

Transcript of the June 15, 2022, Orange County Board of Education Meeting

BARKE: Welcome, everyone. Again, I apologize for the delay.

SISAVATH: Trustee Sparks?

SPARKS: Here.

SISAVATH: Trustee Williams?

WILLIAMS: Here.

SISAVATH: Trustee Gomez?

GOMEZ: Present.

WILLIAMS: I will make a motion for the Agenda.

SPARKS: Second.

BARKE: Any discussion?

GOMEZ: Yes. I would like to remove item number six from the consent calendar and discuss it separately.

WILLIAMS: I have no problems with that.

BARKE: All right, we will go ahead and do that. All right, all those in favor?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye.

BARKE: Okay.

WILLIAMS: I make a motion for the Minutes, Madam President.

SPARKS: Second.

BOYD: There are no Minutes

SPARKS: For the last time?

BOYD: It was just June 1st. You will have it at the July meeting.

SPARKS: Oh, okay.

WILLIAMS: Okay.

BARKE: All right. Then we will get started. It is all you Spencer. Sorry. Thanks for your patience.

BOYD: There are no closed session comments either.

BARKE: Okay.

GOOCH: Good afternoon, President Barke, members of the Board.

BOYD: If you are going to continue to go into closed session, you need to make that announcement.

GOMEZ: We are going into closed session.

BARKE: We are going into closed session right now at 4:10.

[OCBE goes into closed session then returns to open session.]

BARKE: Welcome everyone. Sorry for the delay. Great to see everyone here today. Linda Cone, are you in the mood to come up and give us an invocation?

CONE: Sure.

BARKE: Excellent.

CONE: Yeah. Heavenly father, we come to you tonight in humility and gratitude for all that you have given us, this great country, this beautiful state and an educational system that we have the privilege of overseeing. That is why we are here tonight, to do exactly that. These are not easy times for any of us. There is conflicts that we understand and those that we do not. We ask you above all for peace on us as we navigate these very difficult waters. We ask for your wisdom, because only your wisdom can give us the direction that we need to bring about solutions to sometimes implacable problems. We are so grateful to have you listen to our petitions tonight. We ask for your blessing to be on this entire gathering. May it proceed smoothly and effectively. May we reach the right answers. Our children deserve nothing less from us. You deserve nothing less from us as well. We ask all of this in Jesus name. Amen.

AUDIENCE: Amen.

BARKE: Thank you. Next, this is a special week. It was Flag Day just a couple days ago. We are going to invite Vern to come up. We had an outstanding presentation last week from Vern. We appreciate that, so we would like you to honor us with a flag salute.

BURTON: Thank you so much. Everyone, please stand. Please face the flag. Put your right hand over your heart and repeat after me. I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BARKE: Thank you. All right. Do we have any special announcements, introductions?

BOYD: We do not.

BARKE: Okay.

WILLIAMS: Okay.

BARKE: We are going to move to public comment.

WILLIAMS: You want to move to public comment, Madam President? Okay. So, moving on to public comments here. The baseline rule is you get 3 minutes. The light will be green. Then at 1 minute left, it will turn to a yellow. This is the light up here next to our good Clerk Darou. At red, we will ask you to complete your sentence and please do not continue to make more points. Just wrap up what you are saying, and will be kind and courteous to you. First, I will announce two people at a time. The first person will be at the dias. The second person will be on deck waiting to come up to make this efficient with time. The first one will be Todd Odenath and on deck will be Mr. Roger Kim. If you two come up, that would be much appreciated? You got 3 minutes, sir.

ODENATH: Okay. Thank you. The topic I want to talk about is Irvine International Academy (IIA), the charter school. My daughter started her first year of school there this last school year. It was her first time at this school, at a school, because of the pandemic. It was really a great opportunity for her to start school in two languages, in Mandarin and English. It has been challenging, but she likes it. She likes it there. Her experiences have been very good, very positive, overall successful, although she is not a native Mandarin speaker. She is a native English speaker, but she is growing. Even at home, she has been challenged to speak more Mandarin.

To talk about the school, IIA has definitely had its challenges. But I believe many startup charter schools do. What makes it unique is that it is not just another language immersion school, there are many around. But its goal of leadership, of problem solving of lifelong learning skills is really valuable. One of their goals is to make a global citizen, which is one of the reasons my wife and I were very motivated to see our daughter go to IIA. I do believe that the school is demonstrating this, and I'm very positive toward the school. I believe they are going in the right direction so that is why we want our kids to go there next year. We hope that the Board here will give IIA every opportunity and resource it can to give the school a chance to grow past these challenges; that they are ready to flourish into a one of a kind school here in Orange County where our kids not only learn Mandarin, but the vital skills for competing in a global market. That is all. Thank you.

BARKE: Thank you.

WILLIAMS: Thank you, Todd. Mr. Kim, you are up sir. Then, Ms. McNally, you have number five and that would be our third speaker.

KIM: Okay. Hi, hello Board Members. In January 2022, there was a petition to prevent Principal Chuang from getting dismissed, 155 families signed. This roughly represents 203 students. In February, there was a petition for a PTO reelection because the parents did not feel supported. In March, there was a parent survey and a board survey that showed over 70% of families were unsure of IIA. Then there was a March petition to remove Michael Scott, 130 family signed. After that, a March protest where Michael Scott called Irvine Police Department on a parent.

Lastly, in March, parents attempted, but was forced to abort their plan for a walkout in support of the teachers who were unhappy with their work environment. In May, there was a petition to stop Michael Scott from returning to a newly created DOE position, 120 family signed. There was a May position to bring back the principal from forced administrative leave, 127 family signed. In June, there was finally a last minute petition desperately put together the night before the board meeting to save Principal Chuang, 80 families signed representing 115 students signed.

Despite all these petitions, surveys, protests, countless board meetings where parents have spoken over and over about their frustrations and concerns, an innocent principal has ultimately been dismissed. Only two decent board members who will both be leaving voted “no.” While the rest, led by Doug Husen voted “yes.” Until today, there still has been no explanation given for his termination, and Michael Scott continues to be at IIA protected by his friend, Doug Husen. Parents also asked Husen if Michael Scott really sent him a private text during closed session that said, “I still think Steven needs to go.” He replied, “yes.”

Has there been any action taken on Michael Scott? No. It has been clear as day that this has always been premeditated from day one. What have you Board members done to help these parents? Nothing. You asked for a survey and they provider one, yet nothing was done. I wonder how successful this school will be without a distinguished Mandarin principal and without most of the credentialed Mandarin teachers, who by the way, have decided to leave. They will have to find an experienced principal, five credentialed Mandarin teachers by August. I say, good luck. But maybe this is premeditated, and it is also why the board was recently trying to get H1B sponsorships approved.

The Board should be ashamed of wasting peoples’ time, taxpayer’s money and contributing to the most stressful and traumatic year. The good families of Irvine have endured so much emotional damage because of your foolish decision. There has been many families upset as they try to find new schools for their children. Lastly, you should be ashamed of what you are doing to good people, such as Beckie Gomez and Al Mijares. With so much respect, thank you.

WILLIAMS: Okay, moving on. We have McNally and then Ms. Marybeth Chen.

CHEN: I have something for the Board.

BOYD: Give it to me. Thank you.

WILLIAMS: Just as a reminder for those who are giving public comments, this is not a time to have a public dialogue with the Board. We listen to you. If you have anything to give, give it to our clerk and that will be given to us. Thank you.

CHEN: Okay. Good evening, Board. First of all, I would like to congratulate three board members here who just had won a very decisive election. Okay. California laws require public schools to provide education to all students, regardless of immigration status. Since charter schools are public schools, charter schools cannot ask for students immigration status, nor deny enrollment based on immigration status. However, most school districts require proof of residency to enroll in the perspective school district. Please see the IUSD enrollment requirement, which I have attached in my handouts.

It appears some charter schools do not require any proof of residency for enrollment. In addition, California does not require board members of a charter school to reside within the jurisdiction of the charter authorizer. A board member of a charter school can be an alien residing outside of United States. Charter schools are known for lack of oversight, accountability. It is possible that a charter made of non-US nationals can in turn admit alien students resulting in non-legal residents obtaining a primary education in California paid by US tax dollars. Take Irvine International (IIA) for example, IIA currently has six board members. One resides in Vancouver, California; two reside in Riverside County, so that is 50% of the governing board residing outside of OCBE's jurisdiction. A list of the residents of the current board members of IIA is also attached in my handout.

Last week while transferring my kids to their homeschool in IUSD, I realized that last year when I re-enrolled my kids to IIA, I didn't have to provide any proof of residency. No utility bills, no mortgage payments are required. In my handout, is a current enrollment form for IIA, which does not require proof of residency. When I enrolled my kids in IIA in 2021, I, along with a lot of prospective parents this year, was told by Mr. Michael Scott that there was a wait list. It appears that IIA does not require any proof of residency, and IIA is supposed to give Irvine family's priority; then I ask, how is this wait list compiled? Today, I would like to urge this board to close this loophole. I'm sorry. I have two requests for the Board.

WILLIAMS: Thank you, Mrs. McNally.

MCNALLY: Okay.

WILLIAMS: Appreciate it. Moving on to our next speaker, that will be MaryBeth Chen, after that will be Judge Riddle.

CHEN: Good evening, Board. My name is MaryBeth Chen. I'm the office manager at Irvine International Academy. I bear greetings from Doug Husen who is in Israel right now. He would like me to read a letter from him to you.

Dear Trustees on behalf of the board members, staff, and 300 families that have joined Irvine International Academy, I would like to say, thank you. I'm unable to be with you in person today, but I am pleased to deliver this brief update. Last week, we completed our first year as a brand new school. The children love coming each day, and they adore their teachers. They are having fun and learning to speak, read, and write English and Mandarin. You will hear from Dr. Edward Watson about the outstanding test results, especially in math. Our school budget is balanced. The vast majority of staff are already contracted for next year. Our policies and procedures are formed. The future is bright.

As our charter authorizer, you gave us all the opportunity to create a truly international school with unique opportunities, and we are grateful. We anticipate a restful summer for the kids, busy preparation by our leadership teams and a wonderful beginning to year two in August. Once again, thank you. Sincerely, Doug Husen.

WILLIAMS: Thank you, Ms. Chen. Judge Riddle, and after Judge Riddle is Cindy Bragdon.

RIDDLE: Good evening, I'm Lynne Riddle. I want to extend my congratulations to you, well, really to you, Christine Olmstead, Vern Burton and Analee Kredel for the beautiful job that you did at the June 1st meeting in educating the community about the wonderful programs that you lead. I was especially uplifted to hear the students in the video that you shared, Tahlana Smith, the class president, and a recent graduate in her beautifully starched Sunburst Academy khakis; Andrew, 16 and his buddy Juan 16, both saying that they had a story to tell. Juan, meekly, but with pride saying, "I'm no longer under house arrest." Tahlana thanks her teachers who she said, possessed the most passion that I've ever seen. Most powerful for me was Juan's look of pride at discovering at 16, that he could, and that he did learn, and for the first time that he likes learning. Juan, too, thanked his teachers saying and I think profoundly, "Teachers here see all the good in you."

I'm grateful too, beyond words to the concerned parents of Irvine International, many of them here this evening. OCBE neither you nor I have heard any IIA parents say anything other than that they love the school, love its advertised aspirations. They love the teachers, love, respect and trust the school's principal. They have never asked anything of IIA's board president and the past director other than that they obey the law. Yet, even after a whole year of pleading, evidence gathering and reminding IIA's leadership of its legal and accountability duties and failures, that board has shown little to no improvement.

Yes. OCBE board, you support charter schools, but IIA is a public school. It is operated, not on charter money, but on taxpayer money. Like it or not, IIA Board, a fiduciary of state money is a state agency. This is not a private business or a small fiefdom. This evening, OCBE board members, it is your job as a state agency to bring IIA's board to account. Demand, not just another plan to correct, but immediate corrections with absolute deadlines.

Finally, my eternal thanks this evening to OCBE candidates and my friends, Doreen Smith, Martha Fluor, Paulette Chaffee for your courage, your brilliance, your commitment to public school education, your diligence and for speaking the truth. Thank you for your commitment to

facts, to integrity, to ethics, to excellence, to inclusion, to love and humanity and especially to grace.

WILLIAMS: Okay. You are done Ms. Riddle. Thank you very much. The red light is on.

RIDDLE: I did not see that.

WILLIAMS: Next up will be Cindy Bragdon. After Cindy, will be Michelle Boudier.

BRAGDON: Hello. My name is Cindy Bragdon. I'm a former teacher at Fountain Valley School District. Currently, I am a stakeholder and have lived in Fountain Valley since 1993. Children have a constitutional right to a standards-based English language arts program that provides core instructional materials to all populations of children. Parents have the constitutional right to know what curriculum is being used in their child's school. I'm here today to request that the Superintendent of Orange County and the OC Board of Education be the heroes to parents and children in our county by expanding your Williams Sufficiency Board Policy to include monitoring school districts who opt out of purchasing research-based standards aligned textbooks. Education Code 60119 has a loophole that allows school districts to align old, outdated textbooks with the Common Core content standards using supplemental materials. My suggested expanded policy would require school districts who opt out of purchasing standardized textbooks to provide research-based curriculum maps to the Orange County Board of Education for approval.

I recommend that the verbiage be changed to, “must provide high quality training and research based curriculum maps” instead of the word should. It is not only the schools that are identified as the lowest performing that should be monitored in regard to the Williams Sufficiency, schools that are wealthy and choose not to purchase textbooks should also be monitored to ensure that the most needy are receiving adequate learning resources to succeed in school. In 2016, I began advocating for an updated English language arts curriculum in the Fountain Valley School District as required by the California Department of Ed and Williams Act. I had a second grade classroom with English learners and special needs children struggling to read. More than half of my children were significantly below grade level. I had no research based intervention materials as required by IDEA or Title III. I filed a complaint with the Office of Civil Rights, but technicalities dropped it back to the district level. The district somehow skirted having to adhere to the Williams Sufficiency regulations even though the investigator acknowledged that the avenues and medallions were aligned to the prior state standards and that teachers were writing their own lessons.

My claims resolution stated the district would continue to look for new reading materials including materials for English learners. Yet, Fountain Valley School District's own 2015-16 LCAP states, “The Houghton Mifflin Medallions and Avenues Programs are research based.” Both programs are not aligned to the 2013 social content standards of the newest framework. The Orange County Department of Ed approved the LCAP without realizing that Fountain Valley School District did not have any research-based curriculum. It is the year 2022, the Fountain Valley School District School Accountability Report Card still states all textbooks are aligned to the Common Core state standards due to the loophole in Education Code 60119.

I have been requesting curriculum maps from the Fountain Valley School District since March, and I'm still waiting for them. Fountain Valley School District has always had plenty of money to buy new textbooks, but they chose not to. School districts have a duty as good stewards of taxpayer dollars to use the money they receive for its intended purpose, to educate the children in its community, to the best of its ability. Please consider expanding your William's Sufficiency Policy to enforce accountability of school districts in California.

WILLIAMS: Thank you, Cindy.

BRAGDON: I would like a response to my suggestion and please attach my speech and supporting documents to the Board minutes.

WILLIAMS: Thank you, Cindy. We are going to move on.

BRAGDON: Thank you very much.

WILLIAMS: Next one will be Michelle Boudier. After Michelle will be Dorie Krepton. If you can please adhere to the 3 minutes and complete your sentence. That would be appreciated.

BOUDIER: I do not know if I should wait for the information to be disseminated before I begin speaking.

WILLIAMS: This is for you to talk with us. That may not get to us for a while, so you may start.

BOUDIER: Okay. Good evening. My name is Michelle Boudier. I'm a junior high math teacher and an advocate for students and taxpayers. I was invited here tonight by a community member to share my research with you. All the data I have assembled is public information and is posted on Ed-Data. What is new is how I sort and display the information. I record the revenue, spending and savings patterns for all funds over a decade of time. The view provokes a complete paradigm shift by blatantly revealing the weaknesses of focusing on just a couple of funds rather than budget according to actual spending patterns involving all LEA's funds. Worst case scenario budgets never come to fruition. Look at the revenues. They are at an all-time high. For example, over the last decade, Fountain Valley School District has had a 65% increase in revenues, from \$45 million annually to \$74 million.

With a 65% increase in revenue and a cost of living adjustment around 30% during the same period, Fountain Valley should have easily passed the cost of living increase onto its staff, but it didn't. It didn't in large part because the district follows the California School Administrators and the California School Board's Association's guidance to budget for catastrophes instead of trusting the state to fund the schools appropriately. Fountain Valley School Districts reserves have quadrupled to more than 118% of their total 2021 expenses. Even with the unprecedented inflation, Fountain Valley doesn't need one cent of revenue to fully operate next year. Yet they will receive about another \$80 million worth of taxpayer dollars. What will they do with it? I can't imagine they intended to hoard the taxpayer money and deprive children of resources, but that is what focusing on just a few funds during the budgeting process does.

