

BOARD MEETING 2-5-2020 TRANSCRIPTION

Barke: Welcome, everyone. Darou, can you do a quick roll call, and then we'll go into closed session. Can you hear me? We're going to get started now. I'd like to call the meeting to order.

Darou, do you want to do roll call?

Sisavath: Trustee Sparks?

Sparks: Here.

Sisavath: Trustee Williams?

Williams: Here.

Sisavath: Trustee Barke?

Barke: Present.

Sisavath: Trustee Gomez?

Gomez: Present.

Sisavath: Trustee Bedell?

Bedell: Present.

Barke: I'd entertain a motion to adopt the agenda.

Bedell: So moved.

Williams: Second.

Barke: All in favor?

Board: Aye.

Barke: Any opposed? Do we have any public comments before we go in?

Boyd: Not related to closed session at this time.

Barke: Okay. Then we will recess to closed session, and we will be back at six.

Boyd: Thank you.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE BEGINNING OF RECESS FOR THE BOARD TO ATTEND THE CLOSED SESSION. AT THE CONCLUSION OF THE CLOSED SESSION, PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE CONTINUATION OF THE PUBLIC MEETING]

Barke: Thank you for your patience. We are going to reconvene our meeting now. Shall we start with reporting out? We're going to start with a report out of our closed session. I'll bring up our attorney, Jonathan Brenner.

Boyd: He's in the hallway.

Barke: Jonathan. Brenner.

Bedell: Paging, paging.

Brenner: In closed session, the board received an update from counsel on item number one. The closed session as to item number one, has not yet concluded and is ongoing. As I understand it, it will be concluded after the public session today. Item number two and three have not yet been conducted in closed session. Those will also occur after the public session. One action item occurred in the closed session on item number one. That was the board resolve to distribute and post a public update statement regarding the general counsel litigation. The board has asked that I read that into the record live now, which I will do. Board update on general counsel litigation, February 5, 2020, board agenda item.

Trial of the remaining claims and the general counsel litigation regarding the board's retention of separate counsel during the pendency of this dispute, and Dr. Mijares' refusal to allow payments to be processed for Mr. Rolen's board approved invoices for services rendered to the board is scheduled for March 9, 2020. The court will hear pretrial motions on February 18, 2020, and the parties are preparing for trial. As noted in the previous update, in an effort to reduce the cost and delay of litigation, the executive committee of the board made a compromise proposal to Dr. Mijares on January 3, 2020. The proposal would facilitate efficiency in getting the parties to a final determination of the general counsel issue on appeal while preserving their rights, and it will obviate the need for a trial on the remaining undecided claims.

In a response given that same day, Dr. Mijares' counsel advised that, "Dr. Mijares rejects the boards offer to compromise. There is no counter offer." Board Vice President Williams made a further reach out to Mijares in pursuit of compromise both in public session at the January 8, 2020, board meeting and in a subsequent email communication sent the next day. Dr. Mijares responded on January 15, 2020, with a resolution proposal that would dismiss the general counsel litigation, the pending budget litigation between the parties, provide no compromise or recognition regarding the boards rights to co-appoint the shared legal officer for the board and the superintendent, or to approve and adopt the annual budget.

The board responded with a further compromise proposal on January 21, 2020, reoffering its January 3 proposal and also offering as an alternative to agree to the terms of an earlier settlement proposal made by Dr. Mijares in June, 2019. Dr. Mijares responded to the board's additional proposal on February 3, 2020, reiterating his January 21 position without further compromise. The board continues to believe and desire that the serious matter involving issues of shared power and collaborative governance can be resolved through equitable and reasonable compromise by both sides; and, it is offered to continue discussions with Dr. Mijares and his counsel in that regard. That's the statement, and we'll be providing a copy to staff for posting and distribution.

Boyd: Thank you.

Brenner: I should note also for the record, that the resolution to distribute that announcement and update was approved 4-1 by the board. Trustee Bedell voting no. The other trustees voting yes. That's the update and report out for now.

Barke: Thank you very much. We'll go ahead now, and I will invite Dr. Soboh up to do our invocation.

Soboh: You may stand if you want to in reverence. In the name of God, the most gracious, the most merciful, all praise be to God, Lord of the worlds. We praise you in a way that suits your glory and magnificence. Oh God, we ask you to guide us among those whom you have guided. We ask you to protect us among those whom you've protected. We ask you to support us among those whom you've supported. We ask you to heal us among those whom you have healed. We ask you to bless us and our families and our children among those whom you have blessed.

Our Lord, as we see our nation go through severe divisiveness and political polarization, we pray that our local community here in Orange County shows a great example of unity, be a model of civilized discourse in solving the matters that are disagreed upon, be a beacon of guidance to

those who are losing their ways. We pray that our efforts here will benefit our local schools directly and help others to follow our footsteps. We pray that our leaders are given the divine wisdom in making the most suitable decisions on behalf of our families and our children. We pray that their long meetings, extensive efforts and selfless sacrifice are rewarded and fruitful.

We pray that the heavy burden of leadership is light and it be easy upon them. We pray that they also have the open mind and heart to hear from everyone, those whom they agree with and those whom they disagree with. We pray that the most qualified are given the positions of leadership, and we pray the most kind and sincere will be there to advise them and help them. We pray that all the voices are heard and respected. My dear respected board members, committee members, staff, and public audience, let us all pray that this meeting will be productive, beneficial, and goes in a manner that we respect each other, hear from each other as we all have one goal, the benefit of our children. We ask you, God, to help us in doing so. Amen.

Board and Audience: Amen.

Barke: I didn't do a formal introduction but that was Dr. Ahmed Soboh, chairman of the Islamic Shia Council of Southern California. Next, I'd like to bring up my husband, Jeff Barke, to lead us in the Pledge of Allegiance.

Audience: [Laughter]

Barke: Sorry. Dr. Jeff Barke.

Bedell: I like your shirt.

J. Barke: Thank you, President Barke -

Audience: [Laughter]

J. Barke: - and board members. Thirty seconds of some background first. The Pledge of Allegiance was written first in 1892 by the socialist minister, Francis Bellamy. He passed in 1931. In 1923, the words, "the flag the United States of America" was added. In 1945, it was adopted by the U.S. Congress. In 1954, in response to the communist threats of the time, President Eisenhower encouraged the Congress to add the words, "under God," creating the 31-word pledge we say today. Interestingly, Bellamy's daughter objected to this alteration. If you would please join me in honoring the greatest symbol of liberty the world has ever known.

Board and Audience: 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.

Barke: Thank you. Next, we have a very special treat. I'm going to introduce Tawnie Shorter, who is going to sing the National Anthem for us.

Board and Audience: [Applause]

Shorter: Oh, say can you see by the dawn's early light, what so proudly we hailed at the twilight's last gleaming, whose broad stripes and bright stars through the perilous fight, o'er the ramparts we watched were so gallantly streaming? And the rocket's red glare, the bombs bursting in air, gave proof through the night that our flag was still there, . Oh, say does that star-spangled banner yet wave, o'er the land of the free and the home of the brave?

Board and Audience: [Applause]

Barke: Wow, what a start. I want to thank you so much, and I did not give her a proper

introduction either. She is Tawnie Shorter and is from musical theater OCSA class of 2021.
Thank you so much.

Board and Audience: [Applause]

Barke: Do we have introductions?

Boyd: There are no introductions at this meeting, but I did want to make mention. Dr. Mijares will be arriving late. When the board meeting was changed, he had already confirmed that he would speak at a teacher recognition at Bowers Museum this evening. He hopes to be here as soon as humanly possible without not doing the appropriate recognition that he had confirmed for.

Barke: Great. Thank you. Can I call for a motion to accept the minutes?

Bedell: So moved.

Williams: Second.

Barke: All those in favor?

Board: Aye.

Barke: Against? Passes 5-0. Can I have a motion to, oh, I'm sorry. Nina, do we have any comments?

Boyd: We do have public comments. At this time, I will call the general public comments. When I call your name, if you will come up to the podium, and you will have three minutes. We have a light indicator, it's green, gold, and then red. You have about 30 seconds when it gets to red. If you have not concluded your remarks, it will buzz and we will just ask that you complete your sentence. If you continue to dialogue, I will ask you to stop. The first person up will be in Imam Mustafa, followed by Jerardo Ortega.

Mustafa: Thank you. President Barke and members of the board. My name is Mustafa Umar. I'm an Imam in Anaheim at one of the most active mosques in California. I have a six-year-old daughter and a five-year-old son. Recently, at the Islamic Institute of Orange County, we had a program discussing some of the curriculum changes in California about sexuality and gender identities. The room was packed mostly with parents and our youth group was also present. At the end of the program, there was serious concern and some outrage about the introduction of these new concepts that parents were just made aware of. Our children are being taught new definitions of gender; yet, I don't think there's been a proper effort to explain the new legal definition of gender identity that was passed in July of 2017.

Several teachers do not even know that their union endorsed SB 179 that went into effect of January of last year so that we have an official third gender called non-binary. Like most parents, Muslims love their children very much. We are very concerned about what our kids learn in school. Whatever curriculum is taught should take scientific facts and family values into consideration. Teaching children about sexual and gender identities is a very serious responsibility. It's going to affect who they become. It's going to affect their relationship with their parents. It's going to affect society as a whole. Big changes are taking place in the curriculum; yet, it seems like there's not much transparency about how these decisions are being made.

I was recently informed that gender has been removed from IEP forms and that the gender dropdown on the ARIES enrollment system has non-binary now. Most parents don't know what

that means, especially parents who are not fluent in the English language. An explanation is needed about how and why this happened. I request that county school boards address these issues for their constituents. I understand that you had a forum about California Healthy Youth Act that was pretty successful and quite well attended, thanks to Dr. Williams.

I would love to see another countywide forum to discuss the new California laws, definitions and school policies dealing with gender identity, gender expression and sexual orientation along with a panel of experts from across the board. We teach kids that knowledge is power. Parents also need knowledge about what changes are happening so that they can be empowered as well. Thank you for your consideration.

Audience: [Applause]

Boyd: Jerardo Ortega, and he'll be followed by Jenny Hernandez.

Ortega: [MR. ORTEGA PRESENTS HIS COMMENTS IN SPANISH]

Boyd: Excuse me.

Ortega: Sorry.

Boyd: We didn't know this was the one that you were referring to. It wasn't noted, which one. For the board and the audience, we'll start the time over again. This gentleman is going to do everything in Spanish, then the young lady will read in English what he has said.

Barke: Excellent. I think that's great.

Ortega: Okay, sorry. [MR. ORTEGA CONTINUES TO PROVIDE HIS COMMENTS IN SPANISH]

Audience: [Applause]

Spanish Translator: Good afternoon President Barke, Dr. Mijares, and the members of the board. My name is Gerardo Ortega. I am the father of two children. My wife is a teacher on Sundays for children of our congregation at River Church in Anaheim. I am very concerned about the gender teaching recommended for our schools. In the February 2020 Leadership Magazine published by the California Association of School Administrators, there is an article entitled, "An Inclusive LGBTQ+ Culture Begins at the Elementary School." The article says that it's goal in education is to change the culture so that the heterosexuality and the two genders are no longer considered normal.

They suggest that the only way to do this is to start teaching various gender and sexual orientation in kindergarten and recommended lessons from the Human Rights Campaign. I have seen the lessons of the Human Rights Campaign. It is gender confusion. It teaches kindergarten children that they can be both genders using the pronouns "they." They can also be C or D pronouns, or they can propose their own gender and pronoun. Why does the Association of School Administrators of California recommend this nonsense? The school was made for academic education and self-improvement, not to decide the education and sexual orientation of our children.

Dr. Mijares, you are a member of this organization and I ask with all respect, please provide an answer. Former State Superintendent Torlakson said in 2018, "Gender is a classified spectrum difference that is not necessarily related to biological sex." As of January 1, 2019, the law allows a student to self-identify their chosen gender. The law refers to it on SB 179, and CTA passed it.

He says that California now has a third gender called non-binary, and non-binary is defined as unlimited gender range. If this law were necessary and educational, it will come like all other laws already written; but, the laws against family principles and education cannot be enforced, they must be respected. Myself, and most parents, are against all of this. This is ridiculous, especially when there is no why. Is public education now a place for sexual and gender experimentation? If the state of education wants to conduct social experiment with children as a father and many other parents, we ask that they leave our children out of it. They said that these teachings reduce gender stereotypes when, in fact, it does the opposite. A child should not be questioning what is his gender simply because he likes pink or prefers to play with dolls instead of trucks. I have been a stylist[inaudible] for over 20 years. I have always liked working with hair. I am a straight man.

However, due to my vocation people can accuse otherwise. Why? These teachings could have hurt me as a child. They could have made me question my gender simply because I prefer an activity that is typically feminine, and I am done with this. Let the children be children. Do not put these ideas in their head. Teach reading, writing and math, and leave the rest to the parents and God bless you. Thank you.

Boyd: Jenny Hernandez followed by Brenda Lebsack.

Audience: [Applause]

Hernandez: [MS. HERNANDEZ PRESENTS HER COMMENTS IN SPANISH]

Boyd: Excuse me. We need to translate for you. We have a translator right there. We need to time these. They should be three minutes. If we're doing translating back and forth, then, they would be five minutes. I want to make sure what is occurring, because we were told that there was one Spanish speaker, but if there are more, we want to accommodate you appropriately. We have a young lady. If you just would start it over and then pause. Then, she'll translate so that we can do this appropriately. Okay?

Hernandez: [MS. HERNANDEZ BEGINS ANEW WITH PRESENTING HER COMMENTS IN SPANISH]

Spanish Translator: Good evening. My name is Jenny Hernandez. I am a mother from Orange County. I came to this country escaping from the civil war from El Salvador. I deal with a lot of challenges, and I am a survivor. Even though that everything seems very peaceful here in the United States, there is a war currently in the minds of our kids. My husband and I, we have several members of our family that they worship in Hispanic churches here in Orange County. We understand, Dr. Mijares, that you signed a \$5 million contract on February 2018 with the state to implement the California Healthy Youth Act. We saw the contract. This framework addresses that we need to teach our kids that gender is an option based on our emotions.

There's not a limit for sexual orientation and experimentation. This includes multiple partners. It promotes sexual education and the prevention of HIV to students from K to third grade. This decision about the \$5 million was taken without the approval of your board of directors. Isn't the purpose of the board to measure and find credible decisions? Why, Dr. Mijares, are you above the rules? The majority of leaders from big organizations could lose their jobs because of this

decision. You make that all these members that are a part of the board are not representing us. If you think that you represent the Latino community of Orange County, Dr. Mijares, you are mistaken.

When the state excluded Latino parents from this process, to give their opinions to the community, you did not defend us. When we came to you with our questions about all these new materials coming to our schools to teach our kids about multiple gender options and different variations that are against our cultural and religious values, you said, "I cannot do anything about this topic. Take your concerns to Sacramento." That's what we did. After the board voted against this framework in May 2019, we discovered that you decided to implement this framework 15 months before the law was approved.

You betrayed us. You were against your own people. I pray for the kids of Orange County and for the kids of the state, because we need leaders we can trust. Having the same color of skin and speaking the same language, and even having the same religion is not what builds trust. Trust is gained with actions. Thank you.

Boyd: Brenda Lebsack.

Lebsack: Hi, my name is Brenda Lebsack. As a member of the California School Board Association and the California Teachers Association, I realized that these organizations support Proposition 13. Senator Glazer is one of the authors of this bill, which may bring \$15 billion to public education to upgrade facilities. Of course, I want good things for all children. However, Senator Glazer was on the Senate Education Committee. On Wednesday, January 15, the chairman of the Islamic Shia Council, Dr. Ahmed Soboh, who gave the invocation tonight, spoke to the seven members on behalf of Muslims in the state of California asking him to vote yes on Senate Bill 673. It was a simple bill supporting basic parent rights.

It stated that if districts choose to teach sex ed. to elementary age children in grades kindergarten through sixth grade, permission slips should be required. It also said that districts should put the curriculum on their websites so that busy parents do not have to take off work to view it. Lastly, it said the instruction must be medically accurate and age appropriate. The Senate Education Committee received nearly 50,000 individual letters and countless emails from citizens throughout the state asking them to vote yes. They had organizational letters and support from the Lutheran denomination statewide, the Catholic Conference of Bishops, the Assemblies of God of Southern California, the Nazarene Denomination, the Spanish Church Coalition, the NAACP of Riverside County, the Asian Industry, plus many letters from individual places of worship representing millions of people in the state.

Dr. Mijares was asked for a letter of support since he wrote one for AB 1505 in 2009, which was a bill that greatly restricts charter approvals or renewals. However, he showed no interest to support Senate Bill 673 in support of parent rights. Of the seven members on the state education committee, five voted no for Senate Bill 673. Senator Glazer was one of those five. These five senators did not respect basic human rights. The millions of parents represented by these organizations did not influence them at all. Instead, they were influenced by organizations who

oppose the bill such as Planned Parenthood, the ACLU, and Equality California. Although I am a CSBA and CTA member, most importantly, I'm a parent and soon to be a grandparent.

How can parents of diverse ethnic, religious and cultural backgrounds trust legislators like Senator Glazer with \$15 billion? Our rights are of more value than brick and mortar buildings and our children are more precious than anything money can buy. Legislators are supposed to be public servants not tyrants. I'm voting no on Proposition 13. However, I say yes for leaders I know support parent rights such as Dr. Williams, Jim Palmer and Tim Shaw. Thank you.

Audience: [Applause]

Boyd: Jeraldo Lechuga?

Lechuga: [MR. LECHUGA PRESENTS HIS COMMENTS IN SPANISH]

Boyd: Do you need an interpreter?

Lechuga: Yes, please.

Boyd: Okay.

Spanish Translator: Good evening. My name is Jeraldo Lechuga. I am a parent and a businessman in the County of Orange. I am concerned about public education. Dr. Mijares is criticizing Dr. Williams. In the news, he makes us believe that Andy Thorburn is a better option to be a member of the council. Is that a casualty that Andy Thorburn is a member of the council of Planned Parenthood? Dr. Mijares, do you think that the Hispanic population is ignorant? Fifty-seven centers were opened in the Santa Ana school district that affects all the students from kinder to grade 12. As these schools implement the new framework, counselors tell our children that they can have an abortion without the knowledge and without the consent of the parents at any age.

If a child is confused about his gender or sexual orientation due to these teachings in the schools, counselors cannot inform us parents without the child's approval. By law, the counselors need to teach the children gender or sexual orientation that is out of proclaim. This puts us parents against a wall and makes us defenseless. That happened to me. As a parent, my youngest daughter started to have an experiment with a young girl. Through this experience, she decided that she was a lesbian. By law, teachers cannot inform parents about the election of gender, sexual orientation, even pregnancy without the consent of the child. Parents that are religious, they are called insecure or even that they do bad things by the schools, because most of the parents that have faith we do not take or accept these ideas.

What a coincidence that the Santa Ana school district this year cancelled not just the clubs about news, Christian programs, and release time in the elementary schools. Then, there was an agreement signed with Planned Parenthood to open these wellness programs in each school. Beckie Gomez received \$10,000 in donations for her campaign. Who made this donation- Planned Parenthood. Another coincidence? As a Hispanic parent I ask myself, if the objectives can be known to the parents at any age, what's next - blockers of puberty, hormonal therapy? Our values are not respected. I want to thank Dr. Williams who is defending the rights of Latino parents. Thank you.

Boyd: Your time is up. William Ramirez. William Ramirez? Linda Cone?

Cone: President Barke, board, Superintendent Mijares, and, most of all, concerned parents. For six months, I have been following CTA's new business item 6-19-12. On Sunday, January 26, this proposal became the official policy of the California Teachers Association. I quote, "CTA believes comprehensive school-based health care clinics are needed to bring caring and responsive services to young people. The clinics shall provide cisgender, transgender, and non-binary youth equal and confidential access to a broad range of physical, mental, and behavioral services and decision-making rights for students and their families."

Audience: [Applause]

Cone: Here's the rationale from CTA civil rights committee who proposed this policy. Again, I quote, "Current interpretation of California state law does not allow trans students to begin gender identity confirming hormone therapy without consent of both legal guardians. However, it does allow for cis-minors to receive hormones, EG birth control without the barrier of parental permission. This inequity of decision making forces some children to go through the wrong puberty and can negatively impact the child's mental health." Parents, there are no age limits to the cisgender services already mandated by law. Add that in implementing these brand new services, kids must be captured before puberty because that's when, as studies show, most of them return to their biological identity.

