

Transcript of the Orange County Board of Education Meeting Held on March 2, 2022.

BARKE: Welcome everybody. Can we do roll call, please?

SISAVATH: Trustee Sparks?

SPARKS: Here.

SISAVATH: Trustee Williams?

WILLIAMS: Here.

SISAVATH: Trustee Barke?

BARKE: Here.

SISAVATH: Trustee Shaw?

SHAW: Here.

SISAVATH: Trustee Gomez?

GOMEZ: Present.

BARKE: Can I have a motion to adopt the Agenda?

WILLIAMS: I will make the motion to adopt the Agenda.

SPARKS: Second.

BARKE: All those in favor?

SPARKS, WILLIAMS, BARKE, SHAW, GOMEZ: Aye.

BARKE: Okay, 5-0, and for the Minutes?

WILLIAMS: I will make a motion to adopt the Minutes for the special meeting of February 1st, as well as our regular meeting of February 2nd.

BARKE: Okay. All those in favor?

BARKE: Aye.

BOYD: Is there a second?

SPARKS, WILLIAMS: Second.

BARKE: I'm sorry.

BOYD: We didn't hear it.

BARKE: Okay, so all those in favor?

SPARKS, WILLIAMS, BARKE, SHAW, GOMEZ: Aye.

BARKE: Okay, passes 5-0. We are going to go into closed session, and we will be back.

WILLIAMS: Any public comments in closed session?

BOYD: There are no public comments.

WILLIAMS: Okay.

BARKE: [Strikes the gavel].

BOYD: Thank you.

[The Board goes into closed session and returns.]

BARKE: Welcome everyone. Sorry for the delay. We are going to get started with the invocation. I'm sorry. Will you please introduce yourself so everybody knows?

RIC: Yes.

BARKE: Thank you.

RIC: My name is Ric Olsen. I'm with Beacon Church in Orange. I am with the Orange City Fire Department; I'm a chaplain. Lent greetings to all of you who may celebrate Lent. We, no doubt in a room this size, have many different faith traditions. I will be praying according to my tradition, and I invite you to join me according to however your traditional allows. Please join me.

Heavenly Father, we come heavy hearted as we consider the terrible events as we speak that are happening around the world. Your children are in the way of war and brutality. We pray for peace, not just human peace, Father, that stops conflict, but your peace that brings restoration, and justice and healing. We pray for our own children here in Orange County; many stumbling behind because of this pandemic. Many struggling with mental health issues after the isolation of screens and masks. Too many struggling with food or housing insecurity. Many struggling with identity and self-image issues. Tonight, we ask that you send your spirit to each one of them wherever they are, and give them peace as well. Again, not just a lack of conflict, but your peace, true restoration and healing. We pray for this gathering tonight. We pray for those you have ordained to lead our children and our school staff. That they would be people of peace.

Again, not just a removal of conflict, but your peace, healing, justice and restoration. Give them wisdom to do what is right. Give them courage to do what is right. Thank you that despite of the lack of peace in this world, that you are the prince of peace. We look to you. In your name we pray, amen.

AUDIENCE: Amen.

BARKE: Thank you, and thank you for your service. We appreciate it. All right. Next, for the pledge, it's all about the kids. That is why we are here, right? It is Read Across America Week, Dr. Seuss's birthday. We are going to bring up Athena Conroy to lead us in the Pledge of Allegiance. Yes. You can bring your mom with you if you want.

WILLIAMS: To the dias.

BOYD: To the microphone.

SPARKS: To the dias.

BARKE: Let us know when to begin.

PARENT OF ATHENA: Test. Hello, everyone.

ATHENA: Hello, everyone.

PARENT OF ATHENA: Please put your right hand over your heart.

ATHENA: Please put your right hand over your heart.

PARENT OF ATHENA: And follow me.

ATHENA: And follow me.

PARENT OF ATHENA: I pledge allegiance.

ATHENA: 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. Thank you very much.

BARKE: Thank you very much, Athena. I think you are the youngest one we've had to lead us in the flag salute.

BARKE: Yes, you deserve it.

SPARKS: Yay.

WILLIAMS: Report out.

BARKE: All right, next, we will have a report out from our attorney, Jonathan Brenner.

BRENNER: Good evening, members of the Board, Superintendent Mijares. Good to be with you tonight. This is the report out for closed session items 1-4. The Board, as to all items, held a discussion with counsel. No reportable action was taken as to any of the items with the exception of/with respect to items 2 and 3. The Board approved the following invoices: with respect to closed session item numbers 2 and 3, the Board approved Epstein, Becker invoice numbers 1076791 and 1076792; the vote with respect to those two invoices was 4-1 approved; Trustee Shaw, Williams, Barke and Sparks voting in favor; Trustee Gomez voting against; the Board also approved with respect to closed session item number 3, the invoice of Marguerite Leoni; that is invoice number 21559. The vote there as well was 4 in favor, 1 against; Trustees' Shaw, Williams, Sparks and Barke voting in favor; Trustee Gomez voting against. That is the report out for closed session items 1-4. Let me just pause for a quick minute to get a nod from Ms. Boyd that she got all of that.

BOYD: Could you just repeat the invoice number for Ms. Leoni?

BRENNER: Yes. Certainly, 21559.

BOYD: Perfect. Thank you so much.

BRENNER: Thank you.

BARKE: Thank you.

WILLIAMS: Introduction.

BARKE: Are there any introductions?

BOYD: There are no introductions at this meeting.

BARKE: Okay. Then, I think we will move into public comment.

WILLIAMS: Okay. For our public comments, we have three individuals that will speak at this time. There is item number 7, and we have over a dozen speakers. When we get to item 7 if you did put your card in, you will be able to speak when we get to that point on our Agenda. For the first public speaker, I will give you the name; then, I will say a second name. That person can stand behind them so we can expedite the process here. The first speaker will be Michelle Anderson; and then, Mr. Jose Noriega will be number two. Number three would be Sara Cultrell.

MICHELLE: We are going to kind of do a tag team thing here. Good evening, Superintendent Mijares, President Barke, Vice President Williams, honorable Board and staff. Most of you already know me. I'm Michelle Anderson. I'm here to say thank you to this group of outstanding individuals. From staff all the way up to our board, for doing what you did for our kids during this age of COVID. I'm so appreciative of your push to get our kids back in school so that they are getting the academic, mental, and social stimulation that they so desperately need.

And then of course, I'm here to toot the horn of charter schools. I was just talking with some charter school colleagues. I was saying, you know, charter schools are the Ginger Rogers of education. Just like Fred Astaire was such a phenomenal dancer, just like our schools in Orange County are. But charter schools, they are Ginger Rogers. They can do everything he does, but backwards and in high heels. What I mean by that is charter schools can act quickly, do it with less resources, and they can turn on a dime. We greatly appreciate that.

Tonight, I'm happy to be back here with the International School for Science and Culture. They have had to do a dance around a lot of different obstacles. But they certainly have mastered their dance, and they have gotten through it. They have really partnered up with some great people to bring in, so I'm very excited to be part of that. But I'm not going to steal Jose's thunder. I'm going to let him come up here and talk to you about the exciting happenings at ISSAC. Thank you very much for all you do.

BARKE: Thank you, Michelle.

JOSE: Hello. My name is Jose Noriega. I'm a third grade student in the ultimate class at ISSAC. I am so proud to be an ISSAC lion and so excited to share with you what my class has been working on. We have been studying water filtration during our project based learning. For our research, we have made our own water filtration device. Demo experiment.

SARA: Okay. We have two. This one is Jose's, and this one was from other students. We have dirty water from the back bay. We did. We had students go collect water from the back bay, which was super awesome. Let me go pour more in and mix up the dirt. But, careful.

BOYD: When you talk, can you get to the mic because we need to pick up the recording?

SARA: Oh yeah. Through the careful preparation of these students, we made a few different schematics of this water filtration device. Jose made this first one, and we had another student make the second one. Jose, where did you go?

BARKE: Oh.

SARA: It's my project. It's fine. Okay. You want to walk around and show people? Some of them were more successful than others. That worked pretty well, but sometimes the water doesn't come out.

BARKE: Love that dirty water.

SARA: Yeah. This one, it doesn't work. Oh no. He has one more thing to say. Jose. Jose. Come back. Come finish it. Finish up. Okay.

JOSE: This is just a small part of what we do at ISSAC. We would like to invite you to come and see your campus at our Expo Night on March 11th. I hope to see you all there. Thank you.

WILLIAMS: ISSAC, thank you so very much. That was wonderful.

JOSE: You are welcome.

BARKE: Jose.

WILLIAMS: Jose.

JOSE: It is fine. (Inaudible).

WILLIAMS: Okay. Sara Cultrell.

SARA: That was me.

WILLIAMS: Oh, okay. You don't want to say anything officially? You are welcome to. You put a card in. You got three minutes.

SARA: Yeah. Hi. I'm Sarah Cultrell. I am a teacher at ISSAC. I'm Jose's teacher. It's just such a wonderful, wonderful school to be in. The project based learning is so important, because it really gets kids like Jose involved. We were talking about water filtration and communities who don't have access to clean water. They wanted to build their own water filtration in the classroom and see what people had to do every day to just get clean water. I couldn't say enough nice things about ISSAC. Thank you for letting me talk.

BARKE: Thank you.

WILLIAMS: That concludes public comments, Madam President.

BARKE: All right.

WILLIAMS: Consent. I will make a motion for the consent calendar.

SPARKS: Second.

BARKE: All those in favor?

SPARKS, WILLIAMS, BARKE, SHAW: Aye.

BARKE: All those opposed?

GOMEZ: Before we move on, I wanted to pull items 4 and 5.

WILLIAMS: Okay. I will take my original motion back, and I will recreate it. Let's make a motion for items 1, 2 and 3, with 4 and 5 to be removed separately. Is that-

GOMEZ: That is acceptable. Thank you very much.

WILLIAMS: -what you would like? Okay, wonderful. That is my motion, and a second by.

SPARKS: Second.

BARKE: Okay. All those in favor of the Consent Calendar with 4 and 5 removed?

SPARKS, WILLIAMS, BARKE, SHAW, GOMEZ: Aye.

BARKE: All right. Passes 5-0.

WILLIAMS: Very good. I will move on to item number 4, Madam President. I will make the motion to approve the invoice.

SPARKS: Second.

BARKE: All right. Any discussion? Hearing none, all those in favor?

SPARKS, WILLIAMS, BARKE, SHAW: Aye.

BARKE: All those opposed?

GOMEZ: Opposed.

BARKE: All right.

WILLIAMS: In like manner, Madam President, I will move on item number 5. I will make the motion to approve invoice number 9823 for Margaret Chidester and Associates.

SPARKS: I will second that.

BARKE: All right. Any discussion? Hearing none, all those in favor?

SPARKS, WILLIAMS, BARKE, SHAW: Aye.

BARKE: All those opposed?

GOMEZ: Opposed.

BARKE: Okay, 4-1. All right. Are there any charter submissions?

BOYD: There are none.

BARKE: Okay. Aracely, would you like to come up for Irvine Academy? Thank you.

CHASTAIN: Good evening President Barke, Trustees and Superintendent Mijares. The Board requested representatives from Irvine International Academy attend this evening to provide an update on a number of complaints that have been made with regards to the operations of the school. Department staff are aware of approximately 30 complaints from September 8th to the

present, submitted by parents and school employees to the charter school administration and/or school board. The complaints range in topics including mismanagement of funds, conflict of interest, specifically regarding staff hiring and vendor contracts, COVID safety and communications, the afterschool program, Brown Act violations, suspected child abuse, independent study, purchasing of instructional materials and school supplies, professional conduct of the executive director, removing students from classrooms during an instructional day to assist in non-academic tasks, shredding of documents, curriculum and instruction, student and parent confidentiality, complaint processes and procedures, mid-year student enrollments, validity of the executive director's credentials, and workplace bullying and hostile work environment.

In December 2021, the Irvine International Academy governing board contracted with the Law Offices of Young Minney, and Corr to retain Mueller Investigative Services to conduct an investigation into complaints received. The results of that investigation were reported out after closed session of the January 25th, IIA governing board meeting. While OCDE staff typically refer the complainant to file their complaint with the charter school, we have been made aware that, up until recently, the school did not have a process in place for non-UCP complaints. Our expectation, regardless, is that the school investigate all complaints received promptly, thoroughly, and impartially and address all substantiated claims.

Additionally, staff conduct follow up with the school when we are made aware of complaints. We've been working with the IIA administration since inception on Brown Act violations and have seen improvement in that area. Staff have visited the school including the afterschool program on multiple occasions to check compliance with the school's COVID protocols, and student supervision. Two facility inspection visits have been conducted by our maintenance and operations supervisor.

The annual oversight interviews with teachers and the school leadership took place in December of 2021. This annual review also includes a financial review, student file audits and classroom observations. Staff have met with school leadership including executive director, school board president, principal and director of curriculum to discuss stakeholder complaints and allegations. We've sent multiple requests for information regarding school financial records, after school program, Brown Act violations, their nonprofit status, student-staff interactions and teacher credentials. We continue to monitor the school. We are currently reviewing the schools finances and contracts, and teacher credentials and remain in regular communication with school leadership. Dedicated staff are in contact with all charter schools, authorized by this board, monthly to provide technical assistance and support. I now call representatives from Irvine International Academy to the podium.

BARKE: Before we do that, I think we should probably do the public comment.

CHASTAIN: Perfect.

BARKE: Okay. Then, we will move on. Thank you.

WILLIAMS: Very good. For item number 7, the first individual will be Austin Dick. On deck will be Mr. Darren Parker, and third person in line will be Rebecca Holz. After those three, I will give you the next three.

AUSTIN: Good afternoon board members. My name is Austin Dick. I'm a council executive assistant to Irvine Council Member Tammy Kim. With me as well is Jared Hill, Deputy Chief of Staff to Irvine Vice Mayor Anthony Kuo. We are here today to read for the record a joint letter by both officials regarding item number 7, the Irvine International Academy. And so, it begins. "Dear board members. We are reaching out on behalf of the Irvine families who have personally contacted us over the past several weeks with serious concerns regarding the Irvine International Academy. We are troubled by what our residents have expressed and are quite honestly distressed by such allegations over transparency, retaliatory behavior, and mismanagement of academy resources. We are very concerned and believe that our residents deserve answers.

Our residents are fully committed to the educational success of their children and firmly believe, as we do, that the current course of the Irvine International Academy is not in line with our values in ensuring our children's success. On behalf of our residents, we respectfully request that the Board do a comprehensive audit of the issues raised at Irvine International Academy. We thank you for your time and consideration. Should you have any questions, please do not hesitate to contact us at tammykim@cityofirvine.org and anthonykuo@cityofirvine.org. Respectfully, Council Member Tammy Kim, and Vice Mayor Anthony Kuo." Thank you for the opportunity to allow me to speak tonight.

BARKE: Thank you.

DARREN: Hello.

WILLIAMS: You are Mr. Parker?

DARREN: I am. My name is Darren Parker. Thank you to the Board for hearing me tonight. I'm an Irvine resident. I have two children that have attended all their school under the IUSD umbrella until just this year when they started Irvine International Academy. Dr. Scott, his contributions to building this academy. The formation, to founding the academy, it's well documented. It's too much to really go through in three minutes. When a letter between the teachers - a group of teachers and the school board was mass emailed to every single parent in the school, I was concerned because of the allegations at first. Then, because of the division that it caused, and it seems to be causing in the school. I can't speak to those allegations. Only the administration can do that.

What I can speak to is my personal experience with the school and Dr. Scott. My children didn't want to switch schools. They were very resistant especially my older one. It was a great transition for them. It was really difficult. Then, there was the mask mandate that came out. Specifically, my older one, he didn't want the school. He was experiencing all kinds of adversity. He was experiencing bullying. I immediately tried to address this with the school. I talked to Dr. Scott. He was responsive. He met with me immediately. He sat down with me. He sat down with his staff. He put them all together I experienced this as something--he showed great leadership to

me, and I was very, very thankful. This was an adjustment period for my son. He was able to give him time to adjust. He was able to give him time to step away from the classroom for a little bit. He brought him into his office. He played chess with him when he was really having a struggling day. I am thankful for that. He's been able to really move since then. He's been able to prosper in this school.

My children's Mandarin has improved significantly. My children are both half Chinese. I don't think it would've been possible if it wasn't for Dr. Scott's intervention and his leadership. He's been available to me. He's offered solutions. He allowed a safe space for my son. He gave him personal attention when he needed it. What I've seen from him, I can't even really put into the words. I will be thankful to Dr. Scott, and the way he's brought my son along and helped out my kids, forever. I'm a parent who is grateful for Dr. Scott. I can't imagine Irvine International Academy moving forward without his leadership. Thank you for your time.

BARKE: Thank you for your comments.

WILLIAMS: Rebecca Holz, you are up. After Rebecca, will be Lynn Hwang; and then, Patrick McNally.

BOYD: Who's up next?

WILLIAMS: Rebecca Holtz is the one that I called, number three. Is Rebecca here in the room? Hmm. Okay.

BOYD: Does Rebecca need translation?

AUDIENCE: (Inaudible).

BOYD: Okay.

WILLIAMS: Who is Rebecca? If you can come up to the podium, to the dias?

BARKE: Why don't we just move on? Just move on.

WILLIAMS: Okay. What we are going to do, Rebecca, if you are here, please let us know. I will put you aside. We are going to go to speaker number 4, which is Ms. Lynn Hwang. Then Patrick McNally is on deck.

LYNN: Good evening board members. Thank you for allowing me to speak. I would like to thank Mayor Farrah Khan, and Council Member Tammy Kim and Anthony Kuo for taking their time to reach out in support of Irvine residents and IIA parents. I am here today to request OCBE board members to do three things for us. Number one, to compel the Board, IIA's board, to have more parents to sit on the board. Number two, to recommend that the Executive Director Michael Scott be dismissed from the school. Number three, to direct the OC Superintendent to contact the state Financial Crisis and Management Team to conduct an extraordinary audit of Irvine International Academy.

Did Mr. Scott violate the school's anti-nepotism policy by hiring his son? Yes. Did Mr. Scott and IIA's school board give an exclusive IT contract to the school board's chairman church member without obtaining other bids? Yes. Did Mr. Scott and IIA's board members give an exclusive music and dance contract to OCMD whose president is the father of an IIA board member, Brett Freeman? Yes. Did Mr. Scott use about half of the grant money from the Larry and Helen Hoag Foundation to purchase nine digital piano keyboards, ballet bars and other music equipment for \$26,000, instead of hiring the much needed teacher assistance for each class? Yes. Were these instruments given use to the general students of the school? No. It is only exclusively used by children that pay for classes through OCMD - the one that has the exclusive contract. Did Mr. Scott's previous charter school, was it forced to shut down within six months due to financial mismanagement? Yes. Did Mr. Scott and IIA's school board disregard the anonymous teacher's first complaint? Yes. Did Mr. Scott hire the director of curriculum without prior board approval? Yes. Did Mr. Scott violate California employment by hiring Mrs. Rocker as the director of curriculum without a job posting, panel interview? Possibly.

There is much more that I cannot cover. I'd like to go ahead and request the comprehensive audit. Thank you.

BARKE: Thank you.

LYNN: I also have some documents.

WILLIAMS: Okay.

LYNN: Can I present this to the Board?

WILLIAMS: Sure, yeah, yeah. You can go ahead and give it to Dr. Boyd over here.

LYNN: Thank you.

WILLIAMS: She will make sure that gets given to the Board. On the dias, should be Mr. Patrick McNally or Mr. McNally. After Mr. McNally will be Nancy Lu, and then Mingwei.

PATRICK: Good evening. Thank you, board members for taking the time to listen to us. I believe we are on YouTube. Is that correct here?

WILLIAMS: That is correct.

PATRICK: Is this on YouTube? I keep on telling my kids to stay away from YouTube. Now, I'm on YouTube, so I don't know how I'm going to explain that to them. I want to be here to exercise my support for the prior speaker who talked about the investigation. My understanding is that based on the presentation by Assemblymember Kim, that there will be an investigation. Is that correct, or are you are considering that?

WILLIAMS: Patrick, we don't have conversations with people. It's not typical. We will be more than happy to speak with you at break.

PATRICK: Okay.

WILLIAMS: This is a time for public comments for you to share with us your thoughts.

PATRICK: Fair enough. Okay. I would support the request for the investigation provided by the previous speakers. I think I speak for other members as well as the parents. As I see the whole picture here, I think that what's happening is that there's an element of micromanagement by Mr. Michael Scott and a lack of oversight or proper oversight by the board of directors. I think what I like is, I don't want to see Michael Scott be dismissed or anything like that. My personal feeling is I'd like to keep him on board. But, to have the parents to have more say on the board of directors, because it is their school. They are not having that representation. That is the frustration that is happening.

We are getting emails. I recently got an email, from I think it was from Dr. Scott, talking about II Administration. Talking about the fact that the school is now a so-called International Academy. That is worrying a lot of parents. We enrolled our children because it was supposed to be a Chinese immersion school. We don't want to see this school losing track and going off what its primary goal was just in the basis of attracting additional students. That is really it. I have, you know, further documents that I've prepared to share with the Board today if they require, but that is it.

BARKE: Thank you.

PATRICK: Thank you very much.

WILLIAMS: Okay. Nancy Lu and, then we talked about Mingwei. Then, Mr. Edwin Chiu would be up.

NANCY: [Spoken in Chinese]. Hello, everybody. Please excuse me speaking Chinese in this meeting. Okay. My concerns are there seems to be a pattern of hiring friends and family. Mr. Scott has personal relationships with at least three board members. He has hired his son as internship, but he has received a full salary. He has hired one of his friends, Ms. Rucker as the director of curriculum. Her salary was \$120,000. Also, she doesn't speak Mandarin at all. Yet, she is the director of the Mandarin immersion school. After many times, the parents have brought it up. Mr. Scott and then, the Chairman Doug Husen has stated that Ms. Rucker doesn't speak Mandarin, and it is not a problem.

It wasn't until one out of the parents have found out one of the petition. The petition has stated that the DOC has to speak Mandarin. Until then, Mr. Scott and Chairman Husen has admitted that it was a mistake to hire Ms. Rucker. He had said they forgot that it was one of the requirements for the director of the curriculum position. Some of the parents have stated that Ms. Rucker shouldn't hire her because they are friends. Hiring a friend, it's not a good situation in this situation. That Mr. Scott said, it is not the situation that I'm hiring my family. There is no blood related. But according to the IIA rules online, it said it includes family and friends. Clearly, Mr. Scott doesn't understand the policies of his own school. It really concerned us, because Mr. Scott doesn't know his own policies in his own school. Also, he doesn't know what is written in the

petition. But no matter what, right now she is not the director of the curriculum anymore. But, Ms. Rocker still receives salaries.

Number two, before the school started the OCMD, and it's the really weird for parents to see the involvement of OCMD. The parents found out that OCMD that the school liked before was a nonprofit organization. They started to operate a couple years ago. The CEO is one of the members of IIA. It is his father, so the school has proudly received the sponsorship from a private organization.

BARKE: Your time is up. Thank you.

NANCY: Thank you.

WILLIAMS: After Ms. Lu, we have Mingwei and Edwin Chiu.

MINGWEI: Hi. Good evening, board members.

WILLIAMS: Help me out. Are you--?