This office's finances are equally troubling. Your revenue has increased by 50% over the last decade. Because the money was not spent when it came in, your total fund balance has more than doubled. You have a whopping 106% reserve, and worst of all, \$156 million taxpayer dollars that were sitting there in 2010-2011 are still sitting there. If the money was meant to be spent on something a decade ago, it should have been spent by now. If it wasn't spent, it can and should immediately be unrestricted and moved back to the general fund so it can be part of the annual budget conversation. With the true reserve of more than your budget, this office could forego funding for a year and not miss a beat as well. The system is broken and like everything, it comes down to the money.

Restricted money conversations are ridiculous. Very little has been restricted since 2013, and best practice is restricted money is spent first. Unless there is a specific project a district or agency can point to, the money should be spent. It is incumbent upon elected board members as good stewards of taxpayer dollars to get the money to the students.

WILLIAMS: Thank you, Michelle.

BOUDIER: It should be criminal not to. Thank you.

WILLIAMS: Moving on, we have Dorie Krepton, after Dorie is Joyce McNabb, last is Shana Charles.

KREPTION: Good evening, Trustees and members of the audience. My name is Dorie Krepton. I'm a resident of Huntington Beach and a retired educator. I'm here to support a couple of things. I would like to start off first by supporting the Irvine International Academy. I know you are going through some—

WILLIAMS: Dorie, I do not know who you are talking to, but typically you addressing the Board, not the audience.

KREPTION: Oh, okay, sorry. I was addressing that comment to them for a moment. But I support your endeavors and what you are trying to do to resolve the issues that you have going on at your school. I wish you all the best with that. Also, to all the LGBTQ children in our schools and to their parents and teachers, happy Pride Month. You have a great deal to take pride in and great more pride work to do. Know that the people of good faith in this country are with you and celebrate you. Also, to all the children of Uvalde Elementary and the kids across the country and nation, I and others grieve with you. Many of us, anyway, promise to do better in keeping guns out of your lives and ours from this time forward. Thank you.

WILLIAMS: Thank you, Dorie. Joyce McNabb, and lastly, Shana Charles.

MCNABB: Thanks to the Board for allowing public comments. I'm Joyce McNabb. Over the last few months, many months, much has been said of Dr. Scott. But I suspect that he is not the first, nor the last, to turn the charter school industry into a money making project. Thank you.

WILLIAMS: Thank you, Joyce. Last up, Shana Charles.

CHARLES: Thank you. As we established my last time here, my name is Dr. Shana Charles. I appreciate this opportunity to speak to you. Of course, it is not a dialogue. I understand that. I hope that you will hear my words, listen to them, take them to heart. Bring them with you as you enter into this next term, this next two or four years, as you go. I wanted to talk to you from my perspective, a little bit of a personal perspective as a person of faith. In my faith, we start our new year, our very first holiday that is our most major holiday of the year as one of repentance and changing for the better. We look at what we have done in the past year and we say to ourselves, what could we have done better? Where did we go wrong? Where should we do something more for what we know our purpose is in this world? Let's do those deeds as we move forward this next year.

In the context of this board, I believe the Department of Education is a wonderful institution. Having a child with special needs that required that level of support, I am very, very grateful for it. I believe that where this board went wrong is getting sidetracked by fiscal management issues. When really the idea should be, why are we wasting money with a lawsuit that really had no chance of success? We could have invested that money back into our students. We could have put those millions of dollars to better use to serve the population that we are here to serve. I'm asking you to look with a servant's heart and think about that as you move into your next two years, for some of you who are up for reelection in two years, four years for the rest of you. I hope Mr. Shaw will watch this and hopefully take my words to heart as well when he starts his four-year term.

On that note, I just wanted to express how grateful I am to be able to speak with you face to face now that COVID is doing better. To point out that, my child as well as myself and Cal State Fullerton, as a professor, we are still wearing masks in the classroom. It is keeping rates down. It is keeping us healthy with our special needs. We do appreciate, both of us, that nobody in either of our schools gives us any grief for any of this. I just want to encourage that we continue to follow the science. That people who have special needs or live with someone with special needs, allow them to wear their masks, not be persecuted for it. Make sure that everybody stays safe, and of course, promote vaccination within our schools with all those great vaccination drives as we need to have boosters moving forward. Thank you for your time.

WILLIAMS: Thank you, Dr. Charles. That is it, Madam President. I will make a motion on the consent calendar for items number two, three, four and five. We are leaving out number six as earlier Trustee Gomez requested.

SPARKS: I will second that.

BARKE: Okay. All those in favor?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye.

BARKE: All right. Passes 4-0.

WILLIAMS: Madam President, I would like to make a motion for item number six to for approval.

SPARKS: Second.

BARKE: Any discussion?

GOMEZ: Yes. We have an invoice for the amount of \$47,000, well \$47,500. Yet, the bill just says redistricting and in person meetings. There is no detail. We do not know if they met the scope of work. I can't approve a bill without any detail that shows what exactly they accomplished under this contract. Can anybody? There is no additional documentation that was in our packet.

BARKE: I guess the only informal comment I would make is that you were present for the meetings I think starting back in June when they were working with us. Doug, I can't think of his name offhand.

WILLIAMS: Johnson, Dr. Johnson.

BARKE: Johnson, I know spent hours and hours working on maps, coming to meetings and coming virtually. I think it was a contract that we negotiated ahead of time to get through our redistricting process. I feel like we did—there were other things that went on along the way, but I think Mr. Doug Johnson fulfilled his contract. That would be my informal response.

SPARKS: And we had a lot of Q and A during those meetings as well to have any clarifications that we needed.

WILLIAMS: Yeah. The only thing I would add too is that in our contract, there is no requirement for time identification or time involvement. Beckie, you were the one, to remind you, that you actually increased it from the original \$35,000 to \$50,000. Mr. Johnson put way more hours into this than it was contracted. He did not charge us for many of the dozens of hours that he put into this, because the County Committee trying to insert their partisan ideology into the process to remove the boundary ability of this board. That strictly partisan effort unfortunately took us in a different direction, but the services were provided by Mr. Johnson. I do not think anyone can argue against that.

BARKE: Yeah. I would almost argue that he put an extra time because of the additional County Committee meetings that I do not think were anticipated when we negotiated the contract.

GOMEZ: Okay. Well, both of you indicate that there was additional hours. We do not even know what the base hours were. Again, there is no detail to this. It is difficult for me to support an invoice if we do not know what services were actually rendered in detail. How many hours were spent? Just saying you went to a meeting doesn't really help. I will be voting "no."

BARKE: All right.

GOMEZ: If you want to call the vote, go ahead.

BARKE: All right. Any other discussion before I call the vote?

WILLIAMS: That is amazing.

BARKE: All right.

WILLIAMS: I find that amazing Beckie that you said that. I really do.

BARKE: All right.

GOMEZ: I find it amazing that you talk about, you know, transparency and good governance, and yet we do not have back up for this invoice.

WILLIAMS: You do not think that Doug Johnson put any time into this?

GOMEZ: I'm saying he did, but there is no documentation to prove what he did.

WILLIAMS: It was not required in our contract.

BARKE: I think it was proved publicly if you go back and listen to the meetings. I think he spent quite a deal of time at our meetings here and the County Committee. I think, rather than just go back and forth, I would like to call the vote. All those in favor?

SPARKS, WILLIAMS, BARKE: Aye.

BARKE: All those opposed?

GOMEZ: Opposed.

BARKE: All right, 3-1. Are there any charter submissions?

BOYD: There are none. Are you going to have a report out from closed session?

BARKE: We are going to wait. We need to go back into closed session at some point. Once we complete it, we will. Thank you.

BOYD: Thank you.

BARKE: Okay. Next up is number eight.

WILLIAMS: I would like to make a motion to adopt—

BARKE: Oh, excuse me, one moment. I'm going to recuse myself from this since it involves Orange County Classical Academy. I have recused myself from the beginning of this process, and I will continue to do that as it comes before the Board. I will formally sit out from this, and Dr. Williams, our vice president will run this item.

WILLIAMS: Thank you for reminding us. I will run this part of the meeting for agenda item number eight. I will make a motion to approve it. I will need a second.

SPARKS: Second.

WILLIAMS: Second. I'm going to ask our good Maggie Chidester, she can come up and help explain the process and how we got to this MOU.

CHIDESTER: Good evening, members of the Board, Dr. Mijares. The Education Code provides that all charter schools have oversight. In this case, when the County Board approves a charter school as it has for Orange County Classical Academy II, the oversight is conducted by the Department of Education. Ms. Chastain and her team are very experienced in doing so. They developed, I'm told, I wasn't part of the process, but they developed apparently with members of this board, what they refer to as "standard template." The template is with the intent of really making sure the charter school does its job and the information from the charter school is readily accessible to the Board. In this case, your team overseeing that on your behalf and reporting to you is Ms. Chastain and her department. That is the intent of the memorandum of understanding and it is quite thorough. The template is quite thorough.

When this was presented to the charter school after approval of the charter school, it is my understanding that the Department received back a version with some additions and some strikeouts. That was presented by their counsel, Ms. Ruley. Speaking on the Board's behalf as your counsel in this matter, because of conflict of other counsel, or potential conflict of other counsel, I spoke with Deputy Superintendent Boyd and Ms. Chastain about the language and about some of their concerns, many of them that they agreed to readily said that is not a problem. Then I spoke with Counsel Ms. Ruley, brought some to her attention, well, brought all of the ones to her attention that remained and tried to work out a compromise that hopefully would be satisfactory to this board and still allow the Department to do its oversight profitably and effectively on your behalf.

The product that you have before you tonight is as far as we got. I think it is pretty close. There are a couple of items that you may have questions about or that you might like to speak to.

WILLIAMS: Very good. This is a time for questions for our counsel.

GOMEZ: I have questions.

WILLIAMS: Okay. You have the floor, madam.

GOMEZ: Okay. I'm looking at page 31, of this agreement. I'm looking at Section 3A, Governance, under item number three. It says that, "within 10 business days of the charter school meetings including special and emergency board meetings, that the charter school shall make best effort to provide OCDE with a complete audio or video recording of the open session portion of the meeting." Best effort, does that mean we do not have to do it? Because that is what that implies to me - I tried, but I didn't do it.

CHIDESTER: I asked the same question, Ms. Gomez. That is language that was after a second discussion provided by counsel on behalf of her client, the charter school. Here, as I know you are all aware, the Brown Act allows you to have anyone come and visit your public meetings, view the public meetings and record in public meetings. In fact, many boards of education including county boards these days not only record their public meetings, but they often post them online. That, in essence makes the Board's business and how you conduct it much more accessible to families who obviously have a strong interest in the governance of any charter school.

Also, a practical matter that Ms. Boyd pointed out is that, her staff, to do the oversight, one of the things they are responsible for is monitoring every charter school with respect to how they comply with the Brown Act for example, or how they comply with the LCAP for example, or other items including instructional items. It makes it pretty difficult if you are doing a thorough job of monitoring because in essence, and Ms. Boyd I do not want to put words in your mouth so you tell me if I'm saying this incorrectly.

BOYD: You are fine so far, Maggie.

CHIDESTER: Okay. Thank you. But in essence, that means her team has to come and attend every meeting or at least somebody has to come and attend every meeting. Then if it is the person that is the governance specialist, but it is a finance issue, then perhaps there wasn't exactly the expertise there that would have delivered to you important information about oversight. I have to agree with Trustee Gomez. To me, it is really not a problem at all to record meetings. Many of our school district clients and charter school clients do record and post their meetings. To me, it makes sense. This is what the charter school proposes.

GOMEZ: Okay. The portion about "with complete audio or video," you can produce a video with no sound. Right? The content really is, what are the board members saying? What is the public saying? When you say audio or video, I would say, "or video, including the audio."

CHIDESTER: I do not disagree, Ms. Gomez.

GOMEZ: I think we need to take care of that. Okay. Item number four, same section, what is the reasoning for extending the training of the Brown Act and the conflict of interest from 45 days to 90?

CHIDESTER: Speaking with counsel for the charter school, sometimes with folks' schedules and I have literally had this experience myself as counsel for charter schools, sometimes people's schedules, do not work. Ms. Boyd and Ms. Chastain graciously offered, they said, "you do not have to change it, just call us. We will informally agree to extend it based on what your circumstances are," but this is what counsel for the charter school has proposed.

GOMEZ: How many of the board members and administrative staff have been trained to this point?

CHIDESTER: I do not have that information. I can seek it from counsel if the Board would like that?

GOMEZ: Yeah. I think that is important because as we will see and as some of the discussion that we had about Irvine international, some of those discussions revolved around the lack of compliance with the Brown Act. I do not want to see something like this happen at this school, where something gets put off. I'm not in agreement with that. I understand people's schedules are sometimes difficult. But if this is important to the school, then their governing board and their administrative staff should make time for that. There is a lot of different portions in here having to do with the retirement for the teachers. Where do we stand now? It seemed like there was different parts of this. It seemed like they were a little bit in conflict, so can you address that for me?

CHIDESTER: D2, under Fiscal Agent, the proposed change that the school has asked the Board to make is that they make arrangements for participation in STRS, PERS, Social Security, consistent with retirement systems the charter school elects to participate in. That is the piece that the school has proposed. Not all charter schools participate in STRS or PERS. That is, I think the overwhelming majority that I'm familiar with do, but this was proposed by the school.

GOMEZ: Yeah. Because if you look further down in C, it said, "should the charter school elect to participate in one or both of those systems."

CHIDESTER: Yes.

GOMEZ: Then, same thing under Human Resources on page 34. It just seems like it is a little bit muddled in different spots. I would just want to make sure that everyone is clear as to what the expectation is for the teachers. I mean, that is going to be part of their compensation going forward. They would like to know what is happening there, so I would just ask that that be clarified in this document. On page 34, under Insurance and Liability, item number four, again on page 34, the change from 3-5 business days regarding pending or actual litigation, what was the reasoning there?

CHIDESTER: Again, just timing is what counsel offered.

GOMEZ: It also concerned me that the addition was that is known to the charter school. If they are served with the complaint, they should know about it, correct?

CHIDESTER: If they are served, however, some plaintiffs and/or plaintiff counsel may file a complaint and not serve it for a number of reasons.

GOMEZ: Okay. All right. Well, that does concern me. Then on page 35, about the facilities agreement, item two, about the pre-opening site visit, and then once the charter school must request a material revision for the charter petition in order to add additional facilities not described in this charter petition and that they would not need a site review? That is how I read that. Could you clarify that for me?

CHIDESTER: The proposed language is a bit awkward. I would concur with that. I think the point being though for the Board, this language isn't really necessary because the Education Code authorizes the authorizer to visit, and there is no minimum period of notice. Out of courtesy, I would think you would call and make an appointment. Okay. But you certainly can't say, well, I would like to see you in 60 days, for example. I mean, technically this isn't needed. Again, I do not want to speak from Ms. Boyd, but she shared with me there is important things to assure that are in place before school opens so when school opens it is an organized, planned, productive and hopefully joyous experience for the students and the teachers.

GOMEZ: Well, we want to be sure the environment is safe and appropriate for students.

CHIDESTER: Yeah.

GOMEZ: I would not want to see that waved at any point, nor for additional sites. Going to page 36, the material revisions, where it says, "the modifications of the approved charter must be in writing and submitted to OCDE for review," the word determination is struck and "recommendation to the Board" is inserted. Isn't the Board, the chartering authority? Don't they have the right to determine the status as opposed to recommend?

CHIDESTER: The Department, technically the Department reviews and provides a recommendation to the Board, but it is the Board that is the legal entity that determines. It is not the Department that makes the determination. They typically have pretty good advice, and they have good reasons. But they are not binding on the Board as I know you are all so well aware.

GOMEZ: Yeah. Again, I go back to, do we not want a safe environment for our students and we want to assure that our students are getting the best education possible in any one of our facilities? I have a lot of concerns about some of these changes so that is the end of my questions.

WILLIAMS: Lisa?

SPARKS: Oh, I would just add that I appreciate the hard work that has gone into this and the analysis. I would be comfortable with adding that the video with audio, although I think it is implied, actually, but I would be comfortable with that edit. Other than that, I think everything looks really good and improved. I think the effort to streamline the MOU process is something we really need to be continuing to do because it can be quite cumbersome, so I appreciate the effort here.

CHIDESTER: These are no fun to negotiate from scratch. Believe me.

SPARKS: No.

WILLIAMS: I will finish up with the question. How many hours did you put into actually negotiating this contract?

CHIDESTER: Oh gosh. I don't know.

WILLIAMS: Approximately?

CHIDESTER: I do not know, probably less than 15, between Ms. Boyd's Office and, you know, they had some great explanations and good reasons. Then I got with counsel a couple times and spoke with her. She had to take it back to their board. Let's just be candid. Some folks that are in the process of putting together a charter school sometimes they have had an unpleasant experience with a previous authorizer. They may be imagining things that the Department and this Board would never be problematic with for them. They may have had a bad experience. I do not really know the rationale as to why the feelings were so strong from this school. That would be a question for counsel, and that was not shared.

