

Orange County Board of Education Meeting March 11, 2015 Transcript

A. Call to Order

Ken Williams: Are we ready? It's time.

Jack Bedell: Yeah, it's time.

Ken Williams: Good Morning! For the benefit of the record, this regular meeting of the Orange County Board of Education is called to order. We will be starting our meeting today, if we can all stand, by Pastor Mesa from the West Coast Christian Tabernacle who will lead us in an invocation.

B1. Invocation

Pastor Mesa: Um, I just want to make a brief comment in my time about a meditation that I picked up this week and, uh, the author is an uncle of mine, Dr. Manuel Gahoyla (sp?). He is the first religious, um, Ph.D., in Latin America and he was a contemporary of Dr. Jessie Miranda and as I was reading through this, he wrote this in 1986 and I just want to give you the title. His Ph.D. was in Philosophy and very thought provoking and critical thinker. The title of one of his thoughts is Goliath Also Had a Father and he talks about how we remember the heroes and how many overcome so many challenges. But he says the history is sometimes incomplete, um, because we forget about the Goliaths. They had a father and what about the family that Goliath had, the mother, the dad and so I know those are the challenges that this board faces in this county. Not only the success, but what about those that maybe are not remembered? So, let us bow our head and uh, let us pray this morning. Lord, we bless you for your beautiful day that you allow us to live. Today, you call us to be more than we were yesterday, you call us to share your love more than we did last time and to understand and be wiser in ways before the sunset last night. So, as we gather here, from the North to the South to the West, to the East in this county where we have 27 school districts, we have over 20,000 ministering angels and over 500,000 children that are under the stewardship of the stewardship of this great men and women and so we ask a wall of protection over this precious treasure and the most valuable asset that this county has. We pray that you will watch over them, where they are and over the facilities where they come every day. And father, as an arrow in the hands of a marksman our children are being shaped and formed by men and women and they bow, bends backward to send that into the future and so we pray father that our children will succeed. We cannot always build the future for our children but we can build our children for the future. This is what we pray that you will give wisdom, give understanding to those that make these decisions that affect our children. And Lord, may we always remember that, Goliath also had a father, a mother, a family and I'm reminded of today the pain that the family of Jillian Jacobson is going through and we pray for that family and for the school and for the children that we're connected to and Lord we

believe that you are going to give us the achievement that this district has set out to do and it is to lead this nation in college and career readiness for the twenty-first century and we thank you in Jesus name, Amen.

Ken Williams: Thank you, Pastor Mesa, those words were very invigorating. Um, the tradition at our board meeting is to give our allegiance to a symbol. To a symbol of a great country. No, we're not perfect. We certainly have issues of concern with how we governed ourselves and how things were done in the past. But, still this is the greatest country in the world. And we are very blessed to give acknowledgement to that symbol. And we are going to have someone who means a lot to me. He's one of the ranking executive committee members of Orange County's Freedom Committee here and that is former first lieutenant, Frank Pangberg of the U.S. Army who will be leading us in the Pledge of Allegiance. He was a member of the Army Core, of, of, Air Craft, and Air Wing Division I think. You're a Platoon Leader, ok. But you served in the... You used helicopters a lot, ok. And you were in the Vietnam War and served in the combat of theatre operations in the Cambodian border. So, thank you for your service. You are a bronze star and a hero to many of us. Sir, will you please come up and lead us in the pledge of allegiance.

B2. Pledge of Allegiance

Ken Williams: Sir, will you please come up and lead us in the pledge of allegiance?

Frank Pangberg: For you veterans, you know the government gives you the permission to salute so, uh, the Pledge of Allegiance, please take advantage of that. Ready? Begin.

All: 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.

Ken Williams: I must say, I particularly, um privileged to know those U.S. Army young men, women, my son is a second lieutenant just finished West Point and is doing his basic officer training in Fort Benning in Georgia, so, um, I like where you served sir.

David Boyd: Mr. President, can I make a comment?

Ken Williams: Absolutely!

David Boyd: The, Samueli family who are of course co-founders of I guess you would say of the Academy, our um, Charter School, also own the Anaheim Ducks Hockey Team. And for the past two years plus in every single game about midway through the third period, they honor a veteran and these people go from World War II to Korea and to, I mean every single conflict up to today and there's never a situation I've seen, where these individuals did not get a standing ovation from 17,000 plus individuals.

Ken Williams: Hmm. Thank you.

Linda Lindholm: Good.

(Audience Applause)

C. Roll Call

Ken Williams: Okay. Uh, Penny roll call.

Penny Dunseth: Trustee Boyd?

David Boyd: Here.

Penny Dunseth: Trustee Hammond?

Robert Hammond: Present.

Penny Dunseth: Trustee Williams?

Ken Williams: Present.

Penny Dunseth: Trustee Bedell?

Jack Bedell: Here.

Penny Dunseth: Trustee Lindholm?

Linda Lindholm: Here.

D. Introductions

Ken Williams: Very good. Introductions. Nina.

Nina Boyd: We have three this morning. First we have Dion Gibson. Dion is a Project Liasion in our School and Community Services Division and has worked for OCDE since August 2014. She is a native of Orange County, she's married and has two daughters, 12 and 18 and the family also includes two cats, Elvis and Lucky. Growing up, Dion attended Irvine Unified schools and after high school she attended Cal State Fullerton where she received her bachelors in Cal State Fullerton where she received her Bachelors in Child Development and Cal State Long Beach where she obtained her Masters in Education. Dion worked for Los Alamitos for over 12 years teaching Pre-K and Kindergarten Summer Enrichment Programs. She indicated that her family's long time Los Alamitos members in terms of their education community and her husband still works there. She was Classified Employee of the Year for Los Alamitos and for Orange County in 2012 and was recognized by this board and she currently teaches child development classes part-time at Cerritos College. She decided to join our team because of her commitment to supporting children with high qualify academic, social and extra-curricular experiences and providing the necessary resources to make it possible. Dion also has a love of classic cars. Her

family owns four and she says of those, her favorite is a 1955 Cadillac and she drives a vintage 60's Vespa. She stated she's looking forward to experiencing her daughters growing to their greatest potential and living happy lives. Um, she also said that the one word that describes her would be faithful. On behalf of the Superintendent, Dr. Al Mijares, and the Orange County Board of Education, we welcome Dion to our OCDE Family.

(Audience Applause)

Nina Boyd: Next, is Carol Brown.

(Audience Applause)

Nina Boyd: And she is also a Project Liason in School and Community Services and has worked for us since August. She was born and raised in San Diego County and as we were dialoguing we reminisced, I was also raised in San Diego County, she was on the North end and I was on the South end. But she currently lives in Laguna Niguel. She's married and has two grown sons, both who have graduated from Capistrano Unified School District. One is pursuing currently a Masters degree and one will be graduating in June with his Bachelors degree. So, she is a proud mama right now. She graduated from Cal Poly Pomona and she has worked as a special schools teacher for both OCDE and Huntington Beach Elementary School District. She was a pre-school teacher for Capistrano Unified School District for five years and spent thirteen years as an early childhood education supervisor with Capistrano Unified before coming to join us. Carol also has had the opportunity to be a mentor for one of our Sunburst Youth Academy participants, which she said she found as a very very um, rewarding experience. Carol appreciates the fact that OCDE supports personal professional growth and development and she believes and supports the OCDE programs that benefit and allow all children to be successful. She values the opportunities to support and provide programs for all children and she said that in her spare time she enjoys spending time with her family, cooking and gardening. The word that best describes her is enthusiastic and on behalf of the Superintendent, Dr. Al Mijares and the Orange County Board of Ed, we welcome you, CATHERINE, to our OCDE family.

(Audience Applause)

Nina Boyd: And last but not least, Clark Osborne. Clark is a coordinator of Special Education in our Alternative Education Division, ACCESS, and has worked for OCDE since September of 2014. Clark was born in Huntington Beach, but lived the military brat lifestyle in the Philippines, Japan and Okinawa as a kid and as a teenager. He is married and also has two cats named, 503 and Baby. Clark received his bachelors in Psychology from Cal State Long Beach and two masters degrees from Cal State Dominguez Hills in 2002: one in Special Ed, and one in Educational Administration. He started his teaching career in Inglewood Unified and he taught at Kelso Elementary and mild moderate special day class for grades 1 through 3 and for three and one half years. He eventually became a Vice Principal. Clark moved on to Garden Grove Unified working as a program supervisor for special education and later became the coordinator

for Special Ed. While at Garden Grove, Clark discovered he had a genuine passion for alternative education. I should add that many of our student referrals were generated by Clark from Garden Grove Unified. Uh, Clark enjoys working out and boxing in particular. He enjoys sparring in the ring in order to challenge himself and as a stress reliever. He loves spending time with his wife and also going to Las Vegas. Clark stated he enjoys the collaboration and support from other ACCESS Special Ed and general education administrators. They have all made him feel welcomed and valued here at OCDE. The word that best describes him would be: effective. On behalf of the superintendent, Dr. Al Mijares, and the Orange County Board of Ed, we welcome you Clark to our OCDE family.

(Audience applause)

E. Agenda

Ken Williams: Thank you, Dion, Carol and Clark for being here and for being a part of our family. I know you're going to do great things and you're really going to make us look better. May I have the motion for the adoption of today's agenda?

David Boyd: So moved.

Robert Hammond: Second.

Ken Williams: First and second? Any questions? Being that there's none, uh, all those in favor say Aye.

All Board Members: Aye.

F. Minutes

Ken Williams: Oppose? Um, none voting. Motion passes 5-0. May I have a motion for approval of our February 5th meeting?

David Boyd: Move.

Ken Williams: Moved? And a second by?

Linda Lindholm: Second.

Ken Williams: Second by Trustee Lindholm. Uh, any questions?

Jack Bedell: Yes. Mr. Chairman.

Ken Williams: Yes sir.

John Bedell: If you would be so kind on the second page as it deals with the charter schools at the top of that page, it's J. Special Recommendation. That motion by Bedell, seconded by Boyd

to accept the Orange County Department of Education staff recommendation regarding the appeals submitted by Vista Heritage Charter Middle School the recommendation option two is for conditional approval based upon issues or memorandum of understanding. That's not quite clear, what that means. But, my concern with this paragraph was that my vote to do this was conditional upon that it comes back to this board for approval as other charters do as if it were our own charter. I would be happy if that sentence read based upon approval based upon resolving issues and the memorandum of understanding that would be resolved before becoming official by being approved by our board. If we had the word by being approved by our board in there, that would, I know that's the intent, but it's implicit but I think it's safer to have it in there.

Ken Williams: With unanimous consent, does the board uh...

Linda Lindholm: Um, just following, um, I'm just following-up to make sure the meaning is what you mean. Uh, I thought the staff was going to work on the MOU with all the criteria of option 2 and I did not recall that it would be brought back if they had issues, or just brought back all together?

Jack Bedell: Brought back altogether because it is ours, we see the MOU, we see that the issues are resolved and we approve it that way. Cuz there were concerns raised by our staff and I thought that's...

Ken Williams: Any – right. In historical context, you're absolutely right, Dr. Bedell. That's how we did with our Orangewood.

Jack Bedell: Right. And that was just consistent with what we've done. So, it's just not out there, Trustee Lindholm when it comes back when we have closure.

Linda Lindholm: Yeah. Okay. Well, is there a time period? Was there a time period on that?

Jack Bedell: One would never know...

Ken Williams: (Inaudible) months to the last one.

Jack Bedell: Laughter.

Linda Lindholm: Okay.

Ken Williams: It's not quick.

Linda Lindholm: I see. Alright. I'm okay with that change then.

Jack Bedell: Thank you.

Nina Boyd: The staff is trying to have it back to you before May.

Ken Williams: Okay.

Jack Bedell: Thank you. Thank you for that clarification.

Ken Williams: So, um. Uh, that is a motion then for correction of the minutes.

Jack Bedell: Well, uh, it's just, I think editorial. I mean, I could, if you could accept it as an editorial change to the minutes. Fleshing out. Fleshing it out. By being approved by our board, before becoming official, by being approved by our board we do that today.

Ken Williams: Okay, so, um...

Jack Bedell: I move that to amend the minutes to have that if you're better with that?

Ken Williams: I, I, I would feel more comfortable.

Jack Bedell: Sure.

Ken Williams: From a voluntary perspective. Okay. So that's motion to amend the minutes as Dr. Bedell said.

Robert Hammond: I'll second.

Ken Williams: Second. Ok. Very good. Any further discussion?

Linda Lindholm: No. But I would like – if I may – I would like to comment and thank Penny for making them nice and brief and action oriented, and uh, great job.

Jack Bedell: Yes.

Linda Lindholm: Only my - That's only my comment.

Ken Williams: Okay.

Robert Hammond: I have a question for Dr. Bedell.

Ken Williams: Yes.

Robert Hammond: Um, on the same, uh, issue there Dr. Bedell. Um, on J-3, 1, 2, 3, 4. On the 5th line where it says issues or a memorandum of understanding, should that be and?

Jack Bedell: Yes.

Robert Hammond: Okay. I didn't know if you had made that change or not?

Jack Bedell: No. I'd probably slurred over it. Thank you.

Ken Williams: Oh. Very good. Okay. So...

David Boyd: Oh, as long as we're making minor editorial changes. Uh, a lot of times Boyd is used without reference to Nina or me. So maybe adding a D. or an N.?

Jack Bedell: Oh...

Ken Williams: Yeah. Yeah.

Jack Bedell: When we refer to Nina it's the good Boyd.

David Boyd: Yeah. I know.

(Laughter)

Ken Williams: Oh no. I appreciate your humor, Dr. Bedell.

David Boyd: I'm not so sure I do.

(Laughter)

Ken Williams: Okay. Barring that I sense there's no further discussion. We do have a motion to second for adoption of our previous minutes. All those in favor say, Aye?

All Board Members: Aye.

Ken Williams: Okay. For very good.

G. Time Certain

Ken Williams: Moving on, we do have a time certain. If I can, um, Penny how many public comments do we have?

Penny Dunseth: We have eight public comments that covers six topics.

Ken Williams: Is it – ok. Um, I was, I was going to say, um, how many of those six have to be out of here by 12?

Penny Dunseth: One has indicated 12:30.

G-1

Ken Williams: Okay, one has indicated 12:30. Okay, so I think we'll be able to get to them all. Okay, I just want to be there for the public so you know you will get your opportunity. But we do have a time certain at 11:20 and uh, this is of course a follow-up to our board agenda item on budgetary authority. And uh, with that, we will reintroduce Mr. Daniel King who uh, previously gave us his legal opinion. He'll be uh, giving us the opportunity to ask questions about his recent opinion.

Daniel King: Thank you, Mr. President. Uh, Trustees. Uh, as well the last time I was here, I won't bore you by launching into a speech about what I wrote. I assume you've all read it and will be happy to talk with you about your question.

David Boyd: For purposes of the public, I wonder if you can, uh, give a brief overview as to what the conclusion was?

Ken Williams: I, I think that's a good idea I'll be more than happy to um, so, back in July, um, I had a meeting with uh, Trustee Lindholm. She was excited upon her election to her board with um, desires that she wanted to have implemented. And one of them was the transparency and making sure our budget adoption process was a little bit more efficient and up to date and more transparent and easier to understand. Uh, our budget adoption process, the way it's been done, as, for my twenty years hasn't changed very much. It is very difficult because I'm not CPA, I'm not a numbers guy, uh, and so, uh, with her, um, uh, expressing a desire to make things easier and more simplified, she shared with me how they do it at Laguna Niguel City Council for which she was Mayor and spent many years there as a City Council member. So, with that began a dialogue with the Superintendent's Office and Ron about how we get this started and get going along the way. A long the way it was expressed that the board doesn't have the authority to do really do anything with the budget other than an up or down vote. And of course, that began uh, sequence of e-mail exchanges and communication between the superintendent's staff and myself about what is the actual authority as many different issues. But one of them that we're dealing with today is the budget authority. And so, with that um, it became quite apparent that there was um, a potential confrontation and difference of opinion and what this board could or cannot do. So, in the spirit of, of principle and finding out the truth, uh, I've sought many legal counsel and different people, asked them their opinion on the statutes and it was my conclusion that the board does have the um, budgetary authority as the Attorney General's opinion in 1975 says that we have the ability to make revisions, reductions or additions. So, with that uh, we then as a board voted, I can't remember how long ago to, to ask for this opinion. And that's, in a nutshell how we got here. So, Mr. King? Tell us what you think we have the authority to do and not to do sir.

Daniel King: So, I'll start with the first opinion the board asked me to give and that is about the board's role in the adoption of the budget. Really the, um the question that it boils down to is the ability to make line item changes during the course of the budgetary adoption process. Education Code section 1622 says the board shall adopt the budget. Um, that is where the analysis began for me. It doesn't mention the superintendent um, having a role in that process or the ability to change the board's adoption whether that includes it amending the budget or making other changes to it before making it final. Um, that is the last act which makes a final budget for the department as a whole. Um, Education Code section 1620 also says this body shall hold a hearing and entertain public comment in adopting that budget. That's significant in my view, because it suggests that you as the elected folks who are directly accountable to the public um, have a responsibility to entertain those comments in good faith and suggest that you must have the power to respond to those comments to make changes in response to folks coming

up and raising their concerns. Um, I then took a look at both the article in the Education Code which controls the Office of Education's budget and the article which controls the powers of the superintendent. In both cases, um, there's no language which indicates that the superintendent has um, the authority to sort of overrule changes the board wants to make. The bottom line conclusion for me is that this body, is the body that has the overall authority over the budget. Um, it's also buttressed by other sections of the Education Code section which say things like the superintendent may not make changes to the budget after its adopted, greater than \$25,000.00 without coming back to this board. Again, it suggests that the ultimate authority lies with you. Um, the other thing that I think is important there is that comports with common sense about what a board is and what a chief executive is. If you look at the corporate world or um, the government world or, um, in either case generally when the legislature makes a board of trustees or a board of directors and an executive. That relationship looks a lot like the board sets policy, has the ultimate authority and the executive carries it out. Um, all of those seem to point the same conclusion which the article on the budget, uh, pointed out as well. That ultimately is the board's decision what the budget looks like. I'm happy to talk about the second question you asked me, but I'm also happy to discuss this one further if anybody has initial questions about it.