They want your kids before your kids can change their minds. The Orange County Department of Education is ground zero in California for the implementation of these policies. With wellness services on all campuses, why do we even need a law? The question you might be asking is what can we do? Keep in mind, I have spoken to no other speaker up here on this issue. Here is my proposal. Let's start with this board where a majority of trustees, and you know who they are, have consistently heard parental concerns and supported parental rights and transparency of these issues. It's time ladies and gentlemen for another forum. The least we can do is have a forum that will alert parents of the next assault on our children. Thank you very much.

Audience: [Applause]

Boyd: Natalie...Natalia Garcia? Do you need an interpreter?

Garcia: Yes, please.

Boyd: Okay. Do you want to lower that? Thank you.

Garcia: [MS. GARCIA PRESENTS HER COMMENTS IN SPANISH]

Spanish Translator: Good evening, my name is Natalia Garcia, and I have three children. Thanks to Dr. Williams, Ms. Barke and Dr. Sparks to offer parents different educational options and to allow charter schools in Orange County. We do not authorize this sexual education. That is why we are searching for new options. Thank you.

Boyd: That concludes -

Audience: [Applause]

Boyd: - if I could have quiet, please? That concludes our public comments at this time.

Barke: I will call for a motion now to approve the consent calendar.

Bedell: So moved.

Williams: Second.

Barke: All those in favor?

Board: Aye.

Barke: Opposed? Okay. Next, I will call Kelly up to the podium for charter schools.

Gaughran: Good evening, President Barke, members of the board and Superintendent Mijares. Tonight we have one submission for material revision from Scholarship Prep. For this submission, the public hearing will be held at the March 4th meeting and action will be taken at the April 15th meeting. However, the date of the April meeting is 10 days past the 60-day timeline required by Education Code for charter school material revisions. Scholarship Prep representatives have agreed to an extension of the timeline in writing. I now call representatives of Scholarship Prep to the podium. Ms. Romero?

Romero: Thank you so much, honorable superintendent, board members. We couldn't hear you out there. There's a crowded room so we'll be very, very brief. I am former Senator Gloria Romero, executive director of Scholarship Prep. We are here to submit to you a material revision for your consideration. We'll only take a couple of minutes tonight to tell you what's in it, and then we'll be back next month for our public hearing. Essentially, with this proposed material revision that we're seeking, it has two parts to it. First part is to expand the countywide target population that we currently serve to go beyond foster youth and to include homeless youth as well. We want to do this building on our current success serving foster youth.

We're looking to this to extend our services to homeless youth. As we know throughout the state here in Orange County, there were over 25,000 homeless youth. Given the success of the model that we've had with foster youth thus far, we believe that we would be in a very strong position to extend these services to homeless youth. As we know, because of the very nature of homelessness, a lack of a fixed home, a school district, residential boundaries really don't make a lot of sense.

Countywide benefits such as what we have is something that we think could be very well positioned to serve our homeless youth as well. The second part we're excited about as well, and we are proposing to add a pipeline, a nine through 12 high school pipeline to add to our current success. Here to talk about that is our principal, Denise Allotey. She will present that part.

Allotey: Thank you. Good evening, everybody. Good evening, the board. We are also seeking to extend our current highly successful TK eighth grade program to add a high school program. The same focus will be our fidelity to academics, the arts and the athletics. We thank you for this time, and we are so proud to have Scholarship Prep be recognized as a California Distinguished School on Monday. Our families, our children, they are over the moon. We thank you for this time. We're excited. Thank you.

Romero: Again, too. If you have any questions, we're happy to answer, but I know you've got a full audience tonight. We'll be back in March for our public hearing. Thank you.

Allotey: Thank you for the time.

Audience: [Applause]

Gaughran: Thank you. This closes our submissions for tonight.

Barke: Thank you. Next, I'll call Aracely up. Thank you.

Chastain: Good evening, President Barke, trustees, and Superintendent Mijares. Today, the board will hold a hearing to consider public input regarding the Orange County School of the Arts renewal charter petition, which was submitted at the January 8 board meeting. Prior to public comments, representatives from Orange County School of the Arts and Santa Ana Unified School District are each allotted 15 minutes to address the board. I now call representatives from Orange County School of the Arts to the podium.

Audience: [Applause]

Opacic: I should just stop there, I think, and quit while I'm ahead. President Barke, board members, Superintendent Mijares thank you for allowing us to be here tonight and to present to you. OCSA is a student-centered school. We make all our decisions based on what we think is best for students. I'm going to spend most of my presentation talking about the great things that our faculty and staff do for our students. When we submitted our appeal in January, it was clear that the circumstances that have led us to this appeal are confusing. I wanted to spend just a few minutes just kind of bringing everybody up to date in terms of how we got here. OCSA has been in Santa Ana for 20 years and has enjoyed a positive and collaborative relationship with Santa Ana Unified School District for nineteen-and-a-half of those years.

That all changed in March of last year. In March of last year, Santa Ana Unified School District presented an invoice to OCSA for \$19 million representing, in their opinion, 17 years of back encroachment special ed. reimbursement. Despite the fact that in our charter there's clear conditions precedent that prevent them from doing that, despite the fact that Santa Ana has benefited from \$11 million of our special ed. money that they haven't spent on our school, and despite the fact that OCSA has not contributed \$1 to their special ed. deficit in the last 17 years, they pressed on. We indicated that we didn't believe that we owed them that money. You would think that they would have read the charter.

You would think that they would have gotten more background on our institutional history, but no, they doubled down. In May, they communicated to us that it was their intent to in-sweep our in lieu property tax funding that flows through them in the amount of about \$500,000 a month, \$6 million a year, which knowingly would have bankrupted OCSA within six months. We were forced to take them to court. Unfortunately, they received relief and were granted an injunction and we thought, okay, it'll stop there. They'll just let the judicial process play itself out, not at all. The next thing they did is in June, they communicated to the California School Finance Authority and tried to block \$2 million of our SB 740 money.

Again, we had to go back to court. Again, a judge had to encourage them to reverse that decision, which they finally did and release that \$2 million. Unfortunately, this is a renewal year for us. We communicated to Santa Ana Unified School District in August that we would be submitting a renewal in October. They communicated it to us in writing that they would not be meeting with us prior to that submission, that they were going to take our charter renewal on face value despite the fact that they did meet with OCEAA, the other charter school that was up for renewal this

year. In their findings, they talk about the fact that our demographics don't represent their district, and yet, for the first time in 20 years they refused to distribute our flyers for Camp OCSA which provides free lessons for students in Santa Ana grades four through six.

It wasn't any surprise to us that in December, in attempt to continue to leverage us in this existing litigation, SAUSD granted OCSA conditional approval that contained mischaracterizations supported by outdated materials, misrepresented data and outside sources rather than by the petition itself and our actual practices. Their conditional approval provided no specific expressed conditions for unconditional renewal. To make matters worse, they put a poison pill in their resolution that retroactively dated their denial, which had we cooperated with them or attempted to, would have rendered us an inability to appeal to the county as we're appealing now.

That's the background. That's why we're here. Again, we want to focus on what we do well. We responded to their 37 pages of finding with our own responses and you've received that. I'm not going to spend a lot of time dwelling on that, but we're here tonight representing 2,200 students, representing over 500 faculty and staff, representing 1,000 new applicants, wanting to move forward and offer this unique program. We're offering this unique program to students like this.

[A POWERPOINT PRESENTATION IS SHOWN]

Various voice-overs: Growing up now, there's a ton of outside pressure to fit in and to try and be your own person. It's so easy to find yourself just not being who you want to be. If you see someone on TV, you see someone on social media and you just want to change yourself to be that person. There's a lot of pressures on us to perform and achieve. There's always the pressure to be the best in the audition, the best in the class, so you need to be that person. It's hard to find yourself when there's such a culture of what is everyone else thinking about. As someone who practices more of the artistic side, there just wasn't a place for me to express what I love to do.

My passion wasn't growing, because people weren't feeding into it. I was so impassioned and there was just a lack of synergy, so I was like, where can I go to find that second chance? Without question, today's young artists are seeking a place that embraces their creativity. It's one thing to fall in love with something and have a belief in yourself, but it's not until someone else tells you, "Hey, you're good at that." That just gives you the push to say, "If they think I can do it, I know I can do it." Believing in students builds their confidence and unlocks their potential. At Orange County School of the Arts, we enter into the lives of these young artists at such a crucial moment. One person can make a big impact.

A community of teachers, mentors, and families who show up for them can make a huge difference. Whether you're supporting their academic curiosity in the classroom, engaging them at the highest levels of their artistry or making sure they're prepared to face the challenges of life beyond school, OCSA provides an environment where kids' lives can be changed. When you have someone who believes in you, especially when you're young, when you find someone you can trust and who won't let you down, you can hold onto their belief until yours catches up. That's what's happening here at Orange County School of the Arts. Coming to OCSA was the most amazing experience because it wasn't like people were looking at me crazy. They were like, "Oh my gosh, I'm excited too. Let's be excited together."

It just made me feel that there was a place that I could truly be who I wanted to be. There was just so much more to discover about what I love to do, which made me finally feel at home somewhere. OCSA really is a second family to me, and everyone here believes in me. They believe I can pursue my dreams. My teachers taught me the importance of teamwork and being able to build each other up. It makes me think that I can do this in the future, that I can do anything. What happens to someone who is told I believe in you, their perceived limits is immediately pushed further back. That's when we start to see our potential. We see ourselves making an impact.

The power of belief is probably one of the most important things to helping nurture any art or talent. It makes me want to be a better artist and a better human being. Just being believed in by my teacher, my friends pushes me to believe that if I can help out, why not? It makes me feel really good inside when I know that I'm helping people. Having that community of people empowers me to change the world. It's not easy doing what we do every day. Getting up, coming, being vulnerable because art is vulnerable, but my teachers push me to continue to not to give up. That means everything. It makes me believe in myself, that I can do literally anything I set my mind to. Believe in me. Believe in me. Believe in me. Believe in me. Believe in me.

[THE POWERPOINT PRESENTATION CONCLUDES]

Audience: [Applause]

Opacic: Parents and OCSA stakeholders will often hear me say, what I believe sets the Orange County School of the Arts apart from any other high school in Southern California and arguably the country are three things. This partnership of rigorous college preparatory academics partnered with pre-professional arts training. This unique school culture where students like you saw on the screen there feel safe, feel nurtured, feel celebrated, and this unparalleled value in terms of providing this world class education to students from across Southern California.

Rigorous academic instruction, -we're aligned with California Common Core Standards. Our academic faculty members are highly qualified and fully credentialed, and our teachers are part of the California Teachers Association. We respect our teachers. We want our teachers to be paid competitively and we believe we have some of the finest academic and arts teachers in the country.

Audience: [Applause]

Opacic: That goes in tandem with this pre-professional arts program. We offer over five schools, 22 programs, very unique programs. Very few art schools in the country offer culinary arts, offer ballet Folklorico, offer integrated arts. We provide students to interact with world-class renowned artists. We provide pre-professional performance experiences. We provide professional mentor experiences so our students can develop both as scholars and as artists to their full potential. What are the results of that? We were ranked, this year, the number one charter school in California.

Audience: [Applause]

Opacic: Every year since 2008, we are recognized by US News as one of the best high schools in America, and in 2019, we're ranked number two high school in Orange County. Not number two charter school, not number two art school, number two high school in Orange County.

Audience: [Applause]

Opacic: We're trying to figure out how to take out number one. We're working on that next. The results really are our students, how they're prepared for college and career when they graduate. We're one of the few schools in Orange County that can boast, for every consecutive year we have a 100% graduation rate. All students, all special needs groups, 100% graduation rate, and 98% of our students continue on to college and university.

Audience: [Applause]

Opacic: Our 379 grads this past year were awarded collectively over \$15 million in scholarships from colleges across the country, and we have alumni in every walks of life. You see a lot of the arts up there. We have Tony award winners, we have composers, we have musicians, but we also have doctors, we have lawyers, we have educators, and we are making sure that when our students graduate, they're fully prepared to pursue whatever dreams they have for a career in the future. A commitment to Equity and ACCESS, we don't just talk about a commitment to Equity and ACCESS. We spend over \$200,000 a year to provide arts training, arts lessons for young people in Santa Ana.

Camp OCSA provides free arts lessons for over 400 Santa Ana students every Tuesday night. We've partnered with the Dragon Kim Foundation. I've seen some of their board members here tonight to provide free instrumental music lessons for students, to provide the instruments to put in their hands. We are focused on making sure that any student that's passionate about the arts can experience and be exposed to the arts and thus find a pathway to OCSA. Admissions: Our admission processes is designed to ensure Equity and ACCESS for all students who have demonstrated a passion and interest in the arts. As I mentioned, we've actually designed specific programs.

Our integrated arts program is designed to ensure that any student, regardless of their previous experience or background, can develop fundamental skills in the arts. There's a pathway for any student that's passionate about the arts and wants to come to OCSA. Special student populations: Again, I want to emphasize that we have a 100% graduation rate that includes special populations. OCSA received the National Association of Special Education Teachers Exceptional Charter School Award. For the past three years in a row, our school is one of only three high schools in California to receive this designation by NASET.

Audience: [Applause]

Opacic: OCSA is RAMP certified by the American School Counselor Association, a national organization that awards and recognizes those that are serious about making sure that we're providing support and services to all students. OCSA was the first seventh through 12th grade school in California to receive this recognition.

Audience: [Applause]

Opacic: As I mentioned earlier, we have a very experienced staff both in the academics and in the arts. We differentiate instruction to meet every student's needs. We have all sorts of different support models, and all of that is outlined in our charter. We have a comprehensive special services division. We're one of the few charter schools in Orange County that has its own Dean of Special Services. You can see the level of support and the seriousness we take in helping students with special needs. Last but not least, we're fiscally sound.

In the late two thousands when we had the economy crash, OCSA, because of its fiscal responsibility was one of the few schools in Orange County that didn't have to increase class size. OCSA didn't have to lay off support staff and was able to continue to offer quality programs to students, because we planned for that day. We have a wonderful public-private partnership. We have a foundation and collectively that foundation raises over \$9 million to support the school. I'm running out of time. In your packets, you don't have to hear it from me, you'll see a petition that was signed by over 20,000 supporters of the Orange County School of the Arts.

Audience: [Applause]

Opacic: You have 47 pages of comments and over 200 letters. I hope you read them all, because I think they speak volumes of what OCSA does for the community. Thank you.

Audience: [Applause]

Chastain: Next to the podium are representatives from Santa Ana Unified School District.

Jimenez: Good evening, members of the board, Superintendent Dr. Mijares, staff and community. My name is Dr. Alfonso Jimenez, and I'm the deputy superintendent of education services for the Santa Ana Unified School District. I'm joined today here with my legal counsel, Ms. Sarah Sutherland who will be addressing the board after I conclude my comments. I'm here today to express our continued position that the Santa Ana Unified School District did not deny OCSA's charter petition. The petition was approved with conditions, and yet, we have yet to meet with OCSA's representatives. They have been reluctant in doing so. As the charter authorizer, we have the responsibility to ensure that the charter meets the conditions of their charter.

We want to reiterate from our previous position that Santa Ana Unified concerns stem from OCSA's operations, website, admission practices, and handbook materials. Many of these concerns were raised by an ACLU report on charter practices. As a charter authorizer, it is incumbent upon us to ensure that there is equity in practice. The fact that OCSA has appealed to the County in no way, shape or form alleviates them from their responsibilities to meet with us. We are still the current authorizer and keeping positive relationships, as you have heard, we've been in partnership with OCSA for the past 20 years. We believe is a commitment that will ensure that OCSA fulfills their obligations.

OCSA is not entitled to, or legally authorized at its discretion to change authorizer, convert an appeal into a denial, or refuse to work with this authorizer. If this board attempts to authorize, it will need to do the same oversight similar to what we do in our school district. Once again, Santa Ana Unified School District respectfully requests that the Orange County board allow for local control and not consider this petition as SAUSD approved the charter with conditions as has

been done by this board in past practice. What we ultimately want is for OCSA to actually implement the many items that are articulated in their charter. Thank you.

Sutherland: Good evening, Dr. Mijares, county board members, members of the public. My name is Sarah Sutherland, and I'm an attorney. I represented Santa Ana Unified School District with regard to the renewal of OCSA. There are really two points that we think needs to be very clear for this board. There is not a lot of confusion. The district approved OCSA's charter conditions do not amount to denial. This board regularly imposes conditions on charters it approves, both initially and on renewal. The only way the law allows a board to deny a charter is by adopting denial findings, as you all are very well aware. In addition to that, upon renewal, a charter can only be denied if the board actually adopts denial findings within 60 days, excuse me, of the receipt of the charter petition.

Denial findings were not adopted within 60 days of the board's receipt, and they have not been adopted to date. There is no basis for this appeal. The second point that we really think is important to make clear is the charter school is really attempting to construe an approval as a denial, their PowerPoint even reflected that. In order to choose authorizers to switch oversight, no matter what your agency is, the oversight agency, the oversight has to be done. There is not a mechanism in the Charter Schools Act that allows a charter school to select authorizers that they would prefer to avoid oversight. It's interesting to me that we're at this board meeting and it's this crowded.

I was at all of the board meetings as Santa Ana's board considered this charter and only a handful of students and parents attended and expressed any support for the charter. We didn't get this sort of presentation, the district's board did not. In fact, there was very little comment and activity surrounding the approval. This board recently conditionally approved Sycamore Creek Charter School in March 2019 that was also a renewal. The suggestion that conditions are automatically construed as, or could be construed as denial, is not true. California courts have recognized local school districts and county boards of education as well as parents and teachers have the right to expect that charter schools will hue, not just to the law, but to their charters and the conditions imposed upon them through official action taken at a public hearing.

That was in specific reference to conditions being enforceable by members of the public imposed by a board in a similar position to you. OCSA does object to language in a retroactive denial claiming that it deprives them an ability to appeal. If OCSA agreed to, or had a single conversation with, any of the district administrators or staff, they would have known exactly what was intended by that language. There was never a question as to whether or not denial findings would be brought back, what would happen if no meeting. It was simply, we will exchange the petition with you in writing, and otherwise, we're appealing. That is not a relationship that I think this board wants to embark upon. Attempting oversight of a school that's been in existence for 20 years.

We are not here because of the litigation. That litigation was initiated by OCSA against Santa Ana. Santa Ana has taken no action to collect that cross claim or file any complaints against OCSA. The Staff Report shows there are many other concerns besides special education funding.

We're not going to respond to OCSA's many statements about the merits of their appeal, the merits of their program. The merits of their program are not in question.

The board's resolution that Santa Ana's board adopted was very clear that they meet criteria for approval and are a very high performing school. The issue is that they are not reflective of the population nor are all students being admitted. Even in the presentation it was acknowledged that only those students who demonstrated passion for the arts get in. Who demonstrates that? How does that happen? There's reference to lotteries. We have not seen –

[UPON THE AUDIENCE MAKING SUBSTANTIAL NOISE, PRESIDENT BARKE STRIKES THE GAVEL ONCE]

Barke: Guys. Sorry, but we need to be respectful. If you have comments, you need to take a comment card.

Sutherland: This is why I'm not going to attempt to respond to the differences of opinion in terms of how the school is operating and how oversight should be done. Suffice to say the Dean of Special Ed. Services, as well as all the special ed. teachers, are funded by Santa Ana School District to date, not by the charter. Additionally, the charter has contributed no general fund to districtwide special education, period, and continues to refuse to do so. The idea that Santa Ana has pursued them or leveraged them is really inaccurate, and honestly offensive in a lot of ways. Santa Ana has been working with this charter for 20 years, has authorized it for 20 years, and is simply attempting to do the oversight the law requires.

Second, and I won't dwell on this point, I know you probably have plenty of lawyers giving you different opinions about the Charter Schools Act. I will be one of the first to tell you and admit that it's words that mostly don't have a lot of cases, a lot of judges interpreting them. There's lots of variety of opinions that I hear from lawyers across the state as to authority to approve, deny, et. cetera. At the end of the day, this board is making a decision on whether or not it wants to become the oversight agency of this charter when it has an existing oversight agency that has renewed it. Whether or not OCSA wants to be overseen locally is not the question. Whether or not OCSA would prefer this board to be their authorizer is also not the question.

The law has been revised substantially, and many cases have come down in recent years supporting local control and oversight by locally elected officials of the residents whose tax payers they're spending. That is what Santa Ana is seeking to do and has renewed this charter. There is no winning or losing in terms of who does the oversight as it continues to operate and achieve what is clearly great results that no one is questioning. We're available for questions if you need them.

Chastain: The hearing is now open for public comments from individuals who have submitted a comment card to address the board. Each individual will have three minutes to speak with a total of 30 minutes allotted for public comments. For those speaking today, the board clerk will time each speaker, a red light will flash and a buzzer will sound when time is up. Associate Superintendent Boyd, please call for the first speaker.