WILLIAMS: Is an MOU required by State Education Code or any law?

CHIDESTER: It is really necessary, as opposed to required. Otherwise the Department, which is your eyes and ears supervising, is the charter doing what they said they would do? Is the charter spending their money per the LCAP? Is the charter complying with the law? It is very necessary to the successful operation and oversight of the charter. Because when a charter goes sideways and the authorizer goes to FCMAT or County Superintendent goes to FCMAT and says, "we have a problem with this charter school." The first thing FCMAT will ask the County Superintendent, I do not want to speak for Dr. Mijares, but certainly in other counties, first question from FCMAT is, "Have you done your oversight?" These good folks are doing the oversight for you on your behalf. It is very necessary in my humble opinion.

WILLIAMS: If I can ask Drew from the Orange County Classical Academy to answer some of these questions that Trustee Gomez brought up, starting from the first one, page 31 regarding making best efforts. My understanding is that you record all of your meetings on Zoom.

DREW: Yeah. Yes, we do.

WILLIAMS: —Or YouTube, and they are publicly available. Is that correct?

DREW: We post them, so they are always available.

WILLIAMS: Okay. Yep. The question is, the concern from the Department is that they are going to have to send an individual there to watch all of these meetings. But if they are already recorded and it is public, I'm not sure of the issue.

DREW: Right. We were operating under a charter from Orange Unified School District. We were providing them with the links and this was never a problem. Our only concern was having an MOU, which is, I'm told is necessary, but not required. That is a strange thing. I'm not quite sure what that means. But what we didn't want was for us to be obliged to do it in the case that there is a technological failure or if our IT person just happens not to be able to make it to the beginning of a meeting and we do not record the whole meeting. We already know we need to make best effort to do this and we have been. We have a record of doing it. We just do not think it is appropriate for us to be required to do it. We all know technology doesn't always work. That is my job. During COVID, sometimes my technology didn't work and my lectures didn't come

out so well. We are quite sensitive to that. Knowing still full well that it is the right thing for us to be doing, and we will do it. It has been our practice all along.

WILLIAMS: Okay. Moving on to the Brown Act training, originally 45 days was used.

DREW: Right.

WILLIAMS: But that was something that was changed to 90. I'm just looking at our own board policy here, how quickly we have to complete that when you first come on the Board. Nina, how many days is it that we require?

BOYD: Let me look.

GOMEZ: I think logistically, after the election, there is usually a training in December. I think most board members get that done then.

WILLIAMS: If they are elected in July and they get it done November, that is what, four months, 120 days? I think 90 is reasonable.

DREW: By the way, all of the board members have gone through Brown Act training, and it was done pretty quickly. I wouldn't swear to it having been done 45 days from our first term, but we have all gone through that training.

WILLIAMS: Okay.

BOYD: Dr. Williams, yours is not a Brown Act training. Yours is an ethics training and it is within the first three months.

WILLIAMS: We are saying 90 days. That is online, as far as I recall.

BOYD: Yes, you can do it online as well, right. Yes.

WILLIAMS: The state School Board Association, I think puts out that course.

BOYD: There is a couple of different ways that it can be done.

WILLIAMS: We do not require formally any Brown Act training, is that correct?

BOYD: This board has typically done a formal Brown Act training once a year, annually, but it isn't something that the Board individually does. You have asked counsel to provide that.

WILLIAMS: Okay. But we do not have it in our board policy?

BOYD: Correct.

WILLIAMS: Okay. It is only the ethics training that we have. Okay. We are going way beyond in requiring something that we do not even do ourselves.

BOYD: Typically, yours is because you are elected. Most charters, they are not elected officials, so you have that background.

WILLIAMS: Sure. Going on to what Trustee Gomez, her comments. On page 34, I do not know if you have the document in front of you, I think it was disclosures regarding, it looks like lawsuits and litigation three to five days. I think that is reasonable. That is not asking too much.

DREW: Yeah. That was from the advice from our counsel, but we just wanted a little bit of extra elasticity to make things work.

WILLIAMS: Okay. And the facilities agreement, Beckie, what was your concern about the facilities agreement?

GOMEZ: The language just looked a little bit awkward about doing a pre-site visit. I just wanted to be assured that we would do a pre-site visit.

WILLIAMS: Okay.

GOMEZ: For any additional facilities he is wanting.

WILLIAMS: So, the language just looks unusual and atypical. You, of course, would not be at all opposed to anybody coming onto your campus—

DREW: No, not at all.

WILLIAMS: From this department or this board to review or look at? In fact, it is probably an open invitation I would expect from you.

DREW: Absolutely. We have had authorizers, again, Orange Unified School District has visited us many times, and we are absolutely open.

WILLIAMS: Okay. Very good. That clarifies that. On page 36 on the issue that Trustee Gomez brought up, material revisions, that is wordsmithing and semantics to me, whether it is determined or recommended. Beckie, could you just help me understand a little bit more your concern about the word choice there?

GOMEZ: I just said that, you know, as the authorizing authority, that it should be a determination not a recommendation.

BARKE: But as Ms. Chidester pointed out, the OCDE recommends to the Board, and the Board is the final approval and determiner.

DREW: Right. That was our concern. That the Department should recommend and you all as the board should determine, and we thought that was an important clarification.

WILLIAMS: Okay.

DREW: Recognizing, by the way, that this was a template. Part of what we are trying to do is help improve the template for the next charter school.

WILLIAMS: Right. A template by the way, which I was not part of. I do not think this board was ever part of when we started approving charter schools.

BOYD: That is not correct.

WILLIAMS: I do not remember it, Nina.

BOYD: Okay.

DREW: Be that as it may—

WILLIAMS: Please do not argue with me in public, but I do not remember ever being a part of the creation of this template.

BOYD: You had a committee that worked with staff. I was part of the staff.

WILLIAMS: Could you provide information on that?

BOYD: I can.

WILLIAMS: Okay. I appreciate that.

BOYD: Because it was Mr. Boyd and Ms. Lindholm, were the two trustees. You have not reviewed it since they were on the Board. That would be correct. But we originally developed a template for the Board when we first started and created our Charter Schools Unit. The Board then indicated they wanted to have some input into that template, and the Board then developed their committee. That committee was Mr. Boyd and Ms. Lindholm. We met here in this office multiple times, and then that template was brought back to the full Board.

WILLIAMS: And we approved it?

BOYD: And you all approved it.

WILLIAMS: What year was that?

BOYD: Well, I will have to get back to you on that, because I do have good memory, but not—

WILLIAMS: It is always good to look at these templates and review them. As you said, Drew, that you are trying to improve upon this. Okay. I'm done with my questions. Beckie, any more questions?

GOMEZ: I do have one that just got raised by some of the conversation. You indicated that some of your meetings are on Zoom?

DREW: Yes. As far as I know, all of them have been.

GOMEZ: Okay.

DREW: Yes.

GOMEZ: Are you complying with SB 361?

DREW: Okay. Oh, sorry, let me be clear.

GOMEZ: Okay.

DREW: Once we got back to in person meetings, the members of the board are in person, but we are broadcasting it via Zoom for the community.

GOMEZ: Okay. So, are you operating under SB 361?

DREW: Yes. As far as I know, yes.

GOMEZ: Okay. That acknowledges Governor Newsom's emergency order with SB 361 if you are operating under that. When you said that some of the portions weren't recorded, Under SB 361, if you have technical difficulties, you have to stop your meeting until that is restored so that the public has the opportunity to participate in the meeting. I'm a little bit concerned about that.

DREW: This was under that rule when they were remote. That would have been true, and that never happened now. We are only referring to in person meetings now.

GOMEZ: Okay.

DREW: Not under that emergency order that we are not operating under anymore. We are entirely in person meetings now.

GOMEZ: Okay.

DREW: As far as the board is concerned.

GOMEZ: Okay. Still, if you have technical difficulties, you should be stopping your meetings until the technology is restored because otherwise you wouldn't be able to provide the video or the audio to the Department.

DREW: Well, that is why we are concerned about best effort. There is not a legal obligation to record a meeting.

GOMEZ: Then you are going to transcribe it?

DREW: That is what public meetings are for. You post it. You have the agenda posted. People can come. We certainly as a practice record all of our meetings, of course we do. That is the right thing to do, but it is not a requirement that we do. It would have been when we were meeting remotely, and we did.

GOMEZ: Well, under this agreement, you are agreeing to record the meetings. If you do have a technical difficulty, you have to stop and resolve the technical difficulty.

DREW: I suppose we need to bring this to our counsel and get a little bit of clarification there, but that is not my understanding of it. We are agreeing with you that we will make our best effort to provide you with recordings of our meetings.

GOMEZ: Yeah, and I do not agree. I think it is too important to let that slide. Again, we are talking about, you know, transparency.

DREW: Yeah.

GOMEZ: You know, allowing your parents to participate. Anybody who is watching any of the meetings, you will always hear me talk about parent participation.

DREW: Absolutely. Yeah.

GOMEZ: And how important it is.

DREW: Right.

GOMEZ: Just know, that is where I'm at again on this.

DREW: Got it.

GOMEZ: You got to have your parents participate.

DREW: Yep, as we do.

BOYD: Dr. Williams, just for the record, that template was approved by this board, February 10th, 2016.

WILLIAMS: Okay. Very good. We will probably go back and look at that. Just to be clear, your intentions have always been, unlike what was just said by Trustee Gomez, your intentions are always to be transparent, to be there for the parents, keep the parents involved as a central role and decision maker for their children. You do have your meetings live.

DREW: Right.

WILLIAMS: And, they are recorded. You do keep minutes. The language that you suggested is just in case something happens where you just do not have it.

DREW: Right.

WILLIAMS: You are giving, and there is available to our staff here, some type of minutes, or video or audio of your meeting.

DREW: Yes.

WILLIAMS: It may not be transcribed, we transcribe everything here. But that is not required in any way. Okay. I just wanted to make sure that that is clarified in public.

DREW: Yeah. And I'm saying publicly, we agree with you that that kind of openness is absolutely vital to a charter school, because it is a public trust that we are involved in here. I completely and enthusiastically support the intentions of what you are saying. We are just concerned with the technical matter of being obliged to do something when we are all aware that technology is sometimes not reliable. That is really what this is about.

GOMEZ: You have to have backup mechanisms. If one technology fails, then you've got something else.

DREW: Then we have extensive minutes, which we do post. Again, it is an open posted meeting. I do not think I have been at a meeting when we haven't had parents present in the room.

GOMEZ: That is good.

DREW: Yeah, absolutely. The parents are quite active in our school.

GOMEZ: All right. I have no further questions.

WILLIAMS: Very good. Okay. I made the motion to approve the MOU. Thank you again, Maggie for all of your help and efforts to make this happen. Thank you again, Drew for your board in making this happen. All those in favor of this MOU say—

BOYD: Is this with amendments or without amendments?

WILLIAMS: No amendments. My motion was without amendments.

BOYD: Okay. I just wanted to clarify. Thank you.

SPARKS: Do we need a second?

GOMEZ: You had a—

SPARKS: I said I would be okay with it, but it doesn't mean it needs to be amended.

WILLIAMS: Yeah, no.

SPARKS: So, do I need to second it?

WILLIAMS: Well, so hold on here. Originally my motion was to accept the language change that was negotiated by our attorney. That is the board counsel document page 30, 31, 32, 33, 34 and 36 and 37. That was, if I did not make it clear, I'm sorry. My motion is to make those pages, the actual MOU that we adopt.

SPARKS: I will second that.

WILLIAMS: Okay. If I was not clear, hopefully I am now.

SPARKS: Do we call for a vote?

WILLIAMS: Yeah. So, we will call for a vote. All those in favor of this motion, say aye.

SPARKS, WILLIAMS: Aye.

WILLIAMS: Opposed?

GOMEZ: Opposed.

WILLIAMS: Motion passes, 2-1. Okay. Moving on to number nine, I will pass the gavel back to our good Madam President Mari Barke.

BARKE: Thank you for handling that item. We will move to number nine now, and we will invite Aracely up regarding Irvine International Academy .

CHASTAIN: Good evening, President Barke, Trustees and Superintendent Mijares. At the June 1st board meeting, the Board asked for representatives from Irvine International Academy attend today and the staff provide an update on the status of issues that fall under our oversight and accountability functions for the school. The school was issued a notice of concern on May 2nd that addressed seven areas requiring corrective action. The Board has been provided a copy of that notice. Regarding that notice the school administration has been responsive and met most of the deadlines in the letter so far. Many of the responses from the school have been that they will follow the school's anti-nepotism, conflict of interest and financial policies. While we understand that the school staff has intentions to follow their policies and all applicable laws, we strongly encourage the school to develop internal standard operating procedures to ensure compliance, train all board members and relevant staff on the school's financial and conflict of interest policies and complete comprehensive Brown Act training to prevent issues of non-compliance from occurring in the future.

We have not received a response regarding the afterschool program regarding pupil fees. The school has until July 1 to submit all remaining responses. I believe they are still waiting for a response from their attorneys on that. The school has taken some positive administrative actions in May and in June that we have been happy to see. They have adopted and will file their conflict of interest code. They have adopted a uniform complaint procedure, and they have adopted a salary schedule for certificated staff. They have committed to continuing to offer an afterschool program with a Mandarin component and are currently looking for vendors to operate the after school program.

There are additional areas of concern that we are currently monitoring. The school did not offer a universal meal program this past school year. They are aware that they are required to do so for the 22-23 school year. I believe that the interim executive director is looking into that now. The school's leadership remains in flux. IIA continues to look for a permanent executive director. Former Board Member Dr. Edward Watson is currently acting in that capacity through June 30th. We are in regular contact with Dr. Watson and have found him to be responsive, understanding and eager to move the school in a positive direction, so that has been a good working relationship for us.

IIA School Board reported out at the June 7th board meeting, closed session that they have voted to seek an amicable separation agreement with the school's Principal Steven Chuang. It is unclear when the school will begin recruitment for a new principal. They are currently looking for an assistant principal. We remain greatly concerned regarding the lack of action by the IIA governing board on the employment of Dr. Michael Scott, as it pertains to potential gift of public funds. Mr. Scott has been on paid administrative leave since March of 2022. Although no formal report has been given by the school as to the reason for Dr. Scott's leave, our understanding from the IIA board president is that he is on leave pending the renegotiation of his role with the school and a new employment contract.

Dr. Scott has rejected the role of director of development. Our understanding from the board president is that the issue is Dr. Scott's requirement is that his role provide him with full STRS credit each year. We strongly encourage the school to settle the role of Dr. Scott, or also move to negotiate an amicable separation of employment as soon as possible. We continue to get monthly complaints regarding potential Brown Act violations. We are working with the school. We have seen improvement in some areas; however, some of the same issues tend to remain, such as clarity of closed session items, board documents or writings being made available for public inspection, and a general understanding of what needs to be approved by the board and what does not, based on the school's own policies.

We continue to redirect parent requests and complaints/concerns back to the school for resolution, and we are aware that the school has received some UCP complaints regarding pupil fees that have been submitted in the past few weeks. I now invite Interim Executive Director Dr. Edward Watson to the podium.

WATSON: Good evening.

BARKE: Good evening,

WATSON: Director, Aracely Chastain covered most of everything. I think the only thing I need to add is we have approved the UCP, the Uniform Complaint Procedure. At the next board meeting, June 28th, we plan on, I plan on providing the board with a general complaint procedure, as well as a suicide prevention policy, a sexual harassment policy and the anti-discrimination harassment and intimidation policy. The Brown Act training, I do know that the board, on April 19th, had a one-hour consultation training by a consultant. Then parliamentary procedure guides were also passed out for all board members. A two-hour video training, in addition, entitled "*Effective Boardmanship*" was required by all board members by May 15. The website has been improved for easier navigation with respect to board meetings and board documents. The board president, as well as myself, the office manager and the director of HR and operations have an in-person meeting one week before board meetings in order to have everything prepared for the 72-hour window. Any questions?

BARKE: Thank you for that update. I appreciate it.

WILLIAMS: I have questions. Beckie?

GOMEZ: Go right ahead.

WILLIAMS: Okay. Wow. Thank you for being here.

WATSON: Thank you.

WILLIAMS: We appreciate the dialogue. We appreciate, Aracely all of your efforts. Obviously this has become a political hot potato and subject to partisan motives there in the city of Irvine, the mayor of Irvine citing some very poorly constructed and poorly worded public letters that went out to undermine your board. I do not think that everything is perfect the first year. I think maybe a learning curve has been established and you are on your way. But you have received a lot of partisan bantering and people who have interjected politics into the school. I think you are on the right direction. Dr. Watson, congratulations for being there. Thank you for stepping up. There is things that we can and cannot do as a board. That is why we rely upon Dr. Mijares and Aracely to do all of their due diligence and what is important in getting your school up and running properly.