Ken Williams: So, is, is your um, your opinion, how much of it did you take back to the 1975 Attorney General's opinion? Does that play a role, in your, in your comments?

Daniel King: It, it does. So, like the statutory authority which is binding the Attorney General's opinion which is helpful but not binding authority also explains what that relationship looks like. That in fact, the county superintendent is subordinate to the county board in the budget process. Um, this is actually about a forty year old issue it appears from that opinion. We add counties and superintendents at that time taking the position that the county superintendent might be capable of exercising financial authority outside of um, the supervision and the direction of trustees. There, as I understand we have here, we have what's called an independent county department of education, or office of education. Those are used as synonyms. Um, the argument was in fact, a resolution by the county delegating its budget authority was vesting authority in the superintendent and its clear from the statutory scheme in the attorney general's opinion, uh, exposes that. That in fact, what happens when that occurs is the county board of supervisors authority over the budget is then also vested with this board and for the benefit of the public I'm sure you all know, absent that resolution, the budgetary adoption process goes, adopted by this board, then reviewed by the county board of supervisors functioning in some respect as almost an appellate body over this uh, board's decision. So, in this case, that appellate jurisdiction is not really an appeal, but conceptually it acts sort of like one, has also been vested in this body.

Ken Williams: Okay. And if I can continue with the questions: so, in talking with our in-house legal counsel, there was a previous opinion that he gave and Ron if you have that opinion we can distribute it to the board. Uh, I learned that that was based upon what the state superintendents association dictated and so the question comes so we have our in-house legal counsel giving us

an opinion based upon a private organization. What's the precedents there? Uh, is there any sort of binding effect upon us?

Daniel King: No, I don't think so, I think this board is left to weigh the various opinions to inquire about what it thinks about the relative authority and analysis and then make a decision from there. I would say this, um, I would not be shocked to find that the superintendents association believed that the superintendent or argued that the superintendent has um, greater authority. It wouldn't surprise me.

Ken Williams: Okay. So, we have an opinion from our in-house legal counsel, um, that is based upon something that doesn't look to appear that you're giving us the same response. How do we respond to that as a board? Or, how should we.

Daniel King: And are we, President Williams talking about issue one or issue two? Because I know there is an opinion on issue two which is the grant issue. Right? But I'm not sure if I recall an opinion from in-house counsel on the question of budgetary authority.

Ken Williams: Issue two.

Daniel King: Alright, so, if I may, can I hold you off until issue two?

Ken Williams: No problem.

Daniel King: Thank you, sir.

David Boyd: Trustee Williams, my questions will relate to the grants leading into the budgetary authority, so if you could brief us on the grant issue, it would be appreciated.

Daniel King: Happy to. And with that I suppose we are moving on to Issue two. So, the second issue that you all asked me to analyze relates to grants specifically in Education Code section 12400. Education Code section 12400, says that the superintendent is empowered to take any action necessary in order to obtain grants which are created by an act of Congress. As a threshold issue there is no conflict between Section 12400 and this board's power that we just discussed under Section 1622 and Section 1620, or its power under Section 1042 to prescribe rules and regulations for the Superintendent in the office of education. Um, unless a grant is created by an act of Congress, we just don't have this issue. Now, one of the things I wasn't asked about and didn't look into because frankly you don't want me blowing up the budget is, how many of our grants does that implicate? Are we talking about five thousand dollars to the budget or fifty million? I don't know the answer to that question? Um, but it may well become an important question if there really is ongoing tension about the question of grants. So, in that space where it is in fact a grant that is created by an act of congress, we then have a conflict in the Education Code. We've already talked about the fact that the article on budget says, um, that this body has the budgetary authority. Um, there is also authority in this body to prescribe rules and regulations. Seems to me that the Education Code is set-up that typical board staff

hierarchy. And then comes a long Section 12400, and says the superintendent has the power to do anything necessary to get money from a grant created by an act of Congress. Now things get difficult we've got to try to reconcile that conflict or decide whether 12400 was intended to overrule what is an entire article of the Education Code. Ultimately, the practical problem boils down to this. If it truly means the superintendent can do anything, he can write a million dollar check that isn't provided for in the budget in order to get grant funds under an act of Congress. That doesn't make sense to me. As a matter of statutory interpretation we are supposed to look at the entire scheme, not any one statute right? And give the statutes their meaning in that whole scheme. Here, I think the best reading of 12400 is that it was intended to give the superintendent the ministerial power to do acts if the Congress says, we're going to give you this grant money, but we need you to sign a certification that you're not going to discriminate based on race, creed, color, sexual orientation. The superintendent has the power to do that. Um, I don't believe that it's properly read to mean the superintendent has the ability to override the rest of the Education Code. I think that if the Legislature meant that, it would have said it more plainly and, funny enough this is a rationale that the uh, Attorney General applied to another fiscal fight forty years ago in the opinion that we just discussed.

Ken Williams: So, I'm sorry David, you have the floor.

David Boyd: No, I'm sorry. I, I, jumped in on you. So you finish your question.

Ken Williams: Well, I'm going to take a rest and look to my left and my right. My peers have any questions?

David Boyd: I do.

Robert Hammond: I have one myself.

Ken Williams: Okay. Speak-up. David do you want to go?

David Boyd: Sure. I can start if you like. Um, I take it then, in connection with your research you weren't provided with a copy of this document, Statutory Functions of the County Boards of Education and County Superintendents uh, CCESSA?

Daniel King: I was, and did read it.

David Boyd: Reviewed.

Daniel King: Oh, yes, of course.

David Boyd: That's kinda what we might consider the opposing view.

Daniel King: I think that's fair.

David Boyd: That they're going to come back and say, hey, look this is our argument. And, let, let me start off by saying that I agree with much of what you write. It's not all that different from a conversation I had with President Williams over breakfast probably three years ago. We talked about uh, these various conflicts. But, we also talked about um, you know, this document, you know, the pro con part of it. And, that's what I really don't see in your opinion. What's the other side gonna come back with? Now, when you were given this assignment was it with the idea that you were going to come back with an opinion that would justify um, let's say for lack of a better term the expansion of authority with this board or was it simply give me the law let the chips fall where they may.

Daniel King: The latter of those two is my understanding of my job for this board. Is to give it the analysis of what the controlling authority is. And with respect to um, some of these issues, I will tell you, you already had sort of an opposing opinion set up in the form of in-house counsel's opinion. So, I felt less responsibility in that case to highlight that side, because it's already before you.

David Boyd: Sort of.

Daniel King: (Laughter)

David Boyd: Okay.

Daniel King: We'll leave that question aside.

David Boyd: In the four years I've been on this board, I have tried my best to figure out legislative intent, statutory construction with many, many portions of the Education Code as it relates to county boards and my conclusion has been in most instances there is no logic. Um, it seems like over the decades, a little over a century, I think since this process has started that there have been bills that have been enacted and a lot of cases they didn't look at the total picture and I think that this is one of the issues we're, we're getting into. But, you take uh, the standard relationship between a, a, superintendent staff and a board for example with the exception of the county. I've never seen a government entity or even a non-profit entity where the board didn't pick the outside auditors and that's what we face here. It's just illogical that that situation exists. I'm going to talk about grants first and then we're going to...

Ken Williams: Can I ask you a quick question?

David Boyd: Sure.

Ken Williams: So that concerns you about the superintendent picking the in-house auditor?

David Boyd: Well, it concerns me and it apparently didn't concern Sacramento because it's clearly the law.

Ken Williams: So, in your, um, understanding the board cannot make that decision?

David Boyd: Yeah. Yup, it's uh, doesn't make any sense to me, but that's clearly what the code section says.

Daniel King: And there were some other sections if I may, Trustee Boyd, that do similar things. They sort of pluck out, what to me also are illogical issues, um, if you look at Section 1042, it says the board has the authority, right to do all these things. And then, down buried in I think it's Section F there's this clause that says the board may make a loan to a charter school but it meets the superintendent's concurrence. Right? I'm not, I'm not sure where or why that issue is specifically a different other than raw politics. Um, but there it is. A share of the sort of power of the budget for the superintendent but it's in that narrow little slice.

David Boyd: So, moving, moving on to grants. You tried to make some sense of this total picture.

Daniel King: Yeah.

David Boyd: And, I'm going to summarize it a little bit different way, that while the code section clearly says that the superintendent has the authority to obtain grants through the federal government. It is inconsistent with the board's budgetary authority because that action could materially affect the board. So, we have to look at the article in total, which in some situations would override that specific code section. Is that an accurate summary?

Daniel King: It is, although I will add one other power that I think maybe it conflicts with and that is the board's power to prescribe rules and regulations for the superintendent's office.

David Boyd: Okay. We'll get into that later. So, um, if uh, we're dealing with about a 200 million dollar budget here, give or take. Um, roughly a hundred and seventy, excuse me a hundred forty million dollars of that budget is already totally out of our control by the time we receive it and that's because according to current interpretations we have no power over salaries. So, I don't see how you can reconcile that, ok, a million dollars or five million dollars is inconsistent with the overall statutory authority when 72 percent of our budget is already out of our control. And probably more when you add on benefits, work hours or what have you. How do you reconcile that? I have been unable to reconcile that and come up with any logical understanding of a legislative intent.

Daniel King: I'll say this, I think maybe it comes down to raw political power. Um, ultimately, I think there's a statutory scheme you're talking about which prescribes protections for certificated and non-certificated employees right? Which overlays the entire authority of this board, chiefly because its adopted by the legislature which um, has the authority to do those things and to impose rules and regulations on this board and say, you have the authority to do XY and Z but we're telling you have to do this. Um, and with respect to collective bargaining, its uh, one of those things the legislature has chosen in its wisdom to be very active in.

David Boyd: Yeah, actually I'm not so sure. I mean that that is – I don't want to get off on too much of a tangent here – but, our inability to influence or participate in the collective bargaining process is largely a result of in fact I believe it's a totally result of a, an attorney general opinion. There has been no court decisions, there is no specific code section that uh...

Daniel King: You have a disadvantage of not being asked to address it. But, my understanding is that grows out of the statutory scheme for protecting the employment rights of folks who work for school districts and/or the office of education, but...

David Boyd: Okay, in connection with the budget, does the board have the power to amend or void a collective bargaining agreement entered into by the superintendent of a bargaining unit?

Daniel King: You've already answered your own question.

David Boyd: I know. So, even though it gets 70 percent total dollars we're talking about.

Daniel King: Yeah.

David Boyd: We have no power over that. Okay. In a few minutes we're going to vote. Or actually in an hour or so, we're going to vote on Item J-7 and that's the 2014-2015 Second Interim report and in connection and are you up to date about what that's about? That's basically an update of the budget.

Daniel King: Right.

David Boyd: The budget that was approved back in...

Daniel King: Listing actual expenditures after they're made as opposed to forecasting which the budget does.

David Boyd: Yeah. And what I found interesting in connection with this is under Section 1240 Item I refers to the requirements for the interim reports which states that the reports shall be reviewed by the county board and approved by the county superintendent. Again, that's another inconsistency in my mind in the overall statutory scheme. If the superintendent has no influence over the initial budget why does he have an influence over the interim?

Daniel King: I think there is a distinction between the two in my opinion. We may disagree about Trustee. Ultimately, that interim is a report by the staff to this board of what it actually spent under the boards direction as embodied in the budget, that's the distinction. It's a report of my superintendent did this – um, and then the board has the power to even revise that expressly. So, again, even in that process it seems the board has the ultimate authority there. Although, staff is you know responsible for you know, tracking receipts and reporting back.

David Boyd: Okay. On, page 3, you write that the board can make line item changes to the budget even after it's adopted and cite Ed Code section 1622(c) and looking at 1622(c) the way I

read this is the, if a budget is rejected by the State Superintendent of Public Instruction of schools I forget what the exact title is, then and only then does this come into play and even then it goes on to say pursuant to sub-section b on or before September 8, the county superintendent of schools and the county board of education shall review the recommendations and (inaudible) at their regularly scheduled meeting. So again, we have a situation here, where superintendent again is getting involved in the process.

Daniel King: Yeah, and I read that subsection as really an embodiment of the idea that there is in fact authority above this board in the state, right? On budgetary issues.

David Boyd: But...

Daniel King: The Superintendent of Instruction...

David Boyd: When you write even after its adopted I think it would've been clearer if it uh, if you pointed out this is a highly unusual situation with the state superintendent that rejected the budget.

Daniel King: I think that's a fair, fair conjecture.

Ken Williams: Question on that. So, after we adopt the budget, it goes to the state superintendent and never has it happened that I'm aware of that it's not been accepted. But it gets accepted and officially entered into some record and...

David Boyd: Right. And, and if it's um, rejected for whatever reason there is a process. And this is part of that process. The state superintendent sends us down his or her objections and we, together with the superintendent as I read this um, respond.

Daniel King: Yeah, I guess my observation would be about the entire thing. Why not just have the state superintendent amend the budget, unless the intent is to sort of respect the authority of this office.

David Boyd: Well, again uh, that goes to uh, the wise folks in Sacramento gave us. The 1975 Attorney General Opinion – I read through this a number of times and you indicate with respect to 1975 Attorney General opinion, I couldn't find – well I couldn't find where the word ultimate authority on the budget is mentioned in that opinion. In fact, I did a word search on that. And the word ultimate does not appear.

Daniel King: I agree with you on that. But I can point you to the language in that opinion which indicates that that is the case. Um, I forwarded a copy made from a good old fashioned book to the Trustees, um...

David Boyd: That was hard to find by the way. Before I received your copy I spent an hour looking for it.

Daniel King: (Laughter). Um, so on page 91, it's the second full paragraph mid-way through discussing the issue they were facing, the delegation of authority and who it went to. The attorney general's office said, when speaking of the fiscal independence of a superintendent, the independence referred to is his independence from the county board of supervisors and not from the county board of education. My read of that is a square statement that he's subordinate to the board on matters of finance except where of course statutes have carved out these big chunks.

David Boyd: I look it as almost a throw in comment because the, the opinion itself didn't deal with our particular circumstance. The opinion dealt with the relationship between the board of supervisors and the superintendent. But, reasonable people can disagree. Um, lastly, um, you're right on the bottom of page 4, the Ed Code section (inaudible), 1042(a) makes it abundantly clear who has the final say and final authority of substantially all matter when it provides that the board may "adopt rules and regulations governing the administration of the office of county superintendent." How would you interpret that section? What rules and regulations could a board theoretically adopt?

Daniel King: I think you can adopt any rules and regulations which aren't prohibited by statute already. So, I mean you've already identified there's a great big um, piece of the world that's very difficult for the board to manage which is of course employee relations.

David Boyd: Well, for example could we, uh, establish working hours for the department? Assuming it's not uh, already covered in the collective bargaining agreement?

Daniel King: I don't know if there's a specific code section on that point which would affect it, because I wasn't asked to address it.

David Boyd: But you're saying, as I understand it, this gives us broad authority to adopt rules and regulations?

Daniel King: In the spaces where the legislature has in its wisdom distorted the relationship between a board and chief executive.

David Boyd: How could the board require that uh, all travel expenses for employees at conferences be approved as our expenditures are approved?

Daniel King: Again, I wasn't asked to address that specific question and I'm hesitant under cross examination to take a position you might feed me.

(Laughter)

David Boyd: Alright. Thank you, very much.

Ken Williams: Okay. Robert?

Robert Hammond: Thank you. Thank you for your time sir. Just one quick question, you mention this uh, attorney general opinion. How much weight as a general rule do you in the area of lawyers, how much weight do you give to an attorney general's opinion?

Daniel King: It's persuasive but non-binding. It takes a court to make a binding statement of law. And on occasion we end up with so many of them conflicting it's difficult to figure out um, particularly when it comes to the district courts of appeal, um, so, it's persuasive because it represents what thoughtful people who are in neutral position who are trained lawyers thought the answer to the question was and it's helpful in that regard. But ultimately the analysis in here rests chiefly on the thing that is binding, which is the Education Code.

Ken Williams: Thank you. Look to my right? Dr. Bedell?

Jack Bedell: The thought of being to your right is...

(Laughter)

Jack Bedell: Is something that uh...

(Laughter)

Jack Bedell: I'm sorry that was too easy, Dr. Williams.

Ken Williams: I handed that one to you...

Jack Bedell: (Inaudible) the hand off, yes. I appreciate your time here this morning. I wonder, I – all this legal stuff, you know what I mean?

Daniel King: I do.

Jack Bedell: Yeah. Uh, the bottom line, uh, many school districts is mixed, many school districts are facing declining enrollment. We are one with our unique ADA. We are one. And it seems to me that that makes it ever more important that the staff be vigilant in getting as many grants as they can for our unique students and they are unique. Uh, we wouldn't have them were they not in most cases. And, it seems for me in this whole piece here trying to make sense of it, I understand you to say and correct me if I'm wrong, that if some agency comes up and I'm sure it's an honorable one that uh, has X dollars available to apply for, for our unique students, the superintendent and his staff can go for that money.

Daniel King: Correct. That is the state of affairs at the moment.

Jack Bedell: Okay.

Ken Williams: That's from the U.S. Congress.

Jack Bedell: If it's federal money.