Boyd: As Aracely mentioned, we have 30 minutes for public comment. We have 13 public comments cards just for the board's notice. The first person is Saranya Dhanidina. I'm sorry if I mispronounced your name.

Audience: [Applause]

Williams: If I can make a comment? As with the past practices, if we go beyond 30 minutes and there's still a couple more speakers, are we in agreement that we'll listen to them?

Gomez: I would agree, but I would also appreciate just keeping the applause down so that we can get through as many people as possible.

Williams: How do you feel?

Bedell: Always cooperative with your ideas.

Barke: I agree. We'll hear everybody, but if you can keep the applause to a minimum just so we could get through everybody. Thank you.

Dhanidina: Good evening, distinguished members of the board. My name is Saranya Dhanidina. I am a small business owner, and I live in Irvine with my husband Halim Dhanidina who is an associate justice with the California Court of appeal. Halim is teaching a class at Chapman law school tonight. He would've really liked to have been here, but he could not reschedule the class. He has asked me to attend this hearing to represent the family and to read to you this letter. "To my representatives on the Orange County Board of Education, I am writing today to urge you to grant the appeal for the Orange County School of the Art's charter application. As you know, OCSA has been a jewel of the Orange County education community over the years developing a national reputation for academic and artistic excellence.

It's part of the reason why the school draws applicants from many of our county's regions even those with outstanding school districts in their own right. More significantly for students like my daughter, OCSA has been a lifesaver. When my daughter, Sonali, was in sixth grade, she contracted a rare and often fatal blood disease. For a time, she was the number one priority patient at the CHOC's pediatric intensive care unit, and we weren't confident that she would make it out of the hospital. We owe her survival to the outstanding work of the doctors and staff at CHOC. Unfortunately, the trauma of her illness and treatment, which I won't detail here, led to the development of a psychological condition known as Conversion Disorder.

Related to PTSD, Conversion Disorder amplifies normal childhood stress and anxiety to the point of debilitation. In the case of Sonali, it causes bouts of partial paralysis. In trying to come up with a way for her to manage stress and anxiety, we sought outlets for her to express herself in a healthy way. Then, we found OCSA. Sonali had always gravitated towards arts. Singing, writing, and performing brings her so much joy. OCSA has made that joy part of her daily life. Despite the academic rigors of the school, for the first time in a long time, she loves going to school. Since her enrollment last fall, her relapses have been less frequent and far less severe. She is a new child.

Best of all, the spirit of community involvement at OCSA motivated Sonali to start a student club at the school dedicated to providing artistic enrichment and entertainment for patients at CHOC. We are so proud of her and so grateful for the part OCSA has played in her development. We sincerely hope and pray that OCSA will be allowed to fulfill its mission for other Orange County students like Sonali. Thank you for your thoughtfulness and consideration.

Audience: [Applause]

Boyd: Rob Cutietta or Cutietta?

Cutietta: Thank you. No one gets that right and you got it perfect. Good evening. I'm honored to be here. I'm Rob Cutietta, and I'm the dean of the Thornton School of Music and the Kaufman School of Dance at the University of Southern California. I want to start with a story. About 15 years ago, I got a call from Ralph Opacic who invited me to lunch to ask a very interesting question. He wondered why his students were not being accepted into USC. That was an easy question to answer at that time. I said we saw many wonderfully talented and prepared musicians in our auditions, and we'd love to have them in our school, but unfortunately, they were not sufficiently prepared academically to get into USC.

His response, "Will you and your faculty help me fix that?" I was impressed with the actions he took. For the next two years, working with my faculty, he redesigned the academic curriculum of the school to bring it up to the level of their excellence arts teaching. The result? Today, the Orange County School of the Arts is one of our leading feeder schools in both music and dance at USC. Many of the students who come in double major or take minors in other areas of USC. Let me put that in context. I run two of the most selective collegiate arts programs in the country, and yes, arts programs are selective.

The USC Thornton School of Music and the Kaufman School of Dance has been disheartening to see that the number of students who are prepared to enter college in music or dance, who graduate from California public schools has been steadily dropping over the last 20 years and continues to drop. It seems any more, the only public school students who are properly prepared to major in the arts in college are those whose parents have the means to develop their children's talents outside of school. This certainly is nothing any of us taxpayers should be proud of, but that's a broader conversation. Thank goodness there are schools such as OCSA who are addressing the needs of the exceptionally talented students in the arts.

OCSA develops students who demonstrate talent, and they do this within the school day as part of the core curriculum. The faculty do this with the unique, flexible and rigorous program that provides all students with the artistic and academic training they need to succeed in college so they can have a successful and secure career in the arts. It's amazing to me that this conversation about OCSA is even being held. I mentioned to my faculty today where I was coming. They thought I was kidding. There should be no doubt that OCSA should be strongly supported. We would be lost without them. Without them, so many young artists would be denied the opportunity to have careers, college degrees, and fulfilling lives and careers. I can't understand why anyone would want to deny that. Thank you.

Audience: [Applause]

[PRESIDENT BARKE STRIKES THE GAVEL ONCE]

Barke: Hey guys, please hold your enthusiasm for the end. Thank you.

Boyd: Luisa Romero.

Romero: Good evening, members of the board. My name is Luisa Romero, and I am currently a senior at the Orange County School of the Arts in the classical and contemporary dance conservatory. I have been extremely grateful to have had the opportunity to attend OCSA for the past six years. My mom has been a Santa Ana resident for the past 20 years. Her biggest concern has always been to provide me with the best education possible. She is a single mother who has had to work multiple jobs to be able to support my family and my artistic endeavors. The only reason she sent me to a private elementary school was because no public elementary school in my area was up to the state of California's minimum standards. OCSA's unparalleled arts education is something that cannot be described in words, but rather something that must be experienced.

The amount of masterclasses provided for us, one-on-one training and performance opportunities are one of a kind. No other school can provide their students these resources like OCSA can. I believe that other artistic students should have the opportunity to experience this conservatory program and be able to grow and develop their passions like I was able to. OCSA's overall academics such as courses offered, teacher instruction, counseling services are all at the same, unparalleled standard as their conservatory programs. For the past two years, I've had the opportunity to be a part of the pilot class of the college board's AB Capstone Program, a class that focuses on teaching research skills and creates the ability to conduct a research project.

This class has proven to be the most beneficial class I've ever taken. As a high school senior, I'm conducting research and writing a thesis based on my findings, something that is usually done in the senior year of college. This should speak clearly to OCSA's commitment to preparing their students for undergraduate work. Finally, the OCSA family's dedication to supporting the Santa Ana community continues to grow every single year. Students from the leadership class not only participate in volunteer events throughout Santa Ana, such as working at WISEPlace and serving food to the needy in the Southwest Community Center, but also donate funds they make from the events to local organizations to buy supplies or raise awareness on the issues.

In addition, OCSA has a strong connection with the students from our neighbor school OCEAA. Our students teach art classes and help the students in the dual immersion classes with their English. I remember seeing OCSA students helping and teaching when I attended OCEAA. It's been almost 10 years later, it's still an experience that resonates with me, and it still does. OCSA has additionally provides the local Santa Ana students the opportunity to experience arts-based classes for no cost through camp OCSA. I remember coming to those dance classes when I was 10 years old. Having the opportunity to attend these causes alongside my Santa Ana community members truly made me feel that OCSA wanted me to be there.

I felt welcomed and excited to participate in these classes. I knew that I would love to attend this school one day. The lessons that I've learned throughout my time at OCSA, the teachers that I have always provided unconditional attention to my concerns, and the artistic experiences I've gotten are all things that can't be experienced elsewhere.

Boyd: Your time is up.

Romero: Thank you for your time and consideration. It's an absolute honor to be a part of this year's graduating class.

Audience: [Applause]

Boyd: Henry Walker.

Walker: Good evening, President Barke, members of the board, Superintendent Mijares. My name is Henry Walker, and I'm president of Farmers & Merchants Bank. I'm also a product of Orange County education. I went to Emery Elementary School, McComber Junior High, and graduated from Sunny Hills High School in Fullerton. Farmers & Merchants Bank has been proud to be the bank of Orange County School of the Arts since 2006, and as full disclosure, we are the primary lender to the school. My first experience with OCSA was shortly after their arrival in Santa Ana, and candidly, when we were there, you'd look around and the neighborhood was blighted. It was empty, and it still would be empty today if it wasn't for OCSA.

There were some financial challenges in those early days, but the bank had strong belief in its leadership, specifically Ralph Opacic, Steve Wagner, it's business discipline and acumen, and more importantly, it's vision for a vibrant educational experience that changed students' lives. Over the years, our early belief has been confirmed as accurate. OCSA is a model of fiscal discipline. By way of example, despite its early challenges by 2008 it had improved its financial performance so significantly that it weathered the financial crisis of '08-'09 without a single layoff, or interruption to its curriculum, amazing. As a fifth generation Californian, a fourth generation banker, those who went before us provided us a fairly simple mandate -do good for our communities.

F&M's commitment to our community is not cliché. It's been in our DNA for 113 years. Being an Orange County student kid, I've always felt that Santa Ana represent the spirit and soul of Orange County. It's the county seat. I endeavored to work closely with many of Santa Ana nonprofits to allow us to do good in that community using every tool in the banker's toolbox, including new market tax credits, direct tax-exempt financing and federal grants. F&M has endeavored to do just that over the last two decades.

We have been fortunate to work with great Santa Ana institutions like the Discovery Cube, Big Brothers Big Sisters, the Samueli Academy, and Orangewood to name a few. However, it was OCSA who provided us the entree to Santa Ana to do so much and be introduced. Lastly, my wife and I, we have a daughter at OCSA. As she finishes her junior year, she will have college credits and be certified as bilingual. We are very proud of her, and the education she is getting at OCSA is exemplary. Thank you.

Audience: [Applause]

Boyd: Patty Juarez.

Juarez: Good evening, President Barke, members of the board. My name is Patty Juarez and my daughter Bella is an eighth grader at OCSA in their musical theater conservatory. I also proudly serve on the board of directors of the Orange County Hispanic Chamber of Commerce. I was past chairwoman of the organization. For my day job, I work for Wells Fargo bank where I lead our national diverse segments practice. We're a proud corporate partner of OCSA and supporter

of Camp OCSA, a program that's been described earlier today. It's a series of afterschool arts workshops available, free of charge, to over 5,000 Santa Ana elementary school students.

I am here to ask for your support for our charter renewal petition. I am excited to share the many ways OCSA has positively impacted our Santa Ana community and the way OCSA has impacted my family and my child. First of all, OCSA has had a tremendous positive impact in our community with the following investments: \$70 million in economic development from the purchase and renovation of nine buildings that make up our campus on Main Street, created 550 jobs, spent a half a million dollars with Santa Ana vendors annually. I have a lot of friends who own businesses in the Santa Ana area. They love our OCSA community, because we support their businesses.

We also offer free quality performance done by OCSA students every year, and we annually fundraise a half a million dollars to ensure that all students, regardless of financial capacity, have equitable access to every opportunity the school has to offer including conservatory performances, masterclasses, and field trips. Additionally, \$300,000 annually is invested in outreach programs that increase arts exposure to elementary age school children in Santa Ana. We can help spark the love of arts and encourage them to attend our school. These programs include Camp OCSA, which we do every year, Dragon Kim Foundation, Block Community Arts Program, and the CS Arts Academy.

Personally, for my family, our daughter Bella is thriving academically in a rigorous environment where she's also developing and embracing her love of the arts. I have noticed she's happier. She's doing really well academically, and she's fully engaged. I think she's finally found her tribe. OCSA is a gem. It is an amazing school. Please help us put our children's anxieties and fears aside, because they think their beloved school is shutting down. We need your help. Thank you for your consideration.

Audience: [Applause]

Boyd: Lisa Argyros.

Argyros: Hello, members of the Orange County Board of Education. My name is Lisa Argyros, and I'm here today with my son Ryan to speak about the impact the Orange County School of the Arts has made on my family's lives and the lives of thousands of children from all across Orange County. This school means so much to me that I'm here on my birthday. I first learned about OCSA from my parents, Julianne and George Argyros who were longtime supporters. They always valued OCSA's mission to provide students of all socioeconomic backgrounds with a premier arts and academic education that not only leads them to successful careers but also helps them to become well-rounded human beings.

As you know, many public schools have been forced to cut or reduce their arts programs over the past few decades, and children hoping to have an education in the arts have been left with limited programs from their local schools. One of the only avenues available to children who are serious about the arts, especially those whose parents cannot afford to pay for afterschool programs or private school is to attend a public charter school like OCSA that includes the arts in their

curriculum. My family has been committed to ensuring that OCSA is able to continue offering its programs to as many deserving children as possible.

We've been honored to sponsor 120 students so far from different parts of Orange County through an important fundraising program, which enables students from low income households to participate fully in all of the programs the school offers. These children are also put on a solid path to college and a fulfilling career. My family is also committed to sponsor 80 more students in the next two years. We are proud to support OCSA as it continuously removes barriers for students to achieve their potential in and outside of the arts. Two of my own children have been able to attend OCSA. My daughter, Sylvia, a junior is thriving in the school's digital media conservatory. My son, Ryan graduated from the commercial music conservatory and I'd like to invite him to share more about what OCSA meant to him.

Ryan Argyros: When I first began at OCSA, I had already discovered my natural talent for music, but I didn't have the tribal support from my teachers to help me and grow in my artistry. At OCSA, my teachers encouraged me to take risks musically, and I was able to collaborate and write music with peers who inspire me. I got more involved on campus and joined the montage performance group, performed at several galas, and participated in several conservatory shows. Today, I'm pursuing a degree in popular music at the USC Thornton School of Music. I hope to continue my path as a professional musician.

Boyd: Your time is up.

Lisa and Ryan Argyros: Thank you.

Audience: [Applause]

Boyd: Also, just for the record, I didn't have a card for you. Before you leave, if I can get your name and information just so that we have it. Okay? Thank you. Christine Allcorn.

Audience: [Applause]

Allcorn: Good evening, President Barke, members of the board, Dr. Mijares. I get to wear many hats at OCSA, literally and figuratively. I'm an OCSA middle school history teacher with the fondness for historical costumes, a member of the CTA bargaining team, and the proud parent of an OCSA graduate. I also served on the Fountain Valley school board from 2004 to 2012. During my tenure as a board member, I earned my Masters in Governance from the California School Board Association. We examined the components of successful schools and how to build thriving educational communities. I'm here to share with you that our OCSA community is exactly that, thriving and highly successful, and we are making a difference in countless lives throughout Orange County.

OCSA needs to remain the place for kids to come who are different, who see the world different, who think different, who are different. My son was one of those kids who didn't quite fit in our local public school. He saw the world through a different lens and he still does. When we found OCSA, it was like the rainbows and the unicorns had descended upon us and we were in our happy place. He found his home. He had people who encouraged him to find his voice and his truth and supported his dream of a career in the arts. Hayden graduated from OCSA in 2016, and he has become an amazing adult who will soon graduate from Cal State Fullerton with a degree in theater. He is and will continue working in the arts.

For the record, I got into OCSA before my son did. I've worked in four other school districts throughout my career and OCSA's the best place I've ever taught. My students challenge me to be a better teacher because of their drive creativity, eagerness to learn and curiosity. To put it simply, I love my job. I love the people I work with and work for. I love my students, and I've never worked in a place like this. We collaborate, we put students first, we help, we talk, we work hard, we laugh together, we cry together, and we go through all the things that can happen in one day at an art school. We listen to each other, and we solve problems. One component I'm most proud of is the relationship we have in the collective bargaining process between the teachers and the administrative team.

Having been involved in many contentious contract negotiations while a board member, the OCSA negotiation process is the opposite of that. There is no us versus them. Our leadership is thoughtful and responsive to teacher needs, and we're all grateful to work in this collaborative environment. Each new school year, I am privileged to teach and love 160 wide-eyed middle schoolers who have a passion for the arts and need teachers who understand and encourage that drive in an environment that pushes them to be their best. OCSA is that place for them and their families. They need OCSA. We all need OCSA. Thank you.

Audience: [Applause]

Boyd: Mahi Shiroor.

Shiroor: [MS. SHIROOR UTILIZES A TRACHEOSTOMY TUBE TO SPEAK. SHE PROVIDED A COPY OF HER COMMENTARY TO THE BOARD]

Shiroor: June 2020 will mark my last year at OCSA, my second home for the past four years. Four years ago, I would've never imagined where I am today. Fresh out of middle school I was a shy and reserved girl who barely spoke to anyone. I was wary of strangers and when I got the news that I had been accepted into OCSA's Creative Writing Conservatory, I was both thrilled and devastated. Yes, I would be able to attend one of the best writing programs, but it also meant that I would have to leave my old friends behind, stepping into uncharted territory. I still remember my first day at OCSA. It was bustling with excited students and the idea of a somewhat open campus was new to me, but the one thing that surprised me the most were the people. Everyone here at OCSA welcome me with open arms, teachers and students combined.

The most distinguishing feature about OCSA is how accepting and diverse the community is. I've had a tracheostomy tube in pretty much my whole life and no one has ever treated me differently because of my appearance at this school which is something I'm grateful for. As the years progressed and I grew more familiar with this school, I noticed a change in my personality. While the shy and introverted girl was still there, there was also another version; one ready to start conversations, to participate in class, and one who wasn't afraid to explore the unknown. Along with the people, OCSA has provided one of the best special services I could have ever hoped for.

Throughout my public education, I've always had a one-on-one aid and OCSA was no different. It was, in fact, better than any of my other schools. My aides made an effort to help me thrive and stay safe and healthy. They've provide all accommodations that I found to be necessary, including the teachers who enabled me to excel in their classes, even with my multiple absences.

OCSA has made my high school experience unforgettable and I don't know where I would be without it. With my time here coming to an end, I can't help but feel bittersweet, but no matter how far I go in life, I'll always remember how OCSA changed me for the better. I hope I can come back and visit in the future.

Audience: [Applause]

Boyd: For the board members, in your pamphlet that OCSA provided, the black one Maki provided her statement, which she said so that if you had any difficulty or you wanted to go back and check that out later. Margaret Chidester.

Chidester: Good evening, President Barke, members of the board, Superintendent Mijares, and all the wonderful folks from OCSA in the audience. I've had the distinct privilege of representing OCSA since the year 2000 and prior to that working with Dr. Opacic at the Los Alamitos Unified School District. I'm very proud to be their legal counsel. We've heard so much positivity in this room tonight, and it is sobering, yet, to think why we have to be here. For 19 ½ years, the parties, OCSA and Santa Ana Unified, had a very strong relationship. They had such a strong relationship that in the last renewal, Santa Ana Unified approved a condition from the previous renewal that, in essence, said OCSA shall not be responsible for Santa Ana Unified's special education costs unless Santa Ana gives them 15 months' notice that it will apply that provision.

The school board, Santa Ana Unified approved that willingly, twice I believe. In March of 2019, that all changed. All of a sudden there was a letter that said, pay up for the last 17 plus years. \$19.5 million of not OCSA special ed. costs, but Santa Ana Unified special education costs. That was the beginning of, I don't know how to say it, besides a loss of trust. Unfortunately, you've heard, and I won't reiterate all the conditions that have happened since that time. You can read our 47-page single space response with exhibits to Santa Ana Unified's so-called findings, but I have to address some of the remarks that were made tonight. Santa Ana can't have it both ways.

They can't approve willingly by a majority of the board, twice, that language in the charter petition and then come back and say, "oh no, you owe us \$19.5 million for our, not your, special education costs." You can't have it both ways. You can't go through many renewals, have meetings, exchange language, talk about will this work for you, that will work for us. You can't do that for years and years, and then all of a sudden, have your attorney send a letter that says we're not going to talk with you during the petition review process. That's it. It's as the petition is submitted. Then, they went it before us again, because after December 10th when they issued the conditional renewal, they sent an email that said, "oh, let's get together and talk about this."

You can't have it both ways. You can't criticize OCSA and say you're not working on, very briefly, increasing your ethnicity and then having allowed flyers to go out to the Hispanic community inviting children to come to OCSA sponsored events as Dr. Opacic talked about. You can't do that for almost 20 years and then turn around after a fit of pique where you didn't get your \$19.5 million and say, "sorry, you can't send those out this year." There's lots more to say. I know you'll read OCSA's January 8, 47-page response to findings. I do thank you very much for your attention.

Audience: [Applause]

Boyd: Celia Zaree.

Zaree: Hi. Thank you so much for having us here, listening to the parents and all the OCSA representatives. I just wanted to speak as a parent who has a child both at our local public high school as well as at OCSA. It was a decision to send our younger daughter, who's at OCSA, to OCSA, because the local public school did not offer very much in the form of arts education. It was something that we value very much in our family. We are just forever grateful that OCSA is available to us and available to all the children throughout Orange County. Thank you so much.