Yeah, you have made some mistakes. There are human mistakes. There are mistakes that are correctable. There are issues that have been changed, as Aracely said. You, yourself are responsible in understanding. The leadership I think has taken control of your school. I just wish there wasn't so much politics involved. You have some afterschool program issues and things like that that I'm sure will be worked out. Regarding Dr. Scott, the gift of public funds, we will allow that to be worked out behind the scenes. But more importantly, it is the people of Irvine who think that our board is just sitting on our duffs doing nothing. We are not. We only can do so much. We cannot control and dictate to your board what to do. That is a very important fact about this. We are here to correct any major violations that are necessary, so far there has not been. Let me put that on the record. There has not been any serious notifications that we have to make something publicly.

I think your problems are going to be corrected. For those parents who are not happy, I ask myself, why are you there? There are lots of good schools in Irvine. Find a school that is good for you, that fits your model. We do not need to throw landmines at your school and undermine what you are doing. Dr. Watson, I think your leadership is exceptional, and I'm very impressed.

WATSON: Thank you very much. With respect to the letter from the mayor, to my understanding no one from the mayor's office has reached out to the school. I took it upon myself to reach out to the mayor's office in order to show the improvements that we are trying to make.

WILLIAMS: For the record, I called her two times, and she has not returned my phone call.

WATSON: Oh.

SPARKS: Well, I just want to say that I really appreciate your tenacity to resolve the things that do need to be resolved. You are all on an upward trajectory, and we are hearing from a lot of parents who are very happy with the trajectory of the school. Just keep pressing on. It is true, charter schools in the beginning, you know, there are some obstacles and hurdles to get through, as anyone who has been involved in a charter school would know. But we are here to support in every way that we can. We appreciate the hard work that you are doing.

WATSON: Thank you very much.

SPARKS: Thank you.

GOMEZ: Okay. I'm up. Well, first off I would like to say that educating kids should not be political. I'm really kind of disappointed that the public comment from your school did not address any of the concerns from your board president, so that was a little bit disconcerting. The Brown Act, we have been talking to your school about the Brown Act and the board meetings failure to follow the Brown Act since November of 2021. That response was due in December. There was another letter in March, and the response was due in April, or early April. Now, you are saying that on April 19th you had a one-hour Brown Act training, what was the delay?

WATSON: I'm unable to answer that question. I apologize. I was (inaudible).

GOMEZ: I'm sorry that you are put in this position to have to account for other people who did not follow through. That is concerning to me. You indicated that you had some policies. If you could just reiterate those policies? I think you said something about the sexual harassment and some other things. Could you clarify which ones those are?

WATSON: Yes. On the June 28th board meeting, that is when it is tentatively scheduled, I will present the board with the General Complaint Procedure, the Suicide Prevention Policy, the Sexual Harassment Policy and the Anti-Discrimination/Harassment/Intimidation Policy.

GOMEZ: Okay. Where is the Anti-Nepotism Policy? Where is that? A response was due on May 23rd.

WATSON: I believe the Anti-Nepotism Policy was submitted to OCDE.

GOMEZ: Okay. We will come back to that. Let's see, the handling of personal and confidential information, there was a response due by April 6th. Was that responded to?

WATSON: I'm unable to answer that question. I apologize.

GOMEZ: Okay. What about the December 2nd, 2021 letter about the nonprofit status being suspended, can you address that?

WATSON: Nonprofit status for which entity?

GOMEZ: For your school?

WATSON: No, I'm sorry. I'm unable to answer that question.

BOYD: Aracely.

GOMEZ: Okay. Well, let me finish asking questions and then you can come and do that. What about the commingling of funds, the fees versus the donations that was identified in the April 11th letter?

WATSON: Yes, that is I believe something that we have been in contact with OCDE about, and Director Chastain might be able to shed more light on that.

GOMEZ: Okay. That was due May 30th and we still do not have a resolution. Is that accurate?

WATSON: I'm unable to say if it is accurate or inaccurate.

GOMEZ: Okay. Okay. In the April 11th letter, one of the items that was identified was the Disclosure of Reportable Interest, Form 700. The Form 700, both the public and the parents have a right to know how their board—and for that matter, any public official in a position of fiduciary responsibility, to know where these people derive their income. This goes directly to any conflicts of interest or self-dealing. If public officials are not held to account, how can we, the public, trust them? We need to have accurate 700s. Did we get that resolved?

WATSON: To my knowledge, accurate 700s were presented to OCDE sometime in May.

GOMEZ: Okay. All right. That is all for now. Aracely, if you could come?

CHASTAIN: Trustee Gomez, you are looking at some of the prior notices of concern, correct?

GOMEZ: Correct.

CHASTAIN: If you can remind me here, which ones you have questions on still?

GOMEZ: Okay. Let me see, the nonprofit status.

CHASTAIN: Right. That was an issue that we were dealing with a few months ago. We did find out that the school had lost their nonprofit status, which was obviously of great concern because that is where liability can sometimes shift if they are not operating under nonprofit. Our understanding from Dr. Scott at that time was that he had not filed any tax documents, and that nonprofit had been in operation for a few years. He just had not filed any tax documents because he didn't have a charter school associated with the nonprofit. He was unaware that he needed to still file documentation. The IRS had suspended his nonprofit status, and he worked for a few months to get that corrected. It was corrected. He did file all of the back tax documentation and then that nonprofit status was brought back.

WILLIAMS: When was that, Aracely?

CHASTAIN: The exact dates of when that was done, completed?

WILLIAMS: Reinstated, yeah.

CHASTAIN: It took months to complete. When we sent him the notice—hold on. Let me look and see which notice of concern that was.

GOMEZ: That was the December 2nd letter.

CHASTAIN: The December 2nd letter, I think it took—he probably—I think it was completed in February. It took a few months for them to do everything that needed to be done.

WILLIAMS: That is not an active issue now?

CHASTAIN: No. It is not an active issue anymore, no. That nonprofit status has been reinstated, and it was reinstated retroactively. It is good now.

WILLIAMS: Okay.

CHASTAIN: I think, for you to understand our process a little bit, if we have an issue where we have sent a notice of concern and the issue has not been rectified to clear that notice, it goes on a second notice. It could potentially go on a third notice, and then it would come before this board as a notice of violation if we can't get the school to correct. More often than not, schools correct with a notice of concern. They may need extensions in timelines. They may need a second notice, but we haven't really had to bring notices of violation before the Board too often.

WILLIAMS: For the record, this IRS status issue, that is not an active issue?

CHASTAIN: Not an issue anymore.

WILLIAMS: Okay.

CHASTAIN: That is correct.

GOMEZ: It has been resolved?

CHASTAIN: That has been resolved, correct.

GOMEZ: Okay, good. How about the March 23rd letter that outlined the handling of personal and confidential information? Did we get that resolved?

CHASTAIN: I think this is one of those issues where, you know, we bring up the issue and we hope that the school put into place some internal policies. We get assurances in writing from them that they will take care of that issue. It is still unclear how some of this information got leaked. I think that that is where, you know, it is difficult to clean up when you do not know who is leaking information, potentially. But they did hire a human resources specialist who has been putting policies in place. She is definitely in charge of this now and is well aware that, you know, that information is confidential. She is being very careful about that now.

GOMEZ: Okay. The mandated reporter training, that was also the March 23rd letter. Do we know if all those folks have been trained now?

CHASTAIN: They have, as far as we are aware. They were trained this year. This is an annual training that has to happen, so this is something we monitor on an annual basis. That was concerning to us. We had multiple conversations, notices, emails, phone calls regarding this issue. It took them a while to get all of their employees trained. They all do need to be trained annually and done, hopefully closer to the beginning of the year than towards the end of the year. But it is something that we monitor every year just so that you know.

GOMEZ: Well, that was going to be my next point. The school has been open for months and the school failed to train on the mandatory reporter training which concerns me.

CHASTAIN: We do not like to see that being done in the spring. We prefer for that to be done much earlier in the year.

GOMEZ: Right, right. Okay. The concerns outlined in the May 2nd letter, there were a number of concerns that were—

WILLIAMS: Can I just ask before you move on?

GOMEZ: Sure.

WILLIAMS: I want to move on. I just want to—so, the issues in this letter that Trustee Gomez, March 23rd, are those issues of concerns resolved?

CHASTAIN: Yes. I do not believe any of those carried over into the next letter.

WILLIAMS: Okay.

CHASTAIN: They would have, had they not been resolved.

WILLIAMS: Thank you, Trustee Gomez. Go ahead.

CHASTAIN: Yeah. May 2nd, which item are you looking at, or are you just asking in general about all of them?

GOMEZ: Well, May 2nd, there is a lot of different concerns, the conflict of interest, the fiscal purchasing policies, et cetera. There is several different items. I have concerns. Hold on. I'm not even sure how many there are.

WILLIAMS: A lot.

GOMEZ: Yeah. There is seven concerns that were outlined. I think one of them, number seven is due on July 1st. All the rest of them I think were due by May 23rd and May 30th. Have those been resolved?

CHASTAIN: We are currently reviewing what has been submitted, some of this, you know, again, these deadlines just happened not too long ago. But we do know that they—like I stated, their conflict of interest code was approved at their last board meeting and is being submitted. Let me look at this one real quick. We are reviewing the Thinkware technology documentation and all those monetary payments. That information has been submitted. If we have issues with anything once that review is done, we will let the school know. But as far as just clearing this notice, which is simply asking for submission of these documents, that was done. They did provide us an explanation of why two Form 700s were submitted for Brett Freeman. We are looking at—they identified one as being accurate that shows nothing reportable. We are not sure if that is accurate, so we are having our legal department look into that. We believe that there may be some property that should have been reported that was in the original Form 700 that was submitted. We will make sure that they correct that if that is the case. We will find out from our legal department about that.

GOMEZ: Yeah, that Form 700 I think is pretty critical. Again, the public wants to know where elected officials are getting their money and that there is no self-dealing or conflict of interest.

CHASTAIN: Right. Yeah. There is some property there. We are looking into the distance from the school or from the county that that property needs to be on in order to be disclosed, so we will get that answer.

GOMEZ: Okay.

CHASTAIN: We will notify the school. From what the response was from Board Member Brett Freeman was, he submitted, you know, he didn't realize two had been submitted. He thought one was the correct one. Whichever one is accurate, he is open to us having that dialogue with him. So, we will let him know.

Regarding the anti-nepotism policy. They had an anti-nepotism policy pretty early on in the year. We started having some questions regarding following that policy that had specifically to do with the hiring of Dr. Scott's son, and how that occurred and whether that followed the school's anti-nepotism policy. We asked when that policy had been board approved. We were told that they couldn't provide us with proof of that having ever been board approved, so we asked them to approve that anti-nepotism policy, which they did do. This notice is more about failure to comply with that anti-nepotism policy. This goes back to sort of what I was saying before, which is, you know, they have assured us they are going to comply with the anti-nepotism policy. Obviously the issue is that they haven't been complying. Assurances, you know, we want you know, we know the school is trying to comply with their policies, but obviously there is a breakdown somewhere in their internal policies that has not allowed that to occur. They have assured us that, you know, contracts will go before the board. That they will follow their anti-nepotism policy as written, so that is where we are at with that one.

GOMEZ: Well, I think we are in June, and this school has operated for an entire year. We have had numerous letters identifying different concerns that have been raised by the parents, by your unit. It is easy to have a policy. But if you do not comply with your policy, it doesn't really mean anything. I'm concerned. I had concerns when the school first came before us that they weren't quite ready. I think that the performance and mostly due to the lack of leadership and the change in leadership. We didn't know who was on first with the principal and the executive director, et cetera. Then people put on leave, people going away. I'm sure it was difficult for your Unit to try to figure out who you could go to and who had the answers. I'm greatly concerned about this, and I'm greatly concerned for those children that are enrolled in this school. Their education may be compromised because there is so many different things going on that are taking away the focus from educating our kids because the adults in the room can't pull it together. I do not have any further questions

WILLIAMS: Madam President I do, please. Let me try and put a different spin on it from Trustee Gomez. Dr. Johnson will you come up, and could you answer a couple questions about how good your school is doing academically? I hear there is some good news regarding some math scores. When disparaging manure is sent up in the air and it is hoping to hit and infect somebody, I want you to clear this misnomer that your school is going nowhere. I think that is wrong. I think your school is doing great. Could you help tell us, besides stumbling on some of the things that are happening, tell us academically how these students are doing?

WATSON: Yeah, actually when I was just sitting there, I thought to myself, I forgot to bring this up. I know Board Chair Husen wanted me to mention this. Yes, the students, I haven't heard from anyone I believe, that they are concerned about their students. Their children are loving the school. They all enjoy the school. I heard a parent say recently that she couldn't believe that her daughter didn't want school to end and wanted to go back without having a summer. The scores are all very high. They are all 90 plus percent from the latest Star Renaissance Testing, that is in math and in English language arts. The CAASPP ("C" double "A" "S" double "P") scores are still pending, but we expect those to be high as well. As far as the instruction, we want to really thank our teachers and the staff for putting in all the hard work this year to overcome the challenges we have had. I think at the end of the day, we want our students to—it is all about the

kids, right? We want our students to enjoy it and to perform well academically and we believe they have.

WILLIAMS: Save the few gad flies that come in and complain and tell us how bad your school is, I'm seeing a very different picture here. For the record, those scores are incredible.

WATSON: Thank you.

WILLIAMS: Congratulations to your staff.

WATSON: Thank you.

WILLIAMS: That is all I have to say.

BARKE: All right. I want to keep this moving. We have been here quite a while on this item, and I know we have other charters here waiting as well. But I do want to commend you as well for the results. I'm thrilled to have this choice in Irvine for children. I'm thrilled to be newly in the Irvine district as a trustee. I have talked to parents and people associated with the school, and I hear great things about the school. It is great to have choice, and there is growing pains with anything new. I know you guys will work through it. It is great to see that, you know, whatever has come up, you have worked through. Thank you for your hard efforts and being part of this.

WATSON: Thank you, President Barke and Board members.

GOMEZ: Could I just ask you about your enrollment? What is your enrollment right now, or how did you end the school year?

WATSON: Our latest numbers at the end of the school year were 307. Coming into the fall, our tentative estimation is approximately 400 plus.

GOMEZ: Okay. How many special ed kids do you have?

WATSON: Special ed, the percentage is low, less than 10%.

GOMEZ: Less than 10%?

WATSON: Less than that, yes.

GOMEZ: Okay.

WILLIAMS: Is there a waiting list?

WATSON: There is a waiting list. Right now, I believe the waiting list is TK and kinder only.

BARKE: Okay. All right. Well, thank you so much. All right. I think we can move on now to Suncoast who has been waiting very patiently. Thank you everyone who is here for IIA and for Suncoast and all that. We appreciate your time and patience.

CHASTAIN: The Board requested representatives from Suncoast Preparatory Academy attend this evening and for staff to provide an update on oversight for the school. The last update on the school was given on January 5th just to give the Board—. A couple of items, the school has not found a facility. Our understanding is that they are still actively looking for a facility. It has been a little while now. Potentially if they are unable to find a facility, they will need to do a material revision to adjust for the services that will not be provided at a school facility. Their resource center did things, such as intervention services, workshops, hands-on learning activities, classwork help, student engagement, face-to-face student/teacher meetings, things like that. I do know that the school, you know, found value in having a resource center within the boundaries of Orange County. I think that they are still looking, budget might be a little bit of an issue. It is very expensive to have facilities in Orange County. It is affecting, you know, certain things like the ability to have in-person board meetings. They also do not house their student records in Orange County at this time. We are looking into that, and hoping that they will be able to locate a facility in Orange County soon.

Regarding staffing and special education, the interim director/principal of the school has resigned effective June 30th. Today the school board approved two teachers to be designated as co-principals effective July 1. The school special education provider decided not to renew its contract for the 22-23 academic year, so they are actively looking for a new special education vendor. They do need to find a vendor to provide extended school year services for a couple of students. Those services would need to be effective July 1, so they are looking for that vendor who would do that.

The school is currently working with their attorneys on two special education due process hearings initiated by a parent claiming that the school failed to provide their two children with a free and appropriate public education or FAPE for two years. The Individuals with Disabilities Education Act (IDEA) guarantees children with disabilities the right to a FAPE in the least restrictive environment. FAPE consists of special education and related services that meet the state educational standards and also conform to the child's IEP, and that would be offered free of charge to the parents just to give you a little bit of background there. They are currently in that due process in those hearings.

Required testing, we learned recently that the school did not administer the English Language Proficiency Assessment for California or the ELPAC test. This is a required state mandated test. It affects the ability for these students that were not tested to be reclassified, so this is a test for English learners. It allows them to have reclassification. Form 700s, some of the board members had failed to submit Form 700s, which are required to be completed annually by April 1st. The school was sent a notice of concern on June 13th for failure to administer the ELPAC and failure to complete and submit Form 700s. We have received those Form 700s. I believe we received them on the same day that that letter went out. I did a quick review of those forms, and nobody had anything on their form. I'm not sure what the holdup was on getting those completed by the deadline of April 1st.