MINGWEI: No. I'm Mingwei.

WILLIAMS: You are Mingwei?

MINGWEI: Yes.

WILLIAMS: Okay. Thank you.

MINGWEI: Thank you. Thanks for letting me have a chance to speak here. Bit of a sorry. Like I didn't prepare. I did not know, like I say, this kind of public speaking like opportunity. This is the only one I have, which is the agenda. But I will just speak from my personal experience and the feeling about what I can say representative of over 95% of our parents in IIA. Everything started with a letter from the Mandarin teachers. All the Mandarin teachers from the school signed about February 16. Then, we had like several meetings with the board members. The situations like that, according to the letter, the treatment of the Mandarin teachers were not fair and has been lasting for a while. The reason why they sent out this letter to the parents is because they have already tried to raise the issue through the administrative channel of IIA, while there is no answer.

Then, basically their questions, went to the back of their ears. When we have like this situation, we asked repeatedly about what happens during the online meeting with the board members? We were told there is a process they need to go through. We fully understand that. There is always a process for anything the policy needs to go through. But, we want to know when will be solution? We want to have a timeline. We ask that one, and there was no answer. The Mandarin teachers for IIA is actually the key things why all these parents actually send our children to this school. There are plenty English, excellent education resources, but there is only one Chinese immersion school in Irvine. We do hope and want it to be successful.

In that case, I have to say to be fair, thanks for Dr. Scott for like trying to fund this school; however, how to run it is a totally different issue. Regarding Ms. Kennedy Rocker, the former director of curriculum until like last week. Her hand process is really troublesome. As, I think Nancy pointed out, she doesn't have the qualification to be the director of curriculum for IIA Mandarin immersion school, because she doesn't speak Mandarin at all. When we raised this question--

WILLIAMS: Sir, we need you to finish up in about 5-10 seconds.

MINGWEI: Sure. The Board members were kind of say, oh, they forgot about this. Then, sorry. Then, that is it. Nothing followed up. Also, they put blame on Principal Chuang, which is under the director of curriculum by the job description.

WILLIAMS: Thank you, sir. I've been very graceful--

MINGWEI: Thank you.

WILLIAMS: --but you have gone way beyond your time.

MINGWEI: Yeah.

WILLIAMS: Thank you very much.

MINGWEI: Thank you.

WILLIAMS: Okay. Next up will be Mr. Edwin Chiu.

EDWIN: Thank you Board for this time. In January of 2022, IIA Executive Director Michael Scott hired his friend Kennedy Rocker as the director of curriculum for IIA. Ms. Rocker herself has indicated that she has been to China with Mr. Scott as well as IIA board member Miller Zhuang to train principals. They definitely know each other. A quick backstory, there had been mounting distrust in Mr. Scott's decision making. I spoke to this board last month about some of those issues that included his personal views toward COVID compliance and his funneling of funds from Hoag Foundation to OCMD.

Fast forward to January when, out of nowhere, Mr. Scott decides to hire Ms. Rocker as the director of curriculum. Regardless to say, myself and many other parents were confused by this sudden hire. Leading up to the February board meeting, Board President Doug Husen sent a letter to parents saying there is no requirement to speak Mandarin for the director of curriculum position. I want to point out that if you go to the IIA website under "About Us" and then "Accountability," anybody can find the petition dated, October of 2020, that was used to receive charter approval from this board. You could even Google to find the petition. I did the former and found, on page 133 of the petition, that the qualifications for director of Mandarin curriculum and instruction clearly stated a need to be bilingual and biliterate in Mandarin, Chinese and English.

I emailed this information to Mr. Scott, Doug Husen and the board prior to the February board meeting, which was last week. In that meeting, both Mr. Scott and Doug Husen admitted their fault and apologized for not noticing the qualifications indicated in the petition. How can the executive director hire a major staff position without knowing the basic qualifications which were outlined in a petition that he likely wrote? I asked the same question about the board president. Yes, both apologized. However, this borders on gross negligence. I'm just a parent that went online and found the petition.

Mr. Scott has a track record of a failed charter school. The most egregious being for financial mismanagement. Sounds awfully familiar here. As for Doug Husen, he has a fiduciary responsibility to the school. They both should know the petition inside and out. They definitely should know it better than me, just a parent. I'd like to add that in the February meeting, Mr. Scott and Doug were elusive as to Ms. Rocker's status and even mentioned that they are seeking a job position for her. However, last night our PTO had an open forum where Doug stated Ms. Rocker remains on paid administrative leave, paid. This is ridiculous that the leadership of IIA is so poorly managed.

I bring up these concerns to this board, because I have already exhausted attempts to inform the board about concerns for Mr. Scott. However, four of the seven board members have a relationship with Mr. Scott. This is greatly concerning. I am bringing this up to the board because I'm hoping that you can look into these matters and, if necessary, removal of Mr. Scott and maybe Doug Husen. Thank you.

WILLIAMS: Okay. We have right now speaker number 9, who is Athena Conway, address in Mission Viejo. Then, after Athena will be Mr. Philip Chen.

ATHENA: Good evening honorable board of OCDE and trustees. My name is Athena Conroy, and I'm eight years old. I'm here tonight to ask for your help concerning COVID-19 mask policy in our schools. I've been homeschooled since last September, because I don't want to be forced to wear a mask all day long. I'm aware that California's mask mandate for schools is scheduled to end this month. However, this is only a small step in the right direction as masks will still be strongly recommended. Why? Wearing masks for extended periods deprives us of adequate oxygen, increases our exposure to fungus, molds and bacteria that collect on our mask; delays our emotional and psychological development, because we cannot see each other's faces; and, keeps us in a constant state of unnecessary fear and anxiety. All of this has been imposed on us to provide minimal protection against an illness that, for children, is less harmful than the seasonal flu.

Does this make any sense to you? If you doubt anything I've said, then I encourage you to look up the research papers and see for yourself. You don't have to be a genius to figure this out.

Please do everything you can to educate school administrators, teachers, parents and students on the real signs to counter the political signs they have been fed by our government and media for the past two years. Maybe then, they will begin to understand how badly they have been harming us. We've already had two years stolen from our childhoods. Two years we will never get back. Please don't let them take anymore. Two years is a very long time especially for an eight year

old. That is one-fourth of my entire life. I miss my friends and their faces so badly. We want to go back to normal. Adults, we depend on you. Let's make it happen today, not tomorrow.

BARKE: Thank you.

WILLIAMS: Mr. Philip Chen, after Mr. Chen, will be Donna Lee.

PHILIP: I am a parent at IIA. I want to thank the entire board for allowing me to speak today. While I have nothing but respect and appreciation for our teachers and our principal, the mismanagement, the continuous lack of accountability and transparency by the current board possesses constant concerns for myself and many other parents here. We all have the same vision of a successful Mandarin immersion school. In February, all six Mandarin teachers came out with a joint, formal complaint directly to the Board. There were three major issues including a safe working environment. While you are hearing numerous concerns tonight including a conflict of interest, I'm here to address one example of hypocrisy by the hiring of the Director of Curriculum Ms. Kennedy Rucker. Per the IIA website, the Anti Nepotism Policy was put in place to prevent administrators with supervisory roles from the possibility of favoritism based on family or personal relationships.

Ms. Kennedy herself, stated in a board meeting that Mr. Scott and Board Member Miller Zhuang went on a China trip together. That was mentioned by Edwin. The teachers and the parents voiced their concerns that Ms. Rucker is not qualified, and that she has no Mandarin background for a Mandarin immersion school. Also, it was written as a requirement for the IIA petition, to open, that this Board approved. When confronted with this matter, Mr. Scott said during the most recent board meeting, that he simply forgot. His sentiment was then echoed by Board President Husen. Even after the complaints to the board by the parents questioning the qualifications for Ms. Rucker, Mr. Husen sent out the letter to parents of vouching for Ms. Rucker stating that the director of curriculum does not need to speak Mandarin. It was only after the teacher complaint letter that they reluctantly removed Ms. Rucker from her role of director of curriculum in the most recent board meeting.

Last night, Mr. Husen was repeatedly asked what is the current status for Ms. Rucker? He stated, as the previous parent said, on paid administrative leave. I believe Mr. Scott, Mr. Husen and Mr. Zhuang have failed to do their fiduciary duties, not only to carry out the approved charter, but in the case of Mr. Zhuang, failed to recuse himself from nepotism. While this is only one example of the mismanagement and misuse of power, this highlights the lack of accountability, hypocrisy and transparency that the parents want. These are the people we entrust with our kids. The financial impact of their actions take away valuable funding from services that the school desperately needs. There has been no reprimand or corrective action taken by the executive director or the board member that voted for Ms. Rucker. IIA says on its own website-- [timer rings].

WILLIAMS: You can finish your sentence, sir.

PHILIP: Okay. All right. --that it is a place where it is more important to do the right thing than to acquire book knowledge. I ask that Mr. Scott, Mr. Zhuang and Mr. Husen lead by example, rather than ignore the repeated concern of parents.

WILLIAMS: Thank you, Mr. Chen. You went a little bit longer--

PHILIP: All right. I'm sorry.

WILLIAMS: --than the grace given. Okay. Next is Ms. Donna Lea, and after that will be Kathy Wang. After that will be Kana Noriega, and then Ms. Conway.

DONNA: [Spoken in Mandarin. Interpreter translated into English as Donna spoke]. All right. Good evening, board members. I am here today as a parent of Irvine International Academy (IIA). We are getting close to enrollment time for next school year, and parents are unsure about the school's future. There are many conflicts of interest at the school, but one is glaring. Mr. Douglas Freeman is the CEO of Orange County Music and Dance (OCMD). His son, Brett Freeman is on the Board at IIA. OCMD is the only paid, third-party provider of student activities. This is a conflict of interest. Father and son, both sit on the board of the Larry and Helen Hoag Foundation, a rather large private foundation. The Hoag Foundation has given IIA multiple grants that, at least partially, went back to OCMD in the form of purchasing instruments. Another conflict of interest.

At the beginning of the school year, there was a parent complaint that led to IIA performing an internal investigation to look into these allegations. I was among some parents who received a copy of the complaint. The complaint references OCMD and IIA's muddled relationship. In the September 29th, IIA board meeting, board president and good friend of our Executive Director Mr. Michael Scott, Mr. Doug Husen announced that Mr. Brett Freeman, the son, will be the key contact for the investigations. He will choose the third party investigator - Simone Mueller Investigation Services I think. How could Mr. Husen have made such an egregious error? As board president, he should be well aware of Mr. Brett Freeman's position on the Hoag Foundation and his father, Mr. Douglas Freeman's position at OCMD. This is another conflict of interest.

Not surprisingly, the board revealed the findings of the investigation at the January 22nd board meeting. There were claims in the complaint that were not addressed at all. For those that were, they were mostly unsubstantiated; whereas, many parents know that is simply just not true. Best case scenario, it is gross negligence. Worst case scenario, Mr. Husen, Mr. Brett Freeman, maybe even Mr. Douglas Freeman, all colluded to profit off of public tax dollars and tax free private foundation funds. What is the process to compel the school to either not legitimize this investigation or to investigate again?

In looking into the history of IIA, I have spoken with numerous individuals who were around when Mr. Scott first started his petition. These are various elected officials for Orange County and the city of Irvine, IUSD leaders and even community of individuals who are in the know. I hear this almost every time. "I am not surprised that things you describe are happening at the school." I quote. Then, they will proceed to tell me about what they thought of Mr. Scott. The

words, and I quote, “scam artist” comes up more than once. I have also heard numerous times about how once Mr. Scott got our principal, Principal Chuang on board. He would carry him around like a trophy. When I hear this again and again, I see a pattern. [Timer rings].

WILLIAMS: Complete your thought.

DONNA: Okay. I just have one last thing. I am here to ask the board members who authorized this charter, what is the process to remove Mr. Scott and Mr. Husen, especially when they are connected to each other?

WILLIAMS: Thank you, Mrs. Lea. Kathy Wang. I would ask that you adhere to our three-minute rule. There will be some grace, but you can't go on forever. When you hear that buzzer, that means you should stop very, very soon after that. I don't mean to be rude, but I want to be kind in grace and give great charity when necessary. Thank you.

BOYD: When you are doing translation, just to remind the Board, they have five minutes.

WILLIAMS: They have five minutes. Okay.

BOYD: Yes.

KATHY: [Spoken in Mandarin]. Good afternoon, board members. Because of my English issues, I have to speak Mandarin today. I'm a parent of a student from IIA. She just been there for a semester. My daughter has been in there for one semester, and she likes it very, very much. All other parents hope this school can go better and better. But this being one semester, we have found out there is many issues in the school. Maybe, next semester there is a lot of parents that are thinking about transferring their students.

We all really respect Mr. Scott over here, but there is something we have to say today. Mr. Scott always arrives to school between 9:00 to 10:00 AM. Then, leaves around 3:00 PM. He never been at school on Fridays. Also, he'll take work lunch for a long time with his workmates and also reimburse from the school. It has strict rules to reimburse from school from the public. Lunch shouldn't be one of those. Also, the staff, when they have lunch, they didn't clock out. When they are doing so they are receiving their salaries and the reimbursement when it seems like they are working. Mr. Scott also provides some benefits for some of the staff. Those staff who receive those benefits will go around president and, then go straight to Mr. Scott.

The school now has like sort of like silent rules. They silence all the voices from the parents. They delete the line at WeChat group chat. Then, they removed the talking features when they have the Zoom meetings. Also, stopped the commenting on Facebook. Also, stopped the comment on Class Dojo. They have separated those who work really hard for the school and those who get the benefits. Then the mentoring teachers has get a discrimination from the school.

I still think there is a lot of problems in the school. The first problem is the board members. As I know, the board members should be designated from the Orange County Department of Education. But from what I know, it's only two people that work from there. One of those are

from Canada. I don't even know if he even knows the education system over here. We have asked if we could have one of the parents be one of the members, but Mr. Scott said now there is no position for that.

WILLIAMS: With all due respect, that is your five-minute timer.

KATHY: Okay. Yeah.

WILLIAMS: Thank you very much. We are going to be moving on to our next speaker.

KATHY: Thank you.

WILLIAMS: Thank you Ms. Wang. Ms. Noriega. Ms. Noriega left? Okay. Then, the last speaker for item number 7, before we bring back Aracely, is Saga Conway.

SAGA: Hello everyone. My name is Saga. Today, commenting about IIA, you know, it's not the purpose I came here. But, I was sitting here listening to all of you who have been speaking against Dr. Scott and the school how it's wronging. I was really confused from the very beginning. I from, you know, the first moment I know about Dr. Scott, he's a true educator. He definitely has the love about the Chinese culture and language. He went to China so many times. He really wants to bring an international and Chinese/Mandarin and also English education program together. If some of you have been to your own grand opening ceremony, you probably can remember me. I was there speaking to congratulate the grand opening. I'm really, really happy. I'm very happy, still very happy that you guys have such a great option from whatever current education, the public school or private school options you have.

From my personal perspective, is that if you do love the school, you remember that Dr. Scott is the brain and the soul to bring the school together. Without Dr. Scott, the school is not going to be here. If you want to help him to really improve, yes, I agree that nobody is perfect. He probably made some mistakes. You got to give him advice, and give him time to fix, improve and make this school really stay in there. Otherwise, what's your option, right? If you don't like the school, either you are hired by the school or you are sending your children to the school, you have the option.

America is a great country that if you don't like something, you can walk away. You have so many options. The IUSD is providing you public education. There is so many private schools that are also great, right? I mean, just with your personal--keep your good heart. Keep your respect for the person who make this happen, and help him really in a good way to improve. Now, I also can speak Chinese. [Beings to speak in Chinese].

AUDIENCE: [Inaudible voices].

BOYD: Excuse me, excuse me, Ms. Conroy.

WILLIAMS: Hold on. Hold on here you.

BOYD: Excuse me, she would need to translate for you.

SAGA: Oh, I see. Okay. Okay.

WILLIAMS: And.

BOYD: Comments should be coming to the Board.

WILLIAMS: Yeah, yeah. I was going to interject.

BOYD: Thank you.

WILLIAMS: The purpose of public comments is to have your information to the Board.

SAGA: Yep.

WILLIAMS: To have a public dialogue with guests here, probably you can do it outside.

SAGA: Okay.

WILLIAMS: But, our time is very valuable. Let's kind of be careful--

SAGA: Sure.

WILLIAMS: --about what we say.

SAGA: Yep.

WILLIAMS: And, it's to us.

SAGE: So, definitely--

WILLIAMS: You can say whatever you want to us.

SAGA: Of course. So, still, help the school to improve. If you come to America, be civil. Do the American way.

BOYD: Again.

WILLIAMS: Okay.

BOYD: She used her time.

WILLIAMS: This is not an easy one. Okay. That five minutes is up.

SAGA: Sure.

SPARKS: Can she do the translation?

WILLIAMS: Can she do the translation?

SPARKS: Whatever she said in Chinese.

BOYD: Excuse me. For the record, she started in English. She was speaking, and she had three minutes. This wasn't a five minute.

WILLIAMS: Oh, I see.

BOYD: This was a three minute.

WILLIAMS: Okay.

BARKE: Thank you. Thank you for your comments. We appreciate them. Thank you.

WILLIAMS: Okay. That was a new one. We thank you all for coming here, and for telling us and sharing with us your thoughts. Now, we are going to move on with item 7. We have Aracely to come up to finish the presentation.

CHASTAIN: Thank you to all the speakers. I now call representatives from Irvine International Academy to the podium.

DOUG: I'm Doug Husen, and I am serving as board president, currently.

MICHAEL: My name is Dr. Michael Scott, and I'm serving as the executive director of the school. Thank you for having us this evening.

DOUG: I wonder if you have questions for us? If I could say, we are grateful for parent participation of the nearly 300 children we have. When we hold public board meetings, oftentimes we have nearly 50% participation by parents. I've never experienced that in any of the schools I've been a part of. We are very, very grateful. I would say this, last night we had our parent/teacher organization, like a PTA, host an open forum that allowed three of our board members to answer questions in kind of a format back and forth. You know in board meetings, it's difficult to communicate with parents. Because at the beginning there is open comments, then we are doing some transactional business. That was different. Our one hour plan continued for 2 hours and 58 minutes, and very productive and very positive.

Sometimes the issues that are raised by our parents, first of all, we treat everyone seriously. We chronicle them now in a software program so that we can report out when they are resolved. Some of them when they are resolved, even like the ones that went with an independent investigative service, sometimes the resolution to those are not satisfactory. We understand that. Some of those have come to you now. I regret that we did what we could to report the resolution of those, but they weren't satisfying. I apologize that we weren't able to satisfy all of our parents.

SCOTT: We are looking forward to questions of what you feel is important. Some of this has been simply a misunderstanding. May I speak to just one item? There is a feeling that there's a financial treatment, different for Mandarin teachers than for others at the school. That comes from a record that shows one teacher being reimbursed for \$382. Then, my following up by saying, no reimbursements will be in future. The idea was, wow, he favored that person, and we can't do anything. The misunderstanding is, that was a first-year teacher that did not pre-request reimbursement. When it was turned in, I realized immediately they don't have funding for this. I authorized the reimbursement, and then I donated the \$382 myself from my own pocket to pay for it back to the school.

Unknown to the parents or the teachers was the fact that, in private, I had provided \$2,000 to one of our Mandarin teachers as gifts - \$1,000 one month, \$1,000 the next month. In addition, unknown to our parents is that I have offered a \$5,000 loan to our principal at the beginning of the school so that he could bridge the time until he was paid. The appearance, without all the information, gave a mischaracterization of my purposes, which was to fill needs. As a result, that taints, maybe the rest of the perceptions of my actions. Many of the things spoken about simply are just only half the picture. It just needs more time to explain. But, any other questions, please?

SHAW: Well, it seemed that a number of people were bringing up the curriculum director, I think that was her title, who didn't apparently speak Mandarin. Do you want to speak to that?

SCOTT: Yes. In fact, I need to take responsibility for that. The charter is 186 pages. I was looking at a different section about the curriculum director. It does require a Mandarin speaker the way it's written now. Actually, I think that is a mistake, because science is in English. Math is in English. History is in English, and reading and language arts is in English. Mandarin, which is not tested, is in Mandarin. That was the point. That we wanted to work on our Mandarin instruction. As a result, before—

AUDIENCE: [Inaudible voices].

SCOTT: Sometimes we are interrupted. We try to encourage people to speak out during the right time.

WILLIAMS: If I could say something to our good people? Thank you for your kindness. We do have the opportunity of public comment at the end of the meeting if you want to address this again.

SCOTT: The problem was, on December 17th, none of the evaluation had been completed by the timeline and were in my possession by the principal. Then, he had a family emergency and had to leave for Taiwan, not returning until February. During that time, I was the only administrator at the school and was simply becoming overwhelmed. There was no science curriculum that had been created, which was due by that time. There was no history curriculum to be corrected. Both of those were touched on by the Orange County Board's people as being incomplete. To accomplish the work that needed to be done, I also had no names. Those names had not been evident to me. Although we did have some candidates in Ed JOIN, they simply weren't related to me.

Kennedy Rocker spoke at the First Principal Conference of China. She was then asked to speak at the second Principal Conference of China and is one of the more famous foreign educators in China. She's traveled eight years. She has trained more than 4,000 principals. Her experience as an educator, she was Palm Springs Teacher of the Year. It made her a perfect candidate for our seven, first-year teachers that had not been helped yet. She knew how to help teachers. That is why she was hired because of her experience. She's a five-year, adjunct professor at USC, a pre-med graduate of UCLA. She could have helped us with our science curriculum, which we did have a grant for. I didn't feel we were fulfilling the needs, so it's not a friendship issue. It was a competency issue to hire her. Unfortunately, the title of director of Chinese curriculum requires a Chinese speaker. As soon as I realized that, before other people talked to us, such as Edwin. We had already decided we had to reverse the decision. I take responsibility for that.

SPARKS: Is it possible to have two directors or two assistant directors? One that fulfills the Mandarin requirement for the Mandarin part of the curriculum, and one that fulfills the other part of the curriculum?

SCOTT: There are several possibilities that we could do. All of those are good ones. However, we want to respect our parents, and we wanted--one of the questions was the process of selecting her. When you select a teacher, the process is to have interviews by teachers. When you select a principal, you have the administrators do that. The reason she was selected, because she was going to be the right hand to me. It's the same method that I used to hire Principal Chuang, interviews. We had interviewed three other people previously for that position. Highly qualified. Two of them were science Teachers of the Year, but it didn't work out.

At the point we were literally our teachers were not getting responses to their needs for evaluations so that we could put in place remedies and a growth plan for them to improve. I needed to bring somebody in to fix the problem, but I would love to have more people.

WILLIAMS: Aracely, where is Aracely? Aracely, could you help the Board in understanding what the staff is doing in trying to get to understand some of these more detailed concerns?

CHASTAIN: Right. We have some, outstanding right now, notices for documentation that we are trying to collect. Our issues and what we are looking at sometimes might vary a little bit from what the parents are perhaps concerned with. Some of the things that, you know, are discussed and some of the complaints that happen really have to do more with the operations of the school, right. Some of those things fall under the autonomy of a charter school, not necessarily under just the general oversight that we do. Like I mentioned, we typically try to, you know, steer families or complainants back to the school so that they can look into the issue, try to come with a resolution and figure out what's going to happen.