Daniel King: Any money at the moment. Because there is no board policy to the contrary and in that vacuum, I think 12400 sets out what happens. Now were this board – what I think I can maybe I can do a better job of couching it, you have the authority to do something in my view. You haven't yet and that doesn't mean you should. And you haven't had a conversation yet about what you should do. Um, were this body to decide, they wanted to exercise that authority. I think the next to step is to have a conversation about what the contours of that look like. I don't think anybody on this panel wants every thousand dollar grant coming on to your desk.

Jack Bedell: I can't imagine.

Daniel King: Right.

Ken Williams: I agree.

Daniel King: Um, on the other hand. It might be that you all got together and said well, as part of the adoption, uh, budget adoption process, we want to identify the major grants we're getting and then make a decision about whether or not we think it needs to come before the body. Um, I wasn't tasked with coming up with a good solution for that. And I ducked it on purpose, frankly, because it's going to be complicated.

Jack Bedell: Well, actually you've made me feel a lot better frankly, because one of the things I don't want to do, because of the uniqueness of our children and the staff who spent their whole careers servicing those children, I want them to feel free that they can go for monies that frequently tax payers money.

Daniel King: Yeah.

Jack Bedell: So if we don't get em' you know, we're paying them we're not getting it. That it seems to me that what you have said, the absence of the policy such as you shall not apply for any grants that deal with tree trimming we are free to go for tree trimming. Is that basically what you're saying?

Daniel King: Correct.

Jack Bedell: Thank you. That's all I wanted to hear. Thank you.

Ken Williams: Trustee Lindholm.

Linda Lindholm: Thank you, and welcome. Thank you for coming.

Daniel King: Thanks for having me.

Linda Lindholm: Uh, for the benefit of the audience, I, I believe, um, we also have um, just explanation, our in-house counsel is conflicted out on this issue. So, he will not be speaking on this issue. So, he will not be speaking on this issue, because the superintendent is seeking his

own opinion. Um, ok. Later perhaps, I would like to know later on what the cost of that is and who that counsel is. I think that's a fair request and I would like to know that. I think the board should be aware of that. We've been very clear um, on who was hired here. So, it does for the benefit of the audience so that you are up to speed on that and I would like to know the cost and who he has retained. Um, maybe later on under what authority? (Laughter). But that's a different issue. Uh, I appreciate how you've written this, I think it's very clear, um, how you've presented it that basically the board is setting the policy and the executive is carrying it out. Um, which makes a lot of sense because the staff is and the very talented teachers we have are the ones who are carrying out the policy as it gets forward. Um, in terms of what you've said there is another 30 million dollars that uh, the board needs to be looking at too and reviewing it and seeing if it is spent in line with the budget as it was proposed and I think that's a grave responsibility and we'll be talking about that a little later. Uh, I understand on the congressional grants that makes a lot of sense, that's Title 1, is that correct? A lot of those are for our very physically challenged and other, who have other issues. For our local grants, I think the policy has been in the past that they're looking at administrative costs. The administrative cost for a thousand dollars is way out of line. Uh, I don't think we need it. It's uh, in terms of reporting I've been aware of how, hiring, you have to actually hire people to do um, the reporting when you bring in the money. So, the administrative cost can be quite high. My understanding is that we have a expectation about nine percent? Is that correct?

(Voice in audience) (Inaudible)

Linda Lindholm: Yeah. Yeah. And and so, I think that makes a great deal of sense. That we're not spending more money administrating the grant than we are getting it so, uh, I'm pleased with uh, your report, I think it's pretty clear, I think it's very fair, uh, I think it puts us in a position of working together with our wonderful superintendent and I'm happy to do that. So, I thank you for your time. I don't think I have any question on this, it's well written.

Ken Williams: So, I want to defer to my colleagues if they have any more questions going into a second round here. Um, there's a lot of questions that David asked about micro-management and grants a certain size as Dr. Bedell was asking about, uh, and I don't think in my twenty years that I've been here anyone has ever wanted to micromanage this department. You know, picking out how many pencils somebody – or what textbooks – those are all to the individuals who are there and on the front lines making those decisions, but in the bigger context one of the reasons that we sought this as a board, from my understanding was also for the future boards. I may not be here next year, I may not be here five years. None of us will probably be here 20 years from now, who knows, uh, but it's to set precedents. It's to help to clearly establish and give guidelines for the future boards. Uh, you know one of my concerns where we get a long great and we have the same governance philosophy and principals and culture and education for our kids, except for maybe Common Core, uh, but other than that we're in line with one another on how to govern this board and from a macro management that is what I see as the purpose of a board. It's not to micro-manage and that would, I think would be a folly. Um, so that's, uh, with

that intent is one of the reasons why we went and I asked for an outside counsel uh, what would be the next step for us to actually implement this then as a policy for future boards? We adopt um, in Section 1042, Paragraph E(2) it requires something legally in public as a resolution or policy.

Daniel King: My read of subdivision E(2) is that applies only to subdivision E which addresses the power of the board to um, replace the superintendent with an interim superintendent in the event he steps down right? And then E(2) says that power must be exercised pursuant to a separate resolution by the board giving itself the power to fill the vacancy. So, it appears to me for reasons I am not entirely sure about that in order to fill a vacancy with an interim superintendent you've got to pass two resolutions. One giving yourself the power to do it and the other actually doing it.

David Boyd: I'm lost, uh,

Daniel: Yeah.

David Boyd: It seems that was outside of the scope of what you wrote out. How did this issue come up?

Ken Williams: Well it came up probably because I'm not a lawyer and I don't know how to interpret with great clarity some of these statutes here. So you're saying E(2) then only applies to the actual replacement of the superintendent, is that, is that correct?

Daniel King: That is how I read it. Now, um, to get to your broader question, I think you are correct that if the board wants to do something, um, particularly with respect to the grant issue, it probably does need to act. I think the next thing to do were I sitting in your position would probably be to collect some information about what the grant status is. How much of the budget that we have discretionary authority over is actually funded by grants? Of those grants how many of them are as a result of an act of Congress? We may right there save us a fair amount of headache if it turns out to not be very much money. Um, once you have that information, I think then you can have and should have as a board an open and frank conversation about, alright, how far down into this stuff do we want to get? That's often a tough decision to make as a board of directors. You don't want to get down to the point where you're rendered ineffective because you spend so many hours reviewing these things. But if there is a fifty million dollar grant out there, you may want to take a look at that. Um, those are decisions for another day. On the question of the board adoption policy, uh, process. I think the statute gives the board the authority to hold that hearing and the authority to be the final arbitrator of what the budget looks like. Um, so I think there's already something set up to make that happen.

David Boyd: Okay.

Ken Williams: Do, do we have to um, have a formal document and vote in public then to make that happen?

Daniel King: The board adoption? The uh...

Ken Williams: That the board has the final budgetary authority and can according to the stated attorneys opinion make revisions, reductions and additions to the budget? We'd have to state that in a formal document such as our board policy?

Daniel King: I don't see a requirement to pass a board policy. I don't know that it's a bad thing to do. I have a feeling in any event when its likely to come to a head is during the board adoption of the budget.

Ken Williams: Mmhm.

Daniel King: That is going to be the critical moment.

David Boyd: Let me – cutting to the chase here.

Daniel King: Please – sure.

David Boyd: Yeah. Um, I personally don't feel that the grants are going to be an ongoing issue. I think we'll be able to work with the superintendent and work that out. Um, the budgetary process however, um, I have every reason to believe they're going to come back with an opinion materially different than the opinion we received today. And, I guess I'm asking both you as President and you as our counsel, if that happens how do we proceed?

Daniel King: So, if I may, Mr. President?

Ken Williams: That, that's a good question. My same thought.

Daniel King: I would like the opportunity to read that – to evaluate it – to, to approach it with an open mind and I'm happy to come back and have a conversation with all of you about how I think that fits in with what I've said and whether it's changed my mind. Um, and to your point – I understand my job to be to make a fair and impartial reading of them and try to come to a good understanding about what the law really is about that's what I'm here for. So, I'm happy to keep an open mind if the superintendent does in fact do what he says he going to do and get an opinion on that matter.

Ken Williams: (inaudible).

Linda Lindholm: Oh, uh, it just on that, it, it sounds like from what you've written, this is already in the statute. You did a reading of what is in the statute. You're not writing something new, it's a not a new policy, this is what is written. This is what exists. And you looked at it and you made it a little clearer for us as we were reading it. Um, my understanding is when we go

through the budget we're going to have a budget workshop, I'm really hoping, um, because we adopt the budget, June?

Ken Williams: June.

Linda Lindholm: Uh, by, uh, statute. Um, that we will have an opportunity to make the discussions then, if we see anything that catches our eye, I think that's when the discussion point will arise. And then, I don't know if we will need to retain you again at that point, um, that might be a case.

David Boyd: Timing is a problem though, because we have to take some type of action in June.

Linda Lindholm: Yes.

David Boyd: And, whatever action we take, as I understand it goes to Sacramento and I'm not sure whether the, I'm not clear on whether the superintendent has to sign off on that document that goes to Sacramento. And...

Linda Lindholm: Do, do we have an indication? Could I ask, if, um, when we would hear from the Superintendent's attorney? Do we know?

Nina Boyd: We don't know yet. Um, Al was in conversation with us last week had not received it. He's out of town. So, we'll be touching base with him when he returns to find out um, where in the process that it is.

Linda Lindholm: Okay, so we don't know where...

David Boyd: He did indicate that he was willing to share that opinion.

Nina Boyd: Yes, he did.

Linda Lindholm: I think that would be very important.

Nina Boyd: He mentioned that at the last board meeting. That it was Jim Romo with Atkinson Andelson.

Linda Lindholm: Oh. He did mention it. Okay.

Nina Boyd: Yes.

David Boyd: So, perhaps the next step might be to, once that opinion is received and you have the opportunity Mr. King to read it. Perhaps the attorneys can get together and see if there is a mutual ground, um, we can establish. Because short of that, um, is there an alternative other than litigation?

Linda Lindholm: Hmm.

Daniel King: You know, I think you may have, to some extent suggested a decision point and that is when the budget arrives in Sacramento, presuming its signed off on by the board, president, and secretary but not the superintendent what does Sacramento do with it?

Ken Williams: Hmm.

Daniel King: Right? If they send it back then I think we got a clear indication about how they feel about the matter, which may be practically dispositive.

Jack Bedell: Could I? May I?

Ken Williams: Yes. Sure.

Jack Bedell: Um, I was blessed by having a mother as most of us were. And, my mother had only a fifth grade education, so school was not negotiable in our home and she had a saying like, don't borrow trouble before you have it. And, I am concerned, I mean we're throwing around words like litigation, we're throwing this word around. We don't have trouble yet. We have a lawyer who is now (inaudible). This is a first in my twelve years on the board that this has happened that I can remember. And I'm just nervous and has nothing to do with you personally. That we're out there, we may be anticipating things, and in my field, anticipating something has a very high probability of making it happen. It's called self-fulfilling prophecy and I would hope that we wouldn't get there. We don't have the superintendent here to hear this, we don't have the superintendent's opinion, we don't have the budget, yet we're talk – in my mind we're talking like we're getting down – we're going to have all this go like this, which it never has in this district. So, my opinion would be that we end this conversation, we move the agenda, we wait for further items of business that relate to it and we go on serving our unique children.

Daniel King: If I could second the motion, I would.

(Laughter)

Jack Bedell: Thank you.

Linda Lindholm: May, may I? I do want to say that um, Al Mijares let us know that he's speaking at a National conference so I wanted to let you know that. Because when I'm gone, I always like people to know, you know, where am I, you know why am I not here today? So, I wanted to share that with you. And I agree with you.

Ken Williams: And, and. Uh, yeah. We don't want a self-fulfilling prophecy. No one intended to start this process out by going to a court. No one started the process by wanting opposition and division um, the twenty years this department has done a marvelous job. The question began back in July when I asked a question, what can this board do with the budget? And when I heard it was only an up or down vote and I started talking to lawyers, that it's a lot more than that you have as far as ability to make changes. And so, everything was done earnestly without any

malice and uh, I think it was a healthy discussion and as I indicated to our assistant superintendent at the executive breakfast yesterday, no one wants to have this division. No one wants the opposition, but it's good to have a healthy public dialogue and to have an opinion that gives us more information. So, uh, I don't think um, nor do I intend and want to have any further division within this staff. Thank you, very much Mr. King for coming here. I know you have a flight to catch back. Any other, any other questions?

Linda Lindholm: He'd like recess.

Jack Bedell: Can we have a 10 minute...

Ken Williams: You want a ten?

Jack Bedell: Break?

Ken Williams: Okay, okay, so, uh, thank you again, um.

Jack Bedell: Thank you.

Daniel King: Thank you, very much.

Linda Lindholm: Thank you.

Ken Williams: And uh, I have a request for a ten minute recess and we will back exactly at 12:20 and if my board members aren't here, we will start without you. And we'll go directly to public comments.

H. Public Comments

Ken Williams: Okay, we're back in Open Session, we're at public comments and uh, sir, how are you doing?

Frank Pangborn: I'm doing great.

Ken Williams: Mr. Pingram, go ahead and share with us your thoughts.

Frank Pangborn: ok, all right. I've given Penny the Freedom Committee brochure, so if you have a chance to take a look at it, also the President's business card's in their as well as mine. And on that Freedom Committee website there's a lot of really good information and it also highlights our speakers. Members of the Board I really appreciate the opportunity to speak to you regarding the Freedom Committee of Orange County. I know that some of you are probably familiar with the committee, I know that you are Ken, and I know that Robert is and I know that Dr. Mijares met with Scott Williams as well as Jack Hammett, to discuss the Freedom Committee. Unfortunately, Jack passed away in December so we lost a great patriot and a great citizen. Anyway, Bill Habermehl also was involved with the Freedom Committee, in fact he developed or narrated a video that is on our website and it's through your Department of

Education Spotlight on Education. And in the video Bill expounds on the merits including living history in the English and History classes. The interviews engage and stimulate the students to learn more about the earlier generations in American History. And during the video, Bill interview Jack Hammett, Pearl Harbor Survivor, as well as Major Bill Mall, Air Force pilot in Vietnam, and Sargent Dick O'Brien, who was involved in the Battle of the Bulge. And Major Harry Selling who was an Air Force pilot as well as a P.O.W. And I hope that you can go to that website, it's fc.oc.org for anyone else too it's public and it's a very interesting website. The purpose of the Freedom Committee is to pass the torch of liberty on to future generations and we do this by providing living history in the classroom through our veteran speakers. History comes alive! All our members are vetted before they can join our organization. That means that they have to submit the DD form 214 which is a discharge papers proving that they were in the military and their awards. And after they join and they wish to speak, we offer speaker training and help them prepare a Power Point presentation. And I myself, a Vietnam veteran, and was with the first Air Cavalry Division, and the first time I attended a Freedom Committee meeting, I was in awe of the military experiences of the committee members. We have members from every branch of service. We have WWII, Korea, Vietnam, Iraq and Afghanistan, and we have ranks ranging from buck privates to major generals and it is an awesome display of heroism. This year is something extra special. This is the 70th Anniversary of the end of WWII. And on May 8th that is considered to be VE Day which is Victory Europe, the surrender of Germany. And on September 2nd is VJ Day which is Victory Japan and the surrender of Japan. And also this year is the 40th Anniversary of the Fall of Saigon and that occurred in April of 1975 and this is known as Black April to the Vietnamese Community. And finally, this is the 20th Anniversary of the Freedom Committee. Twenty years we've been in existence, and we want to keep Jack's legacy alive. In fact, we have every intention of growing so that we can reach out to more schools to share our experiences and sacrifices for freedom's sake. As often said, "Freedom isn't free" and our members are living examples of it. Maybe in some small way we can instill in our youth the sense of patriotism. We are ultimately going to be leaving this country and their hands, and that's why I'm here today to ask for your help and blessings in reaching out to the superintendents, principals, and teachers to invite us into their classrooms. We are deeply imbedded in the Newport-Mesa School District but we've also spoke to many other High Schools and Middle Schools and Elementary Schools and we'd like to develop the same kind of relationship we have with Newport-Mesa with the other school districts. Mind you we are a volunteer organization who Jack often said was an organization of veterans, not a veteran's organization like the American Legion or the VFW. And our sole purpose is to bring living history into the classroom. So with that said, we ask for your help in encouraging administrators to use us. We're here to help.

Ken Williams: Thank you so very much. We gave you two extra minutes...

Frank Pangborn: oh thank you. I'm sorry.

Ken Williams: ...was the limit but I was so inspired.

Audience: laughing and clapping.

David Boyd: And we have the person that has to leave at 12

Ken Williams: Yeah we have somebody outside. Thank you very much.

Frank Pangborn: Thank you for your time.

Ken Williams: oh, ok. Penny?

Penny Dunseth: Lisa Clipville

Robert Hammond: Thank you, Lieutenant.