Then the only thing that I will say is, the fiscal insolvency of the school continues to be our greatest concern. That has been ongoing now for a few years. The school received a notice of concern on April 26th requesting a fiscal stabilization plan after we reviewed the Second Interim Budget. They continue to reflect that they will be insolvent through the end of this fiscal year with the total ending net assets of approximately negative \$165,000. We had asked them for an updated budget and a fiscal stabilization plan. We did not receive that, so we sent a second notice and have given them until July 1 to respond with that fiscal stabilization plan and whatever details the school is able to share with us on how they are going to ensure fiscal solvency.

A budget update provided to the school's board this morning shows that the school continues to count as an asset \$93,000 that they will not be collecting from a charter school that is closed. The budget also does not reflect any payments to SMG. That is the school's long term liabilities owed to SMG, and those remain the same. As far as we understand, negotiations to reduce that debt have been unsuccessful. That is \$495,000 that the school has not made any payments toward now for quite some time. Additionally, the two special education due process cases may further affect the budget if the school does not prevail. This would include the school's, and may include the parent's, attorney fees, as well as any negotiated settlement.

This morning the school voted to contract with a nonprofit company called Maker Learning Network. They are formally, iLead School Development, for a variety of services, such as curriculum training, implementation of the maker method and maker learner outcomes, leadership coaching; they provide governing board support services, back office services, technology, public relations, among other things that are in that contract. We did see a draft of that contract. The cost is an annual fee of 15% of all school revenues. This is including restricted and unrestricted funds. I will say this is probably one of the highest fees that we have seen so far. We do not have any school that has a vendor that charges that amount. The school with the financial status that it is in cannot absorb this cost without going further into debt. They are aware of that. That was part of the discussion before they approved this contract. Maker Learning Network has stated that they will assist the school with obtaining additional loans.

SPA's non-classroom based funding determination expires this June. In order for SPA to continue to be funded at the current funding level, they do need to submit their new funding determination by June 30th. We had spoken to the school about this, I believe a couple of months ago. But they were still sort of in flux as to what they were going to do with the school so that had not been submitted. We have reached out again to ensure that that is submitted before June 30th. If they miss that deadline, the school will receive only 85% of their funded ADA for two years, which could further negatively impact their fiscal position. That is all that I have. I now invite representatives from Suncoast Preparatory Academy to the podium.

MACDONALD: I'm bringing the Kleenex this time with me. Come on up. Thank you so much. Trustees, Aracely. I know, I do not know what to tell you. For four years, this has been my baby. I have, you know, made a hard decision this year, and it still tears me apart. I have loved working with Orange County Chartering Division. I mean, Aracely, Teresa, Anna, that whole entire team, Nina, has been just so supportive of everything that we do. This board has been so supportive of everything that we do. We want to do everything in our power to make this program what it should have been years ago. And what it could still be, which is why, you know, we made the

determination, you know, to get help with Maker Learning. When you are in financial instability, it is hard to find people willing to help you.

It is extremely difficult, you know, to reach out and find access. I wholeheartedly, you know, have been trying to find special education providers before I leave on June 30th. I've spoken to two, I'm still waiting for one to notify me and call me back, about taking our students on, because we have some amazing students. I get to work with them on a daily basis. We are looking for an enrichment center, you know. When COVID hit, we had 45 kids coming to our enrichment center. We had a great class schedule going and then COVID hit. Then with the mask mandates and everything else, nobody wanted to come back into the enrichment center. It was not cost effective to continue to pay the high rent. I mean, Aracely even said it, it is expensive to rent in Orange County. To just sit there and be dormant, it just wasn't cost effective for us. We are looking for other options. My Board Treasurer Windi is here, and she has been instrumental in helping us try to find help and try to find these areas that we can be in to support our kids the way that they need to be supported.

This due process threw all of us for a loop in all honesty. When I got that notification, my heart sunk because I felt like we did everything in our power to help this family and to do everything in our power to continue to support that family. When that due process came, it did it. It sunk my heart to see that that is what was happening. I do not know why the Form 700 didn't get turned in. I can't answer that question. I sent it out. I have emails of the four or five times I emailed the board requesting them, sending them out virtually to be signed. I think that with my resignation, it took the board a second to gather themselves to be able to continue with what we are doing, you know. I think it was a shock for the board. They knew that I was struggling, but I do not think they realized just how much I was struggling to where I got to the point where I couldn't stay.

You know, I'm standing up here again, and you've known me for four years. The fiscal insolvency is an issue that we have all talked about. We all know it is here. I know that, you know, Trustee Williams and I had talked about it in January about looking for, you know, a foundation to help us. We have been looking into that. It is something that is a concern. Then I'm going to let Delano talk about the fiscal insolvency and the funding determination. The ELPAC issue is all on me. I thought I had until June 7th, which is our last day of school, and I had until May 31st. It was just a miscalculation in my head. I do want to take full responsibility for that, because that was my mistake. That was my error. That being said, I know that one of my teachers who has not been to one of these meetings would really love to speak to you. I want to give her that opportunity. Then I want Delano to be able to talk about the fiscal instability, and the fiscal insolvency and the funding determination. I know that he and I spoke about that today, after our board meeting.

Real quick, I always like to end with a positive. Besides my teacher speaking and Delano speaking, it is a positive. I looked at our numbers. Three years ago, we only had 25 to 30% of our students that tested in CAASPP testing and completed it. This year, 70% of our students tested and completed all of their CAASPP testing. That is a huge, huge improvement in my book. You know, do we want to get better at it? Yes, of course we do. But to grow from 30% two and a half years ago to now, I'm pretty impressed that we can double our numbers. I had eight graduates

this year. Two of which graduated, were 11th graders graduating a year early. One graduated a year and a half early, because she graduated in December. That is a positive to our program as well.

Our supplemental instruction, our teachers looked at the students that had learning loss. They looked at our English learners. They looked at other kids that, due to COVID, or due to loss of family members, whatever the case may be, needed that support, needed that instruction and that is what they did. They wholeheartedly came into this program this year, knowing it was going to be a struggle and just rocked it in my opinion. I couldn't have asked for a better staff this year. I couldn't have asked for more support this year from my staff. I just can't keep—I feel like Atlas. The one that had the globe on his shoulder for, you know, hundreds and thousands of years. That is what I feel like. I feel like, I mentioned it in the board meeting today. We needed that light brigade to come and help lead us home. That light brigade at this moment is the Board and Maker Learning for coming to help us.

I really wish I had had something similar to what Maker Learning was able to present to us two years ago when I started really struggling. I think that was some other help. I might have been able to not be where I am today and been able to continue on. That is not a reflection—I do not like asking for help. I'm not one to ask for help and Windi knows this.

WINDI: Yeah.

MACDONALD: And all of my staff knows this. I always want to do it myself. That is my problem, and that is what I need to work on.

HEIDI: Yes, you do.

MACDONALD: We needed more help, and I just didn't ask for it. My positives, our program has done some amazing things this year. I'm very proud of everybody that I've worked with over the last four years. Hey look, the first time I didn't need those and I brought them. It is because I brought them and I didn't need them.

WINDI: You brought them. You were prepared.

MACDONALD: Heidi, I'm passing the baton to you.

HEIDI: Okay. I'm speaking on behalf of the colleagues and families that can't be here that wish they could have. I'm a teacher of record for Suncoast Prep Academy. First, I would like to share my gratitude for the opportunity to speak on behalf of my colleagues and families. After listening to the proposal for Maker Learning and what their organization can offer, my colleagues and I agree this is the best option so that we can continue everything we have been accomplishing at Suncoast without interruption. We all work hard to deliver our educational expertise, ensuring our students experience their best educational journey possible. Personally, I'm aware of what iLead has delivered as a vendor, and I'm excited to work with them this next school year. Having worked under the tenacious and motivating leadership of Shawna, we also firmly believe in putting forth strong work ethic to make our charter the best it can be for our families.

We are encouraged that Maker Learning will give us the opportunity for professional development and the marketing tools to ensure growth for our charter schools, which is very important given our fiscal situation. As teachers of record, we have continued to build strong relationships with our families and would like to continue on the educational journey of our scholars this next school year. As I mentioned before, I'm also looking forward to teaching at an enrichment center so our families can reap the benefits of a well-rounded education program. I would like to add, the relationships I have built with other enrichment centers over the years strengthen the possibility of increased enrollment as these centers and teachers would like to be recognized as vendors with Suncoast. I hope we can all reach an agreement today. We already did. We have a vested interest to continue to put our energy into growing our charter this coming year. Thank you so much for your time.

MACDONALD: Mr. Jones.

JONES: Good evening, Board President Barke, Trustee Gomez, Williams, Sparks. I'm Delano Jones. I'm with North Compass Consulting. I believe we have all met before, right on that screen there. Thank you for having me and allowing me an opportunity to speak. As I've previously mentioned, I think we all know the challenges with Suncoast Prep. The enrollment, the revenues are just not there to sustain the operation to the level that they need to provide the education for their students and families. Maker Learning has offered them an opportunity. While we have heard from Shawna and Kim regarding some of that, obviously there is a lot more that needs to be determined with Maker Learning in terms of moving this forward. Correct me if I'm wrong here, but that meeting is next week?

MACDONALD: Tuesday.

JONES: Next Tuesday, to officially decide that. I will be happy to take more questions regarding—you know, it is really hard to say what can happen here without specific questions. I think we all know the struggles in terms of fiscally the last two years, what has happened to them. Let's strike that and go back, we will say about three years, to be quite honest with you, there have been these issues with struggle with management, et cetera. To my surprise, when I came on board with them back in July of 20, you know, we looked at some of the, you know, the fiscal issues. Right away, you know, we can see that there were some areas where they needed to clean up certain things, strengthen, you know, their fiscal operations. Be mindful of how they are spending money, things like that. They had a buffer for several years with National University who provided a great deal of support at a cost, obviously. But the school was not aware to the degree of that cost. Again, you know, there is no one to blame, but you know, the school itself for that. I think part of that is, hey, you have to ask questions. You have to make sure that you are on top of, you know, documents that are given to you. Make sure you ask questions for clarity and that things are explained to you. Unfortunately, a lot of that did not happen. It did not begin to happen until 2020, July of 20 when we came along.

I think they knew prior to that there was a need to change. To the tune of a half million dollars that they are in debt to SMG, which was the arm of National that provided most of those resources. That debt is still on the books. That is really one of the main sticking points here with their fiscal position. It is just the amount of debt that they currently have on the balance sheet. I

can't make it go away. You know, we have done everything possible to, you know, I like to say I can work a little magic, but no miracles. We can do what we can to cut costs, mitigate certain expenses and things like that, but all those things come in to cost to the program. Right. We have to be mindful of that, and there are challenges there. But I will leave you with this, that there is an opportunity here with Maker Learning for some new things to happen, for some reinvigoration if you will.

I haven't in my two years with you guys seen this much, I'm searching for a word here, you know, there is a lot of gravity around saving the school, right. That is a good thing. I like that because it tells me that people actually care. But now that, you know, they see an opportunity to do something about it, they will. I'm happy for the opportunity to discuss the financials in more depth. I do not have anything with me, but I can certainly share what I know off the top of my head, which is probably a great deal about the school.

MACDONALD: Funding.

Yes, thank you. The funding determination is ready to go. It is a matter of deciding when the board, you know, if they were going to move forward with shutting down the school or moving forward with an opportunity to reengage with someone who can provide some assistance. The funding determination is ready to go. It is just, you know, pushing the button to send it off. It has been done for a few months. I sort of took the liberty of putting the cart before the horse here in getting that done. I'm satisfied with where it is. I anticipate that they will get 100% funding for the next two years if and when this is approved. Excuse me, one second. Thank you. That is ready to go. I do not anticipate any issues with the funding determination other than getting it submitted. And in fact, we will have that as a board action item for Tuesday as well.

MACDONALD: Yeah. That is on the agenda.

JONES: All right. Thank you. Any questions from anyone? If there is anyone else that needs to speak, I can certainly let you do so. I think most of the questions maybe around financial.

BARKE: Beckie, would you like to start with questions?

GOMEZ: Well, I have a few, then I will leave it to my colleagues. What is your current enrollment?

MACDONALD: 121.

GOMEZ: Okay.

MACDONALD: We hope to be at 250—

BOYD: Shawna, can you come to the mic, because we are recording?

MACDONALD: I'm sorry.

BOYD: That is okay.

MACDONALD: We are at 121 currently, but we hope to be at 250 when we start school in August.

GOMEZ: How do you propose to go from the 121 to 250?

MACDONALD: Maker Learning is creating a plan right now to help us market and to get us up and going. They have got a huge wealth of networking possibilities to get us out there and get parents to be notified of who we are, something that I didn't have access to, so marketing, marketing, marketing.

GOMEZ: Okay. In the letter of June 3rd from OCDE, it indicated that SPA's board did not decide if the school would continue operations for the 22-23 school year. Is that what is on the board's agenda for later this month?

MACDONALD: No, we already agreed that we would stay open and be working with Maker Learning Network.

GOMEZ: Okay. I know that there is a response due on July 1 having to do with your estimated actuals and multi-year projections and cash flow.

MACDONALD: Yes. Delano and I have been working on those. We were just waiting. We have been in a state of uncertainty, not knowing how the proposal was going to go and how the board was going to vote on the proposal from Maker Learning.

WINDI: We voted this morning.

MACDONALD: The board voted to approve Maker Learning's proposal. Delano and I just have to finish up. We already had a skeleton budget ready to go, so we just have to move forward with that, knowing how many we want to grow to and everything.

GOMEZ: Okay. What is, I'm sorry, it is Maker Learning?

MACDONALD: Maker Learning.

GOMEZ: What is their proposal to help you get through this financial difficulty?

MACDONALD: I think Amber—did you? You are muted.

GOLDEN: Juggling YouTube and the Zoom.

MACDONALD: Yes.

GOLDEN: Thank you. Hi. My name is Amber Golden. I'm the CEO of Maker Learning Network. I am a 15-year veteran in charter schools. We have grown from 75 kids in 2008 to

7,000 kids today, six California schools. I started the first one out of desire and need for my own two biological children who are now, one graduated college, one is in college. I just say that because it has been a labor of love. Everything we do is nonprofit. Where we found ourselves in that very first year was where Shawna is, struggling as an individual school, trying so hard to make it all happen. You are bringing tears to my eyes too Shawna, because I know how that feels. Out of really just wanting to be supportive, my co-founder and I, Don Evenson founded this, what we used to call Ivy Schools Development, we have had a name change now to Maker Learning Network, a support organization that is all encompassing. That is why our fees are higher, because we do not just do back office. We do not just do professional development. We do everything and anything that a school director would need, because that is what districts provide. We emulated districts, and we created all those departments. We have a facilities department that will not just find a facility as a broker would, but will help stock it, staff it, finance, the FF&E, all those things.

I've learned all that on the job supporting these kinds of situations and schools, one-off schools and bigger schools that we have also grown ourselves. The key to this is really enrollment. If we can grow enrollment, which I'm certain we can, we are very experienced at that. We have got huge waiting lists in our other schools, that will be able to fill this school, help it grow and thrive. I'm sad Shawna is leaving because you are a great asset Shawna. Still, one of the things that we provide is this continuity when there is transition in leadership. When one person leaves, it shouldn't have everything fall apart. We provide that, because we have a system and a network of support. Again, I know enrollment is the key. I know that then creates cash flow problems, and we have got plans for that and resources and a network to support those issues. We are very familiar with California financing. I'm open to other questions, but that is an overview.

GOMEZ: Well, when you mentioned cash flow issues, are you providing a grant or how are the dollars being infused into this school?

GOLDEN: No, because we are not and do not want to be an operator of the school, we do not provide that. But what we will do is assist through the relationships that we already have. Either receivable sales, line of credit, things like that. We monitor the payables. You open an account. There is net 30. It doesn't all have to go out at once. We will stagger staffing and hiring so that it is happening appropriately for the cashflow that the school has. We are very experienced at monitoring those things, but we do not want to be in the business of lending because of what happened with National University. Well meaning, but that becomes an issue. We help the school monitor that appropriately.

GOMEZ: Okay. Thank you. I do not have any further questions at this time.

SPARKS: I have a few questions. Aracely, I have a question for you first, but you guys stay right there. I have got questions for you too and you guys too. Aracely, with Maker Learning's percentage being a little bit higher, at 15% for their consulting fees, what is the average that you see with other schools? You said it was on the high end.

CHASTAIN: We do not have a lot of schools who utilize this model typically, but I believe the highest that we have right now is 12%.

SPARKS: Okay. That helps. Then I will go to the Maker folks next. How realistic is a save here in terms of you being able to come in and support with your large array of services? In your predictions and your analyses, what gives you the confidence in your modeling that you are going to be able to produce what needs to be produced to make this school financially viable?