Audience: [Applause]

Boyd: Angela Grieve.

Grier: Grier.

Boyd: Grier? Okay.

Grier: Hello. Thank you very much for the board to be seeing us on this matter. I brought my daughter up, and I will try to be quick so she can possibly have a few words. I'm a parent, obviously, and I'm also in the nonprofit sector where I've been responsible for procuring funds for the Orange County Department of Education and for the Santa Ana Unified School District. I have some background, and I need to let you know I really appreciate everything that you do. Never had a problem, and it's sad we are where we are today. My daughter has always been very strong in academics. However, in her elementary school, she went through a lot with bullying, especially because she had a medical disorder that I won't get into after that look.

She was bullied for that and then, sadly enough, her father was dying through the whole time of elementary school, and she was bullied for her father dying. I saw this wonderfully bright girl who loves school, who loved the arts and she did really well at school, but she came home and she was devastated. I was really concerned what was going to happen if she went to the local junior high or high school. OCSA's been a godsend. She is now a sophomore, straight "A" honor student who has her eyes set on becoming a surgeon. She's in integrated arts and 45% of the kids that go to IA and in the sciences. All due respect for the attorney, I'm sorry I did not get her name, what didn't make sense to me, this is an art school.

As we know, the public school has had to take out most of the arts. Of course, you would have kids who are interested in arts apply to an art school. That doesn't quite make sense. The way that they do it and the performance activity, and then the fact they have a lottery is very fair. One thing I also want to mention is they keep saying that we're not diversified. When you know about a lot of the Santa Ana schools, it's 92, 93, 94% Hispanic, which is great because where you live. That's not diversified whenever you have a large sector.

OCSA is home to the largest LGBTQA junior high and high school community in Orange County. That is something to know. They have the highest ELA math achievement rates for students with special education. They are in the top 10% in California with their diversification. I'm going to hand this over to my daughter before we run out of time.

Emma Grier: I would just like to say that OCSA has literally been nothing but wonderful to me, and there's no other experience like it. I've met so many people at the school since the seventh grade, and I've been accepted there throughout everything. My old school made me feel like an outcast, and the minute I stepped there in seventh grade, I met people that I'm still friends with today. I just wanted to share that this school has been teaching me how to make positive impacts.

I am a co-president of a body positivity club at the school. This school has given me so much self-love as well as all of my other friends, so much self-love. I know I don't have any time left, but I just wanted to say that I wouldn't be where I am today without OCSA and I wouldn't be going towards the goals that I have without OCSA. OCSA is just making everything possible for me. Thanks.

Audience: [Applause]

Boyd: Thank you. I'm not sure if we have anyone else who has or is looking to have a shared experience, but our policy is that it's one speaker per card. If you are a parent and you have a child or a student with you and you wanted them to speak, then, please just fill out a card. We'll give them the three minutes. We're trying not to split time. Okay? Thank you. I have two names on this particular card, so part of my announcement, I'm not sure. It says Grace Kim, and I can't read the first name - Daniel. Are both of you planning to speak or just one of you? Okay. I'm deferring to the board only, because our policy says that they can't split time. We've been allowing it today.

Barke: They can just fill out another card if that'll make you feel better.

Barke: It's not about me feeling better.

Audience: [Laughter]

Boyd: I'm trying to adhere to your policy. This is the board's meeting, not mine.

Daniel Kim: We certainly apologize.

Boyd: No problem.

Daniel Kim: Thank you so much for allowing us to come here and address the esteemed board. President Barke, members of the board. My name is Daniel Kim, and this is my wife, Grace Kim. We are longtime residents of Orange County and we are founders of the Dragon Kim Foundation. We are here in strong support of the Orange County School of the Arts, not only because of the stellar record that it has, but because of the heart that it has provided our children. OCSA is a very special place and a distinguished school that was born out of Orange County, serving this county, and is now nationally recognized. Both of our students have been students and have benefited greatly from this unique curriculum and culture.

More than this, we wish to explain the special partnership that our foundation has with OCSA. As a ninth grader, our son, Dragon Kim dreamed of putting together an instrumental music program for those elementary students in the area that would otherwise not be able to have music lessons. OCSA's administrators agreed with the plan and supported the effort to have young, high school students to help develop this.

Unfortunately, our son died in a tragic accident in August of 2015 just prior to his 10th grade. It was only natural for my wife and I to start this foundation to work with OCSA and make his plan a reality. Today we serve over 200 underprivileged kids with two hours of music instruction for the entire school year. This is both as students receiving music instruction but also talented students at OCSA providing music instruction.

Grace Kim: This would not be possible without OCSA. The only thing that I want to add, you've heard from a lot of people talking about OCSA's academic excellence as well as its unparalleled arts education, and the fact that OCSA provides a home for a lot of kids that wouldn't otherwise find a place. The only thing that I wanted to add as Daniel was saying is about the heart of OCSA. When we lost Dragon, we turned to OCSA and we said we want to do this music program. Dragon had seen the kids around Santa Ana and said, "I want to provide a music program for them." OCSA helped us put that program into place within weeks of losing our son. Five years later, we've run that program for five years.

I think that what OCSA does, in addition to all the academics and the arts is it encourages kids to give back. There's a culture of community service in their Camp OCSA, which serves over 300 kids annually in their leadership class, in their NHS, their National Honor Society, and dozens of other clubs around campus. It's teaching kids to be good community service members. I think that that's a different part that I would really want to bring out to your attention. Thank you very much for your consideration of OCSA's charter appeal.

Audience: [Applause]

Daniel Kim: I'd like to finish by also saying that our program and our foundation and partnership with OCSA was able to develop what we call the Fellowship Program. Having seen Dragon's community service idea come to light and seeing all these incredible kids take their heart of community service and making it come true. We felt compelled to develop the Fellowship Program where we provide intensive leadership training, business training, mentorship, and funding up to \$5,000 for high schoolers to lead community service projects. Last year, we provided this funding and training to over 20 projects, which in partnership with OCSA, has also served thousands of other kids in Santa Ana and the rest of Orange County.

This is an incredible program that would just not be possible without OCSA. We ask you for your support and consideration, and we thank you for your consideration to that. Also, as a point of bragging, my daughter who was a student there, she was accepted early to an elite school. We also don't believe that that would have been possible without OCSA. Thank you very much.

Audience: [Applause]

Boyd: I believe this is Joel...I'm sorry, I can't read this last part, Kotyen or Kotyen? They left? You know who it is? Okay, thank you. That concludes our speakers.

Chastain: This concludes the public hearing. The board will receive a staff report and take action at the March 4th board meeting. President Barke, I now turn the meeting back over to you to facilitate any questions the board may have.

Barke: Thank you. Dr. Bedell, I'll start with you.

Bedell: I'd like to thank everybody for being here tonight. It's great to see such interest in things

academic and children's success. I have a question for Jeff, Mr. Riel, our counsel. Is Mr. Riel here? Jeff, just what is happening here?

Audience: [Laughter]

Bedell: I wanted to say I'm confused. Has it been denied? Just where are we? I have a question I'm going to have for Santa Ana and the district. I see my hat is for the Orange County Board of Education and our 7,000 ADA. That's my primary responsibility. I don't know what it would mean by having a \$19 million problem visit us in June. I don't know if that's ours. Where are we? What are we doing here tonight?

Riel: As it relates to this, there is a disagreement between the parties about whether the renewal petition is right for review by the Orange County Board of Education. The difference in position is that Santa Ana believes that it was approved with conditions, and therefore, it has not been denied within the 60-day timeline. OCSA's position is that no, it was denied with the stated factual findings necessary within the 60-day timeline. That's really the question before the board, the legal question, is whether or not it's right for review at this point by the county board. The law does require approval or denial of a charter school petition within 60 days of receipt of the charter school petition and in this case, the charter renewal was approved with very specific conditions, and that was noted by counsel for Santa Ana Unified.

Bedell: That was within the time period?

Riel: That is the question as to when the time period starts. When you look at the time period here, OCSA submitted its renewal petition to Santa Ana Unified staff on October 15th, 2019, but it was acknowledged receipt by Santa Ana's board on November 19th a receipt of that renewal petition, which the Santa Ana resolution indicates that started the timeline for the 60-day period of review. That's very similar to what this board's practice is related to receipt of the petition. You did so earlier tonight as receipt of a petition for the material revision for Scholarship Prep. That begins the 60-day timeline. Santa Ana's board policy, neither law nor their board policy, really identifies when a petition is received. The current law doesn't define it.

The law that is going to go into effect does give some clarity, but that's not yet active or not yet implemented. Santa Ana's acknowledgement of the receipt, the board minutes as well as their resolution indicate and confirm the receipt, and the beginning of the timeline starting on November 19th. The petition period would be 60 days from that period. A decision would need to be made on, or before, January 18th, 2020, either an approval or denial. In this case, it's clear that Santa Ana's resolution did provide a retroactive denial. This board places conditions on renewals as well. The difference is this condition was a retroactive denial. The conditions that this board has placed on charter petitions, or renewal petitions, is not an automatic denial, but the parties would need to come back to the table to address the issues.

If they weren't addressed, then, you would need to institute a revocation process, not a retroactive denial. Based on Santa Ana's resolution, there was a conditional approval and the condition was that OCSA needed to agree to the conditions on it before June 30th of 2020. That passed on December 10th. On December 18th, OCSA's board clearly denied those conditions and indicating that they were not going to be entering an agreement to meet those conditions.

That then triggered the retroactive denial as of December 10th. The board passed a resolution that was retroactive if there was not an agreement. It was a retroactive denial as of December 10th with the written Factual Findings that were contained in the Staff Report, and then adopted by Santa Ana's board. From our perspective, this was done within the 60-day timeframe, which means that that petition is now right for review by this board.

Audience: [Applause]

Bedell: I think I understand that.

Audience: [Laughter]

Bedell: I had hair when you started, Jeff.

Audience: [Applause]

Bedell: Seriously. I've been on the Fullerton board for nine years, this board 15 to 16 years, and I've never seen a retroactive denial. What does that mean?

Audience: [Applause]

Riel: In this context, retroactive denial would mean that, as it did here, if the conditions were not met, the renewal petition would be denied. But, it would be denied as of the board's original action on December 10th.

Bedell: What would have happened? What would you do with a retroactive denial?

Riel: What OCSA indicated in their concern was that if they did not immediately try to deny that in an appeal, they would potentially not be able to avail themselves of the administrative review in front of this body, because it would have been beyond the 60-day timeline.

Bedell: You agree with that perspective?

Riel: I think that that's a challenge with a retroactive denial. Yes.

Bedell: Okay. Thank you. That's very helpful. I'd like to speak to both the Santa Ana person here and Ralph. As someone who taught at Cal State Fullerton for 49 years and had over 11,000 students, I find your GPA high -

Audience: [Laughter]

Bedell: - and as somebody who's out of retirement, working with college students, I find it high. Okay? Explique por favor. Is it because, don't misunderstand this, a high number of "A's" in their specialty, which would compensate for maybe a "C" in chemistry? See where I'm going with that?

Opacic: I am. The profile of an Orange County School of the Arts student is a student that's very focused and very dedicated. A student that's going to start an academic day, a traditional day at eight o'clock, finish their academic day at two o'clock, continue on in their arts conservatory programs until five o'clock -

Bedell: Which they get grades in?

Opacic: They do get grades in, yes.

Bedell: That helps me.

Opacic: At five o'clock and then have performance afterwards. Those students are not only driven in the arts, they're driven in academics as well. I think that's one of the unique things about the school is families that decide to come to OCSA are there for the rigorous college preparatory academics as well as the pre-professional arts training. Students that graduate from OCSA, 55% go into the arts or an arts-related field, 45% go into a non-arts field. The family is here and committed for both the academics and the arts. Therefore, they're focused, and they perform.

Bedell: Right. Our daughter graduated from Oberlin Conservatory of Music. You've probably heard of that.

Opacic: Yes, I have.

Bedell: Okay. She auditioned all around the country. One of the things at the university when you audition, you can be excluded from certain roles, ensembles, et cetera. Exclusion for me in a public school, as it is with a university, gives me some concern about access. Can you help me with that?

Opacic: I can. We met with the county charter staff to discuss that. Our charter for 20 years had an audition in it. The language clearly stated audition, and that language was approved by Santa Ana Unified School District and all three charters including the 2015 one. Our current charter has changed that language, removed the barrier for auditions, and provides access to any student in some program to be then in a lottery. The new language for 2020, for the next five years, is dramatically different than it's been the last 20 years.

Bedell: That's more accessible?

Opacic: Correct.

Bedell: Okay. My question is for Santa Ana, and then I'll be done, Madam President. Well, it's only 8:20.

Audience: [Laughter]

Bedell: I have been visited by constituents, and I live in North County. I can imagine what my colleagues have been experiencing around the school area and had some great conversations with parents and students. I have no doubt about the academic program. The GPA is an interesting thing to me as an intellectual subject. What is going on? The way I'm hearing it is that these people woke up one day with a note in the mail. You owe us \$19 million. That's what I hear from the very beginning when we got this conversation weeks ago. That's what I heard. If that's true, this is your chance to explain it, or if it's not true, that doesn't seem to me like good partnership and collaboration.

Jimenez: Right. I appreciate the comment. Over the past years, I've been in the district now in my fourth year, and there's a relatively newer cabinet. We've been working diligently, looking at all of our charter petitions, looking at all of our files and really ensuring that we are doing the best of our ability with respect to providing the charter oversight. Through that review process, it was discovered as we looked into closer detail into OCSA's charter petition that they were not contributing their equal pro rata share for special education services across the district. That is in statute. We cannot change statute. That needs to be acknowledged that we are simply doing our oversight. When that came to light, we actually held meetings with all of our charters. We actually authorize five –

Bedell: Five.

Jimenez: - charters in our school district. We met with them face to face, one on one, and we actually explained to them what we had discovered and how we were going to move forward. Part of that process then began the conversation. We never heard from them afterwards with respect to meeting again, with the exception of there was a few charters that we did have a

follow-up meeting at their requests. The next thing you knew, we were in court. As you heard today, OCSA did take the school district to court. It wasn't the district. OCSA initiated that action. With respect to why we are here. It surprises me that OCSA's representatives have mixed the two.

There is pending litigation that we have ongoing which is separate from this issue here today. The issue here today is really whether this board has the legal authority to even hear the petition. You heard our legal counsel, Ms. Sutherland, share the different talking points which she shared with this board whether this board has even that right, in a nutshell, I know the lawyers explained a lot of the legalities as to why we're here. We simply want to continue our oversight. We've been working with our five charters diligently providing oversight. We go out to the schools within our district. We have something called KPI visits, Key Performance Indicator visits where we go out to our schools and we look to see how the instructional program is working.

We've done that with our charters. There's been pushback. This is all within the law. This is what a true charter authorizer should be doing. They should be visiting the schools and providing feedback to the schools. We've actually implemented a new system, an electronic system that allows for that oversight to continue on an ongoing basis, which has streamlined many of the communication processes that we have implemented with our charters. We are simply asking that this board allows to continue our oversight as that is what is required by the law. When I mentioned earlier about the charter not wanting to meet with us, that is still pending and currently we are their authorizer through June 30th.

When we talk about having a positive relationship, we've worked really hard within our own district staff to ensure that we separate the two. We have one thing happening with charter authorization, and we have a separate thing happening with the litigation. We have staff members who we strategically have not involved into any of those components within the litigation, because we really truly want to keep those separate, and they should be. That is why we're here today to express to this board whether you really have that authority. I know you've approved other charters with conditions. In that case, if that's going to be the precedent that is being set, I know that would have other ramifications with respect to other charters and their relationships across the districts.

Bedell: Thank you very much.

Jimenez: Thank you.

Bedell: I'm done, Madam President.

Barke: Thank you. Beckie?

Gomez: Jack asked most of the questions that I was going to ask. I did also have a concern about the GPA. As a dean of science, yes, I had a concern about the GPA and the size of that. If I can have the School of the Arts...where did the gentleman go? Could you come back up? Just for a point of clarification for me, who currently pays for your special ed. program and your faculty members and teachers?

Opacic: Santa Ana Unified School District, we're part of the Santa Ana SELPA. Santa Ana School District collects the special ed. funding, the per-pupil special ed. funding for our students.

They reimburse us for our actual costs. Ms. Sutherland was correct. The cost of our dean of special services and all of that special services, and then any money, the agreement in our charter, any money that they don't spend they get to keep to spend for their students in their district. Again, is collectively over the last 17 years, they're trying to collect \$19 million.

They benefited from \$11 million of special ed. funding that came from our students to direct toward their deficit. Unfortunately, now we've left that for them. We've left their SELPA. We're going to the El Dorado SELPA. They're going to lose in making that decision \$800,000 to \$900,000 a year in special ed. funding that they benefited from on our behalf.

Gomez: In the event that the county becomes your authorizer, are you going to stay with El Dorado?

Opacic: We are.

Gomez: Is that the plan?

Opacic: Yes.

Gomez: Do you have appropriate funding in order to do that?

Opacic: We do.

Gomez: All right. That's all my questions for now.

Bedell: That's short for you.

Sparks: A few questions. Can I follow up with Greg Rolen and Maggie Chidester to the podium? I just want to clarify that Greg Rolen is the attorney representing the board. This could go to either one of you, but Greg, I'll start with you. To what extent do you believe or does your analysis indicate that the legal authority for the board to approve the OCSA appeal?

Rolen: As I said at the last meeting, the statutes are unclear and it's an open question on whether a conditional approval is a denial. This is not the first conditional approval in the history of charter schools, and it's done with some frequency. The issue has not been litigated to the extent that there is a published decision. The distinction that we found here is that the retroactive nature of the conditional approval effectively eliminated this board meeting, this discussion. At the last meeting, I thought it was a good idea for the board to hear what both parties had to say. With regard to what the lawyers were all saying, we've been in a lot of meetings where we say if you talk to three lawyers, you get three different opinions.

I think we're all saying the same thing, I do. I think we're all saying the same thing, that it is unclear whether a conditional approval amounts to a denial as a matter of law. I think we would all agree with that. I think we would all agree that the board is assuming if they vote to approve this charter, they're assuming that oversight responsibility. That's your decision. With regard to whether it's appropriate for this board to hear it, I believe it is. So does Mr. Riel, evidently.

Sparks: Thank you.

Rolen: I can't imagine she's going to say anything different.

Audience and Board: [Laughter]

Chidester: I would concur with Mr. Rolen. I just have one additional point to make, so I won't take more of your time. The retroactive automatic denial is what I referred to at your last meeting as a poison pill. Here's how it works in English. On December 10th, Santa Ana denied. They said,

“oh, here's some stuff. It's our Staff Report. It's not really our denial findings,” but it does use the word findings multiple times if you read their Staff Report. “We want you to approve our conditions.” The conditions were couched in very vague, broad language. They didn't say change this to that. It was very difficult to understand precisely what those were. The OCSA board had the unenviable task of saying it's December 10th, the whole world's going to go on winter break for two or two-and-a-half weeks, or some folks even three weeks.

The way we read Title V is if we don't basically wave the white flag to Santa Ana and say, we'll give you everything you want and fundamentally change the character of OCSA and get that done by January 10th. We've lost our due process, because Title V of the California Code of Regulations says you only have a 30-day window to appeal. If it's retroactive to December 10th, the game's over on January 10th. What I think fundamentally motivated OCSA's board is not because they want to continue a war of Santa Ana's own initiation. They don't want the school to close on June 30th because of the automatic retroactive denial. Thank you for listening.

Audience: [Applause]

Rolen: I was wrong. She had more to say.

Audience: [Laughter]

Sparks: I have a few other questions, but I'm going to defer to my Trustee Williams so that I don't take up too much time.

Williams: Very good, thank you. Mr. Opacic, if I can just get you up there just to clarify some of the issues here. The SELPA that you did belong to with Santa Ana Unified, and you changed now to a different SELPA. Those funds were being taken by the Santa Ana Unified to help you pay for your special needs kids. Is that correct?

Opacic: Correct. They were collecting about \$1.7 million and reimbursing us between \$800,000 to \$900,000 annually. The rest of those funds they were able to use for their other schools.

Williams: They kept the \$800,000 balance that you did not use. Is that correct?

Opacic: Correct.

Williams: Okay. Part of the contentions on, and why we're here, was that they sent you a \$19 million bill for the last 17 years?

Opacic: Correct.

Williams: Of special education's -

Opacic: Their deficit. Yes.

Williams: Their deficits?

Opacic: Not ours.

Williams: Not your deficits? I do want to go a little bit further. Where is Dr. Jimenez?