Lisa Clipville: Hello, my name is Lisa Clipville. And I'm a parent of a 7th grader and I live in San Clemente in the CAPO district. My son actually is attending his first year OSHA this year. I'm hear to talk about literacy and I wanted to let you know that a new education bill was introduced, it's AB1369. I'm sure it's going to be called the Dyslexia Bill. And it has four tenets to it that I wanted to share with you today. The first one is regarding mandatory screening. I've been an advocate of kids who are struggling with reading and are in the gap who just fall in between. They're not in Special Ed and their not making it in general ed. And that's why I'm here today. Actually I'm here on behalf of Decoding Dyslexia California which I didn't say. The tenet of the bill is to do universal screening for all children K-3rd grade every year. That would be more extensive than the Dibbles with the purpose of trying to find those kids so they're not falling through the gaps. My son specifically has mild dyslexia and in Kindergarten, January of Kindergarten, he was well below the Dibbles and there was no intervention. In first grade he was below Dibbles and there was no intervention. In 2nd grade they finally said, you know what? I think there's an issue and the hope is that that wouldn't happen because there's many more people like me. The second tenet is interventions. So the intervention that's being recommended is an evidenced-based, multi-sensory, direct, explicit, structured and sequential approach. Very long term. It's formally the Orton-Gillingham approach, which has been shown for over 30 years to be effective for dyslexia. My son went through a year and a half of RTA services that was ineffective with a most amazing teacher but did not have the training specific to teach my son what he needed. Which goes to the third aspect, which is the training of the teachers. General and Special Ed. as well as the psychologists. The psychologists told me that my son would never improve last year when he went into 6th grade not knowing many of the spelling of the five words of grade one, yet it was the one year that he received the Orton-Gillingham services and made the most progress and is well beyond that time. So the last one is just a definition of dyslexia, the school districts don't use that term. It's in the federal law but not in the state law. And so it's defined in there and I'll let you read that more specifically in there. Thank you very much.

Ken Williams: Do you have anything to give us, as far as handouts?

Lisa Clipville: I did not bring them but can I email them?

Ken Williams: Absolutely.

Lisa Clipville: I can email you the law and a couple of videos that explain what dyslexia is.

David Boyd: Nina? Would it be possible for the Board to be briefed on this film next month with the goal of perhaps passing a resolution in support?

Nina Boyd: We will get some more information for you.

Ken Williams: All right good, ok, next public comment.

Penny Dunseth: Eric Stoelting.

Ken Williams: Thank you, Eric. As you know you have three minutes and that buzzer goes off.

Eric Stoelting: Thank you so much. I am not going to read this whole thing but I wanted you guys to have a copy of it. First of all, thank you for letting me speak this morning. I thank the Board, president and members. I also wanted to thank Nina and staff for finally getting this out with the notification. It's the notification that they think parents have the right to opt the kids out. This went out to, I'm CHEP, so it went out to everybody in CHEP and ACCESS. I highly appreciate that. I don't ever remember getting one so I think this is probably the first year that the spirit of the law was actually completed. I commend you with that. Wish it had gone out to everyone in the county but I appreciate that. The other packet that I gave you is about Common Core, it's a California State University expository reading and writing module that was given to 7th graders in Garden Grove. I've already spoken with this at the Garden Grove School Board meeting and I believe that because of my speaking the front two pages, I'm not sure, I can't promise this, but this was after the date that I had spoken this went out to 7th graders who are receiving this packet and it would explain what it was about. Now the reason I brought this to your attention because this is the problem with ELA in Common Core. When you get out of literature, you go into stuff like this. This is basically, it's titled, ERWC informational text. Now this was produced by the California State so it's not necessarily Garden Grove's fault. They probably thought it was great and they get it and they have to deal with it. Now, the first four pages are about the story of bottled water. Alright. Now whether or not you agree with bottled water, whether it's a good thing, bad thing, is not really the point. That's for discussion, fine, whatever. But this is an indoctrinational. It's all negative. It's all against bottled water. The industry, everything. There's one page that shows an advertisement approaching bottled water that's a good thing, maybe. But it's after all the others that have been detrimental to the industry. Now I'm not necessarily pro or against. I'm just showing you what comes out and this is kind of an indoctrination mild. There's another one on the United Nations. It's an economic social council that everybody is given to water. But the one that is the most offensive and what I was going to talk on last time that I had a copy of but I didn't have a full copy was this one

where it says on page eleven of this packet. Putting Parents in Their Place Outside of Class. Now this is a six page expository thing and it has four pages, three pages that are for putting parents outside the place. It says things, they are needy, overanxious, sometimes plane pesky and schools at every level are trying to find ways to deal with them. No not students, parents. Ok now. This was given to 7th graders. If you have had kids of your own age, I'm sure most of you have, and you have a 7th grader, that's at the age where they think they know everything. This is not the kind of information discussion you have with a 7th grader whether or not it's balance, you just don't put this kind of thoughts in a kids head at that age. They have a couple of things, and I think they have a couple (inaudible) which is a concerned mother letter but the rest of the pages are, which also supposed were pro, are mostly against, I mean mostly against parents being involved in their kid's lives. I just want you guys to be aware of what's going on in your own county. I'm hoping to get a lot more of stuff like this as examples. It's just another reason we need to dump Common Core and everything about it. Thank you.

Ken Williams: Thank you, Eric. Penny?

Penny Dunseth: Debbie Schroeder? Oh, there you are.

Debbie Schroeder: Good afternoon. My name is Debbie Schroeder and I served as an educator in the public school system for more than 30 years. Five years in the Irvine Unified School District and then the rest of my career was with the Anaheim City School District. I retired at the end of last school year and I'm on to a new adventure and I wanted to thank the Board for your support of charter schools. We ended up getting our charter approved by the Anaheim City School District. They really put us through the ringer and I'm saying that in a positive way because they made us prove ourselves. And we do feel supported by them at this point of time. But it's nice to know that we would have another layer that we could present to, if necessary. They made it so it wasn't necessary. The GOALS Academy is the name of our school. We will open our doors August 17, 2015. And we're hoping to be a really unique school. If we were going to replicate the exact model of every other public school, then why be a charter school, so we are going to be doing some things differently. For one thing, we're going to remain small. We're going to start with an enrollment of approximately 180 and at the largest will 180 serving TK-6th graders. The other part we're going to be a strength based school following the models of positive psychology where we're really going to capture children's interest, turn them into strengths by feeding their knowledge and skills and providing mentoring. We're also going to have a good focus on character strengths because we realize that a school is the perfect place in the community to practice being good human beings. So we'll give a lot of support in that area too. We think that there's been too much of an emphasis on focusing on an achievement gap. We really think the achievement gap is caused by an opportunity gap so we're going to have a very enriched curriculum. We have a wrap-around service with goals which has been an entity serving children for about 20 years in Anaheim. So they will be providing a lot of support of after school. I had the good fortune that we were able to give a tour of our school and talk with Board member Robert Hammond. And I'd like to extend the same opportunity for any Board

member that would like to see us as a work in progress. And of course you're invited to our opening on August 17th. Thank you so much.

Ken Williams: thank you Dr. Schroeder. I like your mascot, the Labrador. That's a great dog.

Dr. Schroeder from the audience: (inaudible)

Penny Dunseth: Eric Fuher.

Robert Hammond: It's a wonderful campus. I hope everybody can get a chance to go there.

Ken Williams: Is it good?

Robert Hammond: And they did really well also on developing agricultural stuff for the kids.

Ken Williams: Nice.

Eric Fuher: This is regarding a resolution that you have on your agenda. Thank you for considering a resolution acknowledging the contributions of Patrick of Britain, also known as St. Patrick. When Board Trustee Hammond asked me to address the Board today I was delighted to do so in support of his proposed resolution. St. Patrick's Day is commonly acknowledged in our schools as simply a time to wear green, talk about leprechauns and draw four-leaf clovers. And while I wouldn't want to dampen the fun teachers and their students have with the day, I think it should also become a teachable moment to help students recognize the significance of what Patrick accomplished. As a young Roman citizen, he was captured by Irish raiders and became their slave for six years. He escaped and later in life returned to Ireland where changed the barbarian culture and as historian Thomas Cahill points out, Ireland ended the slave trade during his live or shortly thereafter. Orlando Patterson of Harvard University wrote in the New York Times, "Patrick opposed slavery and wrote on behalf of victims of slavery, especially women, captured for sexual exploitation". Today go on the FBI's website and look up human trafficking. It's headline reads, "It's sad but true, here in this country, people are being bought and sold and smuggled like modern-day slaves". The FBI reports that between 2009-2012, human trafficking cases increased from 167 cases to 459 cases. A 275% increase. Something we could address today with St. Patrick's Day being a tipoff point. Patrick was also influential in preserving classical literature through the building of monasteries which became storehouses from these great works as the Roman Empire was crumbling under the rise of barbarism. Student's should learn about Patrick because of his influence in literature and learning and because of his significant work against slavery. While it's fun to dress in green and sport shamrocks, we should do more than trivialize our recognition of Patrick. It would be like recognizing Martin Luther King Day only by drinking coffee and wearing suits because the Reverend King liked to drink coffee and often wore suits. But we never talk about what the Reverend Martin Luther King actually did. So thank you for considering this resolution. I believe it will encourage teachers to use the day as a teachable moment about things that are very relevant to American society today.

Penny Dunseth: Miles Durfee.

Miles Durfee: Good morning, Miles Durfee from California Charter Schools Association. I'm the regional director for Southern California so I represent Orange County, Inland Empire, San Diego County and Imperial County for the charter schools that are in those regions. I wanted today to speak to the support the policy work that your staff and Board member Boyd and Board Member Lindholm have been doing. We support that work and we've been watching it carefully working to try and give feedback on that and it's a great time for celebration from my perspective on that work, so thank you for doing that. We hope that you will adopt that today. I wanted to mention a couple of comments about it because I think that, part of my role is to go to local boards and hear petitions being approved or denied on a regular basis throughout my region and you know, this policy is actually will help move us forward. And it will help me move forward with other boards as well in my regions because too often I see the process not being very communicative and not being transparent and not being very fair to all parties. And to get to high quality education and to get the student options, it's really important that we get to a process where we can have an honest dialogue with charter petitioners and staff and board members to get to the decision of whether that's going to be a high quality option for the schools. So I wanted to bring that to you and tell you again that I support the work that you're doing. I wanted to point out a couple things that are in this policy that I think...I have worked with policies for many years and I will tell you that there is never a perfect policy and never a perfect law but this policy is a step forward and there's a couple things in it that I thought that I would just highlight that I'm very excited you all are involved with. First it gives you much clearer description of the board's ability to be involved in the process...so it talks about things like the asking of questions of public hearings and it talks about the ability to look at appropriate additional information as a board member. It also talks about communication with petitioners and the process for that communication. So, those are some of the highlights that I wanted to put out in front of you and I also wanted to commend your staff because it also talks a lot about the communication and the partnership that they will go through with petitioners and with districts may be concerned an appeal. So, thank you very much for your time.

Ken Williams: Thank you Mr. Durfee:

Penny Dunseth: Tom Pollitt.

Tom Pollitt: President, Board Members, my names Tom Pollitt and I live in Costa Mesa. Over the months I've talked about the assessment tests and my biggest concern was the privacy. Today, I'd like to make you aware of a 35 page analysis called the Smarter Balance Common Core Mathematics Tests Fatally Flawed and should not be used. I think if you Google that Smarter Balance Common Core Mathematics Test Fatally Flawed you'll find it. It's an in-depth critique of the Smarter Balance tests for Mathematics done by Steven Rasmussen and SR Education Associates in March, just came out. In a March 7th email, Bill Evers, Asst. Secretary of Education under George Bush, said the following, "Analysis of Mathematics tests, questions

posed online by Smarter Balance”. In other words they went online, Smarter Balance is shown what some of the questions are going to be. “Question after questions, violate the Standards that they’re supposed to assess, cannot be adequately answered by the students with the technology they are required to use are confusing and hard to use the interfaces and are graded in such a way that correct answers can be included as incorrect and incorrect answers could be graded as correct”. Bottom line, the tests are so flawed that they should not be given to anybody. “Certainly with the stakes so high for the students the teachers of the Smarter Balanced test should not be administered”. Again, I know you guys don’t have any choice about it but again, but it should make the parents aware of what they’re getting into. With that, I would like to know where we are moving forward with the Common Core meetings that we had in November and October. We’re supposed to have a report I believe on that, a fact sheet, and what steps, if any are going to be taken forward. So, maybe you can enlighten us on where we are on that. Thank you very much.

Ken Williams: Very good, thank you very much.

Penny Dunseth: Kathleen Harriott.

Kathleen Harriott: Hello, I am Kathleen Harriott. I am a credentialed teacher and I am a board member of Bully Awareness Resistance Education and I am like a community connector so I’m here representing a couple of other things I’m involved in. One of them Penny’s going to be sending you this flyer in pdf. It’s regarding Golden West College’s Peace Conference. This is their 9th Annual Peace Conference. On the bottom of the flyer will be the website to find out more information about it. I actually went to the website and watched last years’ conference, eight hours of high caliber speakers. This year, the lady in charge is named Fran. Her email’s on there, that’s the best way to connect with her. She is gearing this year’s conference, the afternoon session, for high schoolers. So I would like to encourage you to get this information to your principals of high school age students so that they can have a chance to participate in this high caliber peace conference. It’s not a flower power thing, its eloquent speakers coming up with solutions and it is workshop formatted. The other company that I’m representing, it is a company called People Helping People Agency and we have something for junior high through high scholars to learn about. You’re going to be getting one of these in your packet. And this is a brochure geared to young people to learn about finances and how to manage money. And I felt both of these things come up in April and I don’t know if you need to do approval but I would love to come back next month to present again the conference again on the 24th and financial literacy month is all of April. Figure that the climax being April 15th when taxes are due. Michael, as an educator and as a member of PHP (People Helping People) is to now teach financial literacy because we’re in a struggle because many many generation were not given information from financial advisors. 95% of the population does not get to sit down with a financial advisor. They don’t understand how to have interest work for you and how to protect your money from market drops and still get growth. The owner of the company is Patrick McDavid, he’s written a book called, “The Next Perfect Storm” and it talks about how there’s a

shortage of insurance agents right now and to become an agent you don't have to go to years of college and you don't have to go into great debt. You take your courses online. The companies teach you. You take a test, you get your license and that is a legitimate career in lieu of going in debt for college. And yet, we have a lot of college professors, teachers, administrators, nurses that work for this company, People Helping People. So I'd invite you to come into your schools and help give a presentation on financial literacy.

Ken Williams: Thank you Kathleen. Next Penny.

Penny Dunseth: Linda Cone.

Linda Cone: I'd like to continue where Tom left off on this particular study entitled, "The Smarter Balance Common Core Mathematics test are fatally flawed and should not be used, an in-depth critique of the Smarter Balanced test for Mathematics by Steven Rasmussen, March 2015. I've heard a lot about the Park testing which has been going on a lot longer. Very little about SBack has crossed my desk until just this week. So I've had an opportunity to go through this material at 35 pages long. Skimming the methodology that Mr. Emerson used I find it very noteworthy. I've read his credentials on page 34 and the fact that he's connected with Dr. Evers is a sales point for me at least. I know that Dr. Evers is a well-respected name in this area. I'm going to read a couple of key statements after 25 pages of methodology and examination of the SBack test items. Here are six bullet points that provide the conclusions that Mr. Rasmussen draws.

1. Poorly worded and ambiguous mathematical language and non-mathematical instructions.
2. Incorrect and unconventional mathematical geographical representations.
3. Inconsistent mathematical representations and user interface from problem to problem.
4. Shoddy and illogical user face design, especially with respect to the dynamic aspects of mathematical representations.
5. Consistent violations-this is a biggy-and lack of attention to the Common Core Math Standards.
6. And finally, failure to take advantage of available technologies in problem design.

Here's on the final page of this report, Mr. Rasmussen's suggestion on what we need to do. "If I were a state administrator responsible for state testing, a superintendent, a school board member, a teacher, a parent, or even a student old enough to make my own decisions about my education, I would seriously consider not participating in the coming round of high stakes national testing. These tests will do too much damage on too many levels to students, teachers, and the champions of education. I salute those who have taken courageous stands to opt out of the new rounds of testing. These tests cannot be fixed in time before they'll be administered. And in the current

political climate, there will not be funding available to those who could actually fix them to actually fix them”. And the student population in this document that is going to be hurt the most is the very student population that you folks serve. The disadvantaged students. I urge you to review this report. I urge you to go on Mr. Rasmussen’s website. He also finally has given an email address where you can contact and communicate with him. I certainly intend on following through on this.

Ken Williams: Thank you, Linda.

Penny Dunseth: David Whitten

David Whitten: Thank you Board, thank you Al, wherever you are. A quick note to Penny on the timer. She might want to announce how that all works. Some of the people aren’t here every month like some of us. I have a couple of criticisms. I don’t want this to be taken personal by anybody. But, I believe it was in October, the Board passed a resolution on informing the parents the right to opt out of the assessments and specifically the reason why I had brought that up over the summer was because of the California Healthy Kids Survey and I thought that many of those questions were inappropriate for the children were being given that particular assessment. And I’d inquired about that in November and was told that it should be on the website and I didn’t find it. And then in February I enquired about had it gone out and I was told that it had. And then I see a copy that Eric had that’s dated February 20th. So it appears that it went out after two inquiries that I was told that it was either on the website or had gone out unless it went out in waves. So, my point in bringing that up is not to be critical that it went out late but to be critical in the fact that when we come up here and we ask the Board to take steps to help protect the children, we don’t want it to be drug out for five or six months or to the next school year. Typically it’s something that we want addressed quickly within 30 days, 60 days maybe max. And what I have to juxtapose that to is when we had the Ebola issue here a few months ago with the nurse that caught Ebola a letter went home with all the school children telling the parents that they don’t have to worry about Ebola. That we’ve got training and plans in place and that this was not gonna be an issue that the schools were prepared and they were gonna do some further training. And this went out within days. When the measles situation happened not too long ago, we got another report from the schools within days that this was going to be addressed and not to worry about it. And my point is that schools seem to react to this stuff within hours when the Board seems to take months. So what I would like to propose is that we have some sort of a resolution here and have the Board take an accounting of whether or not you support all of the districts having being notified that their child can opt out of the assessment testing in the public schools that we can then take as individuals to each school board and say that the Orange County Board of Education supports this for all the districts not simply the students that you are overseeing. And lastly, this rolls right into the whole Common Core thing. We had the two public forums and we’re still waiting for a report on the findings and so I’m hoping that the Board can put something out that we can use and we can give to other parents

and to our local school boards, letting them know what those findings were. And I just hope that that doesn't take months and months and months to get completed. Thank you.

