this board. These trustees seem to be researching the information they've been given and then wrote their own piece. I understand you feel the writings of these two trustees appeared to represent the entire board. This motion is another distraction from the business of this board. Since you're concerned with appearances this censure appears that you may really be wanting censor them and their written speech, more so than censuring them. This is an extreme move, like bringing a (inaudible) to a squirt gun fight. Please don't insist on this madness. After all the facts we've brought you, what you've shown us is simple. Simple to see. You can't handle the truth. I'm not looking for the truth, I'm trying to expose the lie. Thank you. And not to end on a sour note, I'd like to give you \$10.00 to give to the Children of the Night.

David Boyd: I would suggest you send it directly to the organization. I appreciate that though.

Hammond: Miss Suzi Kahn. And then next up after that will be Helen Kingsbury.

Suzi Kahn: Good evening? Yes, Good evening trustees. I will be reading a letter on behalf of Dr. Duke Pesta. I guess the Pied Piper of Common Core as he was referred to. In response to the audio presentation of the September board meeting. Dear Mr. Boyd, thank you very much for the amusing and paranoid screen against me at last month's board meeting. Your hysterics

have elicited many guffaw and eye roll from anti-Common Core activists across the country. On the left and on the right. All of who recognize in your display the same tired attack on individuals and associations instead of engagements with ideas and arguments. For someone in your position to so be-clown himself is confirmation both of correctness of our cause and your dereliction of duty. The fact that you have nothing substantive to say about my information, all of which comes impeccably from impeccably progressive sources is vindication enough. I have worked for the last few years as the academic coordinator of Freedom Project Education. An organization who's board of directors contains members of the John Birch Society. From this alone you throw around McCarthyite slurs like Nazi, Klu-Klux-Klan, but why not carry it all the way. For the past 22 years I have also been a professor in some of the most liberal university systems in the world. I've received 10 year at the uber liberal University of Wisconsin where I teach English, I of the most ultra-liberal majors on campus, any campus. Based on your twisted logic, doesn't my 22 years in liberal universities make me 7 times as liberal as my 3 years at FPE makes me right-wing. If you were intellectually honest instead of partisan and political you would have to concede as much. You also remarked rather condescendingly that when I was last in Orange County I didn't drop in on the hearings. And why you and I both know that such an impromptu visit would not have been recognized, I thank you for extending an open invitation for me to speak. Since I will be in Orange County again next spring, I will most definitely take you up on your offer and address the board. I look forward to sharing my concerns with you man to man rather than following your example and taking pot shots in absentism. Thank you.

Hammond: Helen Kingsbury.

David Boyd: If we can have a copy of that letter I'll be happy to respond to him. Thank you.

Helen Kingsbury: Board and Mr. Al Mijares. I would just like to continue um a Dr. Duke past his letter, this is the PS portion. About your offer to pay a \$1,000 for proof that Bill Gates has profited from Common Core. In order to comply with Common Core testing, students have had to purchase new technology and significantly update computers in order to handle the onerous testing requirements. That is a fact. It is also an undeniable fact that many of these upgrades in involve products manufactured by Microsoft. There is absolutely no doubt that Mr. Gates has made money off Common Core. I urge you to be a man of your word and immediately a check for \$1,000 made out to Faithful Christian Servants so that they may better continue their mission to look after the best interest of Orange County teachers, parents, and students by informing them of the dangers and failures of Common Core. Surely that is a small price to pay for those who shoulder the burden of doing your job for you. I'll be in touch about arranging a time to address the board. Thank you.

Hammond: Last speaker Eric Stoetling.

David Boyd: I'm on the ropes, so. This is the last one. I gotta take off.

Hammond: This is our last speaker, so.

Eric Stoetling: Good afternoon board members. I just want to take a couple minutes to address Dr. Boyd's presentation from last month. I would also like to make a public request that the presentation be presented to the board so that it can be added to the public record. I know that the recording is available somewhere but the transcript does not record the comments made during the presentation. I believe that it is even required by law to be available for the public to review so I would...and I personally would like to see it too. Mr. Boyd you made so many comments that day that it left me thinking where do I start but I decided to take one small bit of your presentation and comment on that. You took a short clip from a Mary Calamia out of a short video you obtained from the internet and I believe greatly distorted the intent of Mary's testimony before the New York State minority education committee. Her entire testimony was able how children were being negatively affected by the new curriculum and the testing. I reviewed that 3 minute video that you presented and where you got the video clip from as well as the entire testimony of Mary Calamia. The clips that were given in that short video were very much in line with the entire testimony which basically revolved around her greatly increased student referral rates from all over the 20 or so districts that she heard. This included cutting, self-mutilation, refusing to go to school, even hospital stays. These all began with the beginning of the Common Core. You used one short quote from Mary to discredit her testimony about the Common Core where she said I don't know of any formal studies that connect those symptoms to the Common Core. But you did not include her next statement that said I don't think we need to sacrifice an entire generation of children to get, just to get that correlation. (Inaudible) also said she mentioned the standards were higher but not include her testimony saying that the standards were inappropriate for the ages that they were given to. And her description of how these students, how these standards required children to use parts of their brain that are not fully developed until adulthood which make them use parts of their brain that use anger or fear to be able to answer the questions. So though I understand that you fully support the Common Core as your actions fully show, but I don't think your methods are appropriate or reflect the honor of the position you currently occupy. In closing I have to say that I am greatly troubled by your misleading use of Miss Mary Calamia's testimony to achieve those goals. I hope you will reconsider your comments as were given in your presentation. As a side-note, we're not really hiding anything. Mary Calamia's testimony we want everybody possible to see the entire thing. Thank you.