Opacic: Dr. Williams, can I just add one more comment?

Williams: Sure.

Opacic: There's language in our charter, and has been since 2010, that we agreed that's been approved by our board and their board that arrangement takes place. They get all the special ed. funding. They reimburse us for our hard costs. They keep the rest. There's even more specific language that states, “if OCSA ever spends \$1 more than the special ed. funding that goes to the SELPA, it's on OCSA's dime. That language alone demonstrates that OCSA, over the 17 years, has not contributed one dime to their special ed. deficit.

Williams: Dr. Jimenez, is that correct? If I could just get you up to the mic., I have a couple of questions on the same thought process. Tell me the intimate numbers in Santa Ana. Are you in deficit for your special education and that's why you sent them a bill? Could you clarify that?

Jimenez: No, that is not correct.

Williams: It's not correct? What is correct?

Jimenez: As I mentioned earlier, ensuring that charter schools pay their pro equitable share of their contribution for district-wide special education costs, that is statute. With respect to whether we have billed them fairly, whether they owe the amount of money that we have invoiced them for, I don't believe it's the purview of this board as we are all of a sudden now getting into some of the pieces that are being litigated. I don't want to go into too many of those specific details, but, I will ask our legal counsel, Ms. Sarah Sutherland to come forward to explain a little bit with respect to some of the funding, some of the costs, and how do those things work within a SELPA organization.

Sutherland: Thank you, and I will be brief. I know you all are asking for my legal opinion, but in sum the funding of special education changed in California to 8602. It is funded on general ADA. It is not funded on the incidents or provision of special ed. services as it was at the time OCSA first opened. Today, according to CDE, 67% of the cost of special ed. is supposed to be locally funded. There is no local funding being contributed from OCSA to Santa Ana. 67%, we used to refer to it as encroachment, and it is now the local contribution because it is an expectation of the state. I didn't realize that this issue was going to cause so much confusion in terms of the funding, but all of your districts in Orange County pay for about 67% of the special ed. They provide a residence, not just Santa Ana.

This idea that it's paying for Santa Ana's kids or Santa Ana's costs, that is not how special ed. funding works. It is funded on general ADA. The idea is that with the sufficient number of students, you'll have the same population of students with disabilities. As we've heard repeatedly tonight, every student at OCSA is only in general education, only working on a high school diploma. Santa Ana serves both the 22 in residential treatment facilities, hospitals, day treatment facilities. The local contribution of special ed. is by statute -

Williams: I think you answered my question. Thank you very much. I want to go on. When and why did Santa Ana invoice OCSA for \$19 million? When did that occur and why?

Sutherland: In March, there was a -

Williams: March, when?

Sutherland: March of 2019. There was a letter sent raising the issue and requesting meetings. There was a letter sent raising the issue and requesting meetings to figure out what we were going to do about this.

Williams: If OCSA is collecting \$1.7 million in special education funds, and they're only spending \$800,000 or \$900,000, leaving an excess of \$800,000 that Santa Ana is keeping. Then, why are you sending them a bill?

Sutherland: You cannot contribute to special ed. with special ed. funding. The special ed. funding is supposed to be the gravy on the top of what is already a locally funded obligation. OCSA is not serving the full continuum of students, Santa Ana is. All the students that require a

special ed. classroom, they can't go to OCSA. OCSA isn't discriminating against those students, because they can enroll in Santa Ana and Santa Ana has the full continuum of program options, which they do not have. They have only general ed. and only students in general ed. with some limited special ed. support that is the least expensive special ed. service. That money is supposed to cover the full continuum, not just to a selected specialized program and is working on a high school diploma.

Williams: Let me move on. When and why did your district attempt to retain the in-lieu property tax funding from OCSA? Why was that, Dr. Jimenez?

Sutherland: We will provide those correspondences before your decision. Essentially, the letter was sent. OCSA refused to pay any contribution.

Williams: Why?

Sutherland: They cite their charter, and they say they're not obligated to -

Williams: Are they?

Sutherland: - and then they filed a lawsuit.

Williams: Are they obligated?

Sutherland: That is pending in court right now. The statute says, "shall contribute to districtwide special ed. with general fund."

Williams: Maggie, can I ask you to answer that question? I must say, I'm more confused than ever. Maggie, we've known her for 24 years. I've never seen her eyes with tears in them, because you spoke with great passion earlier under public comments. I know this means a lot to you. Could you tell me and clarify in your language what's going on here with all this?

Chidester: Without getting too much into the litigation, there is indeed a statute and the statute does indeed provide for an assessment, if you will, on all the quote unquote "schools of the district." OCSA is technically, under the charter, a school of the district. The legal theory of the statute is even though OCSA doesn't generate those costs, it's responsible for a share of them, which is why in the 2010 renewal, OCSA and Santa Ana negotiated, and Santa Ana's board and OCSA's board approved, in effect, a waiver of that statutory liability knowingly and agreed to do that. They made a bargain. They renewed again with the last renewal. That's been at least 10 years in the making.

There's been a lot of talk about the statute says so, you have to do it. I think the school attorneys in this room, sorry for everybody else has to listen to us, but the school attorneys in this room know that you can waive statutes. Boards have the legal power to do that if they properly agendaize the item, take the action in a public meeting. The legislature knows if it wants to make a statute unwaivable, it can do so, because it's done that with respect to certificated employee rights in K-12 districts. It has literally adopted another statute and says all of these statutes can't be waived.

Boyd: Excuse, me, Maggie. I've been asked to ask you to come closer to the microphone.

Chidester: I apologize.

Boyd: No problem.

Chidester: Bottom line is Santa Ana legally agendaized and waived that right twice in the last two renewals, and they made a bargain. All OCSA wanted is for them to keep the bargain. Had the legislature wanted to say that statute can't be waived. They have the power to do it because

they'd done it before.

Williams: You clarified my confusion. Thank you.

Chidester: Thank you.

Williams: Last question, then I'll move on. When and why was it articulated to you that the Santa Ana Unified School District wanted to stop the annual SB740 funding? What was the articulated reason from Santa Ana Unified?

Chidester: It was not articulated directly to me, so you may want to ask Mr. Wagner or Dr. Opacic.

Williams: Steve? Is he here? Steve Wagner you're referring to?

Chidester: Yes.

Wagner: Thank you. Yes.

Audience: [Laughter]

Wagner: The authorizing agency has to annually notify California School Finance Authority that the charter school is in good standing for the charter school to be eligible for that SB 740, which is about \$2.5 million we get annually. Santa Ana Unified School District notified the California School Finance Authority that we were not in good standing, because we didn't budget for the special education encroachments /deficit for this coming year. Since we didn't budget for that deficit, we were not in good standing.

We appealed to the Santa Ana board that because we're in litigation over whether we actually owe that money. Santa Ana board upheld that decision that unless we budgeted the money for set for that encroachment this year, they were not going to release that money. We had a special meeting. Our board budgeted that money, provided that proof of action to Santa Ana. Santa Ana still refused to change our standing, forcing us to go to a judge again to get an injunction.

Williams: Did you receive that injunction then?

Opacic: They never had to take that action, because the judge strongly encouraged them before he made his ruling to do the right thing.

Williams: Okay, that's it for me.

Sparks: That was my question.

Barke: I think I would just confuse everybody more if I asked everything. Between Jack, Lisa and Beckie, I...I'm sorry. I have no further questions.

Audience and Board: [Laughter]

Bedell: Madam President, what do we do now?

Audience: [Laughter]

Bedell: We don't have an agenda item, right? Is this an information session?

Williams: This is a public hearing.

Bedell: A public hearing?

Barke: If I understand our procedures as with other charters, we will vote at our next meeting. This was our hearing. We'll close the hearing and then we will vote at the next meeting.

Williams: Very good.

Bedell: Can we have a break?

Barke: Do I need to invite Aracely to close the hearing?

Boyd: No, she closed the hearing when we went to board discussion.

Barke: We're going to take a short break now. How long? We will take a 15-minute break.

Boyd: 15.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE BEGINNING OF THE BREAK. UPON CONCLUSION OF THE BREAK, PRESIDENT BARKE STRIKES THE GAVEL TO SIGNAL THE CONTINUATION OF THE MEETING]

Barke: Looking at board recommendations, number five came out of our closed session so that's been taken care of. We're going to move on to number six. I call for a motion.

Williams: So move.

Barke: Do I have a -

Gomez: Second.

Barke: All those in favor?

Williams: Hold on. Discussion.

Barke: I'm sorry. Discussion.

Williams: This is something that I put on many years ago. It's been year after year because it's important in recognizing the inalienable rights of all humanity, of all human beings, and that all men are created equal. I want to thank the board in the past for supporting this. I think we're going to have unanimity on it today, but I think this is important. The Brown versus Board of Education case of 1954 is important, especially. This resolution is something that is critical to our society and the nature of who we are in our humanity, and what we believe in, as far as the equality of us all.

Barke: Okay. Any further discussion?

Gomez: Yes. I would just like to make the comment that most of the language out of the Brown versus the Board of Education came out of the Mendez case, Mendez versus Westminster here in Orange County.

Williams: Yes.

Gomez: We were really on the forefront here in Orange County prior to the Brown versus Board of Education. I think that's also important to recognize.

Barke: Okay.

Williams: Excellent point.

Barke: Yes. Anyone else? I'll call for a vote. All those in favor?

Board: Aye.

Barke: Any opposed? Okay, passes 5-0.

Bedell: I'll move for number seven: Arts Education.

Barke: Thank you. Do I have a second?

Gomez: Second.

Barke: Discussion?

Bedell: Once again, I think this is pretty self-evident, especially after what we heard tonight and how arts informs and empowers the curriculum as well as their students. Again, we've done this for several years. This is part of our tradition, and I'm glad this is not under consent so that we can discuss it as Trustee Williams did with Black History Month. I firmly believe that society is enriched as a society through art education, let alone what it does to the individual student. I

think it's a win-win at a macro and micro level. Thank you very much, Madam President, for putting it on.

Barke: Great. All right, any further discussion? I'll call for a vote. All those in favor?

Board: Aye.

Barke: Passes 5-0. We're going to move on to staff recommendations now to number eight.

Bedell: Pardon me, Madam President. Both of these resolutions, I would defer to you as to the audiences that we could maximize the visibility as to what groups would get them. If you could consult with the staff, there are professional associations, musicians, oil painters, watercolor painters, and that kind of stuff that, at the end of the day, we could maybe maximize the impact and let the art community know we support them.

Barke: Excellent.

Bedell: And the same thing with the second one, number six.

Barke: Okay.

Bedell: Thank you.

Barke: Point well taken, thank you. Moving onto number eight.

Bedell: I move approval of number eight, first interim report certified as positive by the County Superintendent of Schools.

Gomez: I'll second.

Barke: Discussion?

Bedell: This, again, is part of a tradition, which in fact, is mandated as I understand it. Renee can speak to it, I believe if history repeats itself. I would just like to say that it shows that we are in a positive cash position. Thank you.

Barke: You're welcome. Do you have any -

Gomez: No. I think we ought to approve it.

Williams: Question. Renee, if you can come up here? Again, this interim is built upon the budget that the board did not approve. Is that correct?

Hendrick: The first interim is based on the budget that was approved by the State Superintendent of Instruction. You did receive some package. President Barke had asked for increases over 25,000 that are included in this budget. You do have that information with you that it basically is showing what increases in the budget were \$25,000 or greater. I have highlighted those for you. The salaries or benefits we didn't highlight, because those were a compilation of our collectively bargained salary increases and salary savings, and a whole bunch of things there. Those were in your narrative package.

Williams: We will agree to disagree on who actually approved the budget. That is up for decision and debate at this time. A question regarding some of the basics. The interim, anything that's approved is because it went over \$25,000 from the baseline budget, whichever one it was the board approved or the superintendent's proposed.

Hendrick: Right. To clarify, the language in the code does not require the board to approve the first interim budget or the second add in, unless there are increases over 25,000. You can either approve the increases over 25,000. Our office, like 58 other county offices, put those into the

first and second interim. That's what the code allows you to do. That's why you see asking for your approval in the first interim, because we have included those increases over 25,000.

Williams: Right. So, as long as there's nothing over 25,000, the board doesn't have to do anything. It just receives.

Hendrick: Correct.

Williams: Because of this, part of it being different -

Hendrick: Right. The size of our budget -

Williams: - you have to approve this.

Hendrick: Right.

Williams: Got it.

Hendrick: Since the size of our budget, we will always have changes over 25,000 is my guess.

Williams: A question regarding some of these numbers. The instructional consultants, it went up \$300,000.

Hendrick: Right.

Williams: That was categorized underneath that. By the way, that's Object Code 5810. Is that correct?

Hendrick: Ten, that's correct.

Williams: Okay. That is the two Title IV in the complete census?

Hendrick: Yes.

Williams: The capacity building and Preschool Glad. Okay. That went up, and the consultants are who? Clarify where these funds are going.

Hendrick: Right. In this category, it may not be an individual consultant. We may be passing money through to another school district. We may give money, say, to Irvine Unified because they're going to be participating in some training also. It may not necessarily be a consultant per se. It's our method of being able to pass those dollars through to another agency. We term it different if it's a direct instructional item as compared to a general consulting agreement.

Williams: Okay. The new equipment on Object Code 6410 increased over \$2 million almost three times its original. What are the details on that?

Hendrick: We actually had some funds in...you're looking at the 4300's?

Williams: No. 6410 Object Code.

Hendrick: 6410? As you remember, we've been redoing some of our facilities for the ACCESS program. Part of that lease we've been negotiating, it will require major renovations. That's where that 6410 it comes into play.

Williams: Okay. Looking at Object Code 5881: meeting workshop refreshments. That grew up a whopping half a million dollars.

Hendrick: It did.

Williams: Why such a big jump?

Hendrick: We have a couple of really large conferences that are being planned. One of them is actually next year, but all of our deposits are due in this current year. We actually look like we're having two years' worth of costs, but it's because the conference is in July and we're required to pay prior to that. It's going to show two of them in one year. I'd only budgeted for one to start with. We have a large multi-day conference, and a lot of the new grants that you saw in there require us to have all day meetings and trainings. That requires either renting a facility if we

don't have space here, and also the food requirements for that. If we bring teachers into do training for an entire day, they do expect us to feed them.

Williams: The half a million dollars, is that food?

Hendrick: It's probably a combination of the facility rental. Our conference center is at complete maximum capacity.

Williams: You're talking about Building D?

Hendrick: Building D. We rent 18 months out. A lot of times if we go beyond 200+ people at a meeting, we're using an offsite facility. We try to use free ones, but if they get to be 200 or 300 people that's impossible. We usually end up at a hotel.

Williams: For these meetings that are there, give me an example of who would go into Building D, and what would be done there and how would those costs be compensated by these groups that we put on?

Hendrick: In Building D, it's our own staff.

Williams: Right.

Hendrick: We are doing trainings for professional development all across the county. A lot of our programs are now statewide, so people are flying in to attend those meetings also. The majority of our meetings are usually between our educational services and our special ed. program, because they do a lot of training for their paraeducators and their teachers also.

Williams: It's not community programs?

Hendrick: No. These are all trainings that are being done by our office, but they're teachers from Orange County and other counties coming in to be trained, basically.

Williams: When they come in to be trained, are they covering some of these costs?

Hendrick: They may be, or a grant may be paying for it. Even though it looks like an expense, that could be a grant that gave us the income to be able to pay for this.

Williams: I see. Could you give me a little bit more information on the health framework, the variance of \$1 million on that?

Hendrick: You were on 5865. Is that correct?

Williams: That looks right.

Hendrick: Or 5851? The health framework is only 304,000. Is that correct?

Williams: Maybe. There's no specific Object Code.

Barke: She's right here and right there. I numbered my pages.

Williams: Okay. Is this one right here?

Barke: Yes. Health framework 304.

Williams: I was looking up here on page four.

Barke: I see.

Williams: Renee, it's on page four. It says Health Framework, MOS with county offices.

Hendrick: Right.

Williams: What is that?

Hendrick: All the other county offices across the state had to sign MOU's with us.

Williams: That's MOU's?

Hendrick: Those are MOU's and they will be receiving -

Williams: It says MOS.

Hendrick: Right. Sorry about that. They will be receiving funds that we received. They will receive funds to do the training in their county.

Williams: Okay. What health framework is that again?

Hendrick: It was the state adopted health framework.

Williams: Is that California Healthy Youth Act?

Hendrick: No, it's the health framework. There's a multitude, I know Dr. Olmstead has done some information for that. I probably am not -

Williams: Sure.

Hendrick: - the best at knowing the details of that.

Williams: Is Dr. Olmstead here? Come on up, Christine. What's in the health framework?

Hendrick: It was appropriated by the state, by the way.

Williams: Okay.

Olmstead: What's in the health framework? There are six content areas that are covered in the health framework: physical education, Healthy Eating, off the top of my head at nine o'clock at night, I can't tell you all of them, tobacco and drug use, human trafficking. Stacy, help me out - healthy relationships. There are areas that are taught besides just comprehensive sex education. That is one piece of it. There's six areas that are taught within the health standards that have been adopted since 1997 that have been in place. The framework has been updated to include things like human trafficking, vaping, marijuana use, those kind of things.

Williams: Great. Thank you. Lastly, Renee, Object Code 5865: Other Service Contracts, Miscellaneous. That has one of the biggest increases of \$2.9 million.

Hendrick: Right. If you see that 600,000 of that actually should be moved to Object Code 3900, that was for the retirement incentive for teachers last year. That will get moved into the second interim budget. The other piece of that, you had the million and twenty-one for the health framework for the agreements with other county offices. I.T., we've done a lot of upgrades in our access control systems and things like that. As you know, anything I.T. related tends to be expensive. There's also the new programs for the K-12 Strong Workforce and new money for the California Clean Energy Prop 39 funds.

Williams: In our June 27th and August 1st, we adopted -

Barke: 26th. June 26th.

Williams: June 26th.

Barke: I only remember because it's my daughter's birthday.

Williams: We reduced the budget by \$170,000 in three object codes. Could you help identify any of those reductions in this interim?

Hendrick: What I am showing you is increases above 25,000. That's what is included in here is any of the increases above 25,000. As you can see in those areas, we have new grants. It's actually new appropriations, I guess, for the school improvement grant. That's going to create a lot of traveling between regions and the state. The increases were for new dual language learning professionals. They're doing training across the state and also MTSS.

Williams: Okay. The reductions that we made and voted upon on June 26th and August 1st for a little over 170,000, that's not reflected in this interim. Is that right?

Hendrick: This is showing the increases above 25,000.

Williams: Just the increases. Okay. If I can ask our attorney some questions, our special interim attorney, Mr. Greg Rolen. Thank you, sir. In this, there are some increases that need to be approved. Of course, the concern is where we're at great variance with our good superintendent regarding what actual...as well as, may I add, the state superintendent of public instruction, Mr. Thurmond, we're in variance about that. What can you give us as far as insight?

Rolen: As far as insight. We are here again on Groundhog Day, three days after Groundhog Day. I think the issue is becoming more crystallized. There's a very candid and transparent disagreement between the board and the superintendent regarding budget authority. When the first interim report came before the board, we expressed concern that what, if any action, the board took could impact that litigation. We asked that the other budget, the one that the board approved, be used to build the first interim report. I think this is the second or third request and that has not occurred. That kind of underscores our concern about the impact on the ongoing litigation. Renee is right. The board doesn't have to approve the budget as a unit, in general.

The board only has to approve variances of over \$25,000. The issue is whether the three object codes that were reduced reflect the board's budget or the superintendent's budget. That's where the insight becomes difficult. At the same time, we're wanting to move forward with this agenda item. What I'm suggesting is that the board revise its motion to approve variances in excess of \$25,000 but for the object codes that were reduced. Those object codes are 5851, 5220 and 5230. In that way, we believe the board can maintain its rights in the litigation and move forward with its statutory responsibility to approve or disapprove budgetary fluctuations of \$25,000 or more. Did that make any sense?

Williams: Kind of.

Boyd: Use the mic, Renee. Please.

Hendrick: If I have given you what the increases are above \$25,000, I'm a little confused on how you would say you're not going to do it on those three object codes. Then, that means you are not approving the increases above \$25,000. That's my understanding. I'm not sure the code allows you to do one or the other, I guess is my question for you.

Brenner: Just listening to this, I think I might be able to help cut to the chase pretty quickly if I'm understanding what's been said. I think it would be helpful if Ms. Hendrick would confirm if it's the case that the variances reported of 25,000 or more in the report she's rendered to the board are based off of the baseline budget that does not include the board reductions in its approved budget on June 26 and August 1. If that's the case, and we need Ms. Hendrick to confirm that it is. If that's the case, then, all of the variances presented to the board in the amount of \$25,000 or more would not include any of those additional monies that the board reduced in its approved budget.