Ken Williams: Thank you, David.

Penny Dunseth: Jeff Arthur.

Jeff Arthur: Good morning Board. This morning a trustee gave me some heartfelt advice. He said that he appreciated the information on pensions that I bring but the Common Core kind of hurts my credibility. It's actually kind of funny when I go to Costa Mesa. People think I'm crazy when I talk about pensions. So, I don't know. Maybe I'm consistent. I want to update you on the test claim. I want to thank you for filing support for the test claim. I expect it was led by Santa Ana Unified. (Inaudible) City Unified has become a co-claimant and about a dozen other districts that are supporting the claim. According to the website, there's going to be a hearing, tentatively May 29, so it will be interesting to see how this happens. I've never seen this happen even working twelve years in a school district. Saw a lot of people complaining about unfunded mandates but never saw any action. Appreciate that. The Department of Finance filed its comments and the first comments said the Star test is replaced by SBack or I don't know how you say this CASBack, California Assessment whatever it is. It's not new, well that may be true but it's certainly much more expensive to administer. And the second one I thought was real interesting in these days where everyone is a lawyer, they said that CASBack is a federal mandate. It's not a state mandate. So Common Core, according to the Department of Finance is a federal mandate. So, which is it? It's kind of interesting. Someone's testimony that we had at the hearings said that local school boards are going to lose their power because it's a federal mandate. The Department of Finance seems to agree at least when it comes to the pocket book. On another topic, thinking about the hearings, I'm always interested in evidence and going over the facts and the Ed Code 60605.8D talked about the international benchmarking of Common Core. The Commission was supposed to internationally benchmark it. I couldn't find any evidence supporting that in the Common Core hearings that were held here. And the only document predated Common Core being implemented. It talked about international standards and stuff. So I've seen that floating around a number of times but if any of you have that information I appreciate seeing that. I like consistency. I'm an accountant kind of guy. I like to follow all the rules, not just the rules we like. So, thank you very much.

Ken Williams: Thank you. Is that it?

Penny Dunseth: Umhuh.

I. Consent Calendar

Ken Williams: Thank you. Is that it? Wonderful. Okay. Appreciate all the public comments, uh, we'll be moving on with the meeting to Item I – consent calendar – may I have a motion for consent calendar?

Jack Bedell: Moved.

Ken Williams: And a second?

Robert Hammond: Second.

Ken Williams: The motion is seconded. Any discussion? Barring none, all those in favor, say aye.

Multiple voices: Aye.

(timer beeps in background)

J. Special Recommendations

J-1

Ken Williams: Opposed? Motion pass – we’re out of time – motion passes, 5-0. Moving on with special recommendations. Um, Item J-1, adopt a resolution for March as the Arts Education Month. Do I have a motion?

Linda Lindholm: So moved.

Jack Bedell: Second.

Ken Williams: And a second – the motion, a second – okay, any discussion on this?

Robert Hammond: I have a question.

Ken Williams: Sure.

Robert Hammond: Um, looking at this recommendation that I see – Item J-1 – it’s, uh, resolution number 2, Item J-2 is resolution number 3, then Item J-3 is resolution number 7. Forgive me for being a bit pedantic here, but where is items – or resolutions – 4, 5, and 6?

Penny Dunseth: There’s some that I had put together that we would generally run through in February – Dr. Williams asked that they be held off because they were more appropriate for the months coming up.

Ken Williams: I didn’t want our meetings to go beyond the 4, 5 hours that we spent, so, uh...

Robert Hammond: Why? I like those.

Ken Williams: You like those? Okay. Alright, hopefully that answers your question.

Robert Hammond: It does, sir.

Ken Williams: Very, very good. Okay, so, uh, we do have a motion and a second. Any further discussion?

Jack Bedell: It's a resolution.

Ken Williams: It is a resolution, so...

Linda Lindholm: May I ask, um, why are resolutions roll call votes?

Ron Wenkart: (inaudible)

Linda Lindholm: Why are resolutions roll call votes? I've never seen that except on this board. So I'm curious.

Ron Wenkart: So that we have a record of each vote. I mean, I think it's been past practice to...

Linda Lindholm: So, it's just past practice – it's not – because you could have three ayes – three yes and three no's, so I was just curious why every one of the resolutions on the Board of Education requires a roll call vote?

Ron Wenkart: I think it's mainly our practice. The statute, the Education Codes say that we have to be able to know how each member voted – each, uh, individual voted, so...

David Boyd: But we know that anyway.

Linda Lindholm: We know that anyway on any vote. So I don't know why...

Ron Wenkart: I don't think there's any law that requires it.

Linda Lindholm: Okay. Yeah. That, that was my point. It's like, if we have a 5-0, we have a 5-0, and she can write 5-0. I just don't know why we do it and I like to be clean.

Ron Wenkart: It's mainly past practice.

David Boyd: It might save us five minutes an item.

Linda Lindholm: I think so. It just makes no sense to me. Thank you.

Ken Williams: Okay, uh, thank you, Ron. Uh, good point – past practice – it doesn't mean we can't change things. So, how about, um, we have that under roundtable today real quick and we can kind of help the staff for future reference, would that be helpful? Okay, very good. Uh, so moving on with Item J-1, we have a motion and a second. Any further discussion? Uh, why don't we just keep with our past practice until we decide formally, if that's okay with...

Linda Lindholm: It's fine.

Ken Williams: ...okay, very good. Uh, it is a resolution roll call vote.

Penny Dunseth: Trustee Boyd?

David Boyd: Yes.

Penny Dunseth: Trustee Hammond?

Robert Hammond: Yes.

Penny Dunseth: Trustee Williams?

Ken Williams: Yes.

Penny Dunseth: Trustee Bedell?

Jack Bedell: Yes.

Penny Dunseth: Trustee Lindholm?

Linda Lindholm: Yes.

J-2

Ken Williams: Very good. Okay, motion passes 5-0. Moving on with motion J-2, recognizing April as a week of the young child. May I have a motion and a second?

Jack Bedell: Moved.

Robert Hammond: Second.

Ken Williams: Motion and a second. Any discussion?

Multiple voices: No.

Ken Williams: Nope? Very good. Being that it is a resolution, Penny – poll the board.

Penny Dunseth: Trustee Boyd?

David Boyd: Yes.

Penny Dunseth: Trustee Hammond?

Robert Hammond: Yes.

Penny Dunseth: Trustee Williams?

Ken Williams: Aye.

Penny Dunseth: Trustee Bedell?

Jack Bedell: Yes.

Penny Dunseth: Trustee Lindholm?

Linda Lindholm: Yes.

J-3

Ken Williams: Very good. Motion passes, 5-0. Moving on to Item J-3, adopting, uh, resolution 7-15, April as a public schools month. Do I have a motion and a second?

David Boyd: Moved.

Jack Bedell: Second.

Ken Williams: Very good. The motion and a second. Do we have any discussion on this? It's just been done for many, many years, this particular month, so, okay, barring that there is, there is no discussion, it is a resolution – roll call vote.

Penny Dunseth: Trustee Boyd?

David Boyd: Yes.

Penny Dunseth: Trustee Hammond?

Robert Hammond: Yes.

Penny Dunseth: Trustee Williams?

Ken Williams: Yes.

Penny Dunseth: Trustee Bedell?

Jack Bedell: Yes.

Penny Dunseth: Trustee Lindholm?

Linda Lindholm: Yes.

J-4

Ken Williams: Very good. Moving on to Item J-4. May I have a motion and a second?

Robert Hammond: So moved.

Ken Williams: So moved? And a second? I'll second it. Okay. Any further discussion on, um, Item J-4? National Child Abuse Prevention Month.

Jack Bedell: Yes, Mr. Chairman.

Ken Williams: Yes, sir.

Jack Bedell: I really, first of all, as somebody who teaches and has incorporated domestic violence as a subject in my class, I am most appreciative of this. I was a little put off by the way the clauses were presented because – not that we have a history of saying to re-order the way they appear, but it starts off right away that this is a money problem...

Linda Lindholm: Yes.

Jack Bedell: ...and I would like – I, I don't...

Linda Lindholm: Let's strike it.

Jack Bedell: ...that, to me, is tertiary or down – I would be very – much more comfortable if you just put the last – the money thing at the very end of the whereas's. I think it (inaudible).

Linda Lindholm: Would you like to strike that?

Jack Bedell: Well, I think...

Linda Lindholm: I don't think it's relevant.

Jack Bedell: Well, no, it's informative – I mean, I have no trouble with it being taken out, either. I mean, if it's in there, I would like it to be at one of the last.

Linda Lindholm: I, I will agree to that.

Ken Williams: Okay, so, we think we have a subsidiary motion to change the language of this...

Jack Bedell: Move to amend by re-ordering that money clause to the very last clause.

Ken Williams: Very end.

Robert Hammond: (inaudible)

Ken Williams: Okay, that was seconded by Trustee Lindholm.

Robert Hammond: Sorry.

Ken Williams: Okay, let's vote on the subsidiary motion. Um, this is not roll call, so, all those in favor, say aye.

Multiple voices: Aye.

Ken Williams: Very good. Abstain, and, uh, no vote? Okay, so that, uh, changes now the, the primary, uh, issue before us in that paragraph is that put it at the bottom of that. Uh, now, we're going back to the original motion...

Jack Bedell: As amended.

Ken Williams: As amended, thank you. It is a roll call vote. Penny?

Penny Dunseth: Trustee Boyd?

David Boyd: Yes.

Penny Dunseth: Trustee Hammond?

Robert Hammond: Yes.

Penny Dunseth: Trustee Williams?

Ken Williams: Yes.

Penny Dunseth: Trustee Bedell?

Jack Bedell: Yes.

Penny Dunseth: Trustee Lindholm?

Linda Lindholm: Yes.

J-5

Ken Williams: Okay, very good. Moving on to Item J-5, since, um, this is a new one, and since you are the author of it, Mr. Hammond, I'll give you...

Robert Hammond: So moved.

Ken Williams: So moved to make the motion, and a second?

Linda Lindholm: Second.

Ken Williams: We have a motion and a second. Any discussion?

David Boyd: Sir?

Ken Williams: Yes. Whoever wants to go first. David?

David Boyd: Okay. Yeah, um, to my knowledge, this board has never past resolutions in recognizing historical religious figures. Uh, to begin doing so at this time could set a bad precedent which could put the board in an uncomfortable position at some point in time down the line. Here, we are asked to honor a Catholic who lived about 1,500 years ago and is recognized as a saint in the church. As with anybody who lived that long ago, the documented history of his life is somewhat thin at best. Now, by reputation, Patrick is not a controversial figure in the eyes of the typical American, and I want to emphasize that – underline – I have nothing against St.

Patrick, but what if in the future, a board member, perhaps, at the suggestion of a constituent, brings other religious figures – Martin Luther, Abraham, Buddha, Mohammad, um, Billy Graham, L. Ron Hubbard, or hundreds of others? Are we gonna put ourselves in a position of evaluating religious figures? Whether it's a – whether they are deserving of our recognition? That's exactly what I don't want to do. I don't want to go through and study this figure versus that figure and determine whether or not it falls within the scope of what we as a board should be doing. Now, if we had a resolution on human trafficking that referenced, um, St. Patrick, and others who were involved in the process of eliminating or reducing human trafficking, I would have no trouble at all in supporting that type of resolution, but I think this one – this one just makes me uncomfortable.

Ken Williams: Very good. Any other comments?

Jack Bedell: I would like to ask our counsel, Mr. Wenkart, do you see this having any implications for separation of church-state?

Ron Wenkart: Uh, I don't think so – I think you have some discretion in this area, but I can research it, and I'd be glad to research the roll call issue as well, and come back to you at the next meeting.

Jack Bedell: Well, uh, this is time certain sensitive, but just, I was just wondering if that was (inaudible) at all.

Ron Wenkart: I don't see any, uh, at this point.

Jack Bedell: Okay. I found this conversation very informative today. I knew nothing about St. Patrick's this way, and...

Ken Williams: About the public's comments?

Jack Bedell: Yeah.

Ken Williams: By Mr. Bueher?

Jack Bedell: Yeah.

Ken Williams: That was very interesting.

Jack Bedell: It was informative to me, so, uh, going to Trustee Boyd's always cogent, well crafted, grammatically correct presentations, I would think that any future boards would have the ability to say no to the resolution they found obnoxious.

David Boyd: They would, but if they do that, then they're making a judgment call that one religious figure deserves recognition while another does not, and I would be uncomfortable personally, making that call.

Jack Bedell: Well, I think, Trustee Boyd, that there are certain religious figures that are repugnant historically. I don't think one has to go very far to find those, historically. I do not find St. Patrick to be one of them.

David Boyd: Nor do I.

Jack Bedell: Right. I understand.

David Boyd: Again, (inaudible).

Jack Bedell: I understand. But I do want to say that I understand your sensitivity to this issue as a precedent and I think – I just want to acknowledge that, David.

Linda Lindholm: Just a brief comment on this, it's not mentioning religion in here particularly. What it talks about is the man, where he endured six years of slavery and human trafficking, so it's not written from the – I understand your religious perspective – but it is not written in that way at all. What is here is mostly about human trafficking and his opposition to slavery. So, I'm comfortable with it as written, but I understand, in the future, hopefully we don't have any, um, any issues, yeah, any issues.

Ken Williams: Any other further comments? Discussion? Barring none, this is a resolution. Penny?

Penny Dunseth: Trustee Boyd?

David Boyd: No.

Penny Dunseth: Trustee Hammond?

Robert Hammond: Yes.

Penny Dunseth: Trustee Williams?

Ken Williams: Aye.

Penny Dunseth: Trustee Bedell?

Jack Bedell: Yes.

Penny Dunseth: Trustee Lindholm?

Linda Lindholm: Yes.

J-6

Ken Williams: Very good. Motion passes, 4-0. Moving on to, uh, to Item J-6, and a, boy, this is a great one, and I don't know who to defer to the motion and a second, uh, Trustee Lindholm or Boyd?

Linda Lindholm: Yes, may I move the item?

David Boyd: Sure.

Linda Lindholm: Would you like to second?

David Boyd: Sure.

Linda Lindholm: Would you like a brief discussion or we'll partner on it?

David Boyd: No, I, I would just like to comment that...

Ken Williams: Well, let's have the motion and then...

David Boyd: Okay.

Linda Lindholm: We did.

Ken Williams: Okay, a motion and a second. Discussion? Yes.

David Boyd: Um, there has been a lot of thought put into this. It's still a work in progress to the extent that we still have to address our expectations with respect to countywide charters applications, and we expect to be in a position to do so probably within the next, uh, couple of months.

Linda Lindholm: Um-hmm. Uh, this is for the audience, too – what we're talking about is the charter school policy. The policy basically stays the same. What we're trying to do is give the members of the public who want to start charter schools, um, pretty detailed explanation of what you need to do, uh, to meet the state requirements, and hopefully, if they meet those state requirements, then the charter schools can become charter schools. But, it is quite detailed, it's not an easy process, uh, it's not a slam dunk, and, um, we're hoping that having this on our website will give people the benefit of the knowledge of the staff, and when they do their reviews, and it will bring quality charter schools to us for, uh, delineation. Uh, we did have it reviewed by the California Charter School Association and, um, the big goal was to try and copy the state regs so that when people apply, so everybody is successful if they are able to be successful. I'm very happy to move this forward and was very pleased to work with, uh, Trustee Boyd on this item.

Ken Williams: Jack – any thoughts?

Jack Bedell: Well, I just think that I would feel much more comfortable if on this if we had a resolution and a roll call vote.

Linda Lindholm: Okay.

(laughter)

Jack Bedell: No, I – I’m sorry – that was also (inaudible). Seriously, I, uh, really appreciate, I know, uh, having these two good colleagues work on this – coming together, consulting widely on it – I think is – that makes a good statement for this board and they’re working closely with the staff, and that, the key is, as I understand, the charter community – they want quality charters. They, they’re not interested in second-rate stuff and the bad publicity – let second and third rate stuff go – brings to them. So, I think your policy is an insurance policy for us, that, you know, if we get into this, that we are protected.

David Boyd: And also, hopefully, it sends a message to the local districts that, uh, this is how we’re going to look at it, and hopefully, they will look at it in much the same way so we won’t have to have so many appeals.

Ken Williams: Yeah, and just some thoughts on my part, I mean, you guys are leading the way. This is the model for other school districts to build upon, and thank you very much, Trustees Boyd and Lindholm on this. I want to thank staff – Kelly – also, for working on this.

Linda Lindholm: Where’s Kelly?

Ken Williams: Oh there she is.

Linda Lindholm: Thank you.

Ken Williams: Yeah, she had a great role and, of course, the charter schools, and thank you again, David and Linda, for what you have done for this – this is marvelous, this is a great piece of work to unite this board. Thank you very much. Um...

David Boyd: I have a question for Ron, and maybe this can wait for roundtable, but it does relate to charter, so I’ll defer to your judgment. This is a quick one.

Ken Williams: A quick one, okay.

David Boyd: There’s obviously a lot of controversy in Anaheim about parents, um, attempting apparently to start a charter school based upon the underperformance of an existing school. Would that be appealable to us if the board turns that down?

Ron Wenkart: I don’t believe so. We’ll research that to be sure, but I believe that only if they file a petition for charter school, that would be appealable, but not something under the parent trigger law.

David Boyd: Okay.

Ron Wenkart: But we’ll check that to be sure.