Let me give you an example. For example, with the director of curriculum position, our main issue, you know, and our concern when we saw that that position was hired was that we didn't see it in the budget, right? That is sort of where our lens might be in a situation like that. Whereas, they might have a different lens as far as, you know, qualifications and things like that, which fall more under the direction of the school and the autonomy of the school to decide who they hire; who they fire; who gets put on a board, you know; how they discipline or reprimand.

Our lens might be a little bit different. But, any time we see these complaints and things come in, and this wasn't even brought on by a complaint. This was just brought on from us understanding that the curriculum director had been hired. Our concerns also, you know, skew towards hiring of any staff on a donation. That is always going to be a concern, because we are going to wonder how they are going to fund these positions moving forward considering that the school doesn't really have reserves. They are a first-year school, still kind of building their budget.

We always are there, obviously as a resource to the schools. We want to help in any way possible. But quite often, you know, we don't have a say over who gets hired or who gets fired at a charter school. That is obviously up to the school and should be in order to protect the autonomy of the school. When we do see complaints, we definitely, you know, want to touch base with the school. We want to ask them how they are documenting. What they are doing to the complaints? Are they looking at them? How are they conducting the complaints? We always encourage, you know, the families to allow the complaint procedure to move forward to the resolution that the school, you know, let them do their full investigation of the complaints that come in.

This is an unusual situation. We have not run into a situation in the past where we have seen this number of complaints come through on a first-year school. Of course, we are not always privy to every complaint that a school is working on. They are always working on multiple complaints I'm sure, but this is significantly more than we would ever see in a school. What is concerning for us about some of the things that we are hearing and seeing also is that Dr. Scott to us was an experienced charter school operator. We did not perceive that the school would have the issues of someone who doesn't understand how to run a school, or might have the issues that they seem to be having so that has been quite concerning to us. I think that they are trying to put things in place now, different committees, different things like that that can advise the board on different things that are happening.

For example, I will give you another example. One of the things he mentioned is sort of this perception that teachers are being treated differently at the school. That the Mandarin teachers might be being treated differently. We are also hearing those complaints. That the Orange County Music and Dance teachers are being treated differently than the teachers that were hired for the school, not just in pay, but in benefits and different things like that. Does that break a law? No, but it's not really probably a wise decision to treat your teachers differently. It could bring up certain perceptions of favoritism and things like that.

As far as the, you know--we are looking currently into the budget and the contracts. We could potentially have some concerns there that we are not prepared yet to bring forward. As far as the contract with Orange County Music and Dance and some of the hiring that has happened, we are still collecting the Form 700s. We didn't receive all of the documentation that we requested when it was requested, so we need to give the school a little bit more time to give us everything. Then, we will do some analysis there. We are also concerned regarding some of the credentialing of teachers. Again, one of those things that comes under our purview, we are not sure that all of the teachers from that are teaching music and dance right now are fully credentialed. We are not sure how they continue to teach when the principal, if the principal is the teacher of record, how that continued to occur when he was on leave.

This is the first time that I've heard that, potentially Kennedy Rucker may still be on the payroll even though she's not doing any work for the school anymore as far as we know. Those are the types of things that sort of raise red flags for us that we have to continue to look at, collect documentation on. Then, try to figure out how is the school is going to correct? Because the schools are autonomous, we always want to ask them, you know, what is your plan for correction of this issue? In something as simple as a Brown Act issue, what's your plan to correct this that happened? We leave it up to the school to determine how they are going to do that correction. That has worked well for us in the past. We are hoping that that will be the case as well with this school.

SPARKS: Thank you. My question is on the hires. You said that occasionally there are hires, or there was at least one hire that was hired on a donation basis. Is it possible--I mean, I've seen that model happen a lot at our university. We will hire people, faculty or administrators on a special line, but a contractual hire.

CHASTAIN: Right.

SPARKS: For two or three years.

CHASTAIN: Right.

SPARKS: Until the money can come in. Is that?

CHASTAIN: Yes.

SPARKS: Is that?

CHASTAIN: Right. That entails us collecting paperwork on--you know, we want to see the contract.

SPARKS: Right.

CHASTAIN: And make sure that it's a one year contract. We want to, you know, look and make sure that what's in the contract is what they are going to (inaudible) matches up to what they are actually being paid.

SPARKS: But it can happen?

CHASTAIN: Oh yeah. If it's a one year—

SPARKS: Money for a contract—

CHASTAIN: Absolutely.

SPARKS: --For a period of time, you know.

CHASTAIN: Correct.

SPARKS: Usually for us it's three years.

CHASTAIN: Right.

SPARKS: Okay.

CHASTAIN: So yeah, I mean, it could be completely cleared up.

SPARKS: Okay.

CHASTAIN: If we see a contract that is only for one year and we know that they are funded for that one year.

SPARKS: Okay.

CHASTAIN: That clears that up for us for sure.

SPARKS: Okay.

CHASTAIN: Yeah.

WILLIAMS: I got a question.

BOYD: Ken, can you get closer to the mic?

WILLIAMS: Yeah. Yeah. Thank you for reminding me. We've been through a lot of growth pains with charters. The first two years are very difficult. They are extremely challenging for the board, the person in charge, the teachers, and you and our staff. When we originally approved this charter, we thought that there was a great potential for it to unite the community. That there would be a lot of community interest. Now, we have many good citizens from this city come and share with us their concerns. It's always hard brokering the differences of expectations, if there is any laws that are broken, if there is any other concerns, you know. Is this arising to a FCMAT level, you know, those sorts of things? I know you are not ready to answer these questions. I know are thinking of them. My thoughts and suggestion to, because it's been in public comments, what are we doing? Can you help the Board express what you are doing to help the good citizens of Irvine who are here?

CHASTAIN: Right.

WILLIAMS: We are going to hear from you later at another meeting what your findings are and what you are doing.

CHASTAIN: Correct. Once we have gathered the information that we need on the areas where we see that there could potentially be an issue, whether it's with Ed. Code, the own school's

policies and procedures, because we do monitor that as well. That they are following their own policies and procedures, their own nepotism and policies, things like that. Then, obviously we are looking at Ed. Code and just laws and regulations, you know, with the help of our attorneys. Once we've gathered enough information, that is when we would, you know, present that information to our Deputy Superintendent, our Superintendent, and potentially the Board and what steps to take after that point would be the decision of those (inaudible).

WILLIAMS: Okay. So right now, would you describe what you are doing as very early in the investigational stage?

CHASTAIN: For some items. For other items, like for example, you know, an easy one would be Brown Act violations. You know, that is an ongoing, constant working with a school. That is something that many schools have issues with. You know, those issues can be easily fixed. Some things are fixed just by sending the school a notice of concern. For example, we anticipate that our credentialing questions would probably be fixed through a notice of concern. Asking them, how are you going to correct these potential teachers who aren't properly credentialed, and what's the process for doing that? That is a process that we go through. A lot of the time, a lot of the issues are corrected just by us notifying that there's a potential issue, asking the school to correct. They let us know what their corrective action plan is.

Anything that rises beyond that, you know, that is beyond the scope of what our Unit can potentially do anything about, which would be issues like conflict of interest. You know, that is when we need to reach out then, to the folks who oversee our program in order to get some further guidance.

WILLIAMS: Is there anything tangible right now that you see that raises red flags that the Board needs to address?

CHASTAIN: We are actually not prepared to give that report yet until we get all of the information that we've gathered. But, you know, I've mentioned a few of the things that could potentially be a problem. One could be, the contract with Orange County Music and Dance. Another one could potentially be the hiring of his son, but we are not sure.

WILLIAMS: Okay. I'm done. I have no questions.

SPARKS: Okay. Thank you.

CHASTAIN: Yeah.

SPARKS: I have questions for Mr. Scott and the school representative. My question is, here we have it looks like about 15-20 parents. Do they all have currently students in your school - the ones who are here tonight?

SCOTT: Not all, but most do. Yes. The vast majority do.

SPARKS: Okay. All of you?

WILLIAMS: Don't have a conversation.

SPARKS: Okay. I'm asking these guys. Thank you. My second question is, would it be possible to do a survey of the entire parent population to get a sense of what the 300 families, you know, are thinking about how the school is being run, and addressing some of these concerns and questions so we can get a better sense of the entire school, and not a small subset of the school. Maybe they are representative, maybe they are not. I don't know, but I'd like to have that data.

SCOTT: Correct. That sounds like a good survey.

SPARKS: Okay.

HUSEN: Yeah. We will conduct that. Yeah. I think we will have high participation answering the survey.

SPARKS: Yeah. I think that might be wise. That will give us additional data. It would give the staff additional data to get a sense of what the entire parent population is experiencing on these issues that are being raised.

SCOTT: Great. Frankly, I'm looking forward to giving the answers to the questions that have come up. The answers are there.

SPARKS: Okay. Thank you.

BARKE: Anyone else? Beckie, any questions?

GOMEZ: Go ahead. I'll wait.

SHAW: I just want to be clear. I'm trying to sort all this out. I mean, I'm very concerned and troubled by what I heard from the speakers and take everything you said very seriously. I'm just trying to think about the way we sort this out. Normally, complaints at a school, correct me if I'm wrong. I'm kind of new on the Board. I want to make sure I understand our process. The staff here at the Department, if I'm correct, will look at each of the allegations one by one. Basically, come up with an answer, or corrective action or what have you. Then, report back. That is what we are anticipating will happen going forward?

BOYD: Not exactly. From the standpoint, as Aracely pointed out. The governance of the school resides with the governing board of the charter. It's incumbent upon them to investigate all of the allegations of different things that have come forward, and then report those out. Now, our additional responsibility because those things have come to this board and to our Charter School Unit, is that we will do our due diligence to research as many of those items as we can. But, there are some things that are outside of our purview that we may or may not be able to give you conclusive information on. The areas that are directly under the oversight and accountability functions of staff, reporting to the Board, most definitely, financial, conflict of interest, Brown Act. But in terms of hiring, if there is an issue with how they hire, that is really their governing board would act on that and do whatever is corrective there. If they don't correct that, then we

would report that to this board. But it's not where we would actually be taking some type of action.

SHAW: Okay.

HUSEN: We would be open as a board to provide to Aracely the open issues and the conclusion of the issues. Currently, there is 27 open issue that I'm personally tracking. Some are employee related. Some are process. They are really not policy that rises to the board, but we have taken them on anyway. I will make that commitment to provide those. That gives a little insight on just the items that are our purview so you know we are addressing them.

SHAW: Do you have a wait list at your school to get in?

SCOTT: We currently finished open enrollment, and we have 237 applications for 160 positions. Starting tomorrow, we will develop that wait list, so, yes, we do.

SHAW: You are way over subscribed, I guess as it is. I mean, I hate to think that it comes to this for some people. But I mean, the beauty of a charter school is you are not a captive audience. If you are really upset with what is going on, you, of course, the whole idea with the charter school is it is a choice. Am I missing something?

HUSEN: No, we would be disappointed. We know the school is delivering great value to the children, and they are enjoying it. They are experiencing the promise, which is instruction in Mandarin and English. To see the young ones learning the Chinese characters, speaking with their teachers and then their friends in Mandarin in both English, that is the gold. We would hate to have anybody leave, but we do take your point that if we can't satisfy--

SHAW: Changes schools is tremendously disruptive to a young person. I was in the middle of high school myself, and we moved to Las Vegas. I had to change high schools from La Habra High School. I personally lived it. I hate to think about, you know, it was very disruptive for me personally. I guess that would kind of maybe be--it's not a good option, but I guess it's an option if you were really upset with what's happening at the school I would think.

HUSEN: I might add, too. The team that Aracely provides to us affects our board as well. Her team has given me the coaching on the Brown Act. Just a simple example, we were not doing roll call voting. Most of our votes were unanimous; now, that is a new protocol. That is just one example of much of the coaching that helped us in this public environment where most of my board service has been in private environments.

BOYD: He's talking about because they do Zoom.

BARKE: Yes. I assumed. Yes.

BOYD: Just want to clarify.

BARKE: Thank you. That is what I assumed. Yeah.

GOMEZ: Okay. Yes. Well, thank you for being here. I have a number of concerns. You probably may not be able to address all of these tonight, but I would like some answers given back to our Charter School Unit. I'm really concerned about the hiring practices and the allegations of nepotism. The fact that you forgot about your own policy about speaking Mandarin. That doesn't cut it. I mean, you were the author of the petition, correct?

SCOTT: That is correct.

GOMEZ: Okay. If you are the author, if you were truly the author, you should have remembered that. I'm concerned about the conflict of interests. Again, some of the nepotism issues that were raised by some of the parents, maybe you can answer this question for me though right now. What is the status of your principal right now? Is he back from his family leave?

HUSEN: He is.

GOMEZ: Okay. The hiring of this curriculum director, was that because the principal was absent?

SCOTT: It's two parts. It's in our petition. It was filling a position that was needed. The second part is also that he was gone, and things needed to be accomplished besides me being the only person.

GOMEZ: Okay. What is the status of that curriculum director right now? Is she working? Is she not working?

HUSEN: She's on paid administrative leave. We've had some conversations with our legal counsel, reading the contract and what our obligation is at this moment. It's unresolved. It's been about three to four days so that is the status right now.

GOMEZ: Okay. Your school is now liable for, potentially, some pay that you might owe her because of the contract.

HUSEN: Right.

GOMEZ: Because you didn't follow your own policy.

HUSEN: Correct.

GOMEZ: Okay. You also mentioned something about your complaint process, and you apologized for the complaint process. Is it fixed, or how are you addressing parent complaints?

HUSEN: No, not necessarily apologizing for the complaint process. What I was referring to is that I apologize that I could not satisfactorily resolve all the complaints, so now, some of those are before this board as well. Our complaint process works this way. Most complaints begin, if it's a classroom issue, it starts with communication with the teacher. From there, if unresolved, it

could go to the principal. Then, within our administration, ultimately, to the executive director. Then, issues could come to the Board.

Many of the complaints were more shotgun, scattered to multiple people. We, as a board, are trying to field them. We are noting them all. Then saying, who should answer this? Who would have the answer? Who would be the best person with the information? That has been what we've been sharpening up - how we respond to shotgun requests that maybe have not come through a normal process and escalated to us.

Then two board meetings ago, we decided to form a subcommittee that would allow employees who would normally have an issue, like some of our teachers, that went unresolved with the principal, unresolved with the executive director, to elect to go to a subcommittee with board members and bypass that, but then include the HR director as well. We just had our first experience with that last week, a second meeting this week, both on Wednesdays. We believe that function is a nice bypass to give employees a second opportunity. The idea came up of, you know, kind of a whistleblower idea. Like I have a problem so big, but I need to go around. We created that to foster that communication so that there was not a feeling of, I could be retaliated by my boss or my boss's boss. That is where we stand right now, Trustee Gomez.

GOMEZ: Well, the fact that you, in your own expression, “a shotgun approach from the parents” tells me that the parents don't know how to complain properly, if you will, so that it goes through the correct channels to be resolved at the lowest level possible. I'm assuming that you've got something in place and the parents are now aware of it, or is that not true?

HUSEN: Yes, and yes. Parents have been made aware. I've done that in a couple different ways. Both, with a direct email to all parents. Also, in two separate board meetings, so I would say yes.

GOMEZ: Okay. If they have a complaint, is it something online, a form or something they can fill out? Could you just real quickly just tell me that?

HUSEN: They can raise an issue if they have--well, again, I gave them a format for just as I described. If your complaint or your issue is about classroom, please start with your teacher. I laid that out. There's not a form online to receive unique complaints. However, we do have online the ability to email board members at Irvine International, you know, at our website. That will go straight to us so that is readily available, not a form though.

GOMEZ: Okay.

SCOTT: The complaints, though, begin with the principal.

GOMEZ: I'm sorry, what?

SCOTT: The complaints begin with the principal answering them.

GOMEZ: Okay. But if the principal has been on leave for a couple months now at least--

SCOTT: Correct.

GOMEZ: --what you said, late fall, and just came back in February. Yes. What recourse did the parents have in that interim? Maybe that is why you got these problems is because--

SCOTT: And that is why we hired another person to help.

GOMEZ: Okay. Okay, folks. I understand. Okay. Well, the complaint process has to get resolved. I am very concerned, very, very concerned about these Brown Act issues. Mr. Scott, you are supposedly a seasoned school administrator. You should be well aware of these Brown Act situations, so I hope that these can get resolved at the board level. I would hope that that would not come up again.

HUSEN: Trustee Gomez, what we have done at recent board meetings that has been helpful, we have a consultant just for that purpose now attending our meetings and coaching us with Brown Act questions. Some of the learnings we've had are what can be discussed in closed session so that consultant's been very helpful to us. I think that is truing us up to stay within all the requirements of the Brown Act.

GOMEZ: Okay. This question is--

SCOTT: His name is Nick driver.

GOMEZ: Okay. The question is probably for our Charter School Unit. I believe in the contract, or the agreements that we have with all the charter schools, doesn't it say that the board members must have Brown Act training within like 45 days or something like that?

CHASTAIN: It does. Also, we ask them to have it annually for these reasons. You know, obviously, some things don't fall under Brown Act. Some of those are just like the Roberts Rules of Order, which are confusing for a lot of folks as well. But yes, we do. We do collect that affidavit of whether everyone has received Brown Act training. I am trying to recall whether everyone on this board has, I believe you have at this point.

HUSEN: Yes.

CHASTAIN: We have seen improvement in Brown Act compliance. I think that that is probably the least of the school's issues at this point, to be honest. But there was quite a bit of confusion up until relatively recently.

GOMEZ: Yeah. Well, the Brown Act goes transparency for me. I think that is what some of the issues are with the parents. They don't feel as though the administration has been transparent. That is why I'm kind of leaning on the Brown Act a little bit.

CHASTAIN: Yeah.

GOMEZ: Okay.

CHASTAIN: Then as far as--I just want to address your complaint process. That is something that we are requesting the school to submit to us as well. My understanding is that they have recently completed their handbook. Hopefully, they have also have included in that handbook a complaint process and procedure for families to be able to process complaints. Quite often what schools have are UCP complaint processes, you know, in place. But if they don't have another process for just complaints that don't fall under UCP, you know, as I mentioned earlier--

GOMEZ: Perhaps you could tell the audience what UCP is.

CHASTAIN: Uniform complaint.

GOMEZ: Okay.

CHASTAIN: You know, processes. Those complaints, you know, sometimes they don't fall under that. But what we see from our charter schools, if they don't have a separate complaint process, then they just address all complaints in that way; using that process that is in place for UCP. Doesn't matter what the complaint is. That is the process that they will use. We do, as you are indicating, want a written complaint procedure in a way that families--because that is how we hold them accountable if they are following their complaint procedure. That is one thing that we are missing right now is the ability to hold them accountable for - are you going to respond within 10 days? Are you responding within 30? You know, what can families expect to know that their complaint is being heard. You are right. I think that that is something that would then stop them sending complaints everywhere, because they are feeling like they are not being heard and nothing's happening with the complaints.

GOMEZ: Yeah. Okay. All right. Thank you. Then the last thing that I would like our folks to look at, and, Aracely I think you are probably already doing this. There was an allegation that grant dollars were used for musical instruments that are not available to all of the students. They are only available for those that can pay for some after school activities.

CHASTAIN: Right. That is that is new information. I mean, we understood that some of these instruments were being used for the afterschool program with the vendor Orange County Music and Dance. However, we had thought that there was also music and the dance program occurring during the regular school day. We have, I believe we have now in our--we do collect grant letters as well whenever a school receives some sort of a donation in that way, particularly when they are that large, to see if there are parameters in that grant letter on how that money can be used. Quite often, it's very loose. You know, they really do leave it up to the school to determine how that money is going to be spent. I don't know that the money was spent in a way that wasn't allowable by the grant, but we are now concerned as well if the instruments and the things that were purchased for that grant can only be used if the family pays for an afterschool program. Then on top of paying for the afterschool program, pays for a music and dance class in order to utilize the instrument.

GOMEZ: Okay. Thank you very much. I will just note for the record, that I did have a conversation with Mayor Khan of Irvine this afternoon who also expressed great concern. She said she had heard from a number of parents. A number of parents had gone to her. I don't know

if it was in a city council or some other mechanism. She did express great concern about this school, and to make sure that the parents and students of Irvine were getting what they expected from your school. That is all I have.

SCOTT: Just to answer one quick question.

GOMEZ: Go ahead.

SCOTT: The money used from the grant for instruments, those instruments belong to the school. They are used on Wednesday when the music teachers come, but not enough. I don't know if I told you this. We are interviewing and have on Ed JOIN music teacher applications. We are trying to get a full time music teacher to take advantage of the generosity for the instruments.

GOMEZ: Okay. All right. Thank you. That is all I have.

BARKE: Anyone else? I don't think we have any further questions for today. Thank you for coming. Appreciate it.

SCOTT: Thank you.

HUSEN: Thank you all.

GOMEZ: Could we maybe take a five-minute break just to get up and stretch?

BARKE: Sure. You guys good with a five-minute break. Maybe, make it 10?

GOMEZ: Yes.

BARKE: Okay. We are going to take a 10-minute recess, and then, we will be back.

[The Board takes a break and returns.]

BARKE: We are now back in session. All right. We are going to be moving on to Agenda item number 8.

WILLIAMS: Just use your big boy voice.

BARKE: [Strikes gavel] Okay. We are moving on to number eight.

SPARKS: We are calling the meeting to order. Calling the meeting to order. everybody sit down, or leave please.

WILLIAMS: Oh, by the way, don't we have a policy that if you use three minutes, that is all you can use per meeting?

BOYD: We do.

WILLIAMS: We do.

BOYD: (Inaudible) bring the COVID stuff.

WILLIAMS: Okay. Okay. When we get these new ones, we will talk about how we will handle that. Yeah. We may give just a minute. I know. Sorry.

BARKE: Okay.

BOYD: Unless it's a different issue.

WILLIAMS: Pardon me? Yeah. Aracely.

BARKE: Okay. Aracely.

BOYD: Actually, no.

BARKE: No?

BOYD: This is just the agreement. There is not a presentation--

BARKE: Oh.

BOYD: --from staff with regards to this.

BARKE: Okay.

BOYD: If you look on the—

WILLIAMS: Yeah, it's just a board action item.

BOYD: It's just a board action item.

BARKE: Okay.

BOYD: I sent you all the information ahead of time. Explore Academy is on the Zoom to answer questions that the Board may have. I've spoken with Mr. Rolen with regards to this as well.

BARKE: Okay. Do any of our board members have questions for Explore Academy? Welcome, Explore Academy. I'm sorry that we kept you waiting. I apologize. I think it's--Robert, are you on the East Coast, or Midwest or someplace where it's really late? I'm sorry.

ROBERT: Yes, ma'am, but it's an honor to be here tonight with you all.

BARKE: Oh, well, thank you. Thank you for being kind. Okay.

WILLIAMS: Can I make a suggestion?

BARKE: Of course.

WILLIAMS: Can I make a suggestion that our good counsel lead us off with a little bit of background that may be important for the record as far as filling us in with all the work that he's done on this issue?

ROLEN: Well, I haven't done a tremendous amount of work on this issue. But just to contextualize the issue for everybody, the Board has an agreement that they have the charter school sign when a new charter school is improved, a countywide charter is approved. Historically, part of that agreement was that every time there was a new site brought forward, they would come before the Board for a material revision. That is standard operating procedure. In this particular case, the Board approved a petition where Explore would open three sites. I think it's in the next five years. Is that right?