I think you could then consider each of those variances and approve it or not without any risk of any position of either side in the dispute. The only issue becomes if the variances reflect monies added in from the amounts reduced before on those three object codes that would present an issue. The board could approve those; but, if it did, then it would be reversing its earlier decision on the budget. If Ms. Hendrick, if I'm understanding her correctly, I think she's saying that the

variances are all based off of a baseline budget that doesn't include the board's original \$170,000 in reduction.

It's all new money, and it's not adding those reductions back in at least as the variances go. I think, if that's the case, then you can consider every one of those variances at face value and approve or not approve them, ask questions about them, and then vote on them one way or the other.

Williams: Renee, the object codes that we're talking about are 5220, 5230 and there are variances over \$25,000.

Hendrick: Right, and I've highlighted to show what those variances are. None of those were included in what your original statement was of your reduction in those object codes. Does that make sense?

Barke: What you're saying like in 5851, there's no lobbying. Is that what you're referring to?

Hendrick: Right.

Barke: The specific ones we were concerned about aren't here.

Hendrick: Are not included in the revisions we're asking for in increases over 25,000.

Brenner: I think similarly that clarifies that object code just 5851. I think the similar related question, Ms. Hendrick is, whether the variance is reflected in the report for 5220 and 5230 are based off of the board's reduced numbers or based off of the original proposed budget that the board didn't approve at the higher spending level? If it's the latter, then the variances are just brand new money and the reductions you approved aren't being smuggled in through those variances. It's new money you can consider at face value and approve or not. The question is what those variances are built off of.

Hendrick: Right. It's not a variance. It's an increase or new. What I was showing you is, if you look at 5220, the increase is \$216,000. \$76,000 of it is brand new travel for a new program - ESA School Improvement. Then, we increased the MTSS budget by \$33,000. Then, we increased the dual language learning professionals by \$109,000. There were various reductions under \$25,000 of \$2,939.

Brenner: Right. May I ask a question? The \$216,545 variance or increase, that number is the difference off of the original superintendent proposed budget and not the board reduced number for that object code? Right?

Hendrick: That was off the budget that was approved by the state superintendent of instruction.

Brenner: Right. It's based off a higher number.

Hendrick: Correct.

Brenner: Right. If I could explain that? The variance just to take the example for 5220, the variance shown on Ms. Hendrick's report of \$216,545 does not include monies that the board previously reduced. It's all new money later, after the fact, that you can just simply approve or not on its merit. I still would not suggest that you approve the entire First Interim Report, because that does presuppose a spending level that the board didn't approve when it adopted and approved the annual budget. The variances themselves as reflected in Ms. Hendrick's report, all of them, based on her representation, is all new additional spending that does not include the

earlier reductions the board approved. In my view, you can consider them and approve them or not as you wish.

Williams: We could approve these variances -

Brenner: You could approve the variances.

Williams: - without a compromise in the principal value of who can approve an adopted budget, whether or not the supervisors in June of 1977 gave the board the right to adopt a budget?

Brenner: Correct. As long as you're approving just the variances. There'll still be, of course, a disagreement as to whether those variances apply to the budget you adopted or the budget that the superintendent proposed and purportedly was adopted by the state. That is an issue for another day's resolution. The individual variances themselves, you can simply consider, ask questions, discuss, and then vote on without, I think, prejudice to anyone's position on what the actual underlying budget is.

Sparks: We could potentially move to approve the variance of the \$25K's or more in the First Interim Report only except for the Object Code 5851, 5220 and 5230?

Brenner: You could do that. However, given Ms. Hendrick's confirmation that even for those object codes, the variances do not include amounts the board reduced before. You could also approve those variances too, making any change to your underlying spending reduction decision as reflected in your original budget adoption in June and August. That's my point. You could do either. It's really not for me necessarily to say. It may be better coming from Ms. Hendrick or Mr. Rolen.

While you could do either, I think technically, the board's approval for additional spending at these levels, even for these object codes, is required. The board should consider them and act on them from my view as long as doing so will not cause a change in the board's original budget spending decision for those object codes previously. I think Ms. Hendrick has confirmed that it wouldn't, because the variance reflected is based off of the original higher spending level. It doesn't include the amount you've reduced before if that makes sense.

Barke: I think that we could be comfortable approving all of the variances as long as we're just approving the variances. We can include those subject codes without prejudice to our -

Brenner: Correct.

Sparks: How about this? Move to approve variance of \$25K's or more in first interim report only, not including the amount previously reduced and approved by the board?

Boyd: That would be a subsidiary motion, because there's already a motion on the floor.

Williams: Right. That would be as subsidiary motion.

Barke: Do we need the second part of that motion?

Brenner: I don't think you do, but I don't think it hurts to have it for clarity and the avoidance of doubt.

Barke: Okay. Do you want to make a revised motion?

Sparks: Can I make a revised motion?

Williams: Yours, a point of parliamentary, wasn't seconded.

Gomez: I seconded it.

Williams: Oh, you did second it?

Gomez: Yes. The first motion.

Williams: The first one, right. The subsidiary wasn't seconded.

Bedell: She seconded my original motion for approval.

Williams: Right.

Bedell: This is basically an amendment or a subsidiary motion to edit it essentially.

Williams: That wasn't seconded. I'm really confused at this point. Will you kind of go over what your subsidiary motion will be?

Sparks: My edit would be move to approve variance of \$25K's or more in First Interim Report only not including the amount previously reduced and approved by the board.

Bedell: Pardon me, Madam Chair. Is it okay if I speak?

Barke: Yes, please.

Bedell: Following what Trustee Sparks' motion, what you're doing is you're to approve all the interim budgets -

Sparks: No.

Bedell: - no, except. You're going to approve as submitted with the \$25K except in those line items that the majority of the board reduced.

Sparks: No. Move to approve the variances of \$25K's or more in the First Interim Report only.

Barke: Willing to approve all of the variances -

Williams: That'll work.

Barke: - so that we can go on and proceed with life. We're going to approve all of the variances, but there won't be prejudice to the previous what budget they refer to, because we're only talking about the variances. We're not eliminating any codes, because 5851 was a concern of mine because of the lobbying. There's no lobbying in there, so I'm not concerned. I got my question answered. We're going to approve, I'm thinking I'm understanding, all of the variances.

Rolen: Increases or decreases \$25,000.

Barke: Right.

Rolen: Just for the record, I thought that's what I said before we started this. I do believe that Ms. Hendrick acknowledged that the First Interim Report was built off of a budget that didn't include those reductions. She also acknowledged that the monies that we are discussing here today are more than \$25,000 above either number. We can move forward, not with necessarily approving the First Interim Report, because that's not your obligation; but, to approve the variances - increases, decreases. Whatever you want to call them - pluses, minuses. I believe that this discussion and the record of this discussion will reflect the board's intent with regard to the litigation.

Barke: I would second her revised motion. Can I -

Boyd: Her subsidiary motion. You're going to have to vote on both of them.

Barke: Okay. I would second the subsidiary motion, because you're still confused and I don't want you to do it.

Williams: If we vote for a subsidiary motion and that gets worked in, how does that impact the original?

Rolen: What you should do is vote on the original motion first. After that vote, you vote on the

second and the subsidiary motion.

Barke: Is there any more discussion?

Sparks: Can you repeat the first motion, somebody?

Rolen: The motion was to approve the two -

Bedell: It was to approve -

Barke: The interim.

Bedell: - the interim budget as presented.

Rolen: It reflected the language of the staff recommendation before you, and the discussion that is precipitated is that you don't necessarily want to do that. You want to act on the -

Barke: We don't need to do it.

Rolen: You should vote on that motion and then have a subsequent vote on the subsidiary.

Barke: Was there a discussion on the first motion?

Bedell: I'm confused now.

Barke: You're confused by the first motion? You made it.

Bedell: My own motion, because my understanding is now what happens practically if we don't approve the variances in those three accounts that the majority touched?

Barke: Our subsidiary motion is to approve those variances. We're just approving the variances. The subsidiary motion is to approve all of the variances of \$25K.

Sparks: In the First Interim Report only.

Barke: Yes.

Sparks: Not including the amount previously reduced.

Barke: Right. It's not taking into effect whether it's the superintendent's budget or whether it's the board approved budget. It's just to approve the variances, because the variances are on their own.

Bedell: No program's going to be hurt by this?

Barke: No program is going to be hurt by this. Okay?

Bedell: Everybody will get paid?

Barke: Everybody's going to get paid. All of our -

Rolen: Almost everybody.

Board: [Laughter]

Barke: Almost everybody. Do we have any more discussion on the first one? No? Okay. I'll call the vote -

Williams: Wait. Yes, I do.

Barke: Sorry.

Williams: Typically for our board adopted parliamentary procedure, a subsidiary motion works its way into the primary motion. Right, Jack?

Bedell: That's right.

Williams: That's how we kind of understand that. If we do the subsidiary, that is considerably different than what I think your motion is. It makes it moot, because the subsidiary could pass and your motion could fail.

Bedell: Right.

Williams: It makes it confusing. I think it would be a lot easier for this board to get the variances approved if you want to. I'm suggesting that you withdraw, and let's use the subsidiary motion, which would now become the primary motion to vote to pass the variances.

Bedell: Trustee Williams, your logic evades my previous votes on the budget. That would not be

authentic to what I have done in terms of consistency.

Barke: Why don't we just -

Bedell: I would vote no. Then, vote for my own. That would be consistent with my previous position.

Rolen: That would be fine. We just don't know which one we're voting on at this point.

Barke: You suggested for simplicity, we vote on the first one first.

Rolen: Correct.

Barke: Why don't we just be simple, move this along and vote on the first one? Is everybody agreeable to that?

Williams: No.

Rolen: The first one is -

Williams: I'm just a real stickler with following our board procedure.

Barke: Why don't we just listen to our good counsel?

Williams: I know we want to.

Barke: We're not paying him very much.

Board: [Laughter]

Williams: He's not getting anything.

Bedell: Usually, subsidiary motions get exhausted first. Then, you go back to the main motion. That's in reverse sequence.

Sparks: We're not in usual times right now.

Rolen: We could do that. We could have a vote on the subsidiary motion and then a vote on the original motion. Or, if the subsidiary motion renders the original motion moot, the good trustee could withdraw at that point if he so chooses. Does that make sense?

Bedell: Which good Trustee are we speaking?

Rolen: You.

Bedell: The one without hair.

Barke: Can I call for a vote of the subsidiary motion?

Williams: No, I don't think you can do that. I think it'd just be a lot simpler if Jack has one and Lisa has one. They're competing.

Barke: Let's just vote on one of them. I don't even care anymore, which one. Let's just vote on one of them. I'd like to vote on Jack's first and get it out of the way. Can I get -

Williams: Can you withdraw your subsidiary motion?

Barke: No.

Williams: Withdraw Jack's, and then make another motion.

Barke: No. We'll just vote on Jack's. All those in favor of Jackson motion?

Gomez; Aye.

Bedell: Aye.

Barke: No.

Williams: No.

Sparks: No.

Barke: Okay, so the motion failed. Now, we can vote on Lisa's subsidiary motion.

Williams: Yes.

Sparks: Yes.

Barke: Yes.

Bedell: More voting? I did that on purpose. No.

Barke: Was that a no vote, or no, we're not discussing?

Bedell: No.

Gomez: No

Barke: It passes 3-2, the subsidiary motion.

Williams: Can I ask our counsel what we just did?

Barke: We voted for the variances.

Williams: I think we voted for variances. I just want to -

Rolen: You did.

Williams: I just want to confirm that.

Barke: That is all we legally have to do.

Rolen: You did.

Brenner: I think, as understood from the board's comments and the discussion here, and Ms. Hendrick's comments, the board has by approving this motion approved the variances. The increased spending items that are reflected on Ms. Hendrick's report that she gave to the board of \$25,000 or more and only those spending increases. The board has specifically not approved any increase in spending in the three object codes in which it made the reductions, and, specifically, those reductions in the past. Those reductions remain in place and have not been increased.

The new spending increases as reflected in the variances that Ms. Hendrick has provided to the board in connection with the First Interim Report of \$25,000 or more, have been approved. It is all of them, including those three codes. The board has approved them all at this point, and they're authorized.

Barke: Bottom line, everybody gets paid.

Bedell: That's right. That's important.

Barke: Okay.

Williams: The board does have the authority to adopt a budget then, because we just approved \$25,000 increases. That's what we've just found out through all the last 15-20 minutes worth of discussion.

Barke: Okay. Can we move on to number nine?

Chastain: Today, the board will take action regarding the Irvine International Academy Charter School petition, which was submitted on appeal following denial by the Irvine Unified School District. As legally required, the petition has been reviewed according to California Education Code regarding charter school petitions received on appeal by a county office of education. You've been provided the Orange County Department of Education Staff Report and Findings of Fact. As noted in the Staff Report, there is substantial information illustrating that the petitioner is demonstrably unlikely to successfully implement the program. The budget presented is not only inaccurate but also unrealistic.

The charter petition as submitted lacked clarity, and it does not contain reasonably comprehensive descriptions of the required elements. The petitioner is obviously committed to opening a charter school. However, his past history shows a significant lack of capacity in school finance and public school administration. He does not speak, read, write, or comprehend Mandarin, and he has no experience as a school principal.

Based on a comprehensive review of the petition as submitted and information presented during the public hearing and an in-person clarification meeting, OCDE staff determined the petition does not meet the requirements of the Charter Schools Act and recommends that the Orange County Board of Education deny the Irvine International Academy Charter School petition appeal.

Prior to board discussion, representatives for Irvine International Academy and Irvine Unified School District will each have 10 minutes to address the board. Are there public comments you are taking first?

Boyd: We do have public comments, individuals that want to speak on the item. Do you want to hear from them first?

Barke: Yes, I would like to hear them first, please.

Boyd: Okay. Miles Durfee?

Durfee: Good evening. It has been a long one so far. Good evening, President Barke, Superintendent Mijares and the members of the board. My name is Miles Durfee, and I represent the California Charter Schools Association. Our organization as a membership and professional organization that supports charter schools as a vehicle to enhance K-12 public education in California. Tonight, CCSA is taking a neutral position on the Irvine International Charter School petition. The school did join with CCSA as a developer member, and we did review their petition. We do believe that Dr. Scott has identified an important need in the Irvine community. We do believe that an addition of a Mandarin immersion school in Orange County can make a significant impact for the students who currently do not have an option of this type of program.

However, the petition that we reviewed and the process that we follow to determine the school's capacity did not provide enough information for us to support this school tonight. It is our hope that, if you do not approve this appeal tonight, the school will work to address the concerns that staff has raised and resubmit a petition in the near future. We hope a new petition will allow the proposed school to build a stronger, more viable and more sustainable school proposal. One that has a stronger instructional program, a stronger expertise in meeting the needs of special education students, and a stronger base of community partners and support. Irvine and Orange County deserve a language immersion program like this, and they deserve one that rivals the Landmark Program that you've heard about earlier tonight in Orange County School of the Arts.

There should be a school like this. A school that can attract students from all over the county to serve primarily Irvine students in need of an immersion program. If you are able to witness programs like this around the state, you will see some fantastic programs where kids are able to look at and talk about Spanish, English and Mandarin all at the same time and just click from language to language. Those students will be well positioned to support our society and the world as they go forward. I just wanted to make you aware of our neutral position tonight. Thank you.

Barke: Thank you.

Boyd: Mary Ann Gallaway.

Gallaway: Hello. My name's Mary Ann Gallaway, and I've worked in China for the last 15 years along with my husband. He is a motivational speaker. We've been in probably around 200 different schools from first grade through the university. We speak to audiences of 30 students or 5,000 students. We met Michael Scott about nine years ago. We took him there. On the request of some of our educational contacts, they said, "bring me some people who are going to help us with our education things." I'm not an educator. I'm a counselor. I travel with my husband. One thing I've noticed and have been concerned about myself over the last five years is, there's 200 million kids between first and twelfth grade in China. They're all learning English from grade one.

I thought, where in the United States are there schools that will start in kindergarten and first grade teaching Mandarin? Somebody needs to start those kinds of schools. We've seen Michael in action in China. He's worked with some of our connections, and he's got the passion. As far as I know, he's got the educational background. Whether it's now or it's a resubmission, however you do this, I have no doubt in his ability to do, create and principal this school. Speaking Mandarin is not the key factor for the principal of this school. Having the passion to get the right teachers in the classrooms, the right Mandarin-speaking teachers and having some connections back in China with some of the lead principals.

One of the principals Michael knows and works with there, who I worked with that principal for the last 10 years, won the award two years ago for the number one elementary school principal in the nation of China. I would encourage you guys to look very closely at what he wants to do and his petition, because it's going to benefit our country. We need people in our country who start as five-year-olds learning Mandarin to be able to compete in the world for the next 10 or 20 years. We need Chinese-speaking Americans who have learned American educational values, who also learn Chinese culture and Chinese language. Thank you.

Audience: [Applause]

Boyd: Dr. Randy Gallaway.

R. Gallaway: It's a real honor to get to speak to this board and these guests tonight. I've spent many times, many trips in China with Michael. I've watched him have credibility and expertise in education, both at a national conference of 400 top elementary school principals learning from Michael. He is an honored educator, 26 years classroom experience in California public schools. I've watched him in his classrooms in public schools, here in California to watch him just ignite the spirit of learning and self-value, self-esteem, creativity in kids that were so beaten down when they came in, that people had given up on them. Michael has the classroom experience. He's been an adjunct professor at three universities in education here in California.

He has the contacts back in China. In China, everything, everything goes through relationships of trust. It's called Guanxi. Not many can build it, but Michael has invested 10 years in building that trust all the way to people who invite us to dinner privately after hours. People who manage 200 million public school students, and they trust Michael. Of course, there's barriers and leaps to begin a visionary program like this. If we don't do everything as Americans to learn the culture of China, the Guanxi, earn the respect and be able to speak their heart language, we will never be

able to compete in the future. They are a rising power. They will be our biggest trading partner. This can be a start right here. You have a chance to get it started and it will grow.

A visionary grows things. My Chinese partner who was a child of government leaders went through the Cultural Revolution and survived. His parents were in prison, beaten, tortured and came out. He has worked all these 10 years. He says Michael Scott is a visionary and a doer. He's going to get it done if you put your seal of approval on it. Thank you so much.

Audience: [Applause]

Boyd: Tamara Freeze. Tamara, or Tamara (pronounced with a long “a”)?

Freeze: Good evening, honorable members of the board. It's late and I think we all learned more about variances that we ever wanted to know tonight.

Audience and Board: [Applause]

Freeze: That's not why I'm here tonight. I waited three hours or whatever. My name is Tamara Freeze. I live in Irvine. I work in Irvine. My kids are six and eight. We placed an interest into the first grade for my son, Kyron to hopefully attend the Irvine International School in the fall. I'm here to voice my passionate support for the Irvine International Academy. It is an embarrassment, a huge embarrassment that Irvine does not have a Mandarin immersion. We have 45% of Asian population living in Irvine. The Chinese population is growing every year. We have more and more of Chinese in commerce. The question of creating an immersion school was raised in an Irvine school board several years ago. It was shut down.

The explanation was we have other programs. We have other priorities. We have arts, we have music, we have science, we're a growing school district. We just don't have time for it. We don't have classrooms for it. There are a lot of excuses all to say no. It's been years. They had their chance, and they failed us. Nothing was done by the IUSD board. They failed those parents who've been begging for Mandarin immersion for some time. Shame on IUSD for not taking seriously and taking affirmative measures to create a Mandarin immersion school in Irvine. Shame on them. I think we can all agree that OCSA that was presented tonight is a success story.

It had its own share of challenges; I'm sure when it was started. In a way, it's an arts immersion program. That's what I would call it. International Academy Mandarin immersion can and will be a success story, too, if you give it a chance. I read the IUSD resolution. One of the reasons they denied the petition was the fact that the principal doesn't speak Mandarin. Bergeson Elementary School in Saddleback, their principal, his name is Greg Hauser, does not speak Mandarin. Bergeson Elementary Immersion School is a success story. You do not need to speak Mandarin as a principal to have a successful Mandarin immersion program. This is an excuse by Irvine board to deny the program. We have a large Chinese-American population.

These are our neighbors, our customers. I work in Irvine as well. These are families. It's a huge embarrassment that we do not have an Irvine school. I'm going to end with a quote from Frederick Douglas, “If there is no struggle, there is no progress.” Sure, it's going to be difficult. Irvine public schools have significant challenges, but be on the side of the parents. Give it a chance. IUSD gave us no chance now. I hope that we have a chance with you. Thank you.

Audience: [Applause]

Boyd: Glenn Rogers.