GOLDEN: Experience, and I'm very confident that we can save here. We have done it before. We have saved schools that were struggling. We have started from scratch with much less notice. We started a school with six weeks' notice. A district asked us to come because another charter support organization was pulling out. We came in and started a new school from scratch because we were a different model. I am certain. We have more time now. One other benefit is that we do not—I know that you are talking about our fees being on the higher end, although we know, we have looked nationwide and we aren't the most expensive. But I know we are higher, rather than lower. But we do not have to bill right away so that is helpful. We have a staff that can come in and support without requiring money up front. You know, we bill when the school has money.

SPARKS: Well, that is what I was—

GOLDEN: So that is helpful.

SPARKS: That is another question and/or suggestion that I wanted you all to consider if is a possibility. Would it be to have some sliding scale of that percentage?

GOLDEN: Yeah.

SPARKS: From say 12% the first year, you know, 13 or 14 the second year, leading up to the 15. Then when you are up and running and you have reached your goals, then you could back, charge your current rate or something along those lines.

GOLDEN: Well, I mean, we will entertain something like that. Typically, a percentage is a sliding scale because it is based on enrollment, right.

SPARKS: Okay.

GOLDEN: They do not have to pay as much when they do not have as many kids. Actually, the sliding scale might be better at the other end when it is bigger and there is more economy of scale. What we are more comfortable doing usually is just being flexible about when the payment is made.

SPARKS: Okay.

GOLDEN: If we need to put that in writing, that is not a problem.

SPARKS: Okay.

GOLDEN: It is more about the cash flow situation I think for them.

SPARKS: Right. I think I would be comfortable if you had some agreement that was in writing so that if we are able to move forward, that we have the confidence that you have—

GOLDEN: Sure. Sure.

SPARKS: That you are going to meet your goals.

GOLDEN: Sure.

SPARKS: We want to support you. We want the school to succeed. But there comes a point where, you know, we have to make sure that we are doing our due diligence as a board. To have some of those things in writing might be helpful.

GOLDEN: Naturally, okay.

SPARKS: Yeah. But I appreciate, you know, your past successes and your record. That does give me a lot of confidence. Maybe not quite as much as yours, but I do have confidence in you.

GOLDEN: I understand. Also, I just want to say, I'm an Orange County girl. I went to Corona Del Mar High School.

SPARKS: Oh.

GOLDEN: I'm very familiar with the community.

SPARKS: I live right by there, so excellent. Okay. For the leadership of the school—

MACDONALD: Yes, ma'am.

SPARKS: You guys have been through it, definitely been through it. As we have talked about with every charter school that comes up before us, there are some growing pains. There are obstacles. There are challenges. You have had about every challenge. Maybe not as many as some others, but you have had a lot of challenges. Again, in choosing this vendor, and I like what I'm hearing, what is the confidence on your side in terms of the board, in terms of the incoming leadership, that you are going to be able to—that this company is going to be able to come in and help you save the day and you are going to have those systems in place in terms of your staffing to serve these families, the 121 families currently? When more families come, we need to know this is going to work.

MACDONALD: I'm going to tell you right now this morning, Windi is well aware, I voiced a huge concern for the 15% this morning. I mean, Amber and Eduardo are very aware of that. I think that after hearing everybody speak, I felt much better allowing them to adopt my baby. I even told them that. I'm like, I am letting you adopt my child right now, so please take care of her. I felt much better after having that conversation, and Amber did make mention in the board meeting today on record that we aren't required to pay up front. We pay when we have the money. She made it very clear that that was, you know, I think having it in writing would make

me at ease. Even though it is recorded and everything else, I do like the idea of having it in writing.

But I did feel much better at the end of that meeting. I mean, we essentially tabled or we did the other action items first and then came back to the proposal. I think that at the end of it, after hearing, you know, their successes and hearing their conversations, I do feel—and like I said, I really wish I had had something like this two years ago when I took over all by myself and had zero transparency from my predecessor. You know, I really wish I had something like this. I made do with what I had and kept it going for two years. I think them coming in is going to help us grow to where we should have been two years ago; and help us grow if I had had the help that I could have gotten had I known this was available back then.

I am much more confident and comfortable in handing the reins over. We have two amazing staff that have been doing this for a while that are going to be interim until they can find a permanent person. One has been my right hand for the last two and a half years. The other one, he and I have worked together for the last 15. He knows independent study like the back of his hand. We put these in place knowing that my position is way too big for one person alone, so we split it up into two people so that nobody else is overwhelmed the way I was when I took this on. It is not fair to somebody else to just hand it over and be done, like what I happened to me and say, okay bye. That is not my style to begin with.

I wanted to make sure that we had something in place that I'm comfortable with before I walk away June 30th. Please know that just because I have walked away does not mean that I'm not going to be checking up on them. This is my baby. I may have resigned and I may have given up the reins, but I can't just disappear into the sunset and pretend like I was never there. I do feel confident.

SPARKS: Thank you. Thank you for being willing to give it up. That is all I have for now.

WILLIAMS: Now, where do I begin?

MACDONALD: I only have so much Kleenex.

WILLIAMS: I know. We have cried together, Shawna, had many conversations. This board cares very much about your mission and the children that are there. You have shown great courage. I admire you. You are a strong woman. You are an incredible human being. I can't think of any higher words and accolades that I can give to you for what you have done. It is truly a miracle. To Delano, it is good to see you in person.

MACDONALD: I know, right.

WILLIAMS: Yeah.

JONES: I look a lot different.

SPARKS: That is right.

WILLIAMS: We appreciate your dedication.

MACDONALD: Yes.

WILLIAMS: And what you have been to provide all this information to us, it is good to see you in person. I know that you said the numbers just aren't there. If you could come up to the mic because some of the questions I'm going to ask regarding past practices? For the record, originally—and help me out here, Shawna. You were affiliated with National University. Is that that correct?

MACDONALD: Correct. Yes.

WILLIAMS: How did that relationship begin? How did it strengthen? How did you depart? What was the element that destroyed it?

MACDONALD: The chancellor of National University thought that it would be a good PR move for them to take on a charter school. We were all our own, kind of, entities prior to that under the Lakeside Unified School District. When the chancellor brought that up, one of our board members said, “Hey, I know of a great conglomerate of schools that we can take on and put under our umbrella. They are going to be a great investment kind of thing.” There were at one time ten schools under that umbrella, all the way up California, up to Sacramento, Robla, all in different areas. Slowly we started dying off and ended up with four of us, mostly in Southern California.

Then, two years ago, we were down to three schools and one of them broke away. That was kind of like that proverbial straw. NU was like, okay, you spent too much money. You are not paying it back. Okay. We are done. We are done with this experiment. NU essentially—that is when our name changed two years ago because they said, “You can no longer use any part of National University in your name either. It is proprietary,” so we had to get rid of National University Academy. We became Sun Coast Preparatory Academy at that moment.

WILLIAMS: Okay. Delano, were you on board at that time as the back office provider?

JONES: No, I was not. I did not come on until July 1, 2020.

WILLIAMS: I see.

JONES: Right when, I'm assuming NU had given you guys notice?

MACDONALD: Correct.

JONES: In the spring or something.

MACDONALD: They notified us June 1st, 2020, that they were no longer going to be providing assistance, help, whatever you want to call it, back office services. That is when we found—

WILLIAMS: Okay. At that time, you were using National University and their subsidiary management, which is SMG?

JONES: Yes.

MACDONALD: Systems Management Group, yes.

WILLIAMS: Okay. And that is from National University. When you broke off, back in that 2020 period, did they mandate that you use them as the back office provider?

MACDONALD: No.

WILLIAMS: No. So, you could have made the decision not to be the back office provider?

MACDONALD: Well, only in—no. So, once, I'm sorry. Once we left, once National severed ties, we couldn't use Systems Management Group anymore. They are under the umbrella, subsidiary, they have a tentacle in there somewhere of an octopus. We are not quite sure how they are all related. They share office space with National at one of their locations, so they are integrated. But they are not, they have a separate tax ID number.

JONES: If I can explain it a little bit?

MACDONALD: Yeah, please. What, you didn't like my explanation?

JONES: No, no, no, it is perfect. I think you guys have far more info than I do.

MACDONALD: Go for it.

JONES: But with this relationship I think—SMG is an arm of National, right? It is essentially their HR, their, you know, fiscal department or whatever you want to call it, right. But they also do—and I think it was a wonderful idea what they attempted to do. It was to support, you know, the K-12 education here. I imagine that it would then flow up to them in terms of now having some, you know, some skin in the game in that way. Because they are such a huge entity, a lot was camouflage in terms of—

MACDONALD: No oversight.

JONES: Oversight, you know, I mean money. They are paying all these bills, but—and I do not even want to say this publicly. But I do not know if anyone on their end was really watching the coffers in the way that they should have, if I were their director or their vice chancellor of business services, you know, I should be aware of, you know, \$1.5 million being owed to me, right? I would be coming to you guys to collect in no uncertain terms, right? I think even more, the boards of these schools were never made aware of how much National or SMG was fronting the cost for staff, payroll, you know, all the expenditures that the school really had, so they didn't really connect the dots that, oh payroll this month was \$75,000. I do not have \$75,000 in the bank, you know, so they would just send them invoices. I imagine they were periodically, I do

not know if they were consistently month over month. This board could not really determine if those expenditures were real or imagined, you know, because they just sent it to them.

And again, there was just the lack of oversight, you know, and I'm trying to be mindful of critiquing them. I was not there or present during all of that. But when I came on in July and I looked at the financials, you know, I could clearly see immediately that there were some issues there with, you know, the amount of liabilities that they had; specifically, the amount of money that they owed to SMG at that point was \$563,000. Now it is \$495,000. The school has made some leeway in terms of paying it off. But then we got to a point where, to pay them off is essentially closing the school, you know, in my opinion.

MACDONALD: Or taking money away from our kids, which we weren't willing to do.

JONES: The school put a pause, the board put a pause on paying that. We have tried to have some conversations, meaningful conversations regarding the debt. But obviously from their position, I can see why they wouldn't necessarily be open to our plan for debt forgiveness. We approached them several times with that, but you know—

WILLIAMS: So, was there some liability in the part of National University, or was there some of what appears to be fraud, intentional torture and removal, or putting this burden upon your charter school? These are very complicated issues when you get into finances. When you get into the national university level, which is a multimillion dollar business. They are a for-profit business. They wanted to make a name for themselves.

MACDONALD: They are not for-profit if you listen to their ads on television, sir.

WILLIAMS: Yeah. But what I'm thinking and how we got here is that something really bad happened to you.

MACDONALD: They will not admit any culpability. I have blatantly asked them that question when I took over two years ago.

GOMEZ: Do you want to come to the microphone?

MACDONALD: I blatantly asked them, "Where is your culpability in this? You allowed continual spending when nothing was being paid. Why did you continue to allow this to happen?"

WILLIAMS: Are they telling you they want their money?

MACDONALD: Yeah.

WILLIAMS: Are they threatening you?

MACDONALD: No, they have not threatened us. I mean, they have honestly allowed this to continue with nonpayment for over a year now. I think we made the decision last school year, to

stop making payments, towards the end of the school year. They have not come after us and said, this needs to be paid now. However, they do make it difficult for us to have conversations with them in meetings with them about a repayment plan unless we provide them with details of what we want to propose and what is in our plan to meet with them. They just won't carry on a conversation with us at this point anymore.

WILLIAMS: Have you contacted a litigation attorney?

MACDONALD: We have and they have said that there is not a lot that we can do in regards to this because our board approved the invoices for payment. Essentially, they are due their money. When we pay it is when we pay it, you know, because we cannot take away from students' education to pay it.

WILLIAMS: Do you have an agreement that you are going to pay them this money on a timely basis, or installments or whatever? Do you have that agreement?

MACDONALD: We had an agreement two years ago that we would start making payments. Then, based on a conflict of interest with one of our board members, brought to our attention by our own lovely charter school division here, which I thought was great. We had to revote on the repayment plan.

WILLIAMS: I have to interrupt you. Our charter—Aracely told you about a conflict of interest with one of your board of directors?

MACDONALD: For making—

WILLIAMS: Enlighten us on this.

MACDONALD: One of our board members worked for National University.

WILLIAMS: Oh really?

MACDONALD: When that person voted on the repayment plan and said, "This has to be paid back." It essentially was, no, she can't vote on that. You need to revote. We had to get a conflict of interest letter to her, because she deemed that it was not a conflict of interest because she doesn't get paid by the board.

WILLIAMS: Okay. The conspiracy—

MACDONALD: She is on the board for all of our schools, all the schools that were a part of that conglomeration.

WILLIAMS: Oh really?

MACDONALD: She is still on the board for the other two schools, us and the other. Anytime SMG is mentioned or we have something on the agenda, she has to sign off of the meeting, or

step away or abstain from vote. She can't make any comments or vote based on the letter I have from our legal counsel that it is a conflict of interest for her to approve or make any comments towards that entity or (inaudible).

WILLIAMS: Okay. This is all new to us. As the story evolves, we are processing it as you are talking.

MACDONALD: Yeah.

WILLIAMS: I have no other thoughts or comments other than, this is quite complicated and maybe you should seek another legal opinion.

MACDONALD: Yeah.

WILLIAMS: Because something sounds real fishy here.

MACDONALD: Yeah.

WILLIAMS: So anyway, I'm done with my questions.

BARKE: Okay. Let's see. I made some notes, because I have been waiting a while here and didn't want to forget.

MACDONALD: I know. Sorry.

BARKE: No, no, no. I didn't want to forget what I wanted to say. So, Shawna, first of all, I'm so sorry you are leaving. Thank you for your heart and everything you have done. You have been the face of Suncoast. I know a lot of families have depended on that, so thank you for doing that. I appreciate your honesty, your heart and everything that you bring to the table. Let's see. I know Windi's heart, and it is amazing. I'm glad that you are on the board and that you are going to be around through this transition as Shawna leaves to keep things going.

Delano, it is great to see you in person. You know, I kept looking at you going, that guy looks so familiar. I couldn't figure out why. Then as soon as you came up, I'm like, that is it. Thank you for being here. I think it is just super nice to have you here. Let's see. Thank you for your heart and for sharing. I appreciate that and bringing a teacher's perspective. Thank you to Learner Network. I'm happy that you are here and that you are here. I have heard great things about Learner's Network regardless of the price and all of that. I'm excited at the support that you will bring and even talking about this litigation, I know that you have support here, so you will be on that.

GOLDEN: Absolutely.

BARKE: As you said, you've experienced this personally. I love that. That is really important to me. Let me see. I love to hear about the improvements in the learning. That is so important. to double that is huge. I'm thrilled about hearing that your enrollment is going to double. The early

graduates, it is all great stuff. It is great things. I just love the confidence that Learners Network has. The confidence, the heart, the love, the flexibility, I think that is so important. I'm really happy. I know this is a long road and it is going to continue. But we are here to support you all the way.

I know that you have great internal support/external support, so thank you for everything you are doing. I look forward to helping you in this journey. You know, the best things do not come by easy, but, you are doing tremendous work with your students. We appreciate that, and we look forward to you expanding that capacity.

DELANO, MACDONALD, GOLDEN: Thank you.

GOLDEN: Thank you so much.

GOMEZ: I have one last question. I wrote down something that I want to be sure I got straight. Aracely, I do not know if this was you or if it was Suncoast Prep? But there was a mention of \$495,000 in debt?

JONES: Yes. Yeah, I said that.

GOMEZ: Okay. Yeah, I was writing notes and I didn't know where I got it from.

MACDONALD: I think we all said it, yeah.

GOMEZ: Okay. So, if Maker's Learning Network is willing to help you going forward, how do we repay this \$495,000?

JONES: Well, I'm sure Maker can address from their side. But from my perspective, you know, one of the things that I've been pushing for is to go back to the table with National and SMG; working on a plan that is amicable for the school first and foremost from my perspective, but also for them as well, right. It is up to their board really to determine, you know, what that looks like. I will give you a little insight, probably a little bit more than you care to know. Our first meeting with National and their team, I went in, you know, I asked for everything. I said, "Hey—

—

GOMEZ: You might as well.

JONES: Yeah. You might as well. Yeah. You get nothing when you do not ask for anything. So, I said, well, we want total debt forgiveness.

MACDONALD: Over two years though. It wasn't just, hey, we are going to write this off now. We asked for two years.

JONES: I tried to soften the blow a little bit. But I think the feedback from their end was, well, you can't expect that particular individual to walk into his board and say that. Because then, you know, that accountability piece as I mentioned will come in like, you know, on who's watch did

this happen? You know? So, I think it was a matter of, well if they took it to their board, it would open probably a can of worms for them that they do not necessarily want. So, it was, you know, as far as I'm concerned, it was one of those things where they say, well, if the charter goes away, then it is easily explained. They owed us money. But now they are gone, so we can't get it. But as long as the charter is existing, there is that potential for it to be able to repay them. So, why would I want to negotiate a settlement when I can just wait? That was last spring, I think was the last time.