BOYD: Within a five year period?

ROLEN: There was a discussion between Explore Academy and staff regarding whether a material revision was necessary. What we attempted to do is strike a balance between the old board agreement and being mindful that the material revision process is somewhat cumbersome. We came up with an idea. When Explore identified the new site, we could have staff just obtain some perfunctory documentation and present that to the Board so that Explorer doesn't have to come before you, or stay up late at night to put forth their material revision. Yet, the Board would have some knowledge and oversight. That would protect the Board in the long run.

WILLIAMS: As I understand it, then it's not a material revision.

ROLEN: No.

WILLIAMS: It is really identifying a site that they had not identified as of today.

ROLEN: It's giving the Board the opportunity to choose the language of the agreement. The agreement as I understand it is redlined. Either, the Board could accept the agreement as redlined, they can hear what Explore Academy has to say about the red line agreement and then make a decision about the language of the agreement. Then, we would move forward from there.

WILLIAMS: In your legal opinion, does this language hurt the Board, or put us in a--

ROLEN: I think the language protects the Board.

WILLIAMS: The language protects the Board.

ROLEN: Yeah. It's accommodating to Explore Academy being mindful of the mutual intent of the parties when we entered into this arrangement.

WILLIAMS: Very good.

BOYD: Actually, the red line is from Explore. This is not our redline.

ROLEN: I don't have the Agenda in front of me. Are there are two options for the Board to choose?

BOYD: No. We just presented what they had provided. Because there was the question with regards to whether or not the authority lied with staff to continue to negotiate on behalf of the Board without the Board being involved.

BOYD: That is when we stopped our negotiations--

WILLIAMS: Okay.

BOYD: -with regards to the agreement. Just as a reminder, the Board has a standard template agreement that is attached to all the documents. That is what we were moving forward, was the Board's template. Then, when Explorer came back with, you know, some modifications on the language, most of the modifications were not of issue. We were very comfortable with that. The question was with regards to the facility beyond the first facility opening. We felt that the Board needed to make that determination. As Mr. Rolen has described, the concession that we had discussed was that there would be an identified time period that they would provide information so that we could review the documentation, notify the Board of whatever, make sure that, if it's a conditional use permit, if there were, you know, other documents that needed to come forward that we would have a chance to look at those, related to whatever site in those locations.

They had contended that because the petition was approved with no conditions, my understanding is, they felt that any site that was identified in the petition for the first three would not necessarily have to go through this process. That only sites, let's just say, four, five and six, if in fact there were some additional sites, would come back before the Board. But let Ms. Romero and the other individuals that are representing Explore speak to that, because I don't want to put words in their mouth.

ROLEN: Does the agreement that has been placed before the Board have that accommodation that I just mentioned?

BOYD: No.

ROLEN: It does not? Okay. That is a point of clarity. I'm recommending that if the Board wants to accommodate Explore Academy, that they do so in a way where we provide some documentation and do not require the material revision. Thank you for that clarification Assistant Superintendent, because that is not what you are here to approve. What you are being asked to approve is their version, which does not require any material revision or documentation. Is that correct?

BOYD: Correct.

ROLEN: Thank you.

GOMEZ: Before Mr. Rolen leaves the podium, sir, just a process question here. We have not approved AB 361, so we should not be using Zoom to conduct this meeting. These folks should be here in person. Can you address that?

ROLEN: I know we haven't approved AB 369. that has slipped my mind. I didn't know that they were going to be appearing via Zoom until very late in the process.

GOMEZ: Okay. Does that mean they should not be able to participate via Zoom?

ROLEN: We would have to pass a resolution consistent with AB 369 to continue to allow Zoom meetings.

GOMEZ: Okay, but we haven't done that?

ROLEN: We have not done that to my knowledge. No.

GOMEZ: In your legal opinion, is this appropriate for them to participate via Zoom?

ROLEN: I think it's appropriate given the language of the Governor's accommodations and the fluid nature of those orders. I think they should have an audience. I have some people that are remote. Technically, it might be the best practice to allow them to appear, but this is a public forum. We are giving them their voice. This is the best way to do this.

SPARKS: Would it be best to pass that resolution?

ROLEN: Would it--no.

BARKE: No.

GOMEZ: Why not?

ROLEN: That would be subject to a challenge. Then, we would be substantially complying with the Brown Act, certainly and substantially complying with the letter of the law. We have not yet passed this resolution. As I said, I didn't know they were appearing remotely until very late in the process.

GOMEZ: Okay. Given that we didn't know that, should they be participating remotely?

ROLEN: They should be participating remotely. But perhaps in an abundance of caution given that we don't have the language in the agreement that we had discussed, this may be appropriate to table back at another time.

GOMEZ: Yeah. I would like to see the language change to reflect what we are actually going to vote on as well as have them appear in person.

ROLEN: I will discuss with my client the resolution. I think that that is a--

GOMEZ: Well, we are your client, correct?

ROLEN: Yes.

GOMEZ: Okay.

ROLEN: Everybody understands what's being said here, right?

BARKE: Yep.

ROLEN: Okay. Yes. I think it's really appropriate that we bring back an agreement that reflects the compromise that staff and I worked out. Give Explore Academy an opportunity to be heard, but not take any official action given the technicality you have raised.

GOMEZ: I would be willing to listen to what they have to say, but table the vote until next month.

BARKE: Sounds reasonable to me.

WILLIAMS: Yeah. I'm confused. How did we ever get to this point? Nina, did you arrange for them to be Zoom, or did staff arrange for it to be Zoom? Why aren't they being invited here? Trustee Gomez makes a good point.

BOYD: Well, they were invited to be here. But we received a message from President Barke that they would like to participate by Zoom and to provide a Zoom link. I think that was Monday or Sunday. It was just in the last couple of days.

BARKE: Yeah. But I think originally--

BOYD: Originally, we thought they were supposed to be here.

BARKE: Yeah. Originally, I asked last Thursday, and then I requested I believe on Monday.

BOYD: Right. Right.

WILLIAMS: So that is how we ended up here, which is against 361. I tend to agree with Trustee Gomez, it may be best not to take a vote today just for the optics of it.

GOMEZ: In an abundance of caution.

WILLIAMS: I mean, we probably should pass this resolution later.

SHAW: I have a question. What does their participation on Zoom have to do with the five of us, who are in person, voting? Doesn't this 361 only have to do if you are a trustee at home and you

are trying to cast a vote. But for the school representatives to comment on this, what does that have to do with us voting? I don't understand that. Am I missing something?

ROLEN: I think you are right. (Inaudible).

BOYD: Mr. Rolen.

SHAW: I mean, 361 has to do with--

ROLEN: I don't have 361 in front of me, but we have discussed it in the past, you and I. I think you are absolutely right. If somebody has the language of 361 before them, it would be--

BARKE: Ken will have it momentarily.

SHAW: But the trustees are present in the room right now.

ROLEN: Every board member is present in the room.

SHAW: Our vote isn't impacted whether someone is participating on Zoom or not, because we are here. They are not trustees and voting. That is the difference, right?

ROLEN: I think that is a difference. Yeah. But we still have the issue about the agreement, about the language of the agreement.

GOMEZ: It is my understanding though, that if we were to allow a vote, because I get what you are saying Trustee Shaw. We also have to have the ability for the public to participate remotely as well if we allow remote. That only allows us to do it with 361, which we have not passed.

ROLEN: We haven't passed 361, but I think Trustee Shaw is accurate about the exclusions. But as I said, we don't have the language in the agreement that effectuates the compromise that we are contemplating. And, the agreement that is before the Board is not the Board's traditional agreement.

BARKE: Since we have these good people who have been waiting for quite a while, some on the East Coast, should we start asking them questions or asking if they would like to do a presentation? We don't have to take a vote if we are not comfortable with the vote, but at least we will be prepared to take a vote. It almost sounds like we could take a vote if we wanted to, because all the trustees are not remote.

ROLEN: Right. But again, remember the agreement issue.

BARKE: Yes. Okay.

WILLIAMS: In my opinion, I don't think we should hear anymore. I'm just reading this School and Legal Services. I think we would just have to table this. I hate to say that. Is there a time issue here, because we can hold a special meeting?

GOMEZ: Why don't we just table it until the next meeting?

WILLIAMS: Is there something that we have to do it right today?

BOYD: No. Aracely could speak to that. There is not a time issue in terms of our part. I'm not sure if there is something on Explore's side. Aracely.

CHASTAIN: The Board resolution states a date by which they have to enter an agreement. I believe that that date may be your board meeting in May. If that is not the case, we could always bring that resolution back to you this next month if it happens to be the April meeting and ask you extend that date for them.

BOYD: We've done that in the past.

CHASTAIN: We've done that in the past. However, I believe it's either April or May. Which means that if they came back to the next board meeting, you would be able to still meet that deadline. It should be fine. They don't actually begin operating for quite a while. Yeah.

WILLIAMS: Yeah. With all due respect to my board colleagues, I'm just reading on some of these issues here on this Legal Service website. I'm just concerned that if we go forward with this, we may be risking some problems. Since there's no time exigency on this or urgency, why not wait until next month and do it in person?

GOMEZ: I would agree with that. I would suggest that we, because we can still meet that timeline it sounds like, that we can table it until the next meeting.

BARKE: I apologize for the confusion everyone. Senator Gloria Romero is there anything you'd like to just comment before we, I think, postpone it until next month?

BOYD, BARKE: You are on mute.

BOYD: You are still on mute.

BOYD, BARKE: There you go.

ROMERO: Thank you so much. Again, too, we are not asking for any special favors. I did ask, is there participation via Zoom? This is, again, arranged for us to be via Zoom. I want to be very clear on that. Whatever the Board's pleasure is, we will go ahead and abide by it. I will say though, that most likely Mr. Giordano, the co-founder will not fly out for the meeting. Perhaps, we can have his statement, you know, just presented in writing at the next board meeting then.

BARKE: That sounds reasonable.

GOMEZ: Okay, good. Okay. Yes. I apologize, Mr. Giordano, the way this worked out, I really do. I did ask for the Zoom link. I didn't realize that I would be violating anything by doing that.

GIORDANO: No. No apologies necessary. We are here to do whatever the Board sees fit, so thank you very much.

BARKE: Of course. Well, thank you for your time tonight. We look forward to seeing Senator Romero. Mr. Tardif if you are available, whoever can come next month, we will add you to the Agenda. Thank you.

ROMERO, GIORDANO, TARDIF: Thank you.

BARKE: All right. Moving to number 9. Do we have to do anything about eight? Tabling it or anything officially?

WILLIAMS: It's just going to be laid on table. I think that is the consensus by the Board.

BARKE: Okay.

BOYD: We have it as carryover item

WILLIAMS: Carryover.

BARKE: Okay.

BOYD: My understanding from Mr. Rolen's remarks is we would also include the agreement, adjusted with the language that we talked with him about so that you would be able to see both at next month's meeting.

ROLEN: I have to work with you on that.

BARKE: Is there a chance that we would just do it with our preferred wording and let them see it? Maybe they'll buy into it before the meeting. Is that proper?

ROLEN: That is possible. We could (inaudible) with them.

BARKE: Yeah, just to make it quick and short.

BOYD: We had done that previously, but we hadn't talked with your counsel prior to that.

BARKE: Okay. All right. Number 9, Mr. Rolen, you are up.

ROLEN: Does this work by touching the green button? Thank you. I got a thumbs up from the gallery. Members of the Board, Madam President, Mr. Vice President, Mr. Superintendent, staff, and public, thank you for this opportunity to present the Orange County Board of Education County Superintendent Salary Analysis.

GOMEZ: Excuse me, Mr. Rolen, do we have a copy of that?

ROLEN: No. There is some in the back, and we just got it done today. On May 27, I did a memorandum for the Executive Committee. Pining that as a matter of law, the Board had the authority to modify the Superintendent's salary before assuming office. On November 3rd, 2021, I spoke on board recommendations. I made a presentation on the Agenda item entitled Establishing the 2022-2026 Term Salary for the Orange County Superintendent of Instruction. At that meeting, the full legal analysis was provided to the Board members in their red folder.

On February 2nd, last month, it was on the Agenda again, but we bypassed it in the interest of time. It is being brought back this evening. On November 3rd, I presented a very long chart that compared all the county superintendent salaries to the populations of their county and the ADA of their schools that they governed. While instructive, we thought that this was not entirely reflective of the day-to-day duties of a county superintendent compared with their brethren.

Accordingly, we tried to find some more accurate measures to bring before the Board to help them make a determination on this issue. This is the California Constitutional Officers. You can see from the slide that the source of the information is the Transparent California website. As you can see, our Governor makes a little over \$278,000. Our superintendent of public construction makes a \$192,362. This is simply for informational and contextual purposes.

The next matrix we tried to compare was the County Superintendent's Salary with the budgets over which they reside. You can see in the sourcing of the slide that this information came from two disparate sources. The Superintendent's salary numbers came from Transparent California, and the budgets were derived from the websites of each of the county offices listed. Again, while instructive, it is not entirely instructive. As you can see, the Los Angeles County Office of Education has a budget of \$20 million. So, \$20 billion I should say, \$20 billion. You can see that that disproportionately skews the median and the mean salary numbers. That will become important later in the presentation when you see how we present data in a way that can help the Board make a more informed decision.

We went in search of a more credible, single source document where we could get all the data points with a single source. I can't take credit for finding it. It was discovered by one of our board members. To say who it was would be indiscreet. It was Dr. Williams. The site is, as you can see, the California State Controller's study on Government Compensation in California. The slide that has been presented is straight off the Controller's website. It shows the Orange County Department of Education, the number of employees, the total wages. If you look on the bottom of the slide, you can see the Superintendent's salary. Now, to be clear, these are 2020 numbers. We think they may have changed since then. Bless you.

BARKE: Thank you.

ROLEN: In reviewing the website data, it became apparent to me that some of the larger county offices were not included in the website and/or did not have data such as the other ones. As a point of transparency, we put the five top compensated superintendent's salaries for you to see, but there was no single source data to compare it to. You can see on the slide below there that--I think it's the Santa Clara County Office of Education, demonstrates that the other comparable

data was not made available on the website. But we did not want to omit any larger or comparable counties from the study. As you can see, there are median and mean averages.

This is a chart based on the Controller's website, showing the top 12 county offices by the number of employees they have. As stated, we wanted to bring the Board more data to accurately reflect the scope of the Superintendent's duties. You can see the matrix includes school districts managed and administered. That is an important, if not the primary function of a county office of education. The number of employees that they retain simply because the County Superintendent is the employer and the payroll of those people that he retains.

As you can see, we used 12 county offices, instead of the customary 10. We wanted to show a median average as well as a mean. You saw in the previous slide that sometimes a large number can disproportionately skew the data. We wanted to provide both median and mean numbers so the Board had an idea about the data set and context of the decision they are about to make.

SPARKS: Where are the median numbers?

ROLEN: The median numbers will be provided in each of the following slides.

SPARKS: Okay.

ROLEN: This is a lot to take in.

SPARKS: Yeah.

ROLEN: I'm going to do each of them by the criteria presented on the chart.

SPARKS: Okay.

ROLEN: To be clear, the numbers on the slides to follow came from the chart. The chart came directly from the Controller's website. School districts: there's a description of the category. The Orange County Department of Education is responsible for 28 school districts with the recent addition of, I think, it was Lowell Union. That is approximately two less than the mean average, but three more than the median. The Orange County Department of Education ranks fifth among county offices related to their responsibility for local school districts. Employees: Orange County has 833 employees, and that is quite a few employees. However, San Bernardino, Riverside, Los Angeles, Kern, San Joaquin, San Diego and Merced have more employees. The Orange County Department of Education ranks eighth among county offices on this chart.

Total wages: the total wages of the Department is \$105,779,333. Now, again, this is 2020 numbers. These numbers have likely gone up due to collective bargaining agreements or some of the promotions that have recently been brought before the Board. But these are a universally applicable phenomenon to all county offices, so Orange County would not be an outlier in that regard. San Bernardino, Riverside, Los Angeles and San Diego have more total wages than Orange County.

This slide, we came up with a criteria called Administrative Responsibility. With regard to the top 12 county offices of education by employee, which is the ranking on the chart, we ranked them top to bottom by number of employees. These averages include the Department of Education, how the Department of Education ranks compared to other county offices related to administrative tasks, such as school district management, payroll, and employee supervision. When you take an average, a mean average of the average employees' wages and school districts, we rank around the middle. We rank around number six. As you recall, the previous slide showed Orange County's budget. It was approximately sixth as well. We wanted to have a data point for the administrative responsibility of the Department of Education as related to the other county offices of education.

The next slide concerns the Superintendent's salary. The median and mean averages have been provided. The Orange County Superintendent of Schools ranks first in salary. The State Controller's website also had a listing for Superintendent's Benefits. The Orange County Superintendent of Schools ranks first in benefits. When you take the benefits package, plus the total compensation package on the Controller's website, you come up with \$450,454. As you might imagine, given salary and benefits refers to the Superintendent's total compensation is first in the state of California.

Let me frame the discussion a little bit further, because there is a number of things to take into consideration. There has been a number of numbers thrown at you. You have two sets of data points. You have the salaries in a previous slide about the top five superintendents by salary. On that slide, the average salary is about \$325,000 a year. The total compensation is just under \$400,000 a year. Remember, of course, that there weren't median averages provided, because the data points weren't provided in the website. If we are using these numbers, there's no same source data about school districts, employees, or total wages. It's really hard just to compare Orange County to those districts, because their administrative responsibilities could be greater, or they could be less. And, you have the data provided from the California Controller's website. To make the Superintendent's total compensation package commensurate with the administrative responsibility, as compared to the other county superintendents, it would have to be in the mid-range of the chart or approximately sixth. But remember, this total compensation package includes the Superintendent's benefits.

If you refer to my memorandum, all the legal authority upon which we rely, California Constitution Article IX - Section 3.1 Education Code Section 1207, and the Attorney General Opinions, all specifically speak to salary. Remember, the Superintendent's benefit package is over \$85,000 a year. It is unclear how it got to this point. Education Code Section 1209 forbids a superintendent from increasing his salary benefits, pension or enumeration without bringing it to the attention of the Board at a regularly scheduled board meeting. Also, benefit packages are tied to external factors, such as collective bargaining agreements, administrative compensation packages, benefits, pension plans and the like, so it's kind of hard to touch those.

Assuming, for the sake of this discussion, that the Superintendent has in fact brought his benefit package before the Board at a regularly scheduled meeting. And, assuming for the sake of this discussion that the Board does not have the discretion under law to touch the benefit package, the only data point that the Board has discretion over would be the salary. Using the California

Controller's numbers to make the Superintendent's total compensation package commensurate with either the median or the mean, the Board would have to fix the Superintendent's salary using the language of the constitution somewhere between \$265,000 and \$238,000 a year. Now the \$265,000 number is the \$350,000 median, minus the \$85,000 benefit package. Similarly, the next number, the \$238,000 number is the \$323,000 median average, minus the \$85,000 benefit.

Now, it should be made clear to the Board that it's entirely possible that these numbers are low, because they are 2020 numbers. We fortunately find ourselves in 2022. The Vice President asked Ms. Hendrick for the Superintendent's salary numbers. Ms. Hendrick was good enough to provide those numbers. I'm prepared to read the email into the record right now so you get some staff perspective on the Superintendent's salary. This is dated October 19, 2021. "Below is the Superintendent salary information you have requested; \$382,387.02, this is the base salary; and the longevity stipend of \$34,762.46 annually. He does not receive any additional income, no car allowance or deferred compensation. He does not receive mileage for travel within Orange County and can be reimbursed at the IRS rate for miles outside of Orange County. He has all the statutory benefits as all other certificated employees: STRS, Medicare and Workers Compensation. His benefit package is the same as certificated and classified managers, which is currently \$2,388.18 a month." That is another thing to consider. Those numbers do not necessarily jive directly with the publicly available information, but that is no comment on either the publicly available information or Ms. Hendrick's email.

Now, the Board also needs to be mindful that the Superintendent is the highest paid employee in the Department. Any large increase or decrease of his salary may necessarily impact the compensation structure of the entire organization so that is something to keep in mind. Also, I'm sure the Board wants to continue to attract and retain talent, such as the talent we have in this room. I've given you a lot to think about. I've given you a lot to discuss, and I'm happy to answer any questions that I can

BARKE: Sorry. Can you please repeat the numbers in the memo?

ROLEN: In the memo.

BARKE: The one that you just read. The email from Ms. Hendrick to Dr.--

ROLEN: In the email, absolutely. Ms. Hendrick also provided information concerning the stipend if you find that useful; \$382,387.02, this is the base salary of \$347,624.56; and the longevity stipend of \$34,762.46. Those are the only numbers. The other was an explanation.

BARKE: Thank you. Thank you.

ROLEN: By way of information, Ms. Hendrick also provided the salary schedule for the stipend. Completion of more than 15 years of service, there is a longevity increment of 6%. Completion of 20 or more years of service, 8%. Completion of 30 or more years of service, 10%. I think that is what she is making reference to in the email.

SPARKS: Can I ask a question? The superintendent of public instruction, you said has a \$192,362 with benefits. Are the benefits the same for the state superintendent of 83Ks?

ROLEN: I don't know. I don't know what the salary, the benefits package for the state superintendent is. I know that the Governor has an extreme benefit package including a mansion.

SPARKS: Right.

ROLEN: The numbers provided from Transparent California were total compensation numbers.

SPARKS: Right. Who determines the salary of the state superintendent versus the county superintendents?

ROLEN: I think it's a legislative duty and an administrative duty at the state of California level. I don't know how the history. I don't know how we got the current salary we have. As I've informed you, I think the Board has the authority to fix the salaries of the county superintendent. I don't know the basis upon which the Superintendent's original salary was done. I am certain that the Board has not taken a public action in the last nine years. I don't know if they have ever taken public action in the last 25, so I'm unclear about how the numbers got to this point in the first place.

SPARKS: I just want to make sure I understand what I understand.

SPARKS: That is, you don't know what the benefit package split is for the state superintendent of public instruction.

ROLEN: Correct.

SPARKS: If we look at that number of 192 and change, then with the Orange County superintendent plus the benefits package combined, it's around \$450 for the 2020 number.

ROLEN: The 2020 numbers--

SPARKS: Right.

ROLEN: --as we understand them, from publicly available data is the \$365 base plus the—

SPARKS: Benefits.

ROLEN: --the \$85,000 in benefits. Correct.

SPARKS: Okay.

BARKE: Anybody else have questions?

GOMEZ: Oh, sure. Thank you for the presentation. When this agenda item came up previously, I did go out and look at Transparent California. You are right. The data is a year, sometimes two years old by the time it gets posted. Comparing the county superintendents across the state, I don't think that really takes into account cost of living as well. I just did a quick overview of the local district superintendents. As of Transparent California a year or so ago, the base salary for Santa Ana was \$379,000 plus; got the same health and welfare benefits; plus, mandatory retirement; plus, additional life insurance. Tustin Unified, that salary was \$349,000; same health and welfare as other managers plus mandatory retirement contributions.