David Boyd: And with that Mr. President I need to take off. I will say that for anybody who's interested in my presentation, every single word that I spoke is on our website as we speak. And the links that I gave that I made reference to I have provided to Mr. Whitley and others who have asked.

Hammond: Um, if you want to, it's up to you. If you happen to have that whatever you shared if you wanna...

David Boyd: It's on our website.

Hammond: Oh is it on the website?

David Boyd: Every word that was spoken both by me and in the videos is clearly on our website.

Hammond: Fantastic. Alright. Um, Mr. Boyd safe travels to you as you head home.

David Boyd: Thank you.

Hammond: Um, that leaves us with the 3 of us. We'll we have almost, um broad member items um, let's see there's a few things here from David Boyd I'm just gonna continue next time. Um, there's a couple of things for me. I'm just gonna continue. Dr. Williams, you have something there that says Board Executive Committee final and sole authority on agenda items. Um do you want to address that now or do you want to wait until next time. If you wanna address it now it's fine.

Williams: I think everybody should be here.

Hammond: (inaudible) if everything there. Announcements.

Announcements

Hammond: Mr. Superintendent sir.

Mijares: I will pass.

Hammond: Wow.

Mijares: Thank you but it's great to be with you.

Hammond: Thank you sir. Miss Nina Boyd? Any...or Renee?

Renee Hendrick: I just have a couple items I need to update you on. The first on is um, you may remember about a year ago we had talked about the Orange County Retirement System was evaluating their unfunded liabilities and so we no longer have current employees in that system but we have past employees in that system. And so um that discussion has been going on and so I just want to let you know that we continue to have ongoing conversations with them and that we will bring back to you any of the impacts that may have. Just so you're aware of that.

Williams: How many...how many former employees do we have in that system?

Hendrick: Um that are still living? About 6 I believe.

Williams: 6 ok.

Hendrick: Maybe 8. Between 6 and 8.

Williams: So does not represent a significant financial issue?

Hendrick: Um yeah, that is what we disagree with their numbers. That's what we're just trying to...

Williams: What are they saying?

Hendrick: I don't actually know off the top of my head, so. Yeah. We're just having a lot of conversations back and forth. They're doing it to all their pools, not just us. So, they're trying to dig into the detail. The second item we have is we have been negotiating since January or February with our bargaining units and we finally come to a tentative agreement with both of our bargaining unit groups. CSCA, our classified union has ratified and our teachers will finish their voting by September 26th and so um, and so our management team would have to follow the same guidelines and so currently that is a 3% on the schedule salary increase and then it's equal to a 2% but each group got that in a different way and this is the first year that we have not increased our cap for health benefits. So. That's it.

Bedell: This is what happens when you roller skate.

Ellin Chariton: yeah. Now you threw me off. Alright. Take a deep breath.

Williams: What happened to you?

Chariton: In you take home packet is the annual report of the Williams Settlement Legislation that is required by the statute. And as you will recall this is the report that on behalf of the County Superintendent of Schools is a recap of the annual visits, the quarterly as well as the annual visits. And by the statute it is required to be presented not only to the County Board of Education but to the Orange County Board of Supervisors and that report will be going out tomorrow to the Board of Supervisors. All matters the textbook sufficiency, the condition of facilities, the accuracy of the school accountability report cards, the teacher assignment monitoring, all items are reported and um actually as you well know Orange County always does well. All items have been mitigated that were of issue and therefore the report is good for Orange County. So, thank you.

Hammond: Ellin, thank you very much and how much longer before you get that boot off do you think.

Nina Boyd: And I'd just like to remind the board that the next board meeting, November 4th is at 10:00 o'clock a.m. Ah, on Wednesday. And we have teacher of the year November 10th. Information and invitations were sent to each of you if any of you are planning to attend, please let Darou know as soon as possible.

Hammond: And what day is that again?

Nina Boyd: November 10th. That's all I have.

Hammond: Alrighty. Um, I don't think there's much else.

Williams: Do you need a motion to adjourn?

Bedell: Just as I, just let it report that I'm going back to Washington to meet with Senator Alexander's staff (inaudible) about the issues that we constantly talk about with the supporting of the (inaudible) authorization and IDEA. So to keep pushing the legislation that they're dealing with in the House and the Senate is dramatically differently and the Senate is very much closer to what we historically talked about. So I'm going to be meeting with them to see what they say about what we can do at this level.

Williams: And thank you again Jack for all the years you have been doing this. Your dedication is incredible and very respectful.

Bedell: Thank you.

Hammond: Alright. Well before we, last little thing there's a bunch of board member comments. A lot from me which I'll just carry over. Um will be talking, Linda wanted to talk with me about security, and about the national motto so I'll report out on that next time and then the China article um, Nina did you send me a copy of it this last time, email?

Nina Boyd: You were sent a copy a couple of weeks ago.

Hammond: Alright. Good and a I think Linda wanted to see a copy of it so.

Nina Boyd: Right. I had a request from you yesterday to make that available to all the board members so we're going to send them an electronic copy of that.

Hammond: Perfect. Chair seeks a motion to adjourn.

Williams: Motion.

Hammond: We're gone.

Bedell: Abstain-laughter.