MACDONALD: A year ago. Yeah. Last spring.

JONES: They may have softened a little bit at this point, you know. I'm hopeful, but I'm not optimistic that I can walk in there again without something else to offer, something more tangible. At this moment, I do not have anything tangible to give.

GOMEZ: Okay. All right. Thank you.

WILLIAMS: Keep all your records. Keep all the emails. Keep all the texts.

JONES: Thank you guys so much. It was a pleasure meeting you all in person. Thank you.

GOMEZ, SPARKS: Thank you.

GOLDEN: Thank you.

BARKE: Thank you all for your time tonight. I appreciate it. I think the board is now going to take a 10 to 15 minute recess. We will take care of our closed session and we will be back. But thank you for your time. We appreciate it.

BOYD: So, are you recessing to closed session?

BARKE: Yes. Yes.

GOMEZ: You want to announce that for the record?

BARKE: For the record, we are recessing to closed session.

[The Board takes a recess, goes into closed session and returns.]

BARKE: All right. We are going to start with number 11, and I'm going to let Board VP Dr. Williams take the lead.

WILLIAMS: Yes, madam president, I would like to make a motion to adopt formally item number 11; which is the—let me pull it out here, which is a resolution regarding contracts as they come before the Board of Education. With that, I will make some preamble remarks, but I need a second.

SPARKS: I will second that.

WILLIAMS: Okay. We got a second. So, part of the origins of this resolution come from many years of being here on this board and not seeing everything that is in our budget. We have countless, on many opportunities complained that a lot of these grants monies that flow into the budget are not seen and distilled by the Board. We do not know where they come from. We do not know about their adoption process, whether they require board approval, some grants do, some grants do not. We are trying to create greater transparency. The Board has to operate under the concept of transparency, under the Brown act. We cannot do anything as an individual. The Superintendent being a separately elected position makes a lot of decisions in his role for this Department. Overall, he does a good job. But part of the problem that I see is the lack of transparency.

It is the role of this board to provide that transparency for the public and to make these contracts more able to be viewed, and read and reviewed by the public. That is what this resolution is intended to do along with items number 12 and 13. A lot of this is going to be applying to those action items so that is the preamble. With that, I'm going to ask Mr. Greg Rolan our counsel to assist with further elucidating the origins rationale behind this.

ROLEN: Members of the Board, Mr. Superintendent. There is not a lot to report since we brought this action item forward on June 1st. On June 2nd, Trustee Williams provided all the documentation, these last three agenda items to the staff to be put on this agenda. As we said publicly, we privately reached out to see if we could have a meeting with the principals in the Department to discuss the implementation of this resolution, and the AR and BP. Because all of the prongs of the Department may have something to do with implementing this resolution. That was done on June 3rd. Late last week, I got a very polite and professional email from the Deputy Superintendent saying that nobody wanted to meet with me, or nobody had time to meet with me. To be fair, it is graduation season. Everybody is very busy. And to be even more fair, I have that effect on a lot of people. This is a golden opportunity for the board and staff to work together and have Orange County be the avatar of good governance that the voters so overwhelmingly elected all of you to be.

The resolution as Dr. Williams said, it lists a history of how this board has endeavored to create some transparency in the contracting process. The resolution also lists 22 different statutes requiring Board approval. These statutes have not been followed. These statutes are not made up by me. These statutes are passed by the Legislature and signed by the Executive Branch. These are laws. And as her honor said, we are asking only that we follow law so that is what the resolution does. The Board policy revisions are to make it more precise so that the Board exercises all the authority it has, but only the authority it has. We limited the scope of Board Policy 122. Now we cannot put everything in a board policy and resolution, so we created an administrative regulation that is somewhat unprecedented. Because this AR allows the Board to exercise its authority under 1042 (a) to administer the Superintendent of Schools.

This AR, which is different from things that have been done before, provides specific direction to the staff about how to execute the resolution and the board policy. The idea about involving staff was to see if there was any better way to write it, to identify any inconsistencies between

the resolution, and board policy and administrative regulation that could cause some confusion, typos, that sort of thing. I did the work. I took a look at it. There is a perceived, there could be an inconsistency between the resolution directive number three, on page 44 and Roman numeral III AI in the administrative regulation. Let me highlight that perceived inconsistency so the board can be made aware and perhaps take action.

In the resolution, it says within 10 days of receipt of a new obligation, OCDE shall provide the Executive Committee and Board Counsel with the following information. In the administrative regulation, it says within 10 days of receipt or solicitation of a new obligation. That means if they are offered a new obligation, grant or contract, or if they are asking, they are soliciting one so that is two different things, right? When they get it, when they ask for it. That is a perceived inconsistency that we may want to reconcile. On page 52, paragraph 2, line 5, since we do not have Trustee Flour here, I identified a typographical error. There is parenthesis around June 15th, 2022, that should be omitted.

So the decision before the board this evening is to approve 11, 12 and 13, or and try to implement 11, 12 and 13 after the fact. Involving staff in the same spirit that we have, or we put off approving 11, 12 and 13 for another month to give staff an opportunity to meet and provide input. That is the will of the Board. The only thing I would say is these laws have been on the books a long time. This should have been done long ago, so I applaud the Board for identifying a problem. I didn't identify it. You guys identified this problem, and I simply took your direction. It is unprecedented in the state of California. I think it is something that should have been done a long time ago. If there is any questions about any particular part of the resolution, new board policy and/or AR, I'm happy to answer them.

SPARKS: Well, I would like to jump in if I could?

BARKE: Please.

SPARKS: It is of the utmost importance that we follow the law. From day one when I was sworn into office in 2018, the first time, I had been asking for transparency around grants and contracts trying to learn and expose as much as we can so that the public can have a better understanding of how the grants and contracts work. Whether they are granted, how the funds are granted, whether they are pass through funds, you know, it can be kind of complicated. When we are constantly up on the dias talking about transparency, budget transparency, curricular transparency, this really gets at the heart of doing exactly that. Our board has really fought for more transparency for the public so that the public can understand how and where the funds are being spent around these contracts. I applaud you for taking the time to put this together, to really understand and investigate all the various California codes that support this. Yeah, so I'm all for more transparency and understanding so that the public knows what questions to ask.

ROLEN: And do not forget to give Ms. Chidester her due.

SPARKS: Absolutely.

ROLEN: Because we did three public presentations about this, and she provided the Board a memorandum. She is to be applauded for the work she did.

SPARKS: Absolutely.

ROLEN: Yeah.

SPARKS: Thank you.

BARKE: Any other comments?

GOMEZ: Yes. Thank you. My concern would just be the logistics of some of this stuff. You know, I'm looking at page 44, for example. Talking about within 10 days of receipt of a new obligation, the Executive Committee and Board Counsel—and they will provide the following information and then the information is listed. Again, if we are trying to be transparent, I think it should come before the entire Board and not just the Executive Committee.

Secondly, if the staff hasn't been given the opportunity to look at this to see if this is doable, cause maybe things like, you know, 10 days may not be long enough to do that. Again, good governance, we want to be sure that people are able to perform the procedure that we are outlining. I think it would be in our best interest not to approve this tonight, but to allow the staff an opportunity to review it and see if there are any issues and have the opportunity for them to look at the Ed Codes to make sure that their understanding is in fact the same as the boards.

ROLEN: Okay. To be clear, again, excuse me. All the board members were provided with a packet that referenced every citation in the resolution per your request. That was provided today. That is my fault. We had a miscommunication with me and my paralegal, and then I got in an airplane for two days. It was given to the entire board today so that can be provided to staff. And I agree with you, the idea behind 1-6 in the resolution is to give staff an opportunity to look at it, report to the Executive Committee. If the parties can agree, if it is something that falls under the Chidester Formula, that is in this resolution. Then we can put it on as an action item for the entire board to see. It was just trying to create a process and that is also what the AR does to try to create a process we can all agree on to process these contracts.

GOMEZ: When was that information sent?

ROLEN: About 11.

GOMEZ: So, between 11 and 4, we were expected to look at that lengthy document?

ROLEN: No, I didn't expect you to but the—

GOMEZ: Well, that was the whole purpose of me asking the question.

ROLEN: Right.

GOMEZ: So I could look at it in the context of this information.

ROLEN: Right. There is hundreds of pieces of paper in there. It was going to go to you Friday, per the Deputy Superintendent's instruction that you like to do your work over the weekend. It was prepared for you over Friday. I miscommunicated with my paralegal and it didn't get to you. I found out about this miscommunication when I got off the airplane and promptly sent it to the Board. So, you are right. I'm not expecting you to read all of that before this evening.

GOMEZ: Okay.

WILLIAMS: Just a few remarks. Thank you, Trustee Gomez. I agree with you in part on some of the issues that you raised. As Mr. Rolen indicated, he previously asked the staff to get involved. They did not do it for whatever reason I'm not sure. But I'm willing and would love to put this on the table, lay it on the table for our July meeting or maybe even the August meeting. I'm not sure how much time is necessary. I understand that this is important to the Board as well as to the Superintendent and staff. Their input is needed. I am willing to make the motion to lay it on the table. I haven't made it, but I'm willing to make it. But I got to ask Dr. Mijares if he is going to assign staff to work on it?

MIJARES: Thank you for that question. Dr. Williams and members of the Board, I appreciate all of your hard work. I appreciated the comments by Mr. Rolen and his integrity in terms of where it might have gotten off track. With respect to us, I never want to use anything as an excuse. I think that when we first saw this, the resolution, it was on the 1st of June. I hadn't seen it before. It popped up. It went to publication. It was disseminated. I hadn't seen it before. I saw it pretty much the same time the public saw it. Then, you didn't have a board policy and an AR to follow, which you now have. So, we just didn't get to it either. It isn't as though we didn't want to talk with Mr. Rolen or your team. We certainly do. I think that is the proper spirit. It is extremely complicated as attested to by what he said about all these laws. Some of these laws are not as clear as they look, even Maggie Chidester mentioned that.

There is some gray language in there. I think the spirit of the law was that at some point the parties would find what is in the best interest of the student population, parents, all the stakeholders in this great county and come to peace, you know, maybe give a little on both sides. Obviously, those things that are clearly in your court, you do not want give to give an inch. I want to say that every time that we have pursued a grant or a contract it has been from the perspective that I had the authority to move in that direction, that I had the authority to assume that responsibility. When it was mandated that the Board, the only body that can approve this and that was made clear to me, then I made no effort at all, no attempt to circumvent that. I mean, for example, you are going to approve the LCAPs of ACCESS, Special Schools; that is clearly within your authority, and you could decide not to approve that if you wanted to. That is your choice.

When it comes to the charter schools, the moment you approve that school, regardless of what we have done as a staff to advise you, we are behind it. Because that is your authority, it is not my authority. It is your authority. Our job is to do everything we can and make the school successful, the charter schools. We do the same thing with respect to monitoring the budgets of

our 28 districts and monitoring their LCAPs as well. But I want to say that I would appreciate some more time and an opportunity for us to come together.

I do not know when they are going to certify the election, but you know good Lord willing it looks like we are all going to be back. It behooves us, obviously. I do not want to spend money on lawsuits. I think that was one of the recommendations that Maggie said. You remember in her presentation? She said we shouldn't be fighting each other and going to court. If there is a way for us to come together in the spirit of really working as a group and finding common ground, I certainly want to do that. So, yes, Dr. Williams, to your question, I would have our staff work with you, your team, you and the members of the Board here, your team. We are willing to do that. If we are prudent and we move quickly, we don't have to lose a lot of time. We can get into it. We can find, what are those things that, you know, that are clearly on your side, clearly on my side. Then where there is a lot of gray, let's talk about you know, how can we exercise these things in the spirit of trying to do what is right in this great county.

WILLIAMS: Al, to that, thank you. I agree. There is great wisdom in what you just shared and iterated. I just need to express that it is frustrating to a board member when we get a big thick document such as this budget here. I look at all these grants and I go, wow, this is good stuff, California Preschool Instructional Network, Alcohol and Drug Abuse Prevention Services, Comprehensive Literacy Development. I mean these are all good programs that we would support. The frustration is we do not see many of these. We have no idea what is there and we want to know. I think it is reasonable to put these in a public sphere. The public can look into it and understand it.

You know, from Maggie Chidester's presentation, she did document that a few of the contracts needed Board approval. Her formula wasn't provided. That is why back in December when she gave her public, I think it was in December, she gave her public presentation. I thought it was very helpful for me to understand what is required and not required. I took away from that a great amount of information where you, yourself as a dutifully elected county superintendent has the right to do things that we can't say anything of. I thought that was a really good learning experience. But on the other shoe, there are some things that requires Board approval. I'm sure you want to follow the law.

MIJARES: Mm-hmm.

WILLIAMS: And I think transparency is a good thing. There is nothing wrong with being transparent and putting it on some sort of public forum, our website, what these grants are, how much they are; rather than, you know, they come before us and we do not know anything about it. We are supposed to be voting on this budget today. We do not know anything that is in there, so that is hard.

MIJARES: Yeah.

WILLIAMS: With that, I hear a great deal of cooperation and sincerity. I will make a formal motion to lay this on the table. Even let me give greater grace, and let's bring it back in August for our August meeting. That gives two months.

ROLEN: I do not think I can get to it by then.

WILLIAMS: Okay.

ROLEN: No, perfect.

WILLIAMS: I think that gives two months for the staff. You and Mr. Riel can work together, Renee and Nina. Let's see what we can do as a team here. I will make that formal motion.

SPARKS: I will second that.

BARKE: Any discussion?

GOMEZ: Ken, just for clarity, what are you laying on the table, 11, 12 and 13?

WILLIAMS: You are absolutely correct.

GOMEZ: Okay.

WILLIAMS: I am laying on the table items 11, 12 and 13.

GOMEZ: Okay. I just want to be sure what we are voting on.

WILLIAMS: Right.

BARKE: All right. All those in favor?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye.

BARKE: All right, 4-0. Moving right along. Yeah. Why don't we take a moment and do the closed session report out? Is Jonathan in the house, or are you going to do it?

ROLEN: I'm not going to do it.

BARKE: Oh, okay.

ROLEN: Jonathan is here.

BARKE: Okay. There he is. Sorry, Jonathan. I almost forgot about you after our closed session.

BRENNER: Not a problem. Good evening, members of the Board, Superintendent Mijares. Good to be with you. This is the report out for closed sessions one, two, three and four. Closed sessions one, two, three and four were commenced as per the schedule on the Agenda; one, two and four were concluded in the first session. Then before the public session began closed, session three was not concluded and then was concluded after the break as announced by President Barke. No action was taken after discussion with counsel at all four closed sessions except under

closed session number three, the following action was taken: the approval by the Board of Nielsen Merksamer invoices, invoice numbers 215590, 216077, 217423 and 223158. The vote approving all four invoices each was 3-1; Trustees' Barke, Williams and Sparks voting for and Trustee Gomez voting against. That was the—

BOYD: Can we get those invoice numbers again please?

BRENNER: I certainly can. I will give you dates as well to help with your processing.

BOYD: Thank you.

BRENNER: 215590 dated February 8th, 2022; 216077 dated March 3rd, 2022; 217423 dated April 4, 2022; and invoice number 223158 dated March, excuse me, May 9, 2022.

BOYD: Thank you.

BRENNER: That is the report out for the closed sessions one through four.

BARKE: Thank you. Moving on to number 14.

WILLIAMS: Number 14?

BARKE: Yes.

WILLIAMS: Yes. I will make a motion to approve the LCAP.

SPARKS: I will second that.

BARKE: All right, any discussion? All right.

WILLIAMS: Just a real quick comment, to our staff, great job. You made the changes I see in the document that I suggested. Again, you did an incredible job. Thank you.

BARKE: Thank you for those remarks. All right. All those in favor?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye.

BARKE: 4-0. Number 15.

SPARKS: I move to approve the College and Career Prep Academy (CCPA) Local Control and Accountability Plan.

WILLIAMS: Item number 15 in other words.

SPARKS: Yes.

WILLIAMS: I will second that.

SPARKS: That would be faster.

WILLIAMS: Faster to say that.

BARKE: Is there any discussion on number 15? Hearing none, I will call for the vote. All those in favor?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye.

BARKE: Passes 4-0. Next, we are moving to number 16.

WILLIAMS: I will make the motion to move along this item for discussion.

BARKE: Do you need a second to move that along?

WILLIAMS: Of course, yeah.

SPARKS: Second.

BARKE: Okay. All right. We are moving along.