This is why when we talked a few weeks ago, I asked about this additional compensation. Newport-Mesa was \$364. They got mandatory retirement, plus \$7,000 for a car allowance; \$1,200 for a communication device; and \$20,000 for moving expenses. Placentia-Yorba Linda \$351,000; plus, 6,000 for a vehicle stipend; also entitled to longevity and benefits as other employees. Orange Unified \$350,000 in addition to \$40,000 a year in professional development; same health and welfare benefits. Irvine Unified \$348,000; same health and welfare. There's a whole gamut of different benefits. That is just the top five or six. There is plenty more that are in excess of \$300,000.

I did ask the staff just to see what it would be looking like. I asked for the local charter schools, their principal and executive director salaries. Twelve of the charter schools have salaries over \$200,000. There's a couple in there that are over \$300,000. These are school principals or other administrators at the charter schools. Obviously, they have a lot less responsibility than the county superintendent. I think we really--this is not a simple issue. There's a lot that goes into compensation. I think we need to get away from base salary, because there's a whole lot of stuff in there.

Dr. Mijares does not get, as you mentioned, no vehicle allowance or mileage in Orange County, which a lot of the other superintendents do. We need to look at this very closely, but I guess I need to understand what the goal is for looking at this. It is going to be difficult to find good people. That was alluded to a little bit in the presentation, and it will upset the whole salary schedule of this Department if this salary were to decrease. Obviously, this is an elected position. Who in their right mind would do this if there was a chance that their salary would be reduced by the whim of the Board? I think that also is an issue. The other thing that I think is important to consider is longevity and length of service. Obviously, if somebody has been in their position a number of years, their salary is going to go up, compared with somebody who is a brand new superintendent and may only have a year or two of experience.

Some administrators get, like I said, the car, a doctoral stipend, retirement benefits, mileage, moving expenses, that I kind of rolled off here. Again, some of these local superintendents make more than our county superintendent. That is why I think looking at the cost of living in a particular area is crucial. It is hard for us. I think you talked about San Joaquin was the median.

ROLEN: On one side, yeah.

GOMEZ: Yeah. I think the cost of living in the San Joaquin Valley is quite different than Orange County. I guess I just need to understand what the goal of this agenda item is.

ROLEN: Okay. Let me see if I can address each and every one of those things you said. The goal of this study is to have a study completed to determine whether the salary is perfect, whether it's too high or whether it's too low. That is the sole purpose of this discussion. At every presentation that we have made, we have been very clear that there is no intention of either increasing or decreasing anything. We include both verbs in all the discussions. The goal of the discussion is to simply have the Board make a determination about what's going on.

I would agree with you that nobody in their right mind would run for the county superintendency if their salary could be retroactively decreased at the whim of the Board. The Attorney General Opinions that I provided shows that you cannot retroactively decrease the salary, but you can set it before the term is assumed. We are trying to have this conversation as early as possible, because people are pulling papers. I assume, you know, we have a lot of people in this room pulling papers. I would agree with you on that. The comparisons to local school districts, we simply tried to provide an apples to apples comparisons about county offices of education, because they are unique.

We did not include data about the other school districts. We do not necessarily have a breakdown from this county office of education about the Superintendent's salary currently. What it is. How it is broken down, all these compensations. I just wanted to include Ms. Hendrick's email to show that she was responsive to the vice president. That we had this publicly read into the record so that we can talk about these numbers that are on publicly available websites. I agree with you again that this is a complex issue, and that is why I tried to present all the complexities before the Board started having their discussion. I'm happy to get the information that you received from staff, or any other information that they think is necessary in order to help the Board make this decision. I am done talking.

WILLIAMS: I have some statements and questions. To begin with, always when you talk about salaries, it's always a very difficult conversation especially in public, and especially dealing with the events of the last several years. We are doing this--my intent has always been to be fair and equitable, and to do what is appropriate. The original salary, by the way, the question was asked by good Trustee Gomez. It was established by Dr. Jack Bedell when we voted to appoint Superintendent Mijares to his position. That salary at that time was \$287,500 in 2013. I did vote for Dr. Mijares to be our superintendent. But I voted against that salary, because I thought it was a little on the high side. That year, the range of salaries were: in Ventura \$192; in Marin \$245; Alameda \$222,000; San Francisco \$223,000; Riverside was \$252,000. The range tend to be always on the lower side. I wanted to give a little bit of historical orientation to how we got to where we are now. Each and every year after that there is, what is the term, AI - step and column where it automatically increases?

MIJARES: Yeah.

WILLIAMS: So that is how we got to where we are today. The highest paid superintendent in California, I did a Google search, is James Hammond in the Ontario-Montclair.

MIJARES: Yeah.

WILLIAMS: He got paid 110 days of leave at about a little over \$1,200 a day on this extra pay, so, you know, we don't give that. His total compensation, I think, is over \$600,000 a year for a small little school district. The motivation behind this is just to be fair and accurate. We are given this opportunity by the state constitution to set the superintendent salary. If we are right there in the median, what you said is about fifth or sixth?

ROLEN: Sixth. Yeah.

WILLIAMS: In size and superintendent--

ROLEN: When you compare all the matrixes and averages, yeah.

WILLIAMS: --the administrative duties. We are right there in the middle, yet the Superintendent is the highest paid. Now, let me just break down a little bit of this. I want to thank Renee for giving me all the data here. The data that we have, originally, from Transparent California that is based upon 2020, it has not been updated. Renee was kind enough to give us the updated, latest salary as of November 2, 2021. The base salary is \$347,624. That is just the base salary. I believe, Mr. Rolen, that is the only thing that we really are constitutionally able to change. We cannot change the 10% longevity, the health benefits as well as STRS contributions. Is that correct?

ROLEN: I'm recommending for the purposes of this discussion that we don't do it. The authority upon which we are relying just states salary. I haven't done any further research, and there is no Attorney General Opinions on reducing benefits packages. I can look into that if you'd like, but I just thought it would be much cleaner if we didn't touch the benefits package at all.

WILLIAMS: I don't think we should. The benefits package, the STRS is, I believe, a state requirement.

ROLEN: Mm-hmm.

WILLIAMS: The health benefits we all get. Then the 10% longevity, that is something--Al is that something that is in the contract with management?

MIJARES: Renee could probably speak to that better than I can.

WILLIAMS: Okay.

HENDRICK: Yes. All of the management, so we have two levels. One set of management and also senior management receive longevity stipends. All of our teachers and classified employees also receive longevity stipends.

WILLIAMS: Are the stipends the same for the teachers as well as management?

HENDRICK: Theirs are a little bit different because it's based on years of service. They actually have a lot more and so do our classified. Our classified go over, I think, 14% right now. They

actually have more than what the managers have. If you remember Dr. Williams, that was voted in for Dr. Mijares back in, I think it was 2017. The Board gave the Superintendent the longevity. The Board approved that. All of that information has gone to the Board, and he receives the same cost of living adjustment as all the other employees.

WILLIAMS: Is there anything that you see in this presentation that is wrong?

HENDRICK: Yes.

WILLIAMS: Share with us.

HENDRICK: Part of it, out of fairness, Transparent California and Gov.com only have the information that people provide them. I know looking on slide 7, their benefits are not correct. If I just calculate the STRS, it's more than the dollar amount that they have listed there for both Santa Clara and Alameda. They obviously did not report, probably the STRS. They probably only reported other parts of the benefit package.

WILLIAMS: Right. We are not talking about benefits that we are changing anyway. It is only the base salary.

HENDRICK: Right. I'm just saying, in some of those I have actually higher salary listings on some of these districts also.

SPARKS: You probably have more current data.

HENDRICK: Yes. As I explained to Dr. Williams too, Transparent California, CA.gov is based on a calendar year. When you do salary surveys, you are looking at their current salary schedule, which is on a fiscal year. It's a little bit of apples to oranges. The other thing is when we do salary surveys, we do look at a lot of those benefits. I will tell you from my research, Dr. Mijares is the only county superintendent that does not receive medical benefits once he retires. Our office does not offer that. He does not get that. Every other superintendent in county offices it looks like they had that. San Bernardino just added it also. They get it for them and their spouse after five years.

WILLIAMS: Who added that? Who made that decision?

HENDRICK: Their board would have had to make that decision.

WILLIAMS: Their board made that decision.

HENDRICK: Mm-hmm. As you would have to if he would get something like that also.

WILLIAMS: The same with the longevity.

HENDRICK: Mm-hmm. Yeah.

WILLIAMS: Okay. Okay. Tell me a little bit more about that. That is lifetime medical that they gave?

HENDRICK: For them and their spouse, yes.

WILLIAMS: For them and their spouse.

HENDRICK: Mm-hmm.

WILLIAMS: You probably can quote me some actuarial studies. What is that worth?

HENDRICK: I would say a lot of money based on your age, would be a guess. I mean, it is something, yeah, I think we'd all love. But it financially it is not--

SHAW: Once you get vested with CalSTRS or CalPERS, at some point, I mean—

HENDRICK: I'm sorry, what?

SHAW: Once you are vested with CalPERS or CalSTRS, don't you get that health benefit in retirement anyway?

HENDRICK: No.

SPARKS: The teachers get it.

HENDRICK: No, they don't. They do not.

SHAW: Not with STRS or?

HENDRICK: No. They do not. You can purchase, but that is only for your retiree benefit, that is not for your medical benefits. Most districts negotiate that as a benefit for their employees. Some districts, a lot of them used to have longer benefits, mostly now they are just up until age 65 or 70 based on that. But most districts have tried to move away from that. Our district has never had that. As long as I'm advising, I probably wouldn't recommend it, because it's very expensive for the organization.

BARKE: Right. It is very expensive.

HENDRICK: It is a great benefit. Yes.

WILLIAMS: What district is that for, that you are referring to - the Board that made the decision?

HENDRICK: San Bernardino County.

WILLIAMS: San Bernardino County?

HENDRICK: Mm-hmm.

WILLIAMS: That is not included in any of the data. That would be something that is brand new information to us.

HENDRICK: Right.

SPARKS: How many counties do that?

HENDRICK: When I looked at the list, at the class two counties, I don't know if they have the spouses. It's very difficult. We have to actually call and ask a lot of questions - try and get that information. It's hard to get. It's not easy.

SPARKS: But you don't have a sense of like half the counties do it?

HENDRICK: When I had asked my colleagues across the state--

SPARKS: Right.

HENDRICK: --they all said they all had it.

SPARKS: Oh, okay.

HENDRICK: At least up to age 65, if not longer. That isn't something unusual that we don't do. A lot of our districts have it also, so it is not uncommon.

WILLIAMS: Just pick a number. What's it worth lifetime with the average life expectancy?

HENDRICK: If you look at, let's say an average year is \$25,000. Extrapolate that out depending on the age of the person. I happen to know the superintendent in San Bernardino is not very old. He is a younger gentleman. That goes up every year, right? You have seen your benefits go up every year. I'm sure that goes up every year, which is why it's cost prohibitive sometimes.

WILLIAMS: Right. I like what you are sharing with us. You are opening our minds and our perspective on this. I think that is important, because we want to be fair in this. I'm concerned that we are the highest paid salary, yet we are the number five or number six. I want to know why. Why is it that way? What can we do to be equitable and fair in making this decision?

HENDRICK: If you ran for county superintendent in Orange County, you have to have two things. You have to be a resident of Orange County and you have to have an administrative credential. You would think a pool of who you would look at would be some of our district superintendents. I think--

GOMEZ: Why would they do that? They make a lot.

HENDRICK: Trustee Gomez had already shared that the majority of them already make.

SPARKS: And if they get lifetime health benefits, too.

HENDRICK: Yeah. I was talking about county superintendents on that one.

SPARKS: Oh, okay.

HENDRICK: But some of the districts may have that also. Yeah. If that is who you'd be trying to attract and train—

WILLIAMS: Could you add insight to other things that we should be thinking about? You brought up this one. Are there others?

HENDRICK: I think that, you know, some of the other county superintendents do get a car - a car allowance. During the pandemic, that wasn't important. But if you knew how many meetings that Dr. Mijares goes to, that is a lot. We don't pay for any mileage within the county. If he goes to any meeting in Orange County--so he could go from one side of the county to the other, two or three times a day. We won't pay for any mileage for that. That is part of our policy. We will pay him if he crosses the county line just for the part over the county line. But those are things that are important to some.

Some people, they can have expenses, you know, \$20,000 for personal expenses. Whatever that may be. But that is something that our office has never done either. I think you remember when Bill Habermehl was here, he had an annuity paid on his behalf by the county board. Dr. Mijares receives none of that. He gets his salary and the statutory benefits. That is it.

SPARKS: This is a random question. Is there a model out there where you could approve health benefits for a period of years, let's say 10 years upon retirement or something like that, rather than lifetime.?

HENDRICK: I don't know how you would do that, because you wouldn't know what the cost is.

SPARKS: Well, if it's \$25,000 a year, it would be around two hundred--

HENDRICK: But it goes up every year based on what you--

SPARKS: Well, yeah, so you have a sense.

HENDRICK: Yeah. It would be hard to say, and I don't, yeah.

SPARKS: Yeah. If you got a really young superintendent, it would be risky to say lifetime benefits, right?

HENDRICK: I would think so. Yes.

SPARKS: Yeah.

HENDRICK: You don't know their health status. You don't know any of that stuff.

GOMEZ: You hope they retire in another district.

SPARKS: Just for the organization.

HENDRICK: Yes.

GOMEZ: This is such a hot button in union negotiations in schools - with teachers and administrators about the benefits after retirement. I can tell you about a local community college district right now. Their board approved lifetime benefits, and now they are trying to yank it back. It's really causing some big trouble.

HENDRICK: Most of our districts have decreased their benefits to only be through age 65 or age 70 because of the liability of those future claims. Obviously as a financial person, I wouldn't advocate for lifetime benefits. I don't think that is a great move, but it is a benefit a lot of them get that Dr. Mijares does not get.

WILLIAMS: Well when he retires if he ever retires. When that day comes, he gets Medicare, correct?

HENDRICK: It would depend if he paid into Medicare. I'm assuming he did, because he came after 2012.

WILLIAMS: That is a good question. We don't pay into Medicare for him?

HENDRICK: We do. Because, he came after the date. Yeah. If you were hired before 1994, you may not pay into Medicare. You would have had elected to it.

WILLIAMS: But after '94, everyone is paying into Medicare.

HENDRICK: If you came after 1994, but we have employees who have been here prior to that, that have no Medicare. That is why I was just trying to clarify that statement.

WILLIAMS: They have no Medicare? What are they going to do when they retire?

HENDRICK: Hopefully they have been married for more than 10 years and can get their spouses Medicare.

WILLIAMS: Oh. They get their spouses Medicare. I see.

HENDRICK: Or, they elected into it. We have a one-time election allowed.

WILLIAMS: Okay. A couple things I heard from you is a car allowance. I would be against lifetime medical. There is no annuity here. I think we are a little bit over on our salary or base

salary. We cannot do anything about the longevity. We've already given that to him. We are not Indian givers. We don't take that back. Just curious, can we take it back?

HENDRICK: I think your legal counsel said no.

WILLIAMS: If we voted it in in 2017.

HENDRICK: I am not an attorney. I'm not going to give you that opinion.

WILLIAMS: Oh, okay.

ROLEN: Nor am I right now.

WILLIAMS: Oh, okay.

BARKE: Nor are you an attorney, or nor are you going to give us the advice?

ROLEN: I'm not going to give you the advice right now. What I can--

BOYD: Greg, can you wait until you get to the mic?

ROLEN: What I can say is Ms. Hendrick just answered the question about why we are having this discussion. This is important data, and I would echo everything she says about lifetime medical. That completely comports with my experience, both at the bargaining table and elsewhere. These are apropos things to be discussing. The reason we were revelatory about our sourcing data is that it came from where it came. We didn't have the person power to call every day and get some of this information. I think all these things are important to be considered. You pointed out something else you thought was wrong. Is that what you thought was wrong?

HENDRICK: On your—

ROLEN: Yeah.

HENDRICK: Some of the data is not--it's what it says.

ROLEN: Right. It's what they have reported. Correct. But that is what we had to go through. We were trying to compare apples with apples.

HENDRICK: I think Dr. Williams if I can just clarify?

BOYD: Renee, can you just scoot over to the mic?

HENDRICK: The reason why I was telling you about those other benefits is because when you are looking at a benefit package, if they are getting all these other benefits, they tend to have a little bit lower salary. Overall, it equals the same amount so that was really the reason why I was

sharing that with you. Not saying you should give those to him. Just saying that when you are looking at it from a salary standpoint, you look at all of that in total.

SPARKS: Well, that is why I was asking about the state superintendent, because his benefits were included in that salary of \$192. Yeah.

HENDRICK: In the past, in the state, I know one of the prior ones, they get a driver, and a car and a lot of their expenses are paid for them - all their living expenses.

WILLIAMS: Renee, on Bill Habermehl when he left, he was making approximately \$300,000 a year.

HENDRICK: I just know that if I remember correctly--

WILLIAMS: It is \$26,000 a month is what you told me.

HENDRICK: Yeah. It could be. Yeah.

WILLIAMS: How does that work when they retire? Is it an equal salary, like Bill when he left? He is making a lot more than that per year.

HENDRICK: It's a calculation of their base salary based on their three highest years.

WILLIAMS: It's a STRS equation?

HENDRICK: It's a STRS calculation. Right. It's their age, the number of years of service and their salary - average of the three highest years.

WILLIAMS: Of the three highest years. Okay. By lowering the salary, it's not going to affect his retirement, is that correct?

HENDRICK: Well, technically, yeah it could. Because if he is making, say \$350,000 right now. He would get a cost of living increase next year that would make it \$352,000. His retirement would be based on the \$350 and \$352. If you lower it, you are lowering those average years.

WILLIAMS: Is it based upon the three highest years or the last three years? You said the highest years. That is what I read on the STRS site, too. They look at the highest three years.

HENDRICK: Based on his years of service, that is probably correct. I'd have to double check.

GOMEZ: I think it is last three.

HENDRICK: I think it is his last highest year or the average of three years/ I'm not a STRS expert. Sorry. That is kind of the minimum I know.

WILLIAMS: Okay. Well this has been a very good conversation. Thank you for participating and contributing to the information. Dr. Mijares, anything you can help us? To put you into a very awkward situation.

MIJARES: Yeah. I think it's the Board's discretion, really. Salaries are sensitive. I realize that. But, I do know this. When I accepted the position, I was making more money, than what the Board offered me working with the college board. They gave me full tuition for my kids, so I lost that.

WILLIAMS: Wow.

MIJARES: You know, it's a college board, right? They are invested in higher education. You know, why would you want to leave Orange County, right? I was flying all over the country and all over the world actually. It just bedraggles the soul to be on an airplane, squished up. It was great to be here. Plus, I know the county. I've lived here for, I think I've gone on 30 years now. All my kids went to school here, so it made sense. I wanted to make a contribution at this level. I think the record will show. I've not haggled. I've never made salary an issue. These are industry rates. It is what it is. I don't know what else to say. You mentioned Dr. Hammond. I don't know how he got that salary, but at least I think it was lawful. Who knows? I really don't know, but I think his total compensation is like you said, it's over \$600,000.

WILLIAMS: Bill's is?

MIJARES: No.

WILLIAMS: Oh, Mr. Hammond.

MIJARES: Mr. Hammond, yeah.

WILLIAMS: Okay.

MIJARES: Bill had--I think his was \$318, I believe, when he left. I think you brought me in--you are right. Was it 267?

ROLEN: It was \$287.

MIJARES: It was \$287. Yeah. Yeah.

WILLIAMS: That is what Jack made the motion.

MIJARES: Yeah. Yeah. That is right.

WILLIAMS: There is a lot to think about. This is a great presentation. I appreciate everybody – their thought and their input. I'm the one kind of pushing this, but it's not just me. It's the entire board, so I want to be sensitive to the Board on what is the right thing to do. We have the agenda

item, the resolution there. We can think about this more if we want to delay it and put it on the table. Maybe consider all the other things that Renee brought up, maybe a car.

ROLEN: Renee might not be here next week because of the lifetime benefit thing she just mixed.

SHAW: Greg, did you say--I want to get this right. You said \$265 was the median; \$238 was that the mean?

ROLEN: \$238 was the median and \$265 was the mean.

SHAW: Oh, I got that backwards.

ROLEN: Perhaps I said it backwards. Let me double check my notes.

SHAW: I think in HR, they called the issue of compression. Where presumably the boss makes more than number two, who makes more than number three and on and on. I remember being at the city where we talked a lot about our police salaries. Of course, the police chief makes the most. Then the captain, and then the lieutenant and down you go. If you gave a raise to the entry level cop, it sort of had an effect of pushing everyone up. Or, if you wanted to cut the police chief's salary, well you can't get him to blow the captains. It always became a complicated thing there. I don't want to name anyone's names. But I'm thinking about these \$238 to \$265 range. I'm guessing we have other—

ROLEN: We do.

SHAW: --other employees that would be--

ROLEN: We have a number of employees with base salaries higher.

SHAW: --that would be much higher than that I would assume.

ROLEN: I don't have a number in mind, but I just know it. I don't know it for a fact, I just know.

SHAW: We would then be--

ROLEN: Right. That is why I said--

SHAW: --the opposite situation. The boss making far less than their employees.

ROLEN: That is why I presented that complication. Yeah.

SHAW: Right. Okay.

ROLEN: What I might suggest we have a resolution that is looking for a salary number. It doesn't appear as though the Board is prepared to do that. I may be wrong. I would be happy to work with staff to get some more particular data that they felt was necessary if they want to work with me on that and bring it back at the next meeting. Just to be clear, we are trying to set this number before the pulling of papers. We can set it before the office is appointed. We cannot retroactively reduce the salary.

WILLIAMS: This is just a question. What you just said is we don't have to do it right tonight.

ROLEN: Correct.

WILLIAMS: The office takes effect July 1st, I believe.

ROLEN: Yeah. The Attorney General Opinions say that you may increase or decrease the superintendent's salary to properly notice regular meeting before the commencement of the new electoral term.

WILLIAMS: Okay. Really, we have until June to make this decision.

ROLEN: Right. Again, I wouldn't recommend that. I think we should work really diligently to give all the candidates an idea of what they are in for.

SPARKS: Can I just ask one clarification? I think you just said that you were looking it up, because there are a lot of numbers here. The median for all the county superintendents is what number, and the mean is what number?

ROLEN: Base salary, or total compensation?

SPARKS: Base.

ROLEN: I think it was \$350. The median was \$350 among the top 12 districts.

SPARKS: Okay.

ROLEN: By number of employees.

SPARKS: Okay.

ROLEN: That includes most of the larger counties in the state.

SPARKS: And the mean?

ROLEN: The mean was \$323.

SPARKS: Okay. The mean is the actual average. The median is 50% above and 50% below.

ROLEN: Right. It's the middle.

WILLIAMS: Right now, we are at \$382.

ROLEN: We are not sure where we are, because we have \$365 with Covered California and the Controller. Renee provided a lower number.

WILLIAMS: I think that the number that Renee provided effective November 2nd, that was the base salary. That didn't include the longevity?

ROLEN: That was longevity plus, that was \$382, which was—

SPARKS: The base.

ROLEN: Base, plus longevity.

SPARKS: Plus, the stipend longevity was \$34K, right?

ROLEN: Correct.

WILLIAMS: No. No. No. I think it was \$347.

BOYD: It was \$347,624.56.

ROLEN: Right.

WILLIAMS: Right.