Rogers: Good evening, board members. My name is Glenn Rogers. I reside in Orange County. I'm very supportive of the Irvine International Academy. Michael reached out to me to be part of the board. I will be one of the board directors. I come from a background of technology. I was a senior partner at Accenture, so I have a deep technology background, and in educational software development. As a board member, I've gone through the process of being a certified board member through National Association of Corporate Directors. I'm very familiar with how to run a board and be part of an educational board.

I'm very supportive of Michael's approach to the way they're building out the International Academy and to the students that, basically, would be benefiting from the education they get from being dual immersion. By the time they're fifth grade, they'll be dual immersion speaking, 100% fluent. That will be a huge advantage for them as they move towards college, university and international business; being able to speak multi-lingual languages. Thank you and I appreciate your consideration.

Audience: [Applause]

Boyd: Stephen Scott.

Scott: It's been a long evening. Thank you guys for letting me speak here, board members and Superintendent Mijares. First off, I want to emphasize I will not be needing a translator, because I had the opportunity to learn Mandarin. **[MR. SCOTT SPEAKS MANDARIN DURING THIS PORTION OF HIS COMMENTS]** What I'm asking is, if there's a single teacher here, a principal here, who is not Chinese who can speak Chinese here, who understands their district and asked them to stand. Clearly, there's not. I've had the opportunity to live in China for eight years. I have seen the impact it has had on my life. I am now currently working for a Rare Earth company. We supply to Google, Raytheon, Boeing, etc.

The reason I had that opportunity was because I spoke Mandarin, and what this academy is offering to the community is clearly what it has needed for over a decade. They have made no efforts at Irvine Unified School District, and they're not seeing any progress. That's why we're here. That's why we're appealing here, appealing to reason. With a market of 12 trillion GDP. Without China, none of the world's problems would be solved today. That's the reality we have to accept. Global commerce is dependent on countries cooperating together, including China. Global crises are dependent. Global warming would not be solved without the involvement of China.

It is necessity that we have people that understand communication between a country, have the respect to learn a language and take that initiative. In regards to the comment about the principal speaking Mandarin, that is absurd. I worked in education in China, was voted the number one foreign teacher in a district of 1 million people. No principal I ever met in China spoke English, but the teachers did and the students did. That never defined the progress of the students learning or the programs that they had. Ultimately, the bond we have as humans is communication. If we

are not willing to give our students in this district the opportunity to learn Mandarin, even though, it is continually shaping the world around us. That's the weight on our shoulders.

I'm very passionate about this, because I've seen it impact my life. I see the world and the way it's going. I see the need for people to learn. I come home, and never have I been to an interview where there was a Chinese speaker who was not Chinese. It has always been solely me. I say you guys appeal this and give these students what parents are requesting.

Audience: [Applause]

Boyd: Terry Do?

Do: Good evening ladies and gentlemen. It's my honor to be here tonight. However, I would like to start by doing a little bragging, not about myself, however. I'm going to brag about a former student of mine who was stellar. He is now in his thirties. He came to my Chinese class when he was a middle schooler, and he stayed with the program for five years until he graduated from high school. Now he is serving our country, the United States of America, in the Navy with the ability of speaking Chinese. He went through a 10 month very aggressive - what was the word that I was looking for - immersion program. He graduated from this program with flying colors. Today, he's serving in the Navy.

Had he not been able to go through this immersion program, he might not have been able to serve our country today in the Navy. Had he not started learning Chinese with me in middle school, he might not have been able to go into that program and serve our country today. Therefore, I would like to show you the importance of immersion program and the importance of getting into the immersion program at a young age. I could only imagine that Matt would have been even better had he had the opportunity to start Chinese when he was, let's say, five, six, seven years old. Again, I would appeal to all of the ladies and gentlemen to allow this program to take shape. We have some very well-spoken appeals saying that we need to give this program a chance. Mr. Scott may not be speaking Chinese, but I do. I speak English as well, and I will be willing to help. Thank you.

Audience: [Applause]

Boyd: Aaron Fu.

Fu: Hello. Good evening. My name is Aaron Fu. I recently moved to Orange County from Texas where my kids were enrolled in a Mandarin immersion program in Houston. Houston has a variety of immersion programs including Arabic, Spanish, French, and Mandarin. I think it's been a huge success to see my kids speaking Chinese. I grew up going to weekend school, and I can attest that it is neither fun nor terribly productive. All of the third graders in that immersion school from all different backgrounds, both heritage and non-heritage were speaking Mandarin at a level that is at least as well as mine. My kids actually also go to Bergeson. I have three kids.

Two of my kids go to Bergeson, and I want to emphasize that they're getting a great Mandarin immersion education at Bergeson as well. I think that the introduction of additional options is fantastic. To learn Mandarin in an immersion setting and it is really the only way to learn a language. If you have any questions for me, I'd be happy to address them. I guess the last thing I

would say is, I'm a private sector guy. One of the things that's really interesting to me are the most important two technologies. Number one is artificial intelligence and machine learning. Number two, bioinformatics, which is genetics and genetic engineering. The first field this year, is projected to have more than 50% of cited papers originating from China.

Those papers are in Chinese. I think bioinformatics will not be far behind. I think not knowing Chinese will mean there is a library of papers and learning that people will not have access to. My spouse does not speak Chinese, and is not of Chinese descent. She's very supportive of our efforts, and I would strongly encourage the board to bring this opportunity to all of the kids in Irvine so that I can keep my tax dollars in-district. Thanks.

Audience: [Applause]

Boyd: Lingyu Du. L.I.N.G.Y.U? Marybeth Chen? Octavio Calvo-Conseco? Okay, thank you. That concludes our public comments.

Chastain: I now call Mr. Michael Scott, petitioner for Irvine International Academy, to the podium.

Scott: Good evening, superintendent, board members. It's great to be back. I have brought our president, Doug Husen. I've asked him to lead the conversation today.

Husen: Thank you, Michael. I'm also going to invite up some team members and partners of the Irvine International Academy. I serve as the president of the board. I do want to say thank you for the opportunity President Barke, Superintendent Mijares and the rest of the trustees. Thank you for what you do, your commitment to education. I share it as well, serving on school boards as well. What a difference you make, what a difference you make. Someone has to fulfill this role, and I'm glad you're doing it. I want to clear up something. We've been treated with extreme professionalism, curiosity by the Irvine school board and employees. It's been a delight. They've been thorough, inquisitive and professional in every way. Thank you for that. You really have a tremendous district.

If it ended up that they were our local oversight group, we would be thrilled. I want to invite up some team members, and you've heard enough about the virtues of a Mandarin immersion school. I don't think I'll spend time on that. I will share with you, while Michael maybe has not served as a principal, I've served as a superintendent at a private school holding 800 students and a budget of six million. This would be about a third of that and would be well within my capacity and my joy to serve in that way without pay. Oh, what's that? Let me invite up a couple of our team members as well. As they come up, one of the issues that arises is what will we do with special education? That's obviously been a big topic even tonight.

What we've decided to do is enlist effectual educational consulting services. Mark Hopkins is going to tell you a little bit about who he is. These are the people that have helped us with our responses in the document we provided you. I thought it'd be good for you to meet some of them in person. Then, if there is some interaction you need, we'll try to be brief and leave some minutes within that 10 for questions.

Hopkins: Good evening. My name is Mark Hopkins. I have a business effectual educational consulting services. It's my special ed. company. I help out charter schools. I was the first school

psychologist and special ed. director really for Scholarship Prep that was here earlier tonight. I've kind of specialized in helping schools get started, just making sure they're in compliance, making sure all services are being met, getting everything, making sure we're identifying the special ed. students, 504 students and just making sure that the students are receiving what's indicated in their IEP.

Husen: Also, in our response, Sei Hee Park is legal counsel and would like to address a couple of issues maybe just to sharpen him up for you with our responses as well.

Park: Hi, and good evening. As mentioned, a copy of the response to -

Boyd: Excuse me. Could you state your name?

Park: Sei Hee Park with Young, Minney and Corr, legal counsel. A copy of the response to the county Staff Report and Findings were presented to the county staff and board. In that response, the charter school has provided clarifying information. We believe that information suffices to either rebut some of the findings or, otherwise to clarify, perhaps, some misunderstandings. We do want to emphasize that the charter school, as stated in its charter, is committed to full legal compliance with all applicable legal requirements pertaining to all aspects of their educational program. They stated intent to work with an outside special education service provider and to work closely with a SELPA to ensure that all special education needs are met at the charter school.

The school has been working and been in contact with two particular SELPA's. They are on track to make sure that they meet all timely requirements to obtain membership. In addition, we provided some clarifying information. I think there was misunderstanding of the RTI, how that was stated. I think the tier four and five as it was outlined in the table, there was some confusion of, is that changing RTI to suddenly be the trigger for special education. The response outlined and detailed we are clearly separating RTI and special education. The table was inserted in that format to indicate that should RTI not meet a particular student's needs, the school can certainly engage in assessing and making referrals for a particular student.

That process in no way bars parents from initiating assessment requests or things like that. We just wanted to clarify the verbiage in the charter there. Also, we wanted to reiterate that this charter school is open and available to all students who are interested in attending. I think there was some confusion about the reference to a Mandarin language assessment. This is not a requirement or condition for admission into the charter school. This is an assessment that is being provided to students who have been admitted to the charter school to determine if additional language supports and Mandarin will be needed for them.

As stated in the charter, the school intends to ensure that no assessment will be administered before a student is accepted and enrolled in the charter school. This school does not intend for there to be any conditions for enrollment. This is available to all students. Just in light of all of the responses that have been provided addressing the educational components, fiscal components, we believe that there are no sufficient bases for grounds for denial of this charter, and we respectfully request that you approve this charter petition. Thank you.

Audience: [Applause]

Husen: We'll just keep the team close just in case there's follow up questions or if you just want to wait until the end. One last one as well. Just as I was leaving to come over, someone whispered over to me and they said, "your cologne smells really good." That reminded me that a good name is better than fine perfume. My reputation is at stake, not just Dr. Scott's. Your reputation's at stake and so is yours, and we understand that. If we can't do it well and right, let's not do it at all, but we believe we can.

Of utmost importance is not only budgeting, but the accounting and the reporting as you discovered tonight with a variance report, that maybe it was a bit of a surprise. I've had those occasionally as well. Could I invite them from charter management services, Scott Warner? He'll tell you a little bit about what his company does in scope and then what they'll be doing for us.

Warner: Good evening. How are you? Scott Warner from Charter School Management Company. Everybody loves budgets. As I said last time when I was here, with all due respect to your staff and Irvine's staff. Luckily, charter schools are in a little bit easier position to be nimble in their budgets and adopt to changing conditions, increasing enrollment, decreasing enrollment, special ed. costs, all those kinds of things. One of the things that Charter School Management does is not only manage the day-to-day operations, but we also work very closely with the board and the school administration to develop their budgets, watch their cash flows, help them along the way. There are concerns on the Staff Report. The \$400,000 loan or donations or whatever it is as I said before, those monies can come from several different sources. We have the PCSGP grant that we can get. We have the revolving loan that we can get, we have donations, we have a line of credit, \$1.3 million that we could tap into from Charter Asset Management. There's varying degrees to which we can help the school fund their first year. I'm a little baffled, honestly, why there's so much concern over those things. We really strive, as I say, in the first year of operation. We meet a couple of times a month basis to really look at things and make sure. One of the things I like to do is I like to teach and train the school leaders on what I call, "Owning Your Budget."

Not only do we sit down and actually create the budget, but we actually train the staff in the school on how to code things and how to really understand what they're spending, when they're spending, and how they're spending it. Again, I have tried to refute and explain some of the things that are in the budget, but, above all, it just goes down to management and really keeping a tight rein on things. That's what we do here at CSMC. Again, I don't see any grounds for fiscal concerns whatsoever. Thank you.

Audience: [Applause]

Husen: For us, it's probably a great place just to pause and invite any interaction if it's at this time, or we'll come back up after the district gets an opportunity to present. We'll just kind of hover, and you let us know what's next.

Boyd: Aracely?

Chastain: Next to the podium are the representatives from Irvine Unified School District.

Walker: Good evening. Thank you, again, for allowing us to come up President Barke and trustees, Superintendent Mijares. My name's Terry Walker. I'm the superintendent of Irvine Unified School District. I have been in that position for the last nine years. Tonight, I have some

board members who are with me. I know Lauren Brooks is still here. I think one of the others had to go, and some IUSD staff as well. I'll be the only one presenting. I think we were with you at a previous meeting and kind of shared our story. I'll try not to be too redundant about that, but we do appreciate that the staff affirmed some of the things that we had concerns about. That, obviously, is important when we think about the due diligence that we think we went through.

I want to reiterate a couple of things that I think came out before, but I want to reiterate them again. I really do, and we do, admire Dr. Scott's passion and his interest in creating this kind of opportunity. I think we talked about that before. Our district has 72 languages. We've actually been approached by a number of different groups around immersion programs. The couple of years ago that we were looking at something we had, we were looking at a Spanish immersion program. We just didn't have the interest in it. As I shared with you last time, we began a partnership with our long-time based South Coast Chinese Cultural Center to offer some opportunities for students and afterschool programs.

We're certainly not suggesting it's the same as an immersion program, but trying to address some of that need and that's happening at different satellite campuses across the district for grades K through three. The charter petition, again, and the evaluation and our due diligence aligns with the staff of Orange County Department of Ed. We found it to be an unsound program. We were concerned about the successful implementation of it, and certainly as mentioned, many of the budget issues. They're very important. Those resources purchase the services of expertise and people who do the work in those schools.

It's important that you get that number correct, especially in an environment where you're dealing with a very individual and very unique set of skills for teachers and so on. Staff who both speak Mandarin and who might be willing to work, as was suggested before, for significantly less money than they might find in other regular settings. We've had an opportunity, as I shared before, to open a number of schools and we know what to look for. We know how to build a team that makes it successful. We are very proud of our school district, the excellence and the reputation we have. We're just fearful that this won't be able to accomplish what it says that it will.

We're very concerned that at the end of the day, as much as this is a unique and exciting opportunity for young students to start this for our four, five and six year old students, taking a risk that this doesn't go well is a significant one. We didn't feel comfortable making that kind of a recommendation to our board. The staff here at the Orange County Department of Ed. agreed. With that, I just say we will continue to look at the needs of our community. We respond to them. We have LCAP's and all kinds of other surveys.

We don't have a huge groundswell of people asking for this kind of a program. We haven't over the years. It's the reason before, even when we started an immersion program, certainly not no one, but not enough to create the kind of capacity you would need to sustain a school. It has to be a fairly decent size group. With that, I will end and I know the board might have some questions. Thank you for your consideration.

Chastain: At this time, the board will proceed with deliberations and vote on the charter school petition. The board has traditionally had three options for action regarding a charter school petition appeal. Option one grants the appeal and approves the charter school petition as submitted. Option two approves the charter petition with conditions. This action would result in approval of the charter, require the execution of an agreement to address the deficiencies outlined in the Staff Report and establish appropriate timelines for the petitioners to meet the conditions as specified. Option three denies the appeal and denies the charter school petition. President Barke, I now turn the meeting back over to you to facilitate deliberations and take action on the charter school petition.

Barke: Thank you. Dr. Bedell, we'll start with you.

Bedell: Thank you, Madam President. I was a little bit put off, frankly, that some of the comments made would by deduction imply, that there might be somebody in the room, let alone on this board, who was against dual immersion. I was blessed in middle school, sixth, seventh and eighth grade to have tri-immersion; Spanish, French and English. Everything was done in three languages. Two plus two was done in three languages. I am big fan of it. I support the Whorfian Hypothesis, which deals with the fact that different languages develop different parts of your brain. I support that. My only problem is that I have a great, great respect for Miles Durfee.

If Miles Durfee, who is a class act, talks about being neutral on a proposal, it sort of focuses my attention and clears out my sinuses, frankly, to think, not to end up in the same place. The comments that we don't have to worry about financial business is, if you remember a former employee of the Charter School Association talked about, charter schools if they're going to get in trouble, are going to get in trouble, not basically because of the curriculum, but because of finances. That was a repeated argument that Michelle made a lot, and she was very, very eloquent and also in support of charters. I am strongly supportive of an immersion program. My question is, is this the right program? This is a district that is known for academic excellence.

It's a district that has great enrollment trends. I was frankly very upset about some of the comments that the staff put in their report, not because of what they said, but because what they could mean for what would happen to children. I was very concerned about that, because there were several streams within this report about financial difficulty. There were several streams in this report about enrollment. There were several streams about the staff identified for this program not having the requisite experiences. Again, I know that our staff has been criticized. It's like going to a dentist for a major root canal without Novocain with our staff, right? They do the work.

Again, as we've seen in a problem with other charters and other school districts, not just charters. We're not picking on charters. There's always an issue about special ed. There's always the issue. We have no pledge letters in this about funding. We have budgets being negatively impacted. One thing I want to say, I want to compliment the district. You stepped up and you found a site, and it's in the Wenkart letter that's in our packet. I don't think anybody can say that Irvine is trying to screw them over, because they did step up with the proposition. It was four classrooms. Right? I don't ever want to hear that Irvine did not, in fact, step up. They did and it is in writing.

I am sad, because I just simply cannot support this as it is presented. I appreciate what Miles said. Go back, work it, and find some place. I understand, Ms. Moffett, Orange doesn't have a Mandarin immersion. Right? Mr. Scott, did you visit Orange's Mandarin immersion program after the last meeting?

Boyd: Please go to the microphone.

Scott: Sorry.

Boyd: Thank you.

Scott: Yes, I've been to it before and observed. Also, several of the teachers that it is doing teaching were hired from their school to start the Ontario-Montclair School District Mandarin program they hired me to do for them.

Bedell: It's closed. Right?

Scott: No. Ontario-Montclair School District has two kindergarten Mandarin schools.

Bedell: Okay, thank you. I just want to finish up, Madam President, with just a few comments here. Under the admission requirements, there's concern about the lottery and students being accepted in the school but being in violation of the Ed. Code. There's concern about insufficient day-to-day support to teachers and over-reliance on the SELPA to provide support. It's continuous in this as the proposal is presented. If it could go back to the district or the back to the proposers, I would certainly have that consideration. I don't think this proposal is baked enough, yet, to deliver what we want to do. What percentage of your enrollment is Korean?

Walker: I have to look it up. I can look it up on the website right now. I'm not exactly sure.

Bedell: Is it greater than Chinese?

Walker: No, I don't believe so. There maybe...it's probably second. It's what I'm from an ed. services expert. She can look it up.

Bedell: Terry, help us understand. Since this last meeting a month ago, what have been the conversations in your district about meeting the needs of these students and these parents?

Walker: We have someone who already has expertise in Mandarin language with our South Coast Chinese Cultural Center. We have been expanding our marketing of the availability of that program. There's well over 150 students that are enrolled in a variety of classes. Again, we created satellite schools around the school district so that when we first surveyed for need, and then wanted to put them so that people wouldn't have to drive all the way across town. Irvine is a fairly large city. It can take 30 minutes or more to drive from one end to the other. We wanted to put them in throughout and regionalize it so that people could have access. That's what we've done. We're going to continue to look at that model.

We're looking at it as, at least an alternative for those folks who want to have that kind of immersive process, and we are using South Coast Chinese Cultural Center and their expertise. They've got the staff. There was a mention around culture. It's very deeply woven into their classes, not just the language and understanding of the culture. That's how we're looking at it right now.

Bedell: Thank you. I'm done now, Madam President. Thank you.

Gomez: I certainly appreciate the enthusiasm for this type of school, because I think it is necessary. I think it will really affect us in the global economy. In looking at this, I actually did not read the Staff Report before I read the entire petition. Many of the things that I found were confirmed in the Staff Report. I also, had concerns about the finances and what they could do. I have a note in my packet about donors and pledges. There was nothing there, even though that was referenced in the financial documents. The budget not accounting for all the positions listed in the charter petition, several different delivery models that are contradictory, and there's just a lot of moving parts here. Trying to be everything to all people doesn't always work.

I think there's a lot of confusion, and I do think many of the points that Dr. Bedell made were some of the concerns that I had as well. The least of concerns is whether Mr. Scott speaks Mandarin. I understand the concern, but in light of everything else, that almost seems like a minor issue. I do want to express my concern about this petition, and I think that there's several things in here that really need some more development and clarity before I could support this. That's the end of my comments.

Barke: Okay. Dr. Sparks?

Sparks: I'm a huge fan of immersion programs. I've lived abroad twice. The Sapir-Whorf Hypothesis, just to clarify. Yes, language influencing culture, cultural influencing language is so, so important. I do agree with many of the comments that Jack and Beckie are referring to. I just wanted to call Mr. Scott, or Dr. Scott up for a couple of clarifying points based on the Staff Report. First of all, speaking to point three: the budget does not reflect reasonable costs for the leasing of facilities to house a charter school.