Ken Williams: Gloria, when she made that piece of legislation, would have to think that far ahead – she didn't anticipate that – good, good question though. Um, okay, so I, I wanna thank again the staff and everybody and making it so it's just one nice paragraph for our board policy, and this will be a part of the appendix and where it's going to be put on the website, we'll decide that, but let's make it prominent. I'll be talking about that under roundtable and about redesigning our website, but, uh, we have to make it prominent. Okay. Any other questions or dialogue before we go on to the – it's not a roll call vote – it will be a yes or no vote. Okay, being that there's none, all those in favor, say aye.

Multiple voices: Aye.

J-7

Ken Williams: Opposed? None. Okay, motion passes 5-0. Okay, moving on to Item J-7, approval of our interim report.

Jack Bedell: So moved.

Ken Williams: We have a motion. I need a second?

David Boyd: Second.

Ken Williams: Second, okay.

Linda Lindholm: Discussion?

Ken Williams: Discussion. Alright – ay – you're up.

(Pause)

Ken Williams: Question?

Linda Lindholm: Oh, I have a lot of questions.

Ken Williams: You're up.

Linda Lindholm: Um, because we've been talking about the budget, and, uh, thank you, it was a pleasure to meet with you for about an hour on the budget, and then I worked, worked my way through – and you can see my budget – about two hours looking at the budget. Um, you did an excellent job of all the accounting. I mean, that goes without saying. There's no questions on that. Um, I do have a couple major questions. I know this is the interim, so this is an update of the actual money spent, but if I go on the front summary page where it says excess deficiency, under the total of \$6,127,419, um...

David Boyd: What, what page is that? Is that the...

Linda Lindholm: That's the very first page, and I can go to, uh, the other page for the information on that. Um, that money is being moved from reserves, is that correct?

Renee Hendrick: Yes, it is.

Linda Lindholm: Okay. My question on that – and just for the board's edification – we are balancing this budget with money from our reserves, and I think that's significant. I don't oppose the practice particularly, but we are balancing it with money from reserves. Um, and do we do that every year?

Renee Hendrick: Um, so can I clarify this a little bit? So, some of those monies we received in the prior year, um, that are being spent in this year, and so they may have been restricted for a specific purpose, so of that \$6 million, about \$4.5 of that was for specific programs that we received the funds last year, and we're spending in this year, and so like currently, right now, if we were to receive some funding, we probably couldn't spend it all by June 30th, so it would be carried over to the next year, and so I do think it's important to look at that, but maybe, identify which is one time and what's an ongoing.

Linda Lindholm: So, if I look at the budget deficit in that way then, if you're saying that was from a prior year, you are talking about another \$1.5 million that we're taking from the reserves to balance this year's budget?

Renee Hendrick: That is correct.

Linda Lindholm: Okay. Is that – I guess I'd like to see at – when we do a budget workshop – a five year trend on that.

Renee Hendrick: Right. You do have a, a – we are required to do a three year trend, so you do in your packet have a three year trend and then multi-year...

Linda Lindholm: I...

Renee Hendrick: ...we can...

Linda Lindholm: Go ahead.

Renee Hendrick: We can try and go out five. That's something we could look at, when we're working on our budget workshop.

Linda Lindholm: Because that – what I – my, my question is being posed because I wanted to know how much we're reaching into reserves every year,...

Renee Hendrick: Right.

Linda Lindholm: ...and what does that cumulative effect on our budget. I, I do understand we have pretty good reserve, which I think is wonderful...

Renee Hendrick: Right.

Linda Lindholm: ...but I do like to know what's going on there. Um, then I have another question on – need glasses – little tiny print, guys – um, where am I looking at travel? Travel is \$1,790,478 – almost \$2 million a year in travel. Um...

Renee Hendrick: So that's travel and mileage.

Linda Lindholm: And mileage – okay. I, I would suggest to my colleagues that we might want that broken out and see who – is that for the 20 some districts or just us?

Renee Hendrick: That's just for us, but remember, as an administrative agency for the county, we may have, um, programs that we're the administrator of that are causing us to either pay for, um, school district employees to travel that we're, so we're paying for that – that's listed under there. Or, it could be for us, um, sending attendees to conferences. Its conferences and travel.

Linda Lindholm: Okay. I do think that's a high number, and if you're talking close to – I'm sorry, colleagues - \$2 million a year in travel and expenses, if you go ten years, you're talking \$20 million. Um, and that's not under your \$170,000 that you're looking for classified employees. It'd be nice to know what departments are spending that money. Uh, I think you actually went down this year from prior years, but, but I am interested in that, in who, who is using that money.

Renee Hendrick: So you would want us to break out, um, just to clarify, so, not the mile – so we reimburse employees for mileage if they're traveling between sites, so you would want that – would you want that separated?

Linda Lindholm: I'm not worried about the mileage.

Renee Hendrick: Okay, so you're looking at travel specifically.

Linda Lindholm: Travel, flights – if somebody's spending \$50,000 a year on travel, I'd like to know that.

Renee Hendrick: Okay.

Ken Williams: That's code 5200, Linda, is that what you're...

Linda Lindholm: Are you looking on page 6 – you can get the breakdown...

Robert Hammond: No, I'm on B-10 – that's what I thought you were referring to.

Ken Williams: I'm on B-26.

Linda Lindholm: Hold on.

Renee Hendrick: So, what she's looking at – it's – if you look at the state report, page 6, and I don't have the (inaudible) number in my book...

Ken Williams: It's cut off on the bottom, so...

Robert Hammond: Oh, okay, yeah, B....

Linda Lindholm: Yeah, under services and other operating expenditures under page 6, if you look at the second item, travel and expenditures, conferences, code 5200.

Renee Hendrick: The cost of the conference is included in that also, so you'd want to see that. Are – so you're not looking...

Linda Lindholm: I do.

Renee Hendrick: Okay, so you want to do the conference costs.

Linda Lindholm: Unless the, my colleagues don't want to see where \$2 million goes a year, I, I think (inaudible)...

Ken Williams: Well, I think that's important.

Jack Bedell: Yeah.

Ken Williams: I mean, we're \$208,000 on dues and memberships. I know that we have our memberships, I can't remember those costing...

Jack Bedell: (inaudible)

Linda Lindholm: Oh, that's separately.

Ken Williams: It's nowhere near that.

Linda Lindholm: Memberships are listed separately.

Ken Williams: Correct. And that's where our – you know, that's \$208,000. I know we spend some, but not near that, so I'd like to know what are all those other dues and membership fees going.

Linda Lindholm: Yeah.

Ken Williams: Yeah, well, I mean, those are good questions that you're asking Linda, thank you.

Linda Lindholm: Okay. Uh, and then on the page 7 of your unrestricted, where you've got your transfers of indirect costs and interfund – so that's just the general fund on that one, is that right?

Renee Hendrick: Right. Well, the inter fund is going between funds, so that would be to, um, where we're transferring costs indirect from, um, one fund to the next – basically – transferring between two.

Linda Lindholm: Okay. So you just – it's moving.

Renee Hendrick: Um-hmm.

Linda Lindholm: So, I guess just my point to my colleagues is you are, you are – we passed a unbalanced budget – that you're using money from reserves. Uh, she did, um, qualify the \$4.5 million that was from a prior year, but just, it just seems that when you look at the budget, I think there's things that you learn, and you want to know year to year, so, um, just my comments – I'd like to know about the travel and expenses. Thank you.

Jack Bedell: Thank you.

Linda Lindholm: And we're also working on a new format for you, and I'm very grateful to work with Trustee Boyd and, um, and Renee on it – very grateful.

Ken Williams: Do you want to go over that more in the roundtable?

Linda Lindholm: Yes. I won't, I won't talk about that now.

Ken Williams: Just, no more occupying of this subject. Okay.

Linda Lindholm: Yep. Not now.

Ken Williams: Any other questions and concerns about the interim budget here?

Jack Bedell: On, I was – in the one piece – on my B-1, it talks about, at one point, there, there was \$2 million decrease for adjustment in an unduplicated account – it went from 91 to (inaudible). That unduplicated – it grew out of the LCFF?

Renee Hendrick: It did – the tracking of that for funding purposes.

Jack Bedell: Right.

Renee Hendrick: And so, we did notice a significant change this year. Last year, we were at 92%, and this – 91.1 – this year, we're at 82%.

Jack Bedell: Unduplicated.

Renee Hendrick: Unduplicated account.

Jack Bedell: Okay. And on my page B-4, I think maybe actually be, maybe a derivative of Trustee Lindholm – down the left-hand column, the third line from the bottom there, almost \$4.8 million decrease in fund unrestricted – did you see that as a trend?

Renee Hendrick: Unfortunately, that is a trend because of our declining enrollment...

Jack Bedell: ADA.

Renee Hendrick: ...and the unduplicated account, so yes, that – unfortunately, that is a trend right now. And so, some of that will be handled through not replacing positions as they come open, and some grants that, if they end, may not be, um, staffing would be reduced because of that.

Jack Bedell: Thank you.

Renee Hendrick: That is a concern looking forward, yes.

Jack Bedell: Yeah. I think that's most of mine.

Ken Williams: Do you have any other concerns about our budget?

Renee Hendrick: You know, I think the decline is our biggest concern. I think, um, especially in juvenile court schools, that drop has been – if you remember back to like 2010-11 – it was at 1,600 students. We have less than 800 now, and a lot of that is due to the state requirements and the alternative to incarceration, so I know that Nina and her team are working really hard on trying to find new ways to, um, serve students, but with the change in LCFF and the LCAP and all the other requirements, um, you know, we are seeing less students, and so that is a big concern for us, and that we would have to realign our staffing accordingly as we move through that process.

Jack Bedell: Our ADA now – the number we should use – if you could – what would you say?

Renee Hendrick: Um, we're probably at um, we're under 8,000 now.

Jack Bedell: Under 8,000.

Renee Hendrick: Yeah.

Jack Bedell: Not that long ago, we were hitting 10.

Renee Hendrick: We were almost at 11, yeah.

Jack Bedell: Thank you.

Ken Williams: Thank you. Okay, um, any other further questions? Barring that there's none, okay, so we're gonna take a vote, we have a motion and a second. All those in favor of Item J-7, uh, to approve the second interim report, say aye.

Multiple voices: Aye.

Ken Williams: Opposed?

Robert Hammond: No.

Ken Williams: Uh, one opposition and no abstain, item passes 4-1. Moving on to closed session items, K, is there anything there?

Penny Dunseth: No.

Ken Williams: Ron or Nina, okay? Very good. Announcements.

Penny Dunseth: Ellin?

Nina Boyd: And as Ellin makes her way to the dais, um, she has notified the superintendent that she will be retiring in August 2015.

Linda Lindholm: Aww.

Jack Bedell: August 2019, did you say?

(laughter)

Nina Boyd: August 28, 2015.

Jack Bedell: Oh.

Ellin Chariton: Thank you, Nina. Just wanted to let you know, in your take home packet, you will have the opportunity to review the annual report on the, um, requirement for us to – which is really an advisory requirement – for us to provide an oversight checklist and review of The Academy Charter school. So, Kelly Gaughran, um mobilized a team of responsible parties here at the department to review The Academy. It was, uh, a few month process and we used the form and reporting requirement as recommended by FCMAT, the Fiscal Crisis and Management Assistance Team. So, again, this is the best practice that we've implemented, with this being the first authorized charter by your board, and, um, I'm pleased to say that all criteria were met by The Academy Charter school.

Linda Lindholm: Excellent. Great.

Nina Boyd: And I just want to remind you that our next board meeting is scheduled for tax day, April 15, so, um, we will be here at 11 a.m., make sure you get your tax documents in beforehand, and I also wanted to make a correction. Last month, uh, we spent some time talking about the Cota Cole first invoice, and at that time, we had only received, uh, costs through December, and they had showed a credit, and so we thought that that was all the billing. They did issue a January invoice as well, and so they did utilize the full \$5,000 in, uh, these, and so I wanted to correct that to the board and we'll make copies of the invoices for you.

Ken Williams: Okay.

Jack Bedell: I'm sorry, I don't understand that, could you – I'm sorry – that means?

Nina Boyd: That means that the full amount that the board approved was what was charged.

Jack Bedell: Okay, so I...

Nina Boyd: On that first \$3,000

Jack Bedell: ...(inaudible) \$3,000, not 5.

Nina Boyd: Right, but that was because they had only invoiced us through the end of December, and then they sent us another invoice, and even though it showed that credit – that initial credit – um, there were still some more charges that they incurred up until the time they came to the board meeting, um, to deliver the...

Jack Bedell: That were not reflected in (inaudible).

Nina Boyd: That were not reflected in the original. So, I wanted to correct that just for you all, and I do have copies that, uh, Penny will give to you all.

Ken Williams: You'll give (inaudible). Question regarding, um, the bill that we'll be receiving. That is confidential only? Ron, you can help us out here. Is that confidential for the eyes of the board, or...

Nina Boyd: The information is provided to you all, unless there's a public, uh, request.

Ron Wenkart: Yeah, uh, the unredacted copy would be confidential. If we get a public records request, we would have to provide it, but we could redact the confidential information that's on there.

Ken Williams: Okay, so, what we're gonna be getting is – it will be a redacted copy?

Nina Boyd: Correct.

Ken Williams: Okay, but if we want to know the details, you'll give us the details?

Ron Wenkart: Oh, no, no, you'll get a – the board members will get a full copy with nothing struck out.

Ken Williams: Nothing struck out – we will.

Nina Boyd: Yes.

Ken Williams: And it's for our eyes only,...

Ron Wenkart: Right.

Ken Williams: ...because of confidentiality, is that how I understand it?

Ron Wenkart: Right, and if we get a Public Records Act request, we will delete the confidential information.

Ken Williams: Okay, and are we breaking a law if it gets out?

Ron Wenkart: There's court cases that have said that, uh, attorney fee bills are public records, but you can delete the confidential information because there is descriptors in there about what research they did, perhaps what conversations they had – you know, consultations they made. Those types of things could be deleted, but the total amount of the bill and the amount of time they spent, that would be something that the public would be entitled to.

David Boyd: Could the board simply waive that confidentiality and say, if someone wants to look at the bill, and let them see the bill?

Ken Williams: Yeah.

Ron Wenkart: Yeah, yeah, in a majority vote, you could.

David Boyd: I would suggest we do that.

Ken Williams: Yeah, I agree.

Ron Wenkart: So, yeah, if you could put that on the agenda.

Ken Williams: Yeah, okay, we'll do that. I don't have any problems with showing it with all the detail. Okay, um, so, any other further public comment, um, comments from the superintendent's office? Very good. Executive Committee report – we met with regarding, obviously, the, um, meeting today – putting it together – no, no real other significant information. Moving on, the board roundtable. Mr. Hammond, Dr. Bedell – Common Core Hearing Committee?

Jack Bedell: Yes.

Ken Williams: Do you have your report?

Jack Bedell: We will have our report for your review April 1st. We have been waiting, as you know, for four reports – they have not come in, correct?

Penny Dunseth: (inaudible)

Jack Bedell: But nothing else. Trustee Hammond and I talked about the format, which would include the background piece, uh, the histories, the comments – section on comments from the audience at the meetings – and then the background since we've been involved in this process since April of '13, and so you'll have it by the April meeting.

Ken Williams: Awesome. Very good.

Nina Boyd: Point of clarification – when you’re saying that the draft will be available April 1st, are you sending that to, um, staff to disseminate to the board, or is that just going to Dr. Williams?

Jack Bedell: No, well (inaudible), normal procedure.

Nina Boyd: Okay, so, just checking.

Ken Williams: So, it’s a draft, it’s not a final?

Nina Boyd: No, he said April 1st you would have a draft of this.

Ken Williams: So, do we then in April approve that?

Jack Bedell: Well, that – you may not like it or you may love it, so I mean...

Ken Williams: From you, I’m gonna...

David Boyd: But it will be an action item...

Ken Williams: It’s gonna be good, gonna be good.

Jack Bedell: Yeah, an action item.

Robert Hammond: It should be an action item.

Nina Boyd: Because I can make a recommendation. If it’s coming to staff to disseminate to each board member on April 1st, which is prior to the next board meeting, then each board member would have an opportunity to submit corrections, changes, or, um, any input on the document, and then we could get it back to Mr. Hammond and Mr. Bedell to finalize it so that then you all would act on it at the April 15th meeting. Because otherwise, you haven’t had the full – the board hasn’t had the full input. Otherwise, you’re gonna bring something for action that the other board members may want to take exception to some things that are there, or may want to add, or – and you haven’t had that opportunity to do it.

David Boyd: Would that apply with the Brown Act, though? I mean, we have...

Ken Williams: Yeah.

David Boyd: ...a committee of two, and if we receive input from a third...

Nina Boyd: Well, we can have Ron weigh in, but what he has dialogued with all of us previously was that if staff sent the information to you all individually and that came back to us, then there’s not a Brown Act violation, because we’re consolidating the information on behalf of the board, but...

Ken Williams: Good question.

Ron Wenkart: (inaudible).

David Boyd: Okay, that's...

Ron Wenkart: If the input is given to a staff member, then they should be okay, and then it would be shared at – did you say it would be shared at a board meeting and discussed at the next board meeting?

Nina Boyd: Right. We would consolidate the, the information in terms of the edits that were received and then give that back to the committee for their final review before it was finalized.

Ken Williams: If I can just put my two cents in here from what I understood of the (inaudible), when we passed this – I think it was in December, um, uh, it was you, it was Dr. Bedell and Robert who were getting together to create a report to give to us and we were gonna make, make a decision on it that month. That, that was kind of my thinking...

Nina Boyd: And it wouldn't be a draft – I just want to clarify, because it – as it's being presented right now, it's a draft document as opposed to a final document that you all would be...

Ken Williams: So, is it the, um, board's intention to have further input upon a subcommittee? Is it, is that what we all want to do?