HENDRICK: The \$382 is the total.

ROLEN: Is the total. That is including benefits?

HENDRICK: That is including the salary plus longevity.

ROLEN: Okay. Then as of 2021, the base salary is more than I have reflected in these numbers - \$382 versus \$365.

WILLIAMS: Right. Basically, the base pay is \$382. The mean is \$350—

SPARKS: Median.

WILLIAMS: The median is \$350 and the average is \$323.

ROLEN: It's all on the PowerPoint.

WILLIAMS: Okay. We are roughly \$50,000 above the average.

HENDRICK: I think also what he was trying to remind you, I'm not trying to speak for you, is that is his current--

BOYD: Renee, can you pull the mic in front of you?

HENDRICK: That is his current salary, and you are comparing it to salaries from 2020.

ROLEN: Right. That is accurate.

GOMEZ: There is a delay in Transparent California.

WILLIAMS: Yeah. Right. Right.

HENDRICK: Right. I guess when you are saying the median, you are trying to use his new salary.

SPARKS: Right.

HENDRICK: And comparing it to salaries from 2020.

WILLIAMS: Correct.

ROLEN: Trying to get your job back.

WILLIAMS: Okay. Right. We are comparing it to what you have the date of, which is 2020; and, this is the new ones.

ROLEN: Right. Right.

WILLIAMS: Okay.

BARKE: Sounds like we do a little more research.

WILLIAMS: Great job, by the way, Greg. I know that you put a lot of time. It's a big, sensitive issue. It's the elephant in room. We want to do what is right, and fair and appropriate. Maybe, I'm sensing, at least from my heart, maybe we just look at this and get some more data and information. The Executive Committee will bring it back to next month. I'm going to make the motion on item number 10 that we lay it on the table and bring some more information back to next month's meeting. I will need a second.

SPARKS: Second.

BARKE: Okay.

GOMEZ: Maybe what we could do is if we want to email maybe, Renee, our questions so that she has time to prepare it.

WILLIAMS: Yeah.

GOMEZ: So that we can have a little bit more—because we are all saying we need more data. But, what do we want? If we have questions, then maybe we should get them to Renee or to Greg. I'm not sure how we want to handle it, but we need to have some sort of central point to get the data.

ROLEN: The normal protocol is that I communicate directly with the assistant superintendent—associate?

BOYD: Deputy.

ROLEN: Deputy, sorry. I was trying to get it right.

BOYD: That is okay.

ROLEN: I failed number of times.

BOYD: Just call me Nina.

ROLEN: I usually do, but we are in—yeah, any questions on data points that we want from staff I could provide to Nina. Then we can get those questions answered. Frankly, those are the most salient data points we need. All the other data--we've gotten all the data that is publicly available.

BOYD: And just a suggestion. If you all are going to forward questions or ask for Mr. Rolen or Renee to prepare some other items, so that we can stay within board submission deadline and make sure that we can get everything on the Agenda, I would ask that you get that information to Greg or myself by the fifteenth of March so that they have time to do the appropriate research and answer the questions. Then we can include it in the Agenda packet so that you have that ahead of time.

ROLEN: That is completely fair. The deputy superintendent was subtly scolding me for being late on some of the Agenda items so that is on me.

GOMEZ: I don't think it was subtle.

ROLEN: It wasn't subtle? I think you could scold a lot more than that, but yeah.

BOYD: A polite reminder.

ROLEN: Thank you.

BARKE: Thank you, Mr. Rolen. All right. So, we had a motion and a second, do we require a vote on that? All right. So, all those in favor?

SPARKS, WILLIAMS, BARKE, SHAW, GOMEZ: Aye.

BARKE: All right. Unanimous. Okay. All right. We are going to move on to number 11. Renee, please.

HENDRICK: In your packet you have the new A-G program, which is for students. The A-G that is to qualify for a UC. The state is giving funds. What you will find a little interesting is - as we put the report together, we were told last week that the state says there's an error in the calculation of funds, so we are not exactly sure how much money we are getting today. The services that we are going to provide will probably stay the same. We are hoping by next month when you would take action on the plan that we would have that information. This is just for a smaller segment of our students, because it is only for those that are taking A-G eligible courses. It's to help them to get a "C" or higher, or to least get a "C" I should say.

SPARKS: Will you have that information by the 15th?

HENDRICK: I sure hope so. I think that is the first time we've had CDE pull something back like that. I think we are all a little shocked by it. We are not sure what is happening. Is there any questions on that plan?

GOMEZ: I don't have any questions on the—

BOYD: Are you doing a public hearing?

HENDRICK: They said to open it for the public, so if we had any public comments?

BOYD: Okay. There are none.

HENDRICK: Okay. Thank you.

GOMEZ: The plan really wouldn't change. It might just be the dollar amount that would need to be adjusted.

HENDRICK: I think that is probably just going to be it. What we are doing is offering tutoring and different forums to help get them to completion of those A-G courses.

GOMEZ: Okay. All right. Thank you.

WILLIAMS: Before you leave, just for parliamentary procedure corrections, does that count as the formal public hearing, or are we going to have to bring this back for next month?

HENDRICK: The code just requires that it's presented to the public at one meeting.

WILLIAMS: Okay.

HENDRICK: Then you can't take action until the following meeting.

WILLIAMS: Good. Okay.

BOYD: The terminology on the Agenda is incorrect to just to answer your question. It says that we are doing a public hearing. Normally, we do a public hearing process. It should have just said presentation. We could have left the public hearing on.

WILLIAMS: Oh, okay.

BOYD: That is an error on the agenda.

WILLIAMS: Okay. Totally understand, but I just want to make sure so we do it correctly. You are doing this presentation for the OCDE and for the CCPA, correct?

HENDRICK: Correct.

WILLIAMS: You are doing number 11 and 12 together?

HENDRICK: And 12 together, yes. Thank you for that clarification.

WILLIAMS: Right.

HENDRICK: Yes.

WILLIAMS: Okay.

BOYD: She should just stay up there because she's also doing 13 if you have questions.

WILLIAMS: Okay.

BOYD: You need to get items.

GOMEZ: Just a point of clarification, we did 11 and 12 right now?

BOYD: Yes.

GOMEZ: Okay.

BOYD: That is correct.

BARKE: Yes.

BOYD: It will come back on the April Agenda.

GOMEZ: I thought I fell asleep or something.

WILLIAMS: It was a little subtle but--

GOMEZ: Yeah.

WILLIAMS: --I'm just trying to clarify.

GOMEZ: I thought I just like blanked out on something. Okay.

WILLIAMS: We are on number 13.

BARKE: Yes. Number 13, please.

BOYD: Does the Board have questions? This is just the approval of the revisions.

HENDRICK: Revisions of the Second Interim. And so--

WILLIAMS: What are they? Where are they?

HENDRICK: Revisions are the first--

WILLIAMS: The variances.

HENDRICK: The variances are on page--they start on B-26. In total, the budget is actually less than it was at First Interim for your information. But the variances, I still did them by object code for you to see. Starting on page B-26 through B-28.

WILLIAMS: I have a question regarding that. You have a tab (number three) that says variances. Why wouldn't you put all the variances under tab three?

HENDRICK: Well the variance was comparing it. We only do this variance for the First and Second Interims, so we could put under that area for you. That is specific to the Interim reports.

WILLIAMS: Right. It's hard to look at all this and say, "where is all these variances?" This is not the first time we've had this conversation. I really don't know where the variances are. I will go through one, and I will ask you a question in a little bit.

HENDRICK: Okay. I would be happy to move those for you. That is the first time I've heard that you've stated that question. That you don't know where the variances are. I normally try to put them in the front of the budget packet before you start all the numbers. I apologize that it wasn't in the front.

WILLIAMS: When you put a tab that says variances, wouldn't you put the variances there?

HENDRICK: Yeah. I will do that.

WILLIAMS: Yeah. That just makes total sense for me. One of the questions I have is regarding the object code for the County Committee.

GOMEZ: What page are you on, Ken?

WILLIAMS: I don't know what page I'm on. I'm just talking. Let me pull out that--

BARKE: He is just trying to figure that out.

GOMEZ: Yeah.

WILLIAMS: Let me pull out my--

GOMEZ: That way we are all looking at the same thing.

WILLIAMS: Well, it's an object code, and there is thousands of these object codes.

HENDRICK: If I can remind you, an object going to be related to a service.

WILLIAMS: Right.

HENDRICK: County Committee, as a whole, they have a part of a person's salary in there for staff. Then, their major expense is for legal fees. You will see that noted in the narrative. I broke that out as you had asked.

WILLIAMS: What page are you on now?

HENDRICK: Page B-20. I actually put the County Committee as a separate line as you had requested.

WILLIAMS: Okay.

HENDRICK: Those are just related to legal fees.

WILLIAMS: Okay. What object code is that?

HENDRICK: 5875.

WILLIAMS: 5875. Okay. Under 5875, we have legal fees for a lot of different entities.

HENDRICK: Correct.

WILLIAMS: The Board, Superintendent, the OCERS and a lot of different county student programs, general administration. Under the County Committee, their legal fees are \$190,000. Could you define that a little bit more for me? What does that mean?

HENDRICK: That was the was the number I was given from the team. That was what they projected their expenses to be, their legal expenses and any experts.

WILLIAMS: Okay. It was budgeted at 90, correct?

HENDRICK: That is what I had had budgeted, yes, prior to other things that had happened, so I had increased it.

WILLIAMS: When we passed the budget June 30th or June 28th, around there, it was 90. Is that correct?

HENDRICK: No. When we passed it in June, it was only about \$45,000, because that is the staff related. I didn't have legal fees at that time.

WILLIAMS: There was no legal fees in the budget for the County--

HENDRICK: Right.

WILLIAMS: --at that time, when we passed the budget. Now they got put in there?

HENDRICK: Yes. Just as yours get increased as we go throughout the year. Any legal fees that change, we will put those into the next corresponding budget.

WILLIAMS: Okay. Who put that in here?

HENDRICK: I did.

WILLIAMS: You did that. Who asked you to do that?

HENDRICK: Well, part of my job is to say, "What are our expected expenditures, and what do we anticipate they are going to be between now and June 30th?"

WILLIAMS: Do we have any redacted invoices of those legal fees or anything?

HENDRICK: I believe you've asked that. That is a question for a legal answer. Not me.

WILLIAMS: Are we allowed to see redacted invoices?

HENDRICK: Again, that is not for me to answer.

ROLEN: Thank you, Mr. Vice President. We did get a response from general counsel, and there is an open issue about whether the Board is entitled to see that. The response offered some caveats and some compromises. I haven't had an opportunity to look at that yet.

WILLIAMS: Okay. Let me ask you a question. For any of our legal fees--

BOYD: Dr. Williams, the mic.

WILLIAMS: For any of our legal fees or invoices, those are public documents anyone can get. Correct?

ROLEN: Correct. But there is a finer issue about whether we are in litigation or not. That requires looking at. My invoices are very public. Yeah.

WILLIAMS: Right, So are Mr. Brenners. They are very public.

BOYD: No.

GOMEZ: Just the dollars, right? It doesn't have the detail.

WILLIAMS: These are redacted, not the unredacted. It's the redacted invoices that is public knowledge.

GOMEZ: Right. Right.

WILLIAMS: The public has access to that.

BOYD: Not when you are in litigation.

WILLIAMS: Renee, I mean Nina. You just said that, because we are in litigation, the public can't get access to redacted invoices?

ROLEN: I said, that is a viable, legal issue that needs to be explored.

WILLIAMS: What about our redacted invoices for our legal bills? Those have been given to the public. The Orange County Register certainly knows about it, and they publish it all the time. I mean--

ROLEN: They do.

WILLIAMS: They do. Where did they come from? They have to come from here.

ROLEN: Right.

WILLIAMS: Because, everything is submitted to the Superintendent's staff. Then the public is able to get these things.

ROLEN: I don't believe Mr. Brenner's invoices are publicly available during litigation. I'm not certain of that. I know that ours are and Ms. Chidesters because we are general counsel services, which are different.

WILLIAMS: Right. Well, Mr. Superintendent, maybe you can help us out and give us an answer? Are the redacted invoices for litigation public accessible?

MIJARES: Well, I can have Mr. Riel come up real quickly since he is our general counsel. I would say that if litigation is pending, Jeff, then they are not—

RIEL: They are not subject to a public records request.

MIJARES: Yeah. Allow me to repeat that. They are not subject to a public records request

WILLIAMS: Then, can you tell me why the Orange County Register has a figure on all our legal fees?

MIJARES: Yeah.

WILLIAMS: How was that? We can't have two standards here.

MIJARES: Right.

WILLIAMS: We can't have one for the Department and the Board.

MIJARES: I don't believe we have released that data.

HENDRICK: The only thing that they will see is - like this page in the booklet that says "the budgeted or actual expenditures."

MIJARES: Yeah.

HENDRICK: But it doesn't delineate between attorneys. It doesn't show any of that information.

MIJARES: Yeah.

HENDRICK: It just says our total cost for legal services.

WILLIAMS: Well, I asked a very open question. Has any of those redacted invoices been released to the public?

HENDRICK: Not from my knowledge.

WILLIAMS: If I ask for a Public Records Act, you will tell me there is no one that has asked for this information and the Department has not released these information?

HENDRICK: Not for things that are pending litigation.

WILLIAMS: Okay. I will say the question again. I will make a statement. The Orange County Register throws out a figure of how much has been spent on litigation. They quote both what your side has spent and what we have spent.

HENDRICK: Mm-hmm.

WILLIAMS: How was that? If you are saying it has not being released, how are they getting this information?

HENDRICK: Ken, if you look on page B-20, it says how much was spent in 2021.

WILLIAMS: They are not quoting these numbers. They are quoting different numbers.

MIJARES: Yeah.

HENDRICK: Then, I don't know.

MIJARES: They are perusing the budget and making assumptions. I don't think they have it down to the penny. Because, we have not provided that information to anybody.

GOMEZ: But our Agenda has numbers on it.

MIJARES: Right.

GOMEZ: If they know which attorneys are attached to which litigation, they could make that assumption. If you look at agenda item 4 and 5, that gives the attorney as well as a number. That is just a number. Nobody knows what the detail is, so they could extrapolate that.

MIJARES: Yeah.

WILLIAMS: There has been no redacted invoices from either the GC, or the budget, or the County Committee or any of these other ones that has been released to the public?

HENDRICK: The GC is completed.

WILLIAMS: Okay. So that is released? Okay. So, the ongoing budget issue, you are sharing with me, and Al you are sharing with me, that none of those redacted invoices have been released?

HENDRICK: Not that I'm aware of.

ROLEN: I think the distinction--I think where we are having a misunderstanding is that the articles in the Orange County Register were about the general counsel litigation, and that is over. The distinction is ongoing litigation versus completed litigation. I think that is where the confusion lies about where they got the number and when. We still may get some of this information. The Department has been willing to discuss it with us.

WILLIAMS: Are the contracts then, Al, for like Chidester or Brenner, or Leoni, are they public knowledge? Because, the staff has all that.

MIJARES: You mean the--

WILLIAMS: If there was a PRA request, would you give out a copy of the contract?

MIJARES: Those are approved by the Board if I'm mistaken. Were they not?

HENDRICK: Can I just clarify, because a Public Records Act is still going to go through our attorney's office. Normally if it is under litigation, he is going to instruct us we are not allowed to give that information.

MIJARES: Yeah.

HENDRICK: All of our PRAs go through Legal first, before we gather the information.

MIJARES: Right.

WILLIAMS: Okay.

MIJARES: That is correct.

WILLIAMS: So, getting back to the original issue then. For the legal fees for the County Committee, it was zero you say in the last budget?

HENDRICK: For legal fees?

WILLIAMS: Yeah.

HENDRICK: In the June--yes. That is true.

WILLIAMS: Okay. Zero, and now it's at \$190,000?

HENDRICK: Correct.

WILLIAMS: You don't know who asked you to put that in there, but you were just told to put it in there. You don't remember who told you to put that in there?

HENDRICK: I asked them what they estimate their costs could be between now and June 30th.

WILLIAMS: I see.

HENDRICK: That was the best estimate they could get me.

WILLIAMS: Those legal costs, what they are asking for is for a variance, and that is what we are going to be approving today is \$190,000?

HENDRICK: Well, you are also increasing your legal fees.

WILLIAMS: Mm-hmm.

HENDRICK: Right?

WILLIAMS: Oh yeah.

HENDRICK: They are all part of that also. At First Interim, I had actually decreased the legal fees because we only had one litigation going. I assumed that meant that the cost would decrease from what I budgeted. Since that time, there is two other lawsuits, so I had increased that.

WILLIAMS: What did you increase it for the Superintendent and the Board?

HENDRICK: You can see it went from the First Interim Budget for the Superintendent was 1.2 million. I increased wait--I'm not sure I can actually see this without my glasses. The Board went from 1.2 to 2.2. The Superintendent went from 325 to 425, because he is only party in one suit.

WILLIAMS: So that increases based upon the other pieces of litigation?

HENDRICK: Mm-hmm.

SPARKS: Did I hear you say that you had budgeted for the County Committee to have a staff person?

HENDRICK: They have always had a staff person assigned to them for their regular meetings. They have a portion of a person assigned to them. It's like about \$45,000 for the last million years.

SPARKS: They have a separate person than a Darou for example?

HENDRICK: It is like a Darou, but a portion of her is charged--just like a portion of her is charged to the County.

SPARKS: Right.

HENDRICK: Right. So, a portion of that person is charged to that budget. It's not a separate person. It's just a portion of a person who works with them.

GOMEZ: To Ken's question there on the County Committee, that line. Is that both the County Committee as well as us, the Board—

HENDRICK: No.

GOMEZ: --in this litigation? Is that what that line item is?

HENDRICK: The 190 was for the representation for the County Committee. Then in the Board piece is where I increased their cost for that litigation and any other litigation pending.

GOMEZ: Okay.

WILLIAMS: The legal fees, does that include the demographer fees?

HENDRICK: For the County Committee or? I think for both parties because both of those were engaged by the attorneys. No. Yours does not include that, because your demographer was separate I believe. We had a separate contract for the demographer.

WILLIAMS: The County Committee engaged their demographer, how?

HENDRICK: I actually don't have that information. I'm sorry.

WILLIAMS: But this money does include the demographer, or it does not include the demographer?

HENDRICK: I believe it does include the demographer.

WILLIAMS: You are not sure though?

HENDRICK: I am not sure. No. I could get back you that information.

WILLIAMS: The demographer that was hired, we don't know if it's in this legal fee or not. That is what I'm hearing from you. Is that correct?

SPARKS: She is going to look it up.

HENDRICK: I would have to look it up.

MIJARES: She was looking at Dean.

HENDRICK: My understanding was, I asked for their total cost. I didn't have a contract for the demographer so that was my guess. I could be wrong though. I would have to look that up. I was just trying to look for a dollar amount to put in there.

WILLIAMS: Okay. What we are doing is we are approving the variances that was zero. Now it's at \$190,000.

HENDRICK: Mm-hmm. And all the other legal fees that went up. In total, the variances are actually less than the last budget you approved, though, in total.

WILLIAMS: Okay.

BARKE: Can I ask a question? Does Mr. Riel not know if the demographer is in that one 190?

HENDRICK: That wasn't who I was working with on this.

WILLIAMS: Okay, so another staff member you were working with.

HENDRICK: [Nods].

WILLIAMS: Okay. What are some of the other variances that we should be aware of?

HENDRICK: Like I said, most of them are decreases. I increased cost for utilities. We are seeing, obviously, an increase in gas and electricity. We have an increase in—

WILLIAMS: Is there a page that you--I'm sorry?

HENDRICK: Page B-26--

BARKE: Right here.

HENDRICK: --is all the increases over \$25,000.

WILLIAMS: Okay. Okay. The casualty insurance, that is up \$50,000?

HENDRICK: I'm anticipating it will be. Yes. Remember I spoke to you in the past about AB 218, which is allowing people to sue for sexual molestation going back forever. Because there has been so many claims statewide, and we are in a statewide pool, we are assuming we are going to have another assessment for that.

WILLIAMS: Got it, got it.

BARKE: Okay. What about the rentals, leases and repairs?

HENDRICK: The rentals, leases and repairs is we've had CPIs, you know, the cost of leases going up during the year. Then also some of the leases that I had planned to terminate, as we moved into the new facility because we are running behind, we probably won't be able to terminate them on time. It will be more than I had budgeted originally. Then we hadn't planned for any offsite rentals for events because of the pandemic. Now it looks like we may have some of those towards the end of the year, so I budget that also. Instructional consultants was another increase. That was mostly due to spending some of the COVID mitigation funds on some expanded learning opportunities.

Improvement to buildings was another large increase of \$1.2 million. I talked about in the past about the shade structures we are building using federal funds. The shade structures, I budgeted for a portion of them. I didn't quite realize how costly it is to actually put them in the ground. By the time we got all of our fees and architectural drawings for that, that increased that budget. Those will have shade structures at the brand new site, at Harbor Learning Center. At PCHS we put Wi-Fi capability in their outdoor patio area so that kids could get connected outdoors and other shade structures at some of our special ed sites.

WILLIAMS: Is there any indication or any reference to the Rancho Soñado fire, and build out and all those costs in this?

HENDRICK: We don't have those costs in there yet, but I could give you an update if you'd like?

WILLIAMS: Sure. Yeah.

HENDRICK: We did just meet with Inside the Outdoors Foundation, which is a community group that supports that. We are trying to get some ideas from them as we go out for the RFP, for an architect of what would be the most important items to look for. That was a very-me and Dr. Olmstead helped share that with me. They gave us a lot of valuable input of what they'd like to see. They'd really like to see a center that could be used possibly on weekends also, to have it geared towards that outdoor environment. They are pretty excited to be involved. They gave us a lot of great ideas. They actually, gave us some pictures of what they would like to see and things like that. Not saying that is what we need, but they are just trying to give us ideas of other things they had seen. They would also like for it to be LEED certified, which means it's a green build. That is something we definitely could look at too. We hope, as we get down the road, we can kind of give you some of that information and go out for the RFP for the architect.

WILLIAMS: How much money are we going to get from? Are we self-insured or?

HENDRICK: No.

WILLIAMS: We are getting money from the insurance company?

HENDRICK: We are getting money from insurance.

WILLIAMS: How much money are we going to get?

HENDRICK: Oh, I probably knew that earlier today, Dr. Williams. But I'm sorry, at this point on top of my head, I honestly--

WILLIAMS: That is okay.

HENDRICK: I can't remember. I don't remember.

WILLIAMS: Round figure - \$2 million, \$3 million, \$4 million?

HENDRICK: It's more than \$3 million.

WILLIAMS: Okay.

HENDRICK: But one of the things we had asked them is, you know, there was a pond there. It would be very expensive to retrofit. Was that a priority for them? They said, "We'd rather see a teaching center instead." Those are the type of things. We are going to house the animals at Harbor Learning Center, actually, at the one of the ACCESS sites instead of putting it back in a fire zone. That helps us to not replace those areas. They were pretty excited by that also.

WILLIAMS: For \$4 million you are not going to get many buildings built. It's not going to be anywhere near what it was.

HENDRICK: No. Yeah. I will get more exact figures for you.

WILLIAMS: Yeah. I mean--

HENDRICK: They weren't really big buildings to start with, so I think that is part of the issue. They give you a replacement cost for what you had, and we may want to do something different than that.