I wonder if you could speak to that, because it seems that there's a concern there. That \$1 per square foot is an unrealistic cost for private facilities in Orange County and so forth, and the real estate estimates around that. Secondly, I'd like you to discuss the comment that they had said that you made, that you would not be using very much data during the early years of the school in terms of benchmark progress measures for grades TK through two. Those are two major concerns that I wanted to hear from you about.

Scott: On the property cost and location, as it was mentioned, the district has offered a response to our Prop 39 request and the cost is \$1 a square foot. That issue is exactly what it came out. As a result, it is less than our estimate in the budget saving us over \$11,000. A lot of things in the budgets are overestimated invariables, and frankly, it's been a year. It needs to be reworked now that we have some more solid figures. I appreciate the district helping us with that and following through on Prop 39. Does that answer your question on that?

Sparks: Sure, thank you. The second question is related to benchmark progress measures for grades TK through two. The Staff Report indicated that you stated that you would not be using very much data during those early years of the school.

Scott: I use data all the time. I included in the petition and in the Appendix, 10 years of data that I've accumulated in my education. There is no state testing, though, second grade and below. It doesn't have the regular state testing of Dashboard, but Renaissance is available. It's a program

first graders use. It gives us a baseline, and then we look at our progress as we go along through the year. We really want not only standardized testing like Renaissance, but just your regular assessments that occur throughout the year to see the progress of the students. It's how we will redirect our education once we know what's happening in the data.

Sparks: Those embedded evaluation points and formative evaluation are going to be very, very important to know. Are you measuring what you say you're measuring, and are the students producing the outcomes that you're expecting? I'd like to see that kind of detail in speaking to some of the points that Beckie and Jack were saying, some streamlining of the proposal. I'm super excited about the idea of the immersion program in Irvine and/or in the center of our county. Really, really important to address the needs of all of our population, really.

Scott: As far as data, I think it's the opposite of what was said. If I said anything, it's data is important. It's been my key my whole career.

Sparks: Thank you for that clarification. If I could call Miles up to the microphone to be in the hot seat? We've had a relationship for a number of years, and I know where your heart is with charter schools. Again, when I listened to you and you coming out as indicating neutral in terms of the CCSA with this particular charter, I was hoping you could unpack that a little bit for us.

Durfee: I can try to unpack that. During the time period that this developer was working with us, which is what we do with all developers. They go through a process where we do petition reviews, we look through their petitions, and we give feedback to them. We ask that they incorporate that feedback so that their program is stronger and that their ultimate application to the district or the county is sufficient. We did that with this petitioner, and again, he was a developer member. We went through a number of series of conversations about the petition. We felt that there were some areas that he could have improved upon. I think he probably ran out of time before he could really get the sufficient approvals from us as far as the areas that he had to improve upon.

Some of them had been mentioned. Special ed. was one of them. It sounds to me like over the evolution of this process. He submitted a long time ago now, and he's getting information and making adjustments as he goes along even though the petition is a document that can't change. I think he's heard the special ed. had been referred to by a number of people as an area of concern. You've seen some modifications and work to adjust to that.

Sparks: Would it be fair to say, if those things were addressed over time and the proposal were more streamlined, that it can be reconsidered that you'd be in a stronger position to move beyond neutral?

Durfee: Absolutely. Jack talked about the Orange Unified Mandarin program. As I understand it, their sole geographic boundary is in Orange Unified. You would have to gain an inter-district transfer to get over to Orange Unified's Mandarin program. If you open a charter school, just like Orange County School of the Arts, anyone could come from anywhere if that was their interest. Even if Irvine, who I think has a legitimate need, but maybe they don't have enough need to create. I don't know, I haven't evaluated it. If they don't have enough need, you put it in Irvine and you allow people to come to that school because of how great the instructional program is.

Just wanted to comment on that. We absolutely think that he could strengthen the program, and he could get more community support and align with the right people to make a program work like this in the county.

Sparks: Okay. Thank you very much. That's all I have. Dr. Williams?

Williams: A Mandarin immersion program, I think would be great. I think it's a unique school and learning opportunity. The biggest concern I have is that charter schools are really hard to start. It's usually because of finances and obtaining the facilities. I like the term that you use, Jack, bait. I somewhat agree with that concept. The petition is a work of art. It's evolving. I think it can be improved upon. Miles just validated that. Just a question, maybe, to Mr. Walker. The documents that we're seeing here, the Exhibit B that is for Prop 39. Were you using Atkinson, Andelson, Loya, Ruud and Romo?

Walker: Yes. Our fiscal department, John Fogarty, the CFO who was here last time was orchestrating our processes as the oversight of facilities.

Williams: I see. We have a letter here dated the 31st addressed to Mr. Forest at Young, Minney and Corr, signed by our late, Ron Wenkart, who has -

Bedell: Don't say late.

Barke: I know, it sounds like he died.

Bedell: Former.

Gomez: Former.

Williams: No. Our late general counsel. Former, okay.

Gomez: He's still living.

Williams: Irvine, you did participate in this Prop 39 -

Walker: Yes.

Williams: - process?

Walker: Yes.

Williams: There's an agreement here. Nothing is filled out. It's just an agreement. If this were to pass, would you sign the agreement?

Walker: Yes. They're in the process of working it out. We haven't had anyone submit a charter before. Again, we've talked about the use of our own facilities. We were really kind of wondering where will they go? Certainly, we have facilities that we use for other things besides school sites, but we don't really have anything that's vacant and unused. We recognize the law. We had our direction from counsel, at least John did, and we realized this is the right thing to do. This is what we would own this charter, if in fact, it was approved by you tonight.

Williams: The school that's going to, if again, this passes, you were talking about directing them to El Camino Real -

Walker: Yes.

Williams: - Elementary? On Karen Lane?

Walker: Yes.

Williams: There was another property that was being looked at before.

Walker: Yes. It was Westwood Basics Plus. It shares a parcel with one of our middle schools, which also makes it a tricky site. We use that for trainings and for actually overflow for our special ed. department, IP's, and a number of different things. It's not constantly continually used. No different than this room. Sometimes people might walk by and say, "oh, it's vacant. We could use this." It's used often, and it is attached to our middle school, Sierra Vista Middle School so they can share a parking lot. It's not ideal for a school site anyway. Parking was always one of the more scary kinds of places. El Camino Real, actually, we use that. We'll still be using it, of course, except for the classrooms that would be dedicated to this.

We have a textbook. We've outgrown much of our M and O areas, warehouses and things. We had been using a number of different facilities for warehouse distribution for textbooks and things like that. This particular site, we passed a facilities bond. We've had schools having to be moved out of their existing sites so we could modernize it. El Camino Real was one of those sites that we moved a school into. They're in it right now. They won't go back to their other site, and hopefully everything goes well. Otherwise, we'll have to think about another spot.

We think they're on time. They'll be able to finish the other school site. It's called Springbrook. That will be vacated. We put up quite a bit of money into making sure that, although it is an older school site, that it was ready for students. It's an ideal kind of location as long as we can figure out how to change what we were planning to do with the space that would otherwise be dedicated to the IAA team.

Williams: I appreciate that fact that you did make those overtures and efforts. I think that reflects very well upon Irvine. We've received a document just today from Irvine International Academy in response to the Staff Report. One of the Staff Reports issues was the unrealistic costs for leasing of facilities at \$1 per square foot. Your documentation here, it's \$1 a square foot. Right?

Walker: It sounds like it.

Williams: We're okay with this, Dr. Scott's trademark? That's taken care of?

Walker: Yes. I actually got to see him ahead of time. I sought him out and apologized. Actually, what had happened is, in one of the presentations, it was one-to-one. I think it's class room that is the trademark, but in some of the presentations, it was one-to-one classrooms. When they searched for one-to-one classrooms, I think it offered another trademark that was the one that was found by a staff member said, "oh my gosh." They were trying to find more information on what is this. Then later, they realized afterward, and that's why I sought him out to say they found one. It was just the wrong one. A slight typo based off of the presentation.

Williams: Thank you. Dr. Scott, if I can just direct a couple of questions to you? Who helped you in the creation of your petition language? Who actually helped write that?

Scott: Charter school organization did. We worked through it extensively. As you said, we ran out of time.

William: You ran out of time?

Scott: Yes.

Williams: What do you mean by you ran out of time?

Scott: First submission timeline just to get submitted.

Williams: When did you submit it again?

Scott: Out of time may be the wrong phrase. We revised it so many times, they said, “we can't really do much more.” We had spent \$9,000 with Young, Minney and Corr. in preparing the charter petition. After that, we presented it to the charter school. The title escapes me - CCSA. They reviewed it, and we made the changes that they recommended. That's who helped us write it.

Williams: The CCSA didn't approve it.

Scott: That's right. They just kind of said, that's enough. We're going to stop. I asked for any kind of explanation. I wasn't able to get one.

Williams: Okay.

Scott: That's not to say that I don't mind changing anything in the petition that is not correct. I think the petition is correct in what it says.

Williams: What about the fundraising? You mention in your budget that you're going to raise \$150,000. Do you have any firm commitments on that amount?

Scott: No. That wasn't my statement. That just came from the Charter School Association. There's a \$250,000 revolving loan for the first year, which will cover the 200,000 question. Then, we intend to go for the grant which is \$450,000, which will be available in October, and we will use that for the next year. I think the budget actually will run less than what's projected. We are going to do fundraising, however. Irvine is one of the least amount of money they get from ADA. They don't get anything extra, but we plan to do the same type of work that Irvine does to raise funds. We look forward to that. We're simply waiting to be passed before we start approaching the extra money. The revolving loan will cover the first year, though.

Williams: My thoughts are that there's a lot more that can be baked here, if I can use my good colleague's term. I think there's a lot more that could go into this. I'm concerned that the Charter School Association was not intimately involved, can't give you a thumbs up and a green light about that. We've seen so many good people come up here with good intent, but they didn't have the resources or the capacity to build what they dreamed of. I think the dream is good. I think the potential is there. I think your foundation's a little weak. I only want strong charter schools that are going to do well. We have, in the past, not approved every appeal. With your particular charter, there is a lot there that can be further strengthened in your foundation. I think going back and working with CCSA would be a tremendous help.

Don't let your dream go off the side. Continue with it. Go back, refine it and make it better. Make it stronger. I see a great heart by good Superintendent Walker here. He wants to help you. Again, it's only because we've seen good charters and good leaders. I'm thinking Erin Craig, how long it took her to get her charter off the ground. I worked with her, I cried with her and it was hard. It was really, really hard. She's just now getting off the ground three years later.

There was a point there where I didn't think she was going to make it, but she did. My greatest fear is that if we approve you, you're not going to get off the ground. There's still a lot of foundation I think you need. I don't say these words to take away that dream or that hope from you. It's just that we have a responsibility, you're very close, but you're not there in my opinion.

Scott: What we do have is the families' support in Irvine. We have 137 families signing students when we only have 128 spaces. We have been very conservative in our outreach. I'm sure everything else can be worked out, but I'm not sure the children can miss another year when it's all there.

Williams: I'm done.

Barke: Yes?

Bedell: Would you like a motion or are you going to speak to it?

Barke: No, I'll take a motion in a minute. I do want to say that I do love the passion. I absolutely agree there's a huge need, especially in Irvine. I think that this needs to be there. I also truly value CCSA. I think just a little more work needs to be done, but I think we need this. I would hope, truly, that whatever our motion is today that maybe next year something comes of this. I do think there's a foundation. We even found that there's a place for \$1 a square foot. I understand we have a school in Orange, but that requires inter-district transfer and that becomes more challenging. You have an afterschool program that costs money. I think we truly need something like this, something public and free. I think there's a demand for it.

I've heard that today. I do think there's a demand, there's passion, and there's knowledge. As Dr. Williams said, I think we just need a few more pieces, a little more work so it's fully baked, as he would say. I don't want to discourage you. I want to encourage you to come back with a few of the missing pieces and to work closely with CCSA, because I think we all value their opinion. I think that's an important piece. As Ken says, we've seen a lot of schools and they have a lot going for them, but to succeed, it's not easy opening a charter. I've intimately watched people. It's very difficult and very challenging. I'm the biggest supporter of charter schools. I believe children deserve choice, and I clearly see in this community there's a need. I would encourage you to work together, everybody, so that this can come back. I would now entertain a motion.

Bedell: I'll move staff option number three to deny the charter petition.

Gomez; I'll second.

Barke: Any more discussion? I'll call for the vote.

Board: Aye.

Bedell: That's 5-0.

Barke: Yes.

Bedell: Would you entertain a motion to adjourn?

Williams: No.

Gomez: I think we've got a couple of items.

Barke: I think we have some informational items.

Bedell: I'll postpone my three.

Williams: Can we?

Barke: Okay, that would be lovely. All right, if you postpone your three then we can get to the superintendent.

Williams: Superintendent.

Barke: Superintendent? You're on, and Ken has a very full bladder. Keep that in mind.

Mijares: Yes, I think we all do.

Bedell: As he goes for a drink of water.

Mijares: Again, great to be here tonight. I'm sorry I wasn't here at the beginning, but I spoke at a

gathering at the Bowers Museum.

Boyd: Do you want to take just a minute, because we can't hear? The recording's not going to pick it up.

Gomez: It's very rude.

Boyd: Excuse me. The board meeting is still in session. If you all could lower your voices as you're making your way. Thank you.

Mijares: Just one item, Madam President, I don't know if this thing is on. How's that? Now? Okay. I had a chance to address a group of people at the Bowers Museum. It was a celebration for the top 25 teachers who were recognized by OC Parent Magazine. It's a great opportunity. We had several of our superintendents there. A lot of principals were there. I don't know if you know Randy Tierney, but he's the editor of the magazine. He did a good job getting everybody out tonight. Just another way to reinforce the value of our teachers and to extol the worth that they provide for this great county. That's all I have under my reports. Quick.

Barke: All right.

Boyd: Renee?

Barke: Is Renee next?

Boyd: Esplanade.

Hendrick: For the Esplanade report, we do have the update for this quarter. It is in your red packet, I believe. We are still kind of on track. What we will see, and what we've budgeted for is, we are doing major renovations on Building 3. We've talked about it in the past. Our major tenant had finally moved out. We have the top floor, and it's almost complete with renovations. We will start leasing that. On the bottom floor, we're going out to bid next week, I believe, on the renovations.

We still feel that we will meet our budget. We'll be spending down some of those reserves we have for tenant improvements. Every lease space that's available is booked right now. We really want to get those ones open and rented as soon as possible. We do have a waiting list already, based on some tenants in our buildings would like the newer buildings. We're very confident we can get those leased pretty quickly. Yes?

Williams: 100% occupancy rating?

Hendrick: Except for the vacancies we have right now because of the construction.

Williams: Construction. Right.

Hendrick: Right.

Williams: There's a list?

Hendrick: Currently in Building 4, we have tenants that are on the top floor. When Building 3 opens, they would like to relocate. Building 4, we will be utilizing for OCDE staff that we've run out of room for, which is what the original intent of that project was.

Williams: Exactly.

Hendrick: Right. We will be able to utilize that space. We had two suites that opened up that we're moving overflow staff for our Early Learning Program. You guys have seen that through

the budget. We've received millions of dollars, and Christine has, I can't even name how many new staff for that program. They're going to take a full suite and a half there. We're going to be relocating a small conference room for our onboarding, for new employees and negotiations. Then, it could be used for other meetings around the organization, because there's a shortage on meeting space; it is a hard area for us. We will generate enough revenue off the leases to pay for the loan, basically. We have that new thing. We maybe could give you guys a tour of that, the new renovations. I think you'll like it. It's very nice.

Boyd: Just a couple of things. Hopefully, you all were able to see the Super Bowl last Sunday. If you did, you might have noticed the young lady who was signing.

Bedell: Yes.

Boyd: She was, or is, a graduate of University High School deaf and hard of hearing programs. She's a former student of ours. I wanted to bring that to the board's attention. Christine Sun Kim. The program, the university alumni, as well as the current students were very excited to see her performance. I wanted to bring that to the board's attention. You might be able to see it online. They posted it, because of the fact that this was the first time a...I'm sorry, her nationality again? Chinese? Well, someone of Asian descent performed as a deaf student. She's also into arts and activism for the deaf community.

This was a real high profile thing for her and the program. I also want to make note that the next board meeting is Wednesday, March 4, at 9:00 AM. The submission deadline is Wednesday, February 19th. We have office closures this month due to Lincoln's birthday and President's Day. We'll be closed next Monday, the 10th and the following Monday, the 17th. That's all the updates I have for you.

Barke: Any other member have updates? I'll just briefly say I visited ISSAC. They had that special program on, oh my gosh, I can't remember what it was now -peace, and it was excellent. It was really, really, really moving. I was glad I did that. I also visited the National School Choice week at Santa Ana Zoo last Sunday. Most recently, I went to NSBA and Jack was there. That was good. I thought I had some good meetings. It seems like most of our representatives are in line with funding education, signing the right bills and all of that. That was good.

The one thing that I found out. Somebody saw my California tag. They said, "You guys have now moved out of NSBA." I said, "Really, we talked about that during our budget and we decided that, per Jax, that it was wise to stay because of the advocacy and all that." They said, "No, as a state, you've pulled out of the NSBA." I said, "Oh, I didn't know that." They seemed surprised I didn't know that. Did I miss that somewhere?

Bedell; That's not accurate. It's going to be decided in October. I asked a member of the Executive Committee, a former CSBA president. I said, "Tell me what's going on." I guess California and some other states are talking about coming out, because they're not providing the services that the state wants.

Barke: I talked to people on the board. One guy was from Massachusetts, a new president, and another lady, I can't remember where she was from. We were standing just waiting for food

together. The gentleman told me that he heard that we were pulling out, because the National Board is not progressive enough for California. I didn't know that it was still being decided, though. He said it was done. I don't know, but I found that to be quite interesting information. They were looking at me like it was my fault. I'm like, "I didn't even know about it." They were kind of surprised about that as well. Just to share that bit of information. I would take a motion to adjourn now.

Williams: No, we have public comments.

Barke: I'm sorry.

Boyd: I have no public comments.

Williams: Okay.

Bedell: Madam President? I would like to make a motion for what Dr. Williams is going to do, but I would like to adjourn in honor of Ms. Boyd's 30th Anniversary with the OC Department of Ed., which is today.

Sparks: Wow.

Barke: Wow. Why didn't we know?

Audience and Board: [Applause]

Barke: I think we're going to have a joint thing, because Ken has one as well. Can we close in honor of two things? Let's hear Ken's.

Williams: I'd like to end in the memory of an individual who I think made an impact wherever he went. That's Kobe Bryant, Giovanna and the other Orange County families. They were all people who had an impact in our community. It's just hard to sometimes recognize what key people who make such a difference are no longer with us. I'd like to end in the memory of Kobe and with the celebration of Nina and her 30 years. She started here in high school.

Barke: Obviously.

Board: [Laughter]

Sparks: She's speechless.

Rolen: We can adjourn in honor of everybody as soon as we complete our closed session.

Barke: Thank you reminding us.

Rolen: You're very welcome.

Barke: We have to make it short.

Rolen: I just didn't want to interrupt. You guys were doing great.

Barke: Thank you.

Boyd: You're going to recess and go back into closed session?

Barke: Yes. We're going to recess and go back into closed session.

**[PRESIDENT BARKE STRIKES THE GAVEL ONCE
TO SIGNAL THE BEGINNING OF RECESS]**

Barke: For how long, do you think?

Rolen: It should be quick.

Barke: Okay. We should be quick.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE AGAIN TO SIGNAL THE CONTINUATION OF THE MEETING]

Barke: We're back in session. We're going to have the good Jonathan Brenner report out for us.

Brenner; Thank you, President Barke. The board conducted closed session number two and completed closed session number one. There was no closed session number three that was conducted or on the agenda. The board received an update with respect to closed session number two. They took no action in either closed session number one or two, except for approving our invoices in the budget litigation and in the general counsel litigation dated January 31, 2020. The vote was 4-1. The nay vote was Trustee Gomez, and the other trustees voted in favor. That is the report out of the closed session.

Barke: Thank you. Do I have a motion to adjourn?

Williams: Yes.

Bedell: In honor of...

Barke: In honor of Nina's anniversary, Kobe, his daughter, and everybody else who perished in that crash?

Boyd: How about we just leave it at Kobe and the families?

Barke: That's fine.

Boyd: I appreciate the nice gesture.

Bedell: Next month. Don't let me forget next month.

Williams: You're loved, Nina.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE CONCLUSION OF THE BOARD MEETING]