Jack Bedell: My understanding was, as Trustee Lindholm said, you know, is that we would get together, synthesize the materials that have been presented, include a background piece, which, you know, is starting with the step that started on April...

Ken Williams: Right.

Jack Bedell: ...15, and then synthesize, as a – you know – to the extent possible, summarize the issues and present that as a whitepaper to the board. Now, where the issue gets interesting is when one looks into the history of the issue of a whitepaper, there are whitepapers that do exactly as I describe, and there are whitepapers that have chapters of recommendations as opposed to – this is not the right word, but a wholly analytical presentation of what happened to date. See, there's, there's – in the history of whitepapers, that's...

Ken Williams: It's more of an opinion piece, a whitepaper, right?

Jack Bedell: Well, you – both you – you can go either way with that, Trustee Williams.

Ken Williams: Okay.

Jack Bedell: You could have a fact piece or you can have a fact piece with opinion.

Ken Williams: Um-hmm. So help me here. So, we have eight, um, of our specialists, experts...

Jack Bedell: We have twelve of the sixteen...

Ken Williams: Twelve of the sixteen that gave their...

Jack Bedell: Their summaries.

Ken Williams: Okay, so we have twelve of sixteen and that...

Jack Bedell: And the issue...

Ken Williams: ...was gonna be put into your report.

Jack Bedell: Yes. Absolutely, and that – the issue that Trustee Hammond and I have discussed – well, what do we do about these four, and I don't think we should write their summaries, I mean, and they chose not to submit their summaries. That – those summaries are available in transcript, they can submit them.

Ken Williams: And so, they just don't want to contribute.

Jack Bedell: Well I – you'd have to speak to them.

Ken Williams: (inaudible)

Jack Bedell: We just have not received them, and several attempts...

Nina Boyd: We've sent outreach, I believe, on three occasions.

Ken Williams: And, just out of curiosity, who didn't participate in...

Jack Bedell: I have chosen not to know that.

Ken Williams: Okay. So,...

Jack Bedell: Well, I'm not being funny. I didn't want that to color...

Ken Williams: Right.

Jack Bedell: ...what I...

Ken Williams: It's probably good. It's probably good we don't...

Robert Hammond: I do know who two of the four are not, but I (inaudible), I'm in agreement with you, Dr. Bedell, um, that we need to present to one degree or another who has given us the summary and who has not and we're gonna synthesize from everything, um, on top of that, but I think we would be remiss if we don't bring back, I think, initially, a draft and get feedback from the other, from our fellow board members.

Ken Williams: Okay.

Ron Wenkart: You see my recommendation would be to avoid any Brown Act issues, is that if you finish it by April 1st, uh, you can send it to staff, staff will disseminate it to all the board members, and then, at the next meeting, you can discuss any changes you want to make.

Ken Williams: Okay. How do you feel about this?

Jack Bedell: I come – I think that's analogous to what you folks did with the charter piece, isn't it?

Linda Lindholm: We just presented facts.

Jack Bedell: Yeah, but the process, the process...

Linda Lindholm: Yes, we brought it forth for you to look at for you to review.

Jack Bedell: Twice, we've seen it twice.

Linda Lindholm: You've seen it twice.

David Boyd: But we brought it forth in a meeting.

Jack Bedell: Yes.

Linda Lindholm: Yes.

Jack Bedell: I think I would feel comfortable with that...

Ken Williams: Okay.

Jack Bedell: ...because again, as I said, there are two versions of whitepapers, and there may be that Trustee Hammond and I come up with one version that a majority of the board does not like, so that I think, therefore – and then, if also you can see there are whitepapers that have minority reports in. I mean, that's usually when they're written, in my experience, by more than two people.

David Boyd: Dr. Bedell, does your expectation that your report will include findings of fact?

Jack Bedell: Yes.

David Boyd: And conclusions, too?

Jack Bedell: Yes. Conclusions – you're not using that as a synonym for recommendations are you?

David Boyd: Well, no, but, um, are, are – is the goal to say that, uh, we, we believe – or we put greater weight on the testimony of Expert A versus Expert B?

Jack Bedell: That's where I have trouble, because I – that was not my original intent – my original intent was, Jack Webb, here are the facts. Sixteen people were presented, ten people from the audience – whatever – these are the major findings of these people.

David Boyd: Of these people, not the board.

Jack Bedell: Yes, well yes, at that point, yes. My understanding was, it was to be a culmination of that – those...

Ken Williams: It's a synopsis.

Jack Bedell: Yeah.

David Boyd: Okay, but (inaudible) – maybe not expressing myself very well, but will the board be expressing an opinion on their opinion, or is it just an acknowledgement that yes, this is what Expert A said?

Jack Bedell: That would be my – at this point – that would be my intent. That would be nothing that would prevent the board from saying parliamentary motion would be to receive the report, and then a subsequent majority of the board wants would be to endorse the perspectives of, which would be separate from the whitepaper, which then I've seen that done, too. The board then could align itself with the position of the presenters, but that was not what we – I was told we were supposed to do in making this report.

David Boyd: Oh, I see. That should make for an interesting meeting.

Linda Lindholm: (inaudible)

(laughter)

Jack Bedell: Well, yeah, but I mean at least that's, that's – you know – what we're – that's my understanding. Trustee Hammond, is that your understanding of our charge?

Robert Hammond: For the most part. I did feel like we were gonna eventually come up – when all was said and done – is to say, you know, it's gonna say Person A said X, Person B said Y, or whatever, and then to synthesize that down and then to say, as a board, we do make the following recommendations.

Jack Bedell: For me, that would be a separate document.

Linda Lindholm: Umm-Hmm.

Robert Hammond: So...

Jack Bedell: Totally appropriate to do that – should a majority of the board want to do that – in a separate document.

Linda Lindholm: Um-hmm.

Robert Hammond: Fine. Yeah, I'm – to me, that's potatoes, potatoes – whether we do it...

Jack Bedell: Oh yeah, sure.

Robert Hammond: ...but...

Ken Williams: Okay. So, you guys are gonna be working hard on this...

Jack Bedell: Yes, yes.

Ken Williams: ...and, uh, we're gonna have this by April 1st.

Jack Bedell: We're gonna meet on that, we're going to Maui.

Ken Williams: Going to Maui on, on (inaudible).

Jack Bedell: That travel budget.

Ken Williams: That travel budget, Jack?

Linda Lindholm: I'm gonna check that travel budget.

(laughter)

Ken Williams: Oh, okay. Uh, anything else on that, uh, committee? Okay, Trustee Lindholm, and this is, uh, David – yours – presentation of district borrowing.

Linda Lindholm: Uh, thank you, uh, President Williams. Uh, I really – where's Wendy? Thank you, Wendy. Um, when I first got on the board, one of the things I was very concerned about were districts who borrowed money at four times the rate, or sometimes ten times what they needed. Say you borrowed a hundred million, but the debt was four hundred million, and, and not having – then not having the understanding, um, of how the process works. I had no claim to this at – she, she has done a fabulous job of putting together best practices – this is a draft document – for general obligation bonds, um, and I guess, I would hope that our board, um, would – if she'd be so willing – uh, to have like a five or ten minute presentation on this, uh, besides putting this on the website. Would you like to comment at all? May I ask her to comment?

Ken Williams: Sure.

Linda Lindholm: Because I, I think it's actually a brilliant piece that gives people a workable knowledge of what to look for, what the pitfalls are, um, so please, please.

Wendy Benkert: So, a lot of the best practices – we have that from a document that the Treasurers Association has put together. We put a summary on the front of that document, but the appendix or the detail of the document is from the Treasurers Association. So, the 58 treasurers agree that these are the five – are these the practices that districts should be following when they're looking to issue or go out for general obligation bonds.

Linda Lindholm: And, um, do we need to do anything to get this on the website? Would the board like to read this, would you like to have a five minute presentation? Could we agendaize this for the next meeting? Um, and if you'd be so kind to do probably a five minute presentation and we could ask questions? And then, I'm assuming that if the board passes it, we can distribute it to those people who use, who'd use it the most.

Wendy Benkert: Right. I'd be happy to.

Linda Lindholm: Alright.

David Boyd: What's the target audience for this?

Linda Lindholm: For me, it's the school board members who are making a – who would go out for a bond – if, if you have a school building that's falling apart, you need a hundred million, um, go find out the best way to do that. I understand your building's falling, or it's got mold, or it's got all that, but – so, so it's for them.

David Boyd: Could it be used, um, by either, uh, supporters or opponents of, uh, future bond issuance to – it either complies with this or it does not comply with (inaudible)...

Linda Lindholm: I didn't have it to that point. It was the best practices, like please don't borrow the hundred thousand dollars and get a million dollars in debt – okay – that's something to consider, and he, he, um – Trustee Bedell was saying maybe it could be used for board training, um, so I think we could do a lot with it, and hopefully not see those horrible documents where they've indebted our, um, the children's schools for the next twenty or thirty years – horrible debt.

Wendy Benkert: Some of the law regarding going out for bonds over, um, they call the capital appreciation bonds, the law has been – Senate Bill 182 was passed – that makes, uh, that very restrictive for school districts. They can no longer, um, incur that type of debt.

Linda Lindholm: But isn't that only up to four times?

Wendy Benkert: (inaudible) up to four times, yes.

Linda Lindholm: Yeah, still borrowing four times what you need on – on your home, you may borrow twice – four times is still exorbitant, so. I thank you so much for your time, and um, if you're in concurrence, we can put this on the next agenda.

Jack Bedell: Yes. Thank you for (inaudible).

Ken Williams: Yeah, that'd be good. Thank you for your, um pushing that forward there. Um, this is again, another issue for you? The, the next topic is the workshop, um, you and David are involved in this committee, I believe.

Linda Lindholm: A, a budget workshop, um, for me, I would be looking at seeing maybe the hour, um, from 11 to 12, would be a budget workshop at our, um, let's see, the budget must be passed in June, so a month previous to that – prior to that – where we go through kind of page by page and, and get a full understanding of what's in that budget. So, that would be my suggestion.

David Boyd: And it would be incorporated into our regular meeting, so there wouldn't be any need for separate public comments and what have you (inaudible).

Linda Lindholm: Yeah. In fact, I thought about public comments a little because we have the 45 minute, which is quite lengthy, uh, that perhaps for this hour, we accept um, 15 minutes of public comments if it such occurs with the two minute limit and then put the next 30 minutes on to our regular meeting. So, only, only comments on the budget.

David Boyd: Although, I, I did stumble across a code section the other day that uh, said something to the effect that any tax payer who has an interest in the budget has a right to speak and I'm not sure whether that code section, Ron, would override uh...

Linda Lindholm: A time frame?

David Boyd: The forty-five minute requirement. So, anyway, if you could take a look at that Ron, and see what uh...

Linda Lindholm: Cuz I'm hoping for fifteen minutes maximum of public comment on the budget during the budget workshop. I don't know who'd want to comment on it but uh...

Ken Williams: Well, if I can kind of...

Linda Lindholm: Yes.

Ken Williams: ...throw my thoughts cuz I know the staff is looking at me like what do you proposing here? I think what I'm hearing is the meeting would start an hour early and we would have a time certain item on the budget? Is that what you're, what you're suggesting?

Linda Lindholm: Do you want it an hour early or do you want it to start at 11?

Nina Boyd: I think you want it to start an hour early because you also will be getting LCAP, at that, because we have to do LCAP and the budget at that meeting and so there's a presentation

on the LCAP plan for the board to, um, and then also the budget and then at the next, in the June, you would, you know, do your uh, acceptance.

Linda Lindholm: Do you want the LCAP before we do the budget discussion? No? Yes?

Nina Boyd: No. I think you want to do your budget study session and then you would have your LCAP and then you would have the um – but I mean we, we can, let, let us dialogue with regards to what that's looking like because the study session is very separate that it's going to influence what you do with budget that I think it's more as an information and so you want to separate those two items and so it probably makes more sense to start an hour earlier, do a budget study session.

Ken Williams: Like a time certain item. Hmm.

Nina Boyd: Time certain. And then you're moving into your regular agenda which is all the things we would normally have on the agenda.

Ken Williams: Okay, like 11:05 or something.

Nina Boyd: We can give you a better proposal at the April Board Meeting, cuz we'll have a chance to outline. Look at the time of what we did last time, how much time is needed, we'll have lots of public comment, cuz LCAP you have a lot of public comments as well. We had a lot of um, parents and um, agency partners that were here too.

Linda Lindholm. Hmm. Okay.

Nina Boyd: And so, it goes beyond the uh, board policy in terms of time certain.

Ken Williams: So, looking at this at a staff's perspective, if we start at 10, pledge allegiance, invocation, time certain, 10:05, budget study, um, and then the next time certain would be whatever it would be for the LCAP maybe. We'll have to do all of that, is that, is that, kind of what you're thinking?

Linda Lindholm: Yeah. I think that's fine and if, and if, Renee would be so kind um, and I've been working with um, Trustee Boyd on a revised format, and not to change, I mean the money is all there. But to change the format into a readable partition document, uh, and she's been working on getting us some bar charts and pie charts and um, the money in different ways so that we can really, really understand it. So, I'm hoping she'll do a twenty minute presentation.

David Boyd: The statute requires most of the forms that are in our packet today and are in the budget. So, what we're proposing are other documents that would for lack of a better word, uh, make it more readable, make it more eye friendly.

Jack Bedell: Interpret, interpret you mean?

Linda Lindholm: Yes.

David Boyd: Yeah. Uh, I hadn't taken it into consideration when we spoke earlier about the LCAP. It seems to me that it would make more sense to have the LCAP presentation first then we can talk about the budget on how we're going to pay for it.

Linda Lindholm: There's a question.

(Voice in audience) (Inaudible)

Linda Lindholm: You'd rather do the LCAP first? It's up to you guys.

(Voice in audience) (Inaudible)

Renee Hendrick: That's how we did it last year because you did approach the LCAP and these are the services we're going to provide and then float into the budget and here's where the dollars are to match those services and so, um...

Nina Boyd: That's why to say there's going to be a budget study session if you don't do the study session on the front end, then you're breaking up the tie of LCAP to the actual budget also. And so, I mean it just depends on how you want to look at it.

Renee Hendrick: I think...

Linda Lindholm: I think you could do it this way though.

Renee Hendrick: Right.

Linda Lindholm: Because it's a whole picture, of the entire budget and if you're looking at it, LCAP is the funding source. And, that, I think we're okay.

Renee Hendrick: I think so. So, maybe you could move – we could the study session, do the LCAP and then you can even have a short discussion of the budget after that to tie the pieces together maybe?

Linda Lindholm: Mmm hmm.

Ken Williams: So, going forward I'm hearing that we'll do an early start...

Linda Lindholm: 10 o'clock.

Ken Williams: 10 o'clock. We can through the Pledge Allegiance, invocation, adoption of the minutes, and the uh, meeting agenda, and then go directly to a time certain. Does that meet Penny, what you're kinda thinking?

Penny Dunseth: Is this for May?

Ken Williams: Yeah.

Nina Boyd: May.

Ken Williams: Yeah.

Penny Dunseth: May. Okay. Yeah.

Ken Williams: Yeah. You can see this that you'll have to do. Okay.

Jack Bedell: This is not at April. So April stays at 11. Again.

Linda Lindholm: Mmm Hmm.

Jack Bedell: Okay.

Linda Lindholm: I think that's fine.

Ken Williams: This will be for May. Okay. And obviously, um, if there's any thoughts about modifying or making this better or any input, please you know don't break the Brown Act, but get to the staff and give them your thoughts. This is news, it's uh, groundbreaking so um, I don't want to set any precedents or create any conflict that we're making permanent changes. It may change the next year, right?

Linda Lindholm: Uh, yeah. It's, it's a document. It's for readability, it's for usability, it's for the public to be able to read. The form, the money is all there. Cuz, it's more like a ledger, an ongoing ledger and you're looking at restrictive and unrestrictive. It's not like you're looking at a program. It's, it's – so. I think it'll be very educational useful. Just educational.

David Boyd: We're trying to make this, um, or minimize the amount of additional staff time that goes into this so, I, I think we would be most interested after you see it, what documents you find useful and what do you not?

Ken Williams: Very good. Any other comment? Uh, moving on, um. I had a question regarding actuary studies about the cost of implementation of Common Core. We're still working on that with staff and try to figure out what's it going to cost to implement all of this. Um, we don't have that. Maybe that'll be answered when we get um, this test claim issue on May 29. So, um, you know, just kinda let you know what I'm thinking, I want, want to know it's going to cost to implement those hard figures. And lastly, um, well actually two more items. The web design for our website it's, it's probably needing to be updated. I think it needs to meet um, made a little bit easier to navigate through. If you can on your own time look at it, then next time we're here we can, we can discuss what improvements we can do with our web. And I'm referring specifically to the Orange County Board of Education tab. Not to the main home tab. Um, and Memorial, Memorial Day ACCESS contest. Um, I don't know, did you have one for everybody?

Penny Dunseth: Mmmhmm.

Ken Williams: Oh. Okay. Um, I'll give that to you. So, this is something we talked earlier on that um, and it's especially interesting with what happened to U.C. Irvine my alma mater where uh, some individuals took the U.S. flag. Uh, so, so the idea about this essay contest is to inculcate the values of patriotism and spirit which made this country great again, we're not perfect, but I think we're the greatest country in the world. Uh, and, uh, so for Memorial Day as we talked about previously, um, I was going to chip in two hundred dollars and the board is welcome to chip-in whatever they want. But we're going to give a prize for one of our students who writes the best essay about what is the meaning of Memorial Day. And again, it is a long the theme of, of Frank when he was here talking about uh, that great group, uh, and what the veterans have done to this country. And so, this is something the staff and I have been working on. Uh, I just want to run it by you and um, if you want to contribute we've already passed that question off to Ron. There's nothing illegal about contributing to this fund. The fund will go directly to our department. And the funds will be distributed to whoever we decide as a winner depending upon how much funds are there. Uh, it will be picked and selected by or screened through our staff. If you can help me out here and tell me what...