WILLIAMS: The framework for some of those buildings, the fireplace, the chimney, that has all been destroyed?

HENDRICK: Yeah.

WILLIAMS: Have we done that process, or have we taken everything out?

HENDRICK: We have taken everything out that was hazardous and that could be a danger so that was all removed. Some of the footbridges have been rebuilt for safety purposes, and we have weed abatement regularly going on there.

WILLIAMS: What about reaching out? I know this is a separate, off the topic, but this is very important to the Board – getting a corporate sponsor for building something out.

HENDRICK: That is actually what the ITO Foundation is going to help us with, because that is part of what their goal is. They have a lot of corporate sponsors. Boeing and Disney have been big supporters of that program so that is part of why that partnership with them is going to be really important moving forward.

WILLIAMS: Okay. Yeah. Maybe you can bring us up to date next month on that?

HENDRICK: Okay.

WILLIAMS: That is all the questions I have about the variances. Oh, one more question. What happens if we don't approve--

BOYD: Dr. Williams can you raise your mic?

WILLIAMS: What happens if we don't approve the variances for the County Committee legal fees?

HENDRICK: Well, technically, it would revert back to the prior budget, which is the First Interim, which is more than this budget.

WILLIAMS: What was the money at the last one?

HENDRICK: In total, this budget is lower than—

WILLIAMS: No. No. No. For the County Committee, the variance, doesn't it come from? It was zero in June 30th of 2021, right?

HENDRICK: But I believe you have to look at the budget as a whole, total expenditures.

WILLIAMS: Again, it's just an academic question. If we don't approve the variances, and we make a motion to prove of all variances except for the County Committee--

HENDRICK: Are you not going to approve your legal fees either? They are all part of that legal section.

WILLIAMS: I'm just curious what would happen? I'm not saying I'm going to make the motion. I am just curious as to--

HENDRICK: I don't think I'd be the appropriate person to answer that question.

WILLIAMS: Al, can you answer that?

MIJARES: Yeah. We have a statutory responsibility to serve that committee, and that is why I'm ex officio on that board. I don't participate, but that is my title.

WILLIAMS: Same as here. You are ex officio on the secretary for this board, too, right?

MIJARES: Right. Exactly.

WILLIAMS: Yeah. Okay.

MIJARES: Because of that responsibility, we support it. Remember that is a redistricting committee. They do a lot of work beyond the boundaries and reacting to the Census, so they are doing other work too, periodically. They will meet on redistricting issues. Like for example, they were very involved with the annexation from Lowell from LA to Orange County.

HENDRICK: Yeah, I'm sorry. I will clarify. That is a mandated service for this office. It is written in code.

MIJARES: Right.

HENDRICK: The other thing they do is, like, when districts have moved to trustee areas, they have been part of that. Then, they are responsible anytime there's a change of territory between districts so that is all a part of their mandated service.

MIJARES: Yeah. It is an organized body. They have a chair. They elect their officers. They made the requests/the demands for their own demographer as well as their own attorney. Mr. Riel has supported them, but they also have an external law firm that supports them.

WILLIAMS: Yeah, we know that.

MIJARES: Yeah.

WILLIAMS: That is not in contention here.

SPARKS: I would just be curious about a couple of things before we come together again. That would be the 5810 Consulting/Instructional. I'd like to see a line item on those. Who are those? What are those contracts?

HENDRICK: Those were actually in the ES.

SPARKS: Yeah.

HENDRICK: I can give you that, but they were actually in some of the plans you've seen prior.

SPARKS: Yeah. I can't remember.

HENDRICK: Okay.

SPARKS: I just see them every time. Also, 5851 on these services contracts for the non-instructional consultants as well. Then, where is the lobbyist in all this list?

HENDRICK: The lobbyist is under, I believe, 58--I will have to double check. I think it's under 5851.

SPARKS: 5851?

HENDRICK: Or, 5865, I'd have to double check.

SPARKS: So yeah, so that is why I want to see those lists.

HENDRICK: Okay.

SPARKS: Yeah. The other services contracts too. Yeah. Because those could be, I guess, not technically consultants but service contracts.

HENDRICK: Service contracts, yeah.

SPARKS: Yeah. Just to see those, that would be helpful. Yeah. I want to know what the lobbyist line item is.

HENDRICK: I can give you a list of all of them with the programs.

SPARKS: Yeah. All of them and the dollar amounts.

HENDRICK: Okay. I can give it to you in two formats.

SPARKS: Yeah.

HENDRICK: One is easier to read than the other.

SPARKS: Yeah.

HENDRICK: One would be by every program and their total amount.

SPARKS: Yeah.

HENDRICK: Then, the other one would be some detail of them.

SPARKS: That would be great.

HENDRICK: Okay.

SPARKS: Thank you.

HENDRICK: Can I clarify, 5865, 5810 and 58—

SPARKS: 51.

HENDRICK: --51

SPARKS: Yeah. Those are probably the most important that I want to see. Okay. Anything else you guys want to see? Anymore line items? No? Okay. Thank you.

WILLIAMS: We need a motion.

BARKE: Does anybody want to make a motion to approve?

SPARKS: To approve the budget?

WILLIAMS: The variances.

SPARKS: Well, I want to see the line items, those things first.

BARKE: Okay.

SPARKS: So, I'm not ready to approve.

BARKE: All right. Is it something that we don't have to approve today? Can we wait until next month?

GOMEZ: Do we have any deadlines on this?

MIJARES: Renee, do you want to address the deadlines?

WILLIAMS: I think we do. It has to be done by a certain date. Yeah. If it is March, it is coming up.

HENDRICK: Yeah. March 15th.

WILLIAMS: Yeah. We only have 13 days to do it. I don't know if I want to come back.

SPARKS: Okay.

WILLIAMS: Is it that important?

SPARKS: Well, I mean—

WILLIAMS: Come back for a special meeting just to do that?

SPARKS: No. I mean, we can approve it, but I still want to see it.

WILLIAMS: Okay. No. I think that is reasonable. But we do have a duty, I believe, by code to make the approval by the fifteenth.

SPARKS: We can approve it. We can still see it.

BARKE: Well, I need a motion to approve it. Does somebody--

GOMEZ: I'll second.

BARKE: Who made the motion?

GOMEZ: I thought you did.

BARKE: Not me. I said we need one.

GOMEZ: I thought you said you did.

SPARKS: I will make the motion to approve it, but I still want to see the list of the codes that I asked for.

GOMEZ: All right, I will second.

BARKE: All right, any discussion? All those in favor?

SPARKS, WILLIAMS, BARKE, SHAW, GOMEZ: Aye.

BARKE: All right, passes.

BOYD: Any opposed?

BARKE: Oh, any opposed?

BOYD: I just didn't hear everybody.

BARKE: No. No. Everybody--

BOYD: Thank you.

BARKE: All right. Informational items.

MIJARES: Yes. Okay. Madam Chair, I will be quick, because I know some of our parents are waiting--

BARKE: Well, I think we still have a section here. Sorry. I think we still have communication/information/discussion - website report. Are we doing that?

MIJARES: Oh.

BARKE: Not that I don't want to hear you. I just—

WILLIAMS: No, we can let the Superintendent go.

BARKE: Oh, you want to do that? Okay. We can move to that.

MIJARES: It's up to you to.

BARKE: Okay, go ahead.

MIJARES: Okay. Thank you. It's good to be with you today. Members of the Board, let me just report on some quick things here. We just celebrated Black History Month. We sponsored a colloquium under the title of "Know My Name, Face and Story," which we believe is necessary for complete student engagement in our classrooms. We had Christopher Downing, who is the superintendent of the Anaheim Elementary School District. We had Carol Hedgspeth, who is the deputy director of the Education Trust – West. Robert McDonald, we call him Bobby, president and executive director of the Black Chamber of Commerce, and Dr. Ian Williamson, the dean of the UCI Paul Merage School of Business. He is brand new to UCI. An amazing person with a vita that is very impressive. If you haven't met him, I'm sure you are going to enjoy meeting him sometime soon. I'm very excited with his work.

Also wanted to let you know--so that went very well. We had a number of people. It was all done via video conference so that was Zoom. I also had a chance to participate in a forum that was sponsored by COR A.M.E. Church, Christ our Redeemer Church here in Irvine. Nina also participated, and she was a panelist as a matter of fact. The purpose was to look at hate crimes that are being perpetrated against Black students, in particular, and also brown students. We had

an incident. You probably read it in the paper of a young man who was taunted. He was on a basketball team from Saddleback, I believe, right?

BOYD: Portola.

MIJARES: Portola, but what district? Saddleback? Where is Portola?

BOYD: Irvine.

MIJARES: Irvine, that is right. He played against Laguna Hills High School.

BOYD: In Saddleback.

MIJARES: Yeah, south county. The kids, it was unbelievable what they were doing. They were using the N-word. They were using expletives, beyond that, from the bleachers. The young man was so poised at this forum. He said, you know, "That didn't shock me, the things they were doing. It was hurtful. We were saddened." He said, "The difference this time is they were caught." They were caught. You've seen these crimes proliferated around the state, so it is still an issue, unfortunately. I believe it to be a sin. As long as there is the devil roaming the earth and people are sinning, it will be an ongoing battle. It is something that we have to face all the time.

We are doing that with Dr. Williamson who is the pastor of the church and others. Starting to work, perhaps, with a little bit more breadth across the county to engage our school districts, so there will be more to come on that. I know, Nina you and the pastor are working on some of the details there, right?

BOYD: Yes.

MIJARES: I will be able to engage further, so I wanted you to know about that. The other thing is the two items that you approved today on the A-G requirements, there is an abundance of money here. Renee really doesn't know how much, because we don't really know. The problem is that not many county offices are availing themselves of this, because they don't offer A-G courses. We do in ACCESS. We do at our academy. The A-G courses, as you know, are aligned with the University of California and the California State University system has a very similar model so that is a testimonial to the high expectations that we have within ACCESS. I just wanted to point that out.

On Saturday, I participated in a fair for our new Afghan refugees. There were a number of people that were at this fair including Tom Chaffee from the Orange County Board of Supervisors as well as Lisa Bartlett. We had a number of our people. I just wanted to thank them. That is Jonathan Swanson, Stacy Deeble-Reynolds, Kathy Boyd, Denise Harshman, Omar Shepherd, and Wanda Soekias. Did I pronounce that correctly? I was there, and Dr. Chau was there from our HCA. It was a great fair and opportunity. It was a health fair, but we did more than that. We tried to work with our Afghan students. We are working with them right now, as a matter of fact. We are working through our CHEP program. That has been positioned right now to serve as a newcomer school for these young boys and girls from Afghanistan that are here in

our county. They are here as residents, legal residents of the United States. We are doing everything we can to help them. The Orange County Social Services Agency has been very helpful to us. In fact, one of their managers, Maureen Montegnon, it is a French name, was extremely helpful on that Saturday. What we are doing is providing educational support for these young kids, and we are doing everything we can to get them acclimated into the school system here in Orange County. I'm really thankful for the work, Christine, that you and your unit are doing to make this a smooth transition. There are 60 students enrolled right now in three locations here in the county.

Also, I wanted to report on the students from 23 local schools prepped for National History Day Orange County. Nearly 250 young historians representing 23 schools and seven school districts will showcase their original exhibits, historical papers, websites, documentaries, performances, posters, and even podcasts at the upcoming National History Day County Competition. This is hosted by the Orange County Department of Education and the event will occur, if you are interested, on March 11 and March 12. I think you would have a great opportunity there to watch our young people engage in civics and really dive into the matter of history at all levels; both, local, state, county, state, country, and world history.

Then, I wanted to let you know that a pair of students in the Newport-Mesa Unified School District achieved a perfect score on the ACT. One of them did it on the ACT and the SAT.

BARKE: Wow.

MIJARES: That is pretty impressive. For the fifth time in six years, Irvine's Woodbridge High School has won the Orange County Academic Decathlon. The champs now get to compete for a state title, and they will have plenty of company from Orange County. A total of 10 OC schools have been invited to the California Academic Decathlon based on their overall team scores, so our schools are doing an amazing job. We obviously can do better, which is the quest. But when you look at the metrics that we are doing, you heard me say this before our, when it comes to like courses of rigor, the rigor, the courses that are complex and challenging that are necessary to get the persistency to get a college degree. You know, a lot of people have turned out of this, the university system after year one, their freshman year. But to keep that persistency, the grades that you take and the courses you take from grade 9-12 will determine, largely, how well you will do at the next level.

Obviously, we also teach agency. You need to have those habits of mind that help kids navigate. When it comes to SAT, our kids are at the top. People come to this county to look at - how are you teaching advance placement courses, and how are you getting students ready for the next level of university. Our kids are doing very well there. We have a lot of metrics to share with you if you'd like to know more about that, but I know it's late and parents are waiting

WILLIAMS: Real, real quick, a question here. Great stuff you gave us. If I had to ask you, what were some of the significant governance issues, contracts that you signed, decisions that you made? That would be of equal value to this board. Anything that comes to mind?

MIJARES: You mean with this thing that we are doing here?

WILLIAMS: Yeah, under Superintendent's Report. It's nice to hear all these feel good things.

MIJARES: Yeah. Yeah.

WILLIAMS: But of significance and importance is, what are the governance decisions? You know, we learned a little bit about our ITO program. But what contracts have you signed?

MIJARES: You mean like—

WILLIAMS: What else are you doing? Anything we should know about contract negotiations?

MIJARES: Yeah.

WILLIAMS: Anything of significance like that?

MIJARES: Well, like with the Afghanistan, they are students who are here in our country, so we naturally have to serve them. They are entitled to an education, so we are—

WILLIAMS: That is not my question though, Al. My question is, what else is going on in the Department besides all these things you did? Events, contracts—

SPARKS: For example, we had this important Zoom meeting, was it yesterday or Monday, about the masking in the schools. I think constituents are very curious about what Clayton Chau said, and what you said, and what was discussed. I mean, that is something that we should be talking about.

MIJARES: Sure. We can talk about it right now if you want to?

SPARKS: Yeah. I mean, just giving an update on what he said.

MIJARES: We meet weekly with our superintendents. I think you know that.

WILLIAMS: No. I didn't.

MIJARES: We meet weekly with them.

WILLIAMS: You mean all the district superintendents?

MIJARES: Yeah. Yeah.

WILLIAMS: Where do you meet?

MIJARES: It is via Zoom.

WILLIAMS: Okay.

MIJARES: We also meet once a month to talk about other issues besides COVID. But the one meeting that we have per week is an update on COVID. Usually, Dr. Chau is at that meeting. We meet periodically with the charters and the private schools. That is the meeting that we did on Monday. That was to update them on what the Governor had conveyed in his Press Release. Also, what the head of the California Department of Public Health stated in terms of the masking, which is heavily publicized, so I assumed you were already in sync with all that information.

SPARKS: We were on the call, but, you know, the public may not have had an opportunity to be on such a call.

MIJARES: Yeah. You must have been invited to that, because that only goes to—

SPARKS: Yeah.

MIJARES: --the heads of the private schools and the charter schools. We have a listserv—

SPARKS: Yeah.

MIJARES: --every once in a while we provide that for them. Of course, they want to know. They are asking a bunch of questions so that is what happened on that day.

SPARKS: Essentially, March 12th, the masks are going to be—

MIJARES: Yes.

SPARKS: Strongly recommended,

MIJARES: Strongly recommend,

SPARKS: Not necessarily optional.

MIJARES: Exactly. Come, as Dr. Sparks mentioned, on the 12th of this month, it will be strongly recommended.

BARKE: This morning. I was at Peterson Elementary in Huntington Beach. I went for their Read Across America. It's an annual event and had the joy of reading to three different classes, second, third, and fourth, Dr. Seuss stories. I must say those children are very excited to have their masks become optional. They were commenting on that.

MIJARES: Yeah. You know, I wear my mask sometimes when I see others wearing masks, because I'm trying to be sensitive to what they may be up against. But we have a lot of parents, believe it or not, who don't want the mask to come off, you know. You have that happening and it's just—

WILLIAMS: And they have that right.

BARKE: I think that is fair.

MIJARES: Yeah. Yeah.

BARKE: To keep it optional, I think is very fair.

MIJARES: Yeah. Right. Right. I think the balance is right there. I think we got to that point of balance. Some people argued, “Why did you have to say strongly recommended? Why did you have to use those terms, which can evoke in others this need to comply with a health standard?” But that is what Dr. Ghaly, who is the head of the California Department of Public Health, said to us. That is what came out of the directive. We would make that comment to kids, but again, it pretty much is optional.

SPARKS: Yeah. It's not required, but strongly recommended.

MIJARES: Right. Right.

SPARKS: The language, I guess, matters.

MIJARES: Yeah.

SPARKS: But people can decide, and I guess districts can decide how they want to handle it, or separate schools.

MIJARES: Districts can decide to impose something different, not less, but perhaps something more than the state recommended. I just don't know how it's going to work out. We have 29 districts, 28 besides us. I will be interesting to see when that finally happens, what boards do. I mean, it may be surprising to you. We have some of our districts who are saying that, at least what I'm hearing preliminarily and again, we will know on the 12th, that they found a balance point with a mask. Many of their parents, especially if their parents have no health insurance, they are afraid. Maybe it's a sign that they don't have the right knowledge in terms of understanding the science. Many of them believe that, to take the mask off might imperil their children. If they have no health insurance, then what do they do?

BARKE: Well, those people I don't think are writing to us. I think Darou might--I don't know if you notice what you forward us, but I would say it's at least 30 or 40 to 1 against wearing masks. Most of the parents that I get emails, and I actually try and respond to most of them, are saying, “Please let us decide.” I can only remember one in the most several weeks where they wanted to keep masks on. If that is the way they feel, they are not reaching out, at least to my inbox. Is that what the rest of you are seeing?

SPARKS: I would say the same for interpersonal conversations, you know, when I'm out in the community.

MIJARES: Yeah. I think there's a silent part of the community that doesn't get involved. I mean, you saw that, I think, that *Times* article where two thirds of those polls. Then of course people

are suspicious of the polling; but nonetheless, there is an article written by the *LA Times* and there was a research study done by Cal Berkeley and two thirds wanted the masks to remain.

BARKE: Well, I think just the balance of letting parents decide, I think is a good balance.

MIJARES: Yes, I agree with you.

BARKE: I think we will see a lot less responses from parents if we let them make the decision.

MIJARES: Yeah. We wrote a letter. The superintendents engaged and created a letter. I sent it up to the Governor, and to the head of the CDPH, and some of the other agencies up there asking that metrics be defined clearly. That we have recommended metrics so that they are not just shooting from the hip.

SPARKS: Did we ever do a survey for parents about attitudes toward unmasking or how to handle it?

MIJARES: No.

BARKE: I'm even getting snail mail about it. I don't know if the rest of you got this? That is the first snail mail I've had, but I have received very little mail to please enforce masks. I think it's because parents feel if they want to, they can. It's mostly the parents that are upset that feel like it's being forced upon them, and they are losing the parental rights. That is what I'm really hearing from those who write from those who write to me. I don't think it's just my district. I think we are all getting the same emails.

MIJARES: I would agree with you. I'm glad that we are getting closer to being free of a lot of these mitigation efforts that we've exercised. I'm happy about that.

BARKE: Yeah. I think the parents are--I think they do feel that we should be honoring their parental rights, so I think the closer we get to that--

MIJARES: I agree.

BARKE: All right. Are we going to move on to the Deputy Superintendent?

BOYD: I just wanted to remind you, the next board meeting is April 6th, regularly scheduled, 5 o'clock for the general, closed session at 4. But April is the month that you do your budget study session. The question would be whether or not closed session would be at four. You would do your budget study session from 5-6, or whether you wanted to identify a different timeframe. Typically, your budget steady session is an hour. I'm not sure if you are ready to decide that tonight or not. I just want to make sure that we get that posted accurately so that the public is aware what time the budget study session would be as part of your agenda.

BARKE: Can the public attend that if they want, or is that just?

BOYD: Yes, because you are here.

BARKE: Okay. Okay.

BOYD: It's segmented so that it's just for, you know, questions that you have with regards to the budget. Renee can provide information and so forth.

WILLIAMS: We don't have any interdistrict transfers coming up that we know of. Okay. How would the Board feel if we did the budget study at 3, did closed session at 4 and set our meeting at 5?

GOMEZ: Or do closed session at 3? Either way, I'm okay.

WILLIAMS: Okay.

GOMEZ: Starting at 3?

WILLIAMS: Yeah.

BARKE: We would still hold the traditional, public meeting starting at 5. What we probably should do is the closed session first in case people want to come to the budget.

GOMEZ: Right.

WILLIAMS: Yeah.

BARKE: We don't want them to come to the budget from 3 to 4. Then sit and cool their heels for an hour, so why don't we start with closed session at 3 if that works for our legal counsel. Then do the budget at 4, and then the traditional meeting at 5.

BOYD: Okay. You will notify your counsel with regards to the change?

BARKE: Yes, counsel so notified.

BOYD: Thank you. Then my other question for the Board, the Memorial Day Essay Contest, we have sent out information to students in the ACCESS program. This year we included also our special education students in our other program. We are hoping that we will be able to get combined essays from both, Annalee and Vern's respective divisions, which should be exciting this year to see some come in. I know the Board expressed an interest to participate in the judging. I wanted to find out if you all want a subcommittee of the Board to participate along with our teachers for a designated timeframe that will identify, or how you want to move that interest forward? Right now, we have set a deadline for essays to come back from students of April 1st. Historically, sometimes our students aren't timely, so we extend it another week. I just want to make sure that I'm giving you all some information for you to think about and to let me know. That decision doesn't have to be made tonight. But I did want to remind the Board, I have

received information from most of you with regards to what you want to contribute toward the Memorial Day Essay Contest, so thank you for that information.

WILLIAMS: Has the staff been given the opportunity to donate too?

BOYD: Mm-hmm.

WILLIAMS: Has anybody come forward?

BOYD: Not as of yet.

MIJARES: I did.

BOYD: Oh, now, you just heard, Superintendent.

WILLIAMS: Thank you, Dr. Mijares.

MIJARES: Pleasure.

BOYD: Then just as a reminder, we are getting close to CCSA Conference. It is March 14th-17. Ken, you and Lisa registered. Mary, we received your information. We were able to transfer that to Beckie, because we hadn't done her registration yet so that is going to work out. It was too late to cancel and get a refund. If you all have not filed your Form 700, please do so. I believe another reminder was sent for those of you who haven't done that yet. Also, as you heard the conversation about National History Day, we will try to send an email, it looks like it bounced back, with the description of timeframes and so forth. I will resend that information to you all. If you are interested in having a tour during the National History Day program, Dr. Olmstead's staff will make that available to you and has offered that to you as well.

BARKE: Thank you.

BOYD: That again, I believe is the 14th of March—

GOMEZ: Eleventh and twelfth. Eleventh and twelfth.

BOYD: I'm sorry. Yes. I wanted to make sure I gave you the right.

OLMSTEAD: Oh, sorry. It's the 11th and 12th.

BOYD: Yes, the 11th and 12th. I got my email

OLMSTEAD: (Inaudible) only performances.

BOYD: Only performances. Thank you. The flyer for some reason it looks like it didn't go through, so I apologize for that. Then the last, you have your OCBE At a Glance, so please. This is helpful not only to give you an idea of what's upcoming, but if there's something that you see

upcoming that we need to adjust, we would like that feedback from you all also. I noticed historically, your July board member assignments, historically the last couple of years you've been carrying that over to August. Just because it's a new month, so I just want to put that for you all to think about and look at. To make sure that we are capturing the annual things that occur, you know, during those months. But if there are other things that we need to add, or delete, or change, then please let us know.

GOMEZ: Well, I think the reason we moved that to August is that, especially in an election year, we are swearing in people in July.

BOYD: Right.

GOMEZ: We give them all the work, the new people, right?

BOYD: This is an election year, too. From that standpoint, you may want to anticipate that. Regardless of what the outcome is this year and in subsequent years, it's often difficult also for people to know what those positions are.

GOMEZ: Yeah.

BOYD: Okay. That is all I have for you.

SPARKS: Yeah, just a few comments about the website. I'd like to add Tim back onto the committee so that we can work together on that.

WILLIAMS: I second that.

SHAW: But does Tim want to be added onto the--

SPARKS: Yes, please.

BARKE: Yes, I triple that.

SPARKS: Yes, please. Then I'd like to ask the Board if everyone could send in their updated bios? I think we all have kind of older bios on there that need updating. If you could send those in to Darou?

BOYD: Yours is updated.

SHAW: I'm good.

BOYD: Tim updates his regularly.

SPARKS: Okay. I think many of us need to. I know I need to. I think maybe Beckie needs to. I don't know, anyway.

GOMEZ: Oh yeah.

SPARKS: Each person, if you would just double check and see if you need to update your bio, that would be helpful. Then, you know, I'd like to set up a meeting because for some of the visuals. Like the pictures, the holding place doesn't have any of us sitting at the dias. We have a lot of pictures that could be uploaded. I just don't know where those pictures are, so I need to talk with your tech guys.

BARKE: Yeah. I feel like we take pictures all the time.

SPARKS: We take pictures all the time.

BARKE: We give awards.

SPARKS: Yeah.

BARKE: Those should go on.

SPARKS: Yeah.

BARKE: Like today, I know pictures were taken at Peterson Elementary. That would be fun to have the kids.

SPARKS: Sure.

BARKE: I don't know if we can do videos, but they sang this song of "Cat in the Hat." That was like amazing. I did like this ten second video.

SPARKS: Yeah.

BARKE: You don't have to listen for an hour.

SPARKS: Exactly. If Tim is willing to join the committee, then we can set up a meeting--

SHAW: Sure.

SPARKS: --with the team and have a point person to send things to.

BOYD: If we can maybe set the parameters, you all as a committee, and then bring back to the Board? The posting of items has typically been that you all just send those to us and, you know, we get your bios updated; or if you are wanting a document from the Agenda or the Board meeting, we get that posted. But if there are pictures—

SPARKS: Yeah.

BOYD: Now you are moving into this new area and so forth. Then it's a consensus of the Board. From the standpoint if that responsibility is delegated to the committee, we are fine with that. We just don't want to be caught in, you know, we get something from one or two of you and say post this—

SPARKS: Right.

BOYD: Then other board members are saying, “How did that get posted?”

BARKE: Why don't we run everything through Lisa or Tim? If we have anything, let's send it to them.

SPARKS: Yeah.

BARKE: That way it is whoever is submitting it plus the committee. I'm comfortable giving them authority to post what we send. Does everybody else feel that way?

GOMEZ: I don't know about Tim.

BARKE: Does anyone have an issue with leaving that to Tim or Lisa?

BOYD: Are you okay with us creating a template for a board policy so that we can state that the Website Committee would be who would post and so forth? We will get that to the Executive Committee

SPARKS: Sure. I still want to meet with your team just to talk about aesthetics and things like that.

BOYD: Right, most definitely. That doesn't take away from that.

SPARKS: Yeah.

BOYD: I just want to make sure that even after meeting with them, we still need to know how to get things posted.

SPARKS: Sure. Yeah. Someone will post. We send it to them, and they'll post it.

BOYD: Exactly.

BARKE: If you want to delegate all postings to Tim?

SPARKS: He's probably more tech savvy than I am. I'm aesthetic. I like the aesthetic.

BARKE: I don't mean you have to physically post. I mean, it goes through you. That is all. That we have a clearing in house. Tim sends crazy stuff to my (inaudible).

SPARKS: Right, right. We will definitely check that out carefully. Okay. So that is it.

BARKE: I am giving you a hard time, and you are not even noticing.

SPARKS: I know. He is too tired to notice.

WILLIAMS: Sorry. Sorry.

BARKE: That is all right.

WILLIAMS: I will go on the SB 286 and the lobbyist contract. For future reference, Nina - we can take out the County Committee decision. That is old. That was a carryover, but it's old now. Regarding SB 286 and the lobbyist contract, for the edification of the Board, we do have a lobbying contract that is made by the Superintendent. He is the only one that is on that with Ball Frost, which is out of Sacramento. In January 2021, SB 286 was introduced by Mr. Min, and Ball Frost knew about this bill. I did talk to one of the principals there at Ball Frost, and they said that they talked to you, Al. I don't know if you remember that conversation. Of course, we knew nothing this bill until just the last month or two.

My question is, this lobbyist contract although it is legal, I did run it by Maggie Chidester. She said that it is perfectly legal that you do this on your own. The problem is, you know, this bill, obviously, is very political. It's very partisan. It's very petty, and it's aimed at this board. We didn't know about that. Ball Frost kind of danced around my direct question - why didn't you tell us? They said, "Well, you know, we told the Superintendent." Why didn't we know about it? It's been sitting there a whole year, and we didn't know about it. The question is "Why?" If we are going to be approving a contract and paying them \$106,000 a year, why wouldn't they just tell us about it?

MIJARES: First of all, they really don't follow bills in general, unless they are related to curriculum, instruction, the budget. They spend most of their time on those issues, and they provide professional development to our county. Now that particular bill was first introduced by Tom Humberg. That is my understanding.

WILLIAMS: No. It was Min. He was the co-author.

BARKE: I believe it was Senator Min.

WILLIAMS: He was the co-author.

BARKE: He co-authored and then he dropped off in January.

MIJARES: Right. Min joined in, but I think Humberg led it at first.

BARKE: No, I don't think so.

WILLIAMS: No. It was Min.

BARKE: Yeah.

MIJARES: I found out about that bill—

BARKE: It definitely was in May.

MIJARES: Not too much sooner than when you found out about it, frankly.

BARKE: I only found out one day before the Orange County Register called me, asking me about it. It would have been quite embarrassing if they had called the day earlier.

MIJARES: Yeah.

SPARKS: It was introduced about a year ago.

WILLIAMS: In January, 2021, right?

MIJARES: In February of 2021, we were not--who was--Jeff, do you remember the details on that? We did not know about that bill. I did not know about it, frankly. But I understand that in February of 2021, I believe, we weren't listed on that bill, Orange County Department of Education.

WILLIAMS: That is not true at all.

MIJARES: Okay.

WILLIAMS: Not true at all. We were the primary person, or the district, that's been targeted. It was no other county.

BARKE: Well, he did try and do all the counties.

WILLIAMS: It is all legislative history.

BARKE: There was no appetite for it. He strictly did it for us because nobody else had an appetite. Humberg originally co-authored, and then Humberg—

WILLIAMS: Dropped out.

BARKE: --dropped out.

MIJARES: Yeah.

WILLIAMS: But the point I'm trying to make is--

MIJARES: Yeah.

WILLIAMS: Ball Frost, if you read the contract, it says “any and all legislation.” This is any and all.

MIJARES: Yeah.

WILLIAMS: It says Orange County Department of Education on the language on the outside. If we are going to work together, Ball Frost should have said, at least out of courtesy, “You know, there's a bill that Senator Min introduced just last month.” They could have easily have called us, and they didn't do that.

MIJARES: Yeah. We found out about it, I think it was during the Christmas break.

BOYD: Correct.

MIJARES: Was it after the 24th? We found out about it a few days before it was going to be heard by the Senate Ed. Committee if I'm not mistaken.

BOYD: It was the same night as the reappointment. All of this information was included in the Board packet last month. Unfortunately, with the carryover, the documents aren't there. You are accurate. We do have a copy of the document from when it was first introduced, it did not have Orange County Department Ed--

MIJARES: That is right.

BOYD: --you have to go back into the legislative. We saw the same thing you did, Ken initially. Then we went back and looked at the first writing of the document. It looks like it wasn't amended until November or December of 21.

MIJARES: Right. I think what happened was, it was Humberg's goal to put all counties, all 58 counties, on the matter that you had to have if there was a plurality of people competing for these seats, that there would be an option. If there was no clear winner, an option to carry that into the fall - into the November Election. We were one of the few counties that didn't operate that way. The statistical stuff that I saw later. I found all this out later, after we heard from Jeff Frost about the bill, that it was designed to improve voter engagement - more voters. You got 3 million people. I don't know how many people are registered to vote in this county, but not everybody was showing up at the primaries and far more are showing up in November. It's my understanding—

SPARKS: But, they didn't do it for your election.

MIJARES: You don't have to. I have it already built into mine.

SPARKS: That doesn't make sense. The voters--

MIJARES: If there is people running, if there's no—

SPARKS: It doesn't make sense that they are going to vote for you at a different time if they are going to vote for us, that doesn't make sense.

MIJARES: No. They would still be voting for you on the same time. You would still go through a primary.

SPARKS: No. No. No. We wouldn't.

BARKE: No. I don't think so.

SPARKS: It's right here.

BARKE: No. I don't think we do.

SPARKS: No. It's right here.

BARKE: The election is moved to November.

SPARKS: Yeah.

BARKE: It said that you, because of technicalities, would stay in June.

SPARKS: It says that "this bill would require an election for Orange County Board of Education that is determined by the plurality of the votes cast for that office, with no possibility of a runoff, and has consolidated with a statewide election to be consolidated with the statewide general election in November."

MIJARES: Okay. Wait. Well, Nina has got some data on this.

SPARKS: "This bill would make legislative findings and declarations as to the necessity of a special statute for the board of Orange County Board of Education."

WILLIAMS: Yeah, it had Orange County Department of Education.

BOYD: Not in the first one, the first writing.

WILLIAMS: Yeah.

BOYD: You have to go up. You do a tab up there, and it will show you the first one. It was amended and then changed.

MIJARES: Just give us your—

SHAW: A county supervisor can win in June if they clear 50%?

MIJARES: Yes.

SHAW: If they fall short of that, then the top two run off in November?

MIJARES: Right.

SHAW: In our case—

BARKE: The is the way you operate as well, the Superintendent.

MIJARES: That is how I operate.

SHAW: That is how the Superintendent's is.

MIJARES: I was included, as I understand, in the bill. Until they discovered that I already have that provision. If there is no clear winner in June, there is a runoff in November. It's not simple majority wins.

SHAW: But 286 is saying a plurality in November—

SPARKS: Yeah.

SHAW: --so you don't need to reach 50%.

SPARKS: It says "the plurality of the votes cast for that office, with no possibility of a runoff, and is consolidated with the statewide election shall be considered with the statewide general election in November."

SHAW: Yeah.

BARKE: It just completely moves us from June to November.

SPARKS: No runoff. It's different for your office so that is why it doesn't make sense.

BARKE: Even if you guys didn't find out until November or December, it would have been nice as soon, as the Department knew, to let us know, especially since we were really the target of the bill.

BOYD: Mari, what we are saying is, we didn't know in November or December. We understood that was when it was being amended. We received a document the night that we had a special board meeting for reappointment. Just for clarity for the full board, we missed it. Dr. Mijares was already on vacation if you recall. He wasn't here for the reappointment hearing and so forth. I saw something come through. But we were just going into the holidays. It was, I believe, the 21st—

SHAW: December.

BOYD: --of December. Thank you. It was just a lot of errors with regards to that. It wasn't a matter that we actually had any knowledge. Ball Frost is correct. They sent some information, but we didn't see it until we came back from the holidays. Just as you are saying, it was right in that same timing. Ken called and was asking some questions, and I was trying to figure out what he was talking about. Then, it was like, all of a sudden, it was just this domino, the newspaper hit and everybody is trying to figure out what was going on. That was—

MIJARES: I don't know where the bill is at today.

SPARKS: I can tell you. It passed through two committees. Now it went to 37 vote in favor of the bill at, I guess, first reading or whatever. That is where it is right now.

MIJARES: It went through the Senate. It is now on the other side of the House. It's going through the Assembly, right? But I don't know if there's been an Assembly hearing set up yet for it.

WILLIAMS: It was first read on January—

SPARKS: First read on 1/26.

WILLIAMS: On 1/26, yeah.

MIJARES: We had no--it wasn't as though the author contacted any of us. We didn't find out about it until, what Nina is saying, during the Christmas break. I actually did not study. It was an email that that sent was sent to me. Then when I found out about it, it was going the next day into the Senate Ed Committee for a hearing. Then right about that time, the media got involved because it came out of the committee. Then it went from Senate Ed to the Budget Committee and got out of that committee as well.

WILLIAMS: Because the contract exists with you, we are very concerned. This is very partisan. He talks about unique circumstances facing elections. I have no idea what that is. Can we get Ball Frost, will you authorize them to work against this bill to defeat it?

MIJARES: Yeah. I've taken no position on it, because it didn't affect my office. But I'm happy to talk to them about it tomorrow morning.

WILLIAMS: Yeah. I don't know if anything can be done.

MIJARES: Yeah.

WILLIAMS: It has been through so many committees. But it was originally in January, Nina corrected me. I thank you for the correction. It was originally for the state of California, but then it got added in January - the Orange County Department of Education.

MIJARES: Yeah.

WILLIAMS: As it stands today, it has been changed to the Orange County Board of Education. It is very very partisan and very unusual to have one bill in the Education Code affecting only one single county board of education. That is very unusual.

BARKE: I understand it is because the rest of the state did not have an appetite for it, only our Senator had an appetite for it.

WILLIAMS: Anyway, if you can do that?

MIJARES: Yeah.

WILLIAMS: That would be--I'm assuming there's a consensus here amongst the board for that.

BARKE: Mm-hmm.

WILLIAMS: I would thank you in advance.

MIJARES: Yeah. We will do that.

WILLIAMS: We will give some public comments, and we have to do a reread out from closed session.

BARKE: We do?

WILLIAMS: Yeah. Okay. We have to do that at the very end.

BARKE: Okay.

WILLIAMS: Do you want to do that now?

BARKE: Sure.

WILLIAMS: Mr. Rolen, you mentioned that with the closed session, there was something that was omitted, so we have to put it into the record.

BRENNER: Thank you. If I may in place of Greg Rolen, I just want to make two corrections to the report out that I gave to the closed session items 1-4 earlier this evening. The first is the invoice number for Marguerite Leoni. I left a digit off of that, so I wanted to give Nina Boyd the correct number and also have it reflect in the record. That invoice number is 21559 6. I had left the six off, previously. Secondly, I inadvertently omitted to report out one other action item. That is as follows, with respect to closed session item number 3, the Board formally confirmed Ms. Leoni's retention and approved her engagement contract. The vote on that was 4 votes in favor with 1 abstention; Trustees' Shaw, Barke, Williams, and Sparks voting in favor and Trustee Gomez abstaining.

GOMEZ: I believe I voted no, because I hadn't seen the contract.

BARKE: I thought you had abstained because you hadn't seen it.

GOMEZ: I thought I voted no.

BARKE: Did you abstain on something else, because you did abstain on something?

GOMEZ: No, I said I could abstain.

BARKE: Oh.

GOMEZ: Because I haven't read the contract, but I voted no.

BARKE: Okay.

BRENNER: Okay. My notes had you abstaining for that, but with that clarification it should reflect, I think, that the vote was no.

GOMEZ: Thank you.

BRENNER: As I indicated before on the actual invoice approval as well, Trustee Gomez voted no, against four approvals. Those are the corrections for the closed session items. Thank you.

WILLIAMS: Okay. Anything else?

BARKE: Do we have any other legislative updates, Beckie?

GOMEZ: I just wanted to mention, I mentioned this last month that CSBA (the County School Board Association) we have a meeting March 18-March 20. I will report that after the meeting.

BARKE: Okay. All right. Now we will move back to public comment. Do you want to explain how it is going to go?

WILLIAMS: Right. Right, right. Okay. We have public comments at the end. We do this specifically for those who have issues with anything that has been discussed so far. Our board policy allows three minutes per board meeting for public comments for an individual. We have here, 1 2 3 4 5, five individuals who have already used up their three minutes. I would suggest that, out of courtesy, because they have stayed here, that we allow them one minute. Then the two that have not talked, we would abide by our board policy and allow them three minutes.

BOYD: Dr. Williams, number 24 has withdrawn. On the back, there is a number. I believe they left.

WILLIAMS: Okay. So that leaves us with one person, number 20, who has a full three minutes. If you have your numbers, number 19, 21, 22, 26 and 27, I will read off your names individually. You will get one minute. Right now--

BARKE: Should we mention that this is an extra courtesy, because our board policy does state just three minutes. We are giving an extra minute that we normally don't, according to our board policy.

WILLIAMS: If you have heard the same comment, you don't have to use the whole time. You can say, I agree with a certain person who said it before.

BOYD: If they need translation, is that still within that time?

BARKE: Let's just do one minute, I think.

BOYD: I just want to make sure the translator, so they'll cut off at one minute.

WILLIAMS: Right. Isabella, speaker number 20, you get a full three minutes. Is Isabella out there?

SPARKS: Isabella, come on down.

WILLIAMS: Okay.

BARKE: Calling once.

BOYD: Isabella?

WILLIAMS: Yeah, she has three minutes. Five minutes if you need a translation, but if you speak English, you get three minutes.

ISABELLA: Thank you for the time of being here, and thank you for the opportunity. I just want to express that it took a lot for my child to transfer to a new school. My child is a second grade, and it took me a long time to persuade him to transfer to a Chinese school. I also had a high hope for him to learn his culture and roots from that school. But after finding that there are so many unethical issues, such as misuse public funding and nepotism and mismanagement. Also, I found the complaint letters from our Chinese teachers. I was very disappointed, and all of our parents here are out crying for help and justice for our kids. Also, I want to say that it is not fair to tell our kids, "Oh, you don't like this school, you just go." Our kids are not the problem. The problem is the management. I hope that you guys can help us. That is all I want to say.

BARKE: Thank you.

WILLIAMS: Thank you Isabella. Just for clarification, the Board will be receiving a report, perhaps next meeting. We are not marginalizing or dismissing anything that you are saying. We take it to heart. We appreciate it. This is why you have publicly elected people, to listen to you. The next person, let's go in order here. Number 19, you get one minute. Ms. Lynn Hwang. After Lynn will be Donna Lee. Then Patrick McNally, you are number 22. You will get a minute.

LYNN: Thank you for allowing me to speak again. I just want to make some correction that Doug Husen and Michael Scott had said. Michael Scott, the executive director at IIA had said that the science curriculum was in English. That is actually incorrect. It's conducted in Mandarin. He is not really aware of what's going on in school. Michael Scott also said that in December there was no science curriculum submitted when the principal left, that is not true. The principal is not in charge of the science curriculum. Michael Scott hired a science teacher who is in charge of the science curriculum. If she didn't submit it, it would be on the science teacher since the principal is not in charge of the science curriculum. The third point is that the principal was on leave during winter break for the whole month of January and the whole hiring of--[timer rings]. Thank you for your time.

BARKE: Thank you.

WILLIAMS: Thank you, Lynn. Donna Lee.

DONNA: Thank you Board for your courtesy. I really appreciate it. I will talk fast. Facts are important, obviously. It's important that we also speak the truth and we speak the facts. I think there may have been a miscommunication earlier as a parent earlier mentioned that there are no parents currently on the school board. That is incorrect. There are two parents currently on the school board. The board is actively looking for parents, more parents to join the board. I want to make sure that is clear. In that spirit, I want to also make sure to fact check Mr. Michael Scott and Mr. Husen's comments. His reimbursement for \$382 for a teacher that he talked about, it's inconsistent. Those purchases were made in October. the reimbursement was submitted in December. The check that Mr. Scott wrote the school was at the end of January. He wrote the check after all the complaints. That was not the only teacher Reimbursement. There was another one in January on the 14th. [Timer rings]. Thank you very much for your time.

BARKE: Thank you.

WILLIAMS: Mr. Patrick. McNally.

PATRICK: Yeah, thanks very much. The last speaker talked about putting more board members on. Here is something that you guys can actually help with. The bylaws of the Irvine (IIA) or other Western Mandarin school says that, what they call the charter authorizer, which according to Mr. Chan Chang is you guys. You guys can appoint a director of the board of directors. I'm going to encourage you to do that. Part of my issue, or what I perceive as issues is that there's not enough parents on the Board. If you guys would go ahead and consider appointing somebody, and I know that probably their attitude is - it's a charter school. If it works, it works. We don't want to get involved. But I think there's so much enthusiasm for this school. I think we would appreciate it if you could add to that enthusiasm by exercising your part to appoint a board member who is actually a parent of the school. Thank you.

WILLIAMS: Thank you. Thank you, Patrick. Nancy Lu, and then after Nancy is Mingwei. You got a minute.

NANCY: Hello. Regarding Mr. Scott's statement that the keyboards purchased by the school is for all the students at music lessons every Wednesday afternoon. I cannot accept this explanation. As far as we know, these keyboards are not for students who sign up for after school classes and pay extra. My children have never used those keyboards since the first day of the school. There has always being a conflict of interest between the school board members, and between the board members and Mr. Scott. Parents expressed strong concerns with this. Last school board meeting, the Board Chairman Doug Husen said the board members actually do not know each other. But as I know, this is not true. All in all, parents not have increases of confidence in the management of the school, as can be seen from the number of parents present today. Thank you.

BARKE: Thank you. Go ahead.

WILLIAMS: Thank you. Last one, Mr. Mingwei.

MINGWEI: Thank you for giving me a second chance. To begin with, like I say, the DOC is the most important person, actually, Michael Scott is going to hear, the same with the board. As he said in his own words, his right hand person. There's (inaudible) is a supervised principal, not the other way around in IIA. There were no proper interview process, as confirmed during the last online meeting with the parents with the board. However, during the board when read these questions, the board were blaming the principal for the issue even though the principal was under the DOC. The two person who blame the principal were Chairman Doug Husen and Brett Freedman, so we don't have the confidence on this board to conduct a fair and reasonable survey about what represent our parents. We want have an (inaudible) comment possible to do it. Thank you.

BARKE: Thank you.

SPARKS: Can I just add one comment? We all appreciate all of your comments, your public comments. It gives us a lot of additional insight and your frustrations. I can imagine, as a parent, how frustrated you must feel, as I feel as a parent many times. But I did learn that Michael Scott had a major health issue over the holiday that lasted about five weeks and has been recovering from that health issue that I guess he has not disclosed to anyone. I'm not at liberty to say what happened, but I learned about that. I just thought you all should give a little bit of grace on that aspect, although I can share your frustrations and understand why you are frustrated. But I just wanted to share that little tidbit, because I think that gives a little perspective of maybe why he wasn't as available at times during that time.

WILLIAMS: He had a stroke.

SPARKS: Yeah.

WILLIAMS: He literally had a stroke and became paralytic on his left, lower extremity. Okay. I make a motion for adjournment.

BARKE: I would accept that [strikes gavel].