Nina Boyd: Oh, yes.

Ken Williams:...uh, what you've done.

Nina Boyd: We were, uh, well we haven't pulled them all together because subject to what the board uh, thoughts were today, but um, what we typically do is we bring administrators and some of our partners together and have them do a reading and then as a result of that then, um, those move forward that they think are the best selection and then we would come back to the board and say these are the ones that have been recommended for first place, second, third...Mmmhmm.

Ken Williams: We'll give them some sort of award, certificate, for winning and then they get (inaudible)

Linda Lindholm: (Inaudible) First, second and third would be good.

Ken Williams: Yeah, first, second and third. So, um, any thoughts on that concept? Any, any concerns or opposition?

Linda Lindholm: No.

Ken Williams: Okay.

Nina Boyd: And again, when he's saying our students. He's talking about the ACCESS students.

Jack Bedell: Yeah. It's (inaudible). They're our kids.

Ken Williams: They're our kids. Yeah.

Jack Bedell: Yes.

Ken Williams: Okay. Very, very good. Um, that's all that I see. Anything else by my esteemed board members under round table?

Linda Lindholm: We have something.

Jack Bedell: We had two dates we could have this, our good colleague poll when dates are available for July and August. We have the dates that um, (inaudible), my family is, and I am and (inaudible) we're all going to Hawaii to celebrate our fiftieth anniversary.

Ken Williams: Oh...congratulations.

Jack Bedell: Well, yeah it also helps that father's paying.

(Laughter)

Jack Bedell: And uh...seriously, so that date it's the July 20th.

Penny Dunseth: What specific dates are you gone?

Jack Bedell: I'm no good July 13 through the 23rd.

Linda Lindholm: So he's July and I'm interested in August. Um, hopefully we can move the meeting to the first week of August or the last week in August. Either of those two weeks.

Jack Bedell: Thank you very much for that.

Penny Dunseth: Mmmhmm.

Linda Lindholm: And that's all.

Ken Williams: Okay. Very good. Anything else?

Jack Bedell: I have a couple of things on a weird time sensitive –I'm going to first of all uh, thank the staff. We had a for the lack of a better word an urgent phone call from a former Orange Countyian, and who now works, Bill Nootson(?) who now is the really chidf education person for Senator Alexander and his committee and they wanted to know some very specific things about certain programs as they impact Orange County and us and I want to thank the staff for getting really, getting him some good information. They were very appreciative of it and I think this is another example of when you have a contact you can get – cuz we were able to present Orange County's view of what this money means for the county. Also, I'm sorry we don't have many people here from Common Core. And, I, this is again an issue I have with these comments, a lot of people don't hear. They would not have heard the comments about the

white paper for example which would have answered some those concerns. But uh, in terms of the reauthorization of the uh, what they're working on right now, uh, they have built in at this point in time, it's going to be interesting to see if this survives the senate and the house is that more likely it will more likely it will survive the house, is that uh, the reauthorization No Child Left Behind rename has uh language to be sure that the Department of Ed, you know Arnie Duncan leaped in and took money and made this an issue when it really, without portfolio of the legislative portfolio to legalization, you know, if you will and they would, that Alexander is working on now is to be sure the department of ed is not allowed to incentivize funding for Common Core.

Linda Lindholm: Hmm.

Jack Bedell: And that is very significant. The question is whether the White House would ever sign off on that. But that said, and I am, uh, uh, I don't know some of you, I know you all heard of Schindler's List and I didn't know if you knew that Leon Leyson was a Fullerton resident and Leon was, uh, recently died. And through a contact that Sue has, uh, he has been, there's a book on Leon Leyson and Leon Leyson's family is donating books to our program. But he was the, one of the youngest persons on Schindler's List and they had an opportunity to give it to school districts around this county and we were able to get it for our kids and so, uh, perhaps we'll do something with when we do honor our people. Thank the Leyson family ok?

Robert Hammond: Jack are there any extra copies of that?

Jack Bedell: This is the only have and its Sue's. But we'll get you one.

Robert Hammond: I'd love to have one.

Jack Bedell: Yeah. Uh, another thing is I was remiss, which is not unusual anymore. But I was remised, uh, I'm sorry for my mess here – last February, I forgot to acknowledge that on MAY 5th, our Board Meeting date it was Penny's birthday. February 10th it was Al Mijares' birthday and February 15th was Ellin's birthday. But maybe I want to strike that one now from what I heard recently from uh – not really. Okay, and uh, I didn't find anybody in March. Okay, but I know Penny we were very busy and I'm sure the board meeting was the biggest birthday present you had that day.

Penny Dunseth: It was.

(Laughter)

Jack Bedell: I'm sure.

(Laughter)

Penny Dunseth: Thank you all.

Jack Bedell: Right. (Laughter) Also, I'd like to call your attention to uh, the Superintendent's letter in um, back in What's New where he talks about the importance of multiple language learning and the outstanding benefits of dual emersion programs and I had the blessing of being when I was in seventh and eighth grade I was in a tri-emersion program. I had equal English, equal French and equal Spanish and as old as I am I still remember, "oui" in French. So, uh, I'd like to acknowledge the Superintendent of the importance of highlighting the language emersion program and I know in South County they do some of that. I, uh, want to be sure that I don't pull what I did last month was to list out this. I think I'm done. Thank you.

David Boyd: If I recall, did Nina have an anniversary? Was it 25 years at the department?

Jack Bedell: Oh...

Linda Lindholm: That was correct.

Jack Bedell: Was that – did I miss that too?

Nina Boyd: It was February 5th and um, Wendy also celebrates 25 years in January. She started one week prior to me.

Jack Bedell: Oh...

Nina Boyd: We've both been here 25 years.

Jack Bedell: And you survived probabtion?

David Boyd: Yeah...

Nina Boyd: Every year is probation.

(Laughter)

David Boyd: If I could just follow with something that Jack touched upon. Um, I wonder if we could do a service to our visitors by having a brief period after public comments where we as a board would maybe be allocated a minute or two if we choose to comment on some of the public comments. Um, it follows, your – pointing out, but by the time to you get around to talking about Common Core for example and what's happening, and what's happening 90 percent of the people who are interested...

Jack Bedell: Have to go...

David Boyd: Are already gone.

Jack Bedell: I like that idea.

Linda Lindholm: I'm not sure you could, cuz none of those – they're not agendized items.

David Boyd: Well, it would uh...

Linda Lindholm: You can make a comment maybe perhaps if nobody else comments.

David Boyd: Yes. Yes, we could not have a dialogue.

Linda Lindholm: You can have a dialogue. Two people might be able to comment.

Jack Bedell: Board's comments after their comments you mean?

Linda Lindholm: No, I, because you can't make any discussion items on a non-agendized item.

Ron Wenkart: (Inaudible) It has to be on the agenda. It does allow for brief comments but I can't recall and I don't have it right in front of me, if those brief comments can be on public comments or just like staff direction. That type of thing. So, I'll, I'll check that for the Brown Act.

Jack Bedell: Is there anything requiring that board roundtable be where it is? Could board round table just hypothetically go up to be I (inaudible) and then just re-letter down?

Ron Wenkart: It could be. Yeah, it could. Yeah – it could, it doesn't have to be at the end I mean.

Jack Bedell: The board comments?

Nina Boyd: You could move things around on the agenda.

Ron Wenkart: You could move things around on the agenda.

Jack Bedell: You could move things around on the agenda?

David Boyd: Yeah, even, even, even round table...

Ron Wenkart: Yeah, I mean you...

David Boyd: Aren't the topics supposed to be all...

Ron Wenkart: Yeah, I mean the topics are generally there.

Linda Lindholm: Mmmhmm.

David Boyd: (Inaudible)

Jack Bedell: Oh...

Ron Wenkart: Yeah. Yeah.

Jack Bedell: So everything I said was illegal?

Linda Lindholm: No, it was a comment.

Robert Hammond: Yeah. Well...See how you are? You're just a trouble maker.

Jack Bedell: I know...(laughter).

David Boyd: I'm going to copy the recording.

Jack Bedell: (Laughter)

Ron Wenkart: Yeah. I'll, I'll, I'll get, I'll research that to be sure.

Jack Bedell: Thank you. Because I've been frustrated several times because they have not, the public has not had the benefit of...

Ron Wenkart: Okay.

Linda Lindholm: Uh. One thing you can do is ask staff, like you could ask Ron. Uh, I have heard that the white paper – will you explain when the white paper is coming forward? They can answer a question. That's very clear. So you could ask...

Ron Wenkart: Yes, staff could answer questions.

Linda Lindholm: You could ask staff to answer that question without agendizing it. As long as I don't join in and go oh yeah, and you join in and go oh yeah. You can't do that. But you can ask him to say, at the last round table we, we, what was the comment? You can do that.

Ron Wenkart: Yeah. I mean, if we can respond if we have the information we'll respond. Sure. Robert asked me to talk about a couple of things, I don't know if you still wanted me to mention it under your portion of the round table? The Missouri decision and the State of Louisiana lawsuit, you sent me an e-mail.

Robert Hammond: Yeah. You know what, if you can, um, or, well it's up to you, you know, if you want to send us an e-mail I guess you can. It's up to you.

Ron Wenkart: Let me just briefly...

Linda Lindholm: What was it about?

Robert Hammond: It was about Jindal and the Missouri thing two different things?

Ron Wenkart: Right. Yeah. Let me let me just quickly do it - probably easier. Robert had asked me about um, a Missouri circuit court decision which is similar to Superior Court here in Orange County. On February 24th the Judge of the Circuit of Colt County Missouri issued a two page decision. Colt County is Jefferson City, central part of Missouri. The two page decisions which I think Penny's got copies, which she's going to give to you. Um, it involved granting a

summary judgment against the State of Missouri, and the Governor Nixon of Missouri. The court found that the Smarter Balance Assessment Consortium is an unlawful interstate compact because the Congress hadn't consented to it, and they said it was a violation of Article I, Section 10, Clause 3 of the U.S. Constitution, uh, that's not an area of the law that I'm familiar with. It hasn't come up in my practice and the number of years that I've been practicing law, so I really can't uh, answer too many questions about that, but the judge cited that as the reason for declaring it unlawful. Uh, he's ruled that Missouri could not participate in the Smarter Balance Assessment Consortium uh, and declared it illegal and void. And they said no taxpayer funds can go to pay the fees for Smarter Balance for implementation for Smarter Balance. It's expected that the State of Missouri is going to appeal that decision. So, that's not the end of it, it's probably going to be continuing on for a while. But it's expected, that the State of Missouri will appeal the circuit court's decision. So any questions on that? Uh, and the other thing you asked me to talk about was Governor Jindal of Louisiana filed a complaint in the U.S. District Court in Baton Rouge Louisiana on August 27, 2014. And he sued the U.S. Department of Education and Arnie Duncan in his official capacity as Secretary of Education. And the complaint asked for declaratory and injunctive relief declaring that the U.S. Department of Education's Race to the Top Program is a violation of the Tenth Amendment. Uh, similar to what you were mentioning about Senator Alexander not wanting to incentivize funding of Common Core, this is getting at the issue from a different direction. And so they've asked the court to enjoin the U.S. Department of Education from enforcing a provision in the Race to the Top program that requires states to join a consortium of states under federal direction and to adopt common content standards. Uh, and assessment products developed by a consortium as a condition for getting Race to the Top funding. So, so that's what they asked for um, the U.S. Department of Education filed a motion to dismiss the court on February 26 denied the motion to dismiss so the case is going to go forward and the court set a date of May 28 to hear the preliminary injunction so that there's going to be a hearing on May 28 in Baton Rouge Louisiana to determine whether the U.S. Department of Education should be enjoined from enforcing that Race to the Top provision. So after May 28 we'll keep track of this and if there's any information then we'll forward that on to the board. Uh, if there's a ruling in favor of the State of Louisiana, um, that will have, that could have ramifications throughout the country so, uh, and likely the federal government will appeal so, it's not, this is just kind of the first round of litigation. But that, that's what's happening on that court case.

Jack Bedell: Ron?

Ron Wenkart: Yes?

Jack Bedell: Do you know, is CSBA , is that the one that CSBA is a part – friendly, amicus whatever it is?

Ron Wenkart: Um, I don't think so. I um, I'm not sure, I could check.

Jack Bedell: Could you check?

Ron Wenkart: Sure.

Jack Bedell: Because if that's case, if our statewide organization is doing that? Perhaps we want to do it in our April meeting, the same thing?

Ron Wenkart: Okay, I will check and see.

Jack Bedell: I'm done.

Ron Wenkart: Uh.

Jack Bedell: Thank you.

Robert Hammond: Is that in the Fifth Circuit or is it Tenth?

Ron Wenkart: Um, Louisiana is in the Fifth Circuit.

Ken Williams: Um, Dr. Bedell did you have anything else for round table?

David Boyd: I have a quick question on Vista Heritage. Is it there plan to open in the Fall?

Nina Boyd: That's my understanding. Yes. Yes. It's still, they're still planning to open in the Fall.

David Boyd: Are they able to recruit at the present time? Or do they have to have a final determination by the board? (Inaudible)

Nina Boyd: They indicated that they were going to start their process right after the last meeting. You have new updates?

Female Voice in Audience: (Inaudible)

Nina Boyd: They did start.

David Boyd: Okay. And that's permissible?

Nina Boyd: Yes.

Female Voice in Audience: (Inaudible)

David Boyd: Okay.

Nina Boyd: For the record, um Kelly, from um, Legal Services was just indicating, I'm just doing it by the microphone, that they have started the process, they are informing parents that they're planning to open in the Fall and sending out budgetary information starting that process.

Robert Hammond: I did find out that they're going to be back at (inaudible) the last Sunday of this month – well, I take it back, no, the 22nd so it's not the last Sunday.

Jack Bedell: No.

Robert Hammond: Second to the last Sunday. I can count. Um, at (inaudible) informing the committee.

Nina Boyd: Community

Robert Hammond: Or, community. Yeah.

David Boyd: Okay. And from what I understand our Form 700's are due this month, so if you haven't submitted it...

Jack Bedell: Done and been received.

David Boyd: I just got e-mail that said...

Jack Bedell: So did I (laughter).

Ken Williams: Trustee Lindholm? Anything?

Linda Lindholm: No. I think I'm ready.

Robert Hammond: Alright. Um, just a couple things. One, uh Jeff did you get a chance to get that replacement copy of the resolution for me?

Voice in Audience: Uh. Yes.

Penny Dunseth: I have it.

Robert Hammond: Awesome. And then, um, the Williams Report which I know is quarterly. Um, I had um, a teacher from Santa Ana Unified tell me that although they've been passing the Williams Report, they have the textbooks but they're not using the textbooks. And so, she asked me what does that really mean? I said, well besides you guys are not using the textbooks, um, I don't know.

Jack Bedell: They're compliant.

Robert Hammond: I mean, it sounds – I hate to say this it sounds like by the letter of the law, if you have textbooks in the classroom you're in compliance whether you use them or not is kind of almost irrelevant to the (inaudible). So, you guys just give me an e-mail on that, so don't you don't have to go into it now. Trust me.

Nina Boyd: Well, actually Robert, she should be referred back to our district board and to our superintendent because we don't have, in terms of how they're utilizing that. But I mean just so that you would know that.

Robert Hammond: Right. But I was just curious. Just shoot me an e-mail. I mean, yeah, I know I got to refer her, but I was just curious like, are we still in compliance if the textbooks are there but they're not being used? I would assume yes. Um, uh, last couple things is uh, was brought to my attention last night that a Denver teacher. She had – teaches honors and two kids opted out of the HARP testing and so she's losing 15 percent of her salary. Um, because allegedly her 15 percent – don't comment to that, I'm just letting you know – that anyway, just letting you know. I'm trying to get more information. I only found out about it last night. Soon as I do, I'll shoot you guys an e-mail.

Nina Boyd: Where is this from?

David Boyd: It's in Denver?

Robert Hammond: In Denver.

David Boyd: What does that have to do with us?

Robert Hammond: The only point is just that their concern was is that they said that her salary, that 15 percent of her salary was based on kinda like a bonus as it were even though it's still factored in as her salary. But that the bonus was placated upon virtually everybody taking the (inaudible) testing. That's all. So, I didn't know if there's anybody...

Jack Bedell: Incentive?

Linda Lindholm: Mmmhmm.

Robert Hammond: So, I didn't know if there's any incentive to quote the honorable Dr. Bedell, um, are there any such incentives anywhere that you've heard of here in Orange County? I haven't but, I just thought alright, um, and then the last thing is I know in regards to the COLA increases are there anymore COLA increases that Al is planning on giving that you guys know of?

Nina Boyd: We're bargaining as I indicated last month, we started negotiating with the teachers in January and we have not started talking about compensation as of yet. Uh, the classified bargaining unit has not started. Um, they are just now, um, doing some interest based problem solving training and so they'll start negotiating in the upcoming months but there hasn't been any discussions with regards to compensation as of yet. But those are...

Female Voice in Audience: (Inaudible)

Nina Boyd: Right.

Robert Hammond: Okay.

Nina Boyd: And that's what you're referring to? This year or for next year? I'm sorry (inaudible) for clarification.

Robert Hammond: Well, I'm assuming whatever...

Nina Boyd: This year has already been done. So, in terms of everything what I'm talking about is for either 2015...

Jack Bedell: 16

Nina Boyd: ...16 or years following.

Robert Hammond: Okay. Chair (inaudible) motion to dismiss.

Jack Bedell: Moved.

David Boyd: Thank you all.

RDW:tnm/las