WILLIAMS: We are moving along. Okay. In regards to the budget, I have some questions here. I'm not sure who wants to answer it. The first one is object code for advocacy 5852. Currently we have Ball/Frost that is contracted for 22-23 for about \$121,000 or about \$10,000 a month. As a background, for advocacy we have had in the past Mr. Bob Canavan who has been looking at lobbying, and issues and bills from Washington DC. He is not in this, for the record. Capital Advisors, their contract is for \$13,550. The question I have for this, and it has to deal with a thorny issue in that there is a partisan bill by State Senator Min called 286. This bill really confuses the voters, as far as voting for leadership. The original co-author Tom Umberg withdrew because it is only dealing with one district. It is quite embarrassing for Min to have a piece of legislation that only deals with the County Department of Education. That confuses the voters in delaying from the typical June primary for voting for the trustees and the superintendent. Now, with his bill, that would move all the trustees to the general election in November. And of course, it is very partisan, political, and as the Orange County Register said, if Mr. Min wants to do this, he should run for the Orange County Board of Education.

With that in mind and as a background, I did have a series of communications with our good Superintendent. We talked about this at the last meeting that he would, or meeting or two ago, that he would ask and get Ball/Frost to lobby against 286. In the subsequent communications that occurred, it became apparent that Ball/Frost was not going to do this. With everything that was going on in the effort to get a lobbyist, which our Superintendent suggested we should do, this bill was heard today in the Assembly Education Committee. I have no idea what has happened to that. But you know, regardless of what happened today, the issue is, you know, it looks bad if we are paying somebody \$10,000 a month in a lobbying bill to do lobbying and they are not willing

to do it for the Board of Education. It looks bad if we try and go out and spend more money for lobbyists. Then one has to start questioning, why do we have a lobbyist if they are not going to go out and do what lobbyists do? And why did Ball/Frost say no we are not going to do this for the Board? We are not going to lobby against 286. So, I'm just concerned about this in our budget here. I think there is an honest question here. Do we even need lobbyists? You know, one question I have, and it would probably go to Nina or to you Al. What happened to Bob Canavan? Why isn't he in this and what happened to that relationship?

MIJARES: Yeah, I will answer the question, Dr. Williams. With Bob and Kellin Canavan, they are from Federal Management Strategies. They are lobbyists in Washington, DC, and we paid them a little over \$3,000 a month. What basically they would do is to keep us informed on legislation, either pending legislation, prospective legislation and trends regarding funding. A number of things like that. Then there would be a trip annually as I recall, that, you know, members of the Board, two members of the Board fly to Washington, DC. Meetings would be set up with members of the Congress to talk about Orange County and how those members could be more helpful. I thought they were very professional. I liked them. You asked us to make concessions the last time we went through the budget. We felt that by eliminating that you could find the same representation by all of the organizations including CSBA, ACSA, CCSESA. There is a host of ways for you to get basically the same information at no cost. If you wanted to make a trip to DC, there are bodies or groups that can help you make that trip and set it up for you. Because what he would do basically is, and I think you remember, it was largely Dr. Bedell and Mr. Boyd that were going up there. They were the ones that wanted to do this. I do not know who else did it besides them, perhaps Liz Parker, I think. They would make the rounds. I had been up there a few times with CCSESA, and I never really went that I recall. Maybe I did it once with Dr. Bedell and Mr. Boyd. I could have gone once. But mainly through CCSESA, I did that a couple of times. You know, you try to make a meeting with a member of the Senate, and sometimes you get them, sometimes you do not. It is rare that you get a meeting with, at that time, Boxer or Feinstein. But then you meet with members in the House of Representatives and they are a little bit more accessible. Then you meet with a lot of staffers. My point was that I felt, when you asked us go in and make some adjustments there in terms of lobbying, that is what we felt we could put that aside for now. I mean, if the Board wants to retain Canavan, we can look at that again. It is up to you. Can I remark about the Ball/Frost contract?

WILLIAMS: Please do.

MIJARES: Okay. So, with the Min bill, that is SB 286. It is a bill that first was carried by, and I think we went over this, by Senator Umberg.

WILLIAMS: Co-authored.

MIJARES: Pardon?

WILLIAMS: It was co-authored with Senator Umberg, yeah.

MIJARES: Exactly. He, I think, was the initiator and Min was also part of this.

BARKE: I thought it was reverse. I thought Min initiated and he got Umberg to co-author. I'm pretty sure.

MIJARES: Well, it was a two-year bill as I recall that Umberg led. He discovered as I understand that most of the county offices were already into that mode. If you didn't have a clear winner in the primary, you took it to the fall. There were maybe a handful of county offices that weren't doing that. I think he was going to try to put them all, those county offices, in fact, I was in the bill too. Until he discovered that if there is three people running for county superintendent of school and you do not have a person that gets over 50% of the vote, that goes in the fall. When he discovered that that is already in place for me, he took me out of there. Min incidentally, the bill was in the Elections Committee today. It passed 4-1. It is now going to the Education Committee of the Assembly. We do not know when. But it already went through the Senate, and the Senate approved it. It is now going through the Assembly.

Dr. Williams, one of the things you mentioned to me in a memo dated the 27th of May, was you wanted aggressive lobbying and you used that term. That is why I quoted that term in my communication back to you. When we hear the word aggressive lobbying, that means you are going to try to reach every member in the Assembly. And you are going to go to those offices and talk to either their chief of staff or hopefully the member, not just those from the party here in Orange County, or not just one side of the aisle. You want to talk to all of them to try to get them to weigh in, because that is what you are going to have to do to convince that body that this is not a good bill.

That is not the kind of work that Ball/Frost do. It is a two-person operation. Not that they can't do it, but they are designed on a whole different level of what they do for us. For example, the reason we have them, they meet with all of our superintendents. During the pandemic, they were at every single Friday meeting to bring us the latest legislative stuff or anything coming out of the CDPH. That is the health department at the state level, as well as the CDE, CDC, all of those organizations and the Governor's Office. They do a lot of work on STRS and PERS, budget. They do work on workforce investments, initiatives, excuse me, work on MAA that is that medical paybacks for students with special needs, student attendance, transportation.

They come down here and they do quarterly meetings with our superintendents. They do one meeting a year, I think, for all people including board members on the budget. They look at the January budget, what the governor is contemplating and you know, and is going to present to the General Assembly. They then do the May Revise, and then they do the final budget that the governor has approved. That comes back to all of us in the county, our superintendents, so they use them a lot. There is more than meets the eye in terms of what do we get for that money. When we hired them, we wanted somebody that was going to treat us like the number one client, the Orange County Department of Education, as well as the 28 districts and sometimes community colleges, they help represent.

Back to this matter on the Min bill. Originally, I said to you that they can go into the committee and simply declare a no vote. But I did tell you that that vote, you get 2 minutes to speak. Just like a body like this, you get 2 minutes. That is all you get, so you got to be very focused. Like our timer, after the 2 minutes you are done. We felt that if the Board had produced a letter with

bullet points, that would be the best thing to do. You can just read that into the record, or just read what you could, end at 2 minutes and leave that with the committee. That in the midst of everything else we are trying to do, that didn't get done. I didn't feel I should be the one doing it for you. Because then, you know, then it looks like it is from my take, as opposed to your take. I felt that it had to be done by you.

I called this morning, the Senator's Office. I called to speak the senator or the chief of staff. The senator was already gone, Senator Min. I told him that our board is registering a no vote on this. I did do that this morning before the Election Committee. Now it is going to go to the Assembly Ed Committee, but that was one of the reasons why I made this comment. I think you intimated as well that maybe we need two separate lobbyists. That is probably a good idea because if you have one lobbyist that represents both sides, then inevitably you are going to find yourself with a conflict of interest. There may be something that you want lobbied for and something I'm thinking, I really do not want to lobby for that and now we have a conflict of interest. That was one of the reasons why I recommended that if you want this to be put into the next year's budget, let us know and we will make the appropriation. Then you could hire a lobbyist that could represent you. But really this matter of aggressive activity, would require people to make the rounds in the capital and try to convince them that this is a bad bill. I want to tell you too, that the bill was amended. Now it includes Umberg, Petrie-Norris, and Newman. They are now part of the bill.

WILLIAMS: Interesting. Interesting. So, we have Petrie-Norris, Newman.

MIJARES: And Umberg, Senator Umberg.

WILLIAMS: So, Norris is in the Assembly.

MIJARES: Yeah.

WILLIAMS: She is co-sponsoring it? And Newman?

MIJARES: Now, co-sponsoring it.

WILLIAMS: I do not know Newman. Who is Newman?

MIJARES: Josh Newman

WILLIAMS: Where is he from?

SPARKS: Cypress.

WILLIAMS: Cypress. Yeah. And they are co-sponsoring this?

MIJARES: Right.

WILLIAMS: Okay. You say you registered a no vote. What does that mean?

MIJARES: I simply said to the Senator's Office that our board is not in support of this bill. Could he have surmised that? Could he have come, you know, upon that conclusion on his own? Of course he could have, but I wanted to personally let him know that that was your sentiment.

WILLIAMS: Appreciate that. Okay. So, basically this Ball/Frost agreement, there is only two of them there, and they do not do lobbying on certain bills is that correct?

MIJARES: They do some lobbying on bills. Most of them are bills, are, you know, targeting lobbying efforts. It could be that they are before a legislative committee that has to do with budget. It could be special ed. It could be LCAPs. It could be anything that is within the, probably the K-16 or K-14 space. They provide testimonials where necessary. Sometimes it could be in written form or sometimes in the flesh. But they meet with, I mentioned earlier, the legislative and budgetary administrative issues and concerns that we have here in Orange County. It really does keep us connected to Sacramento. That is their focus, and most of it is based on education matters that affect K-14 education.

BARKE: You know, my memories of the lobbying was, I first discovered it when you had them lobby for AB 1505, which was an anti-charter school bill. At that time we discussed that any lobbying would be discussed among us all, especially if it was a position like that, where we might be on different sides.

MIJARES: Yeah. Right. I think I mentioned before that the parties came to terms even CCSA at the end. There were some things in there for CCSA. There were some things in there that CCSA probably did not like. I felt that the credentialing of teachers was important. It isn't that they didn't have credentialed teachers before. But they didn't have credentialed teachers that were in assigned teaching capacities that were aligned with the credential. For example, you can teach with a multiple subject teaching credential up to the eighth grade. You can't do that at the high school level. That is a single subject teaching credential that you need. It is a credential in that specific area. Can you do it in alternative education? Probably make an exception in alternative education. There is a lot of reasons for that. But in this case, you now needed to have a credential. And remember, these are, again, tax supported schools, charter schools.

You had to have a credential. If you are going to teach math, you have to have a credential in math. The state used to give us exceptions. If you had a minor in math and you were desperate. You couldn't find a math major. The state would make these concessions, but not after NCLB. NCLB established the highly-qualified teacher. If you are not credentialed, you can't teach that class. That was the thing that I felt was important in the charter school in 1505. That was the O'Donnell Bill 1505, which I think was in 2019.

BOYD: I think it is important. The lobbying that was done was just they registered a yes or a support. That is all they did.

MIJARES: They just walked in and registered the vote. They didn't issue any other testimonial.

WILLIAMS: Do you know what they mean by makes findings and declarations regarding the necessity of enacting a special statute that is applicable only to this board. Do you know anything

about that? Because that is part of the summary, item number three. I read it verbatim. I'm not sure what findings and declarations makes this a necessity.

MIJARES: Oh, you mean the out of the Senator's Office?

WILLIAMS: Yeah. If you look at the summary that is that is item number three. It is like, hmm, I'm not sure why it is necessary to move something that has been like this forever to the November vote. Anyway, it is a question, just asking.

SPARKS: Well, especially why Orange County is being singled out of all the 58 counties in California.

BARKE: It makes me question voting for a Senator that that is a top priority. I think we have so many priorities in this state that I find it hard to believe that that is his biggest priority.

WILLIAMS: Yeah. Well, we know that.

BARKE: Is it causing harm to anyone that our election is in June, rather than November?

MIJARES: One of the documents that I saw. I thought maybe you had seen this too, was they did a statistical analysis and concluded that the voter turnout would be higher in November. That was another reason. It was to encourage voter participation.

SPARKS: Then why do we even have primary elections? Why do we have, I mean, why does it exist? Why don't we just have elections one time every four years if that is the case? That doesn't make sense.

MIJARES: Well, you know, now you have to have—like, I presume Todd Spitzer is not going to have to run in November.

SPARKS: No.

MIJARES: Because he got so many votes, but there will be a lot of other races in November because they didn't get the 50%, plus one threshold. They didn't hit that threshold.

BOYD: Al, can you move your mic?

MIJARES: Oh yeah. Sorry.

BOYD: Thanks.

WILLIAMS: This is an example of politics at its highest. Senator Min, for the record, we had a very visible disagreement. I think there is some revenge factor here. I do not find him—he is an export from the East Coast. He isn't here from Orange County. He has no Orange County roots, and he is doing a terrible job as a state senator. There is a personal angst in this too, so, anyway.

BARKE: Well, things may change quite a bit in November anyway, because he is in the same district as Newman as a result of redistricting.

WILLIAMS: Oh really? He and Newman are running in 2024 against each other.

BARKE: Well, they are in the same district, so we will see.

WILLIAMS: Okay.

BARKE: We shall see.

WILLIAMS: That is politics.

BARKE: So, I guess back to lobbying. I mean, does it make sense that we would come to the table and all discuss our lobbying issues? Does it make sense that we would have our own lobbyists? I mean is that something we should be discussing? I certainly do not want to be on the outside of just one lobbyist and not knowing what the lobbyist is lobbying for.

ROLEN: Madam President in the interest of time since it is a budget discussion, I agree with the Superintendent and those that think that, since we are each sovereign entities, we should have our own lobbyists. We should talk about budgeting an amount of money for those lobbyists.

BARKE: All right.

ROLEN: I didn't want the discussion to center around lobbying when Renee is going to be standing up here a long time.

BARKE: Sure. Okay. Appreciate that.

SPARKS: I would just want to make one comment though. I would rather not double the budget and waste taxpayer dollars, so we really need to figure out what makes the best fiscal sense if we go with a model like that.

ROLEN: I will leave that to Renee.

WILLIAMS: Al, when we talk about the term "aggressive lobbying," I'm not sure anything about lobbyists. I'm never engaged in lobbyists. I'm not sure what aggressive means. It was not picked out as a word to indicate a certain level of lobbying. Will Ball/Frost do some lobbying?

MIJARES: They do some lobbying. That is a potential that we could talk about in the future. This particular bill already went through the Senate as I mentioned earlier, and is now going through the Assembly. After the Assembly Ed Committee, I think it will go to appropriations. And from there, it will go to the floor. So, you know, going up and just saying, we are against it, is one thing. But going into their chambers and talking to them or to their chief of staff, that is another thing. That was my understanding that you wanted. There is over 2,000 lobbyists over

there, you know, that are registered lobbyists in the state of California. I felt you could find somebody, you know. Where there is money, there is a way. When there is a will, there is a way.

It is going to cost money, but you know, I'm saying that if this is the desire of the Board to do this and to have your separate lobbyists, it makes sense to me because of the conflict of interest.

WILLIAMS: Yeah. I'm not so sure that this bill can be thrown off the train tracks at this point. So, will a lobbyist be of any value in making a difference in this?

SPARKS: Well, there might be other issues where a lobbyist, the right lobbyist, would advocate for issues that we are concerned about.

BARKE: It might have brought this bill to our attention early on so we wouldn't have found out about it in ninth hour when it has already gone through a committee.

SPARKS: Eleventh hour.

WILLIAMS: Yeah.

BARKE: Not the ninth, the 11th.

WILLIAMS: Yeah. Okay. Yeah. I'm not so sure. I'm processing everything here. I'm not so ready to make a decision. I do not know about my colleagues.

BARKE: Okay. Yeah. I think it is worthy of considering. Our counsel says perhaps we should have our own lobbyist. I think this is very unusual that one senator would target us and put a bill in like that. I do not think we are going to be the target of a lot of bills. I do not know that we actually need to have a lobbyist on retainer. I do not know. I mean, maybe you have one so they tell us what is going on. We would have known. I think this bill was started two years ago. If we had known back then, perhaps, you know, we wouldn't be where we are.

WILLIAMS: And that was the point that I made that I was hoping to have Ball/Frost, even though they are not our lobbyist, the client is the Superintendent. It would have been nice to have been informed about this.

BARKE: Right, right.

WILLIAMS: We didn't find out about this until when?

BARKE: A few months ago. I can't even remember who pointed it out, but it would have been nice.

MIJARES: It was December right, Nina?

BOYD: January. Because we received the information over the Christmas holidays. We had the discussion initially with the Board and the question came up from you in January.

WILLIAMS: Right. Right.

SPARKS: Well, the whole point of a lobbyist is communication, and we got zero.

WILLIAMS: Right.

MIJARES: And you, this last one, when did—

SPARKS: No matter what side they are on. No matter what they are arguing for.

BOYD: Well, but I think the critical path that they identified you was that this was in the elections. This is not in education.

GOMEZ: Yeah.

BOYD: These lobbyists are education lobbyists and that is what their focus is. We get information from them monthly related to education bills or bills that potentially would impact case 16.

SPARKS: We still should be informed on those things.

BOYD: But that wouldn't have come up is what I'm saying, because it was introduced in the elections.

BARKE: It would just seem that they would be aware if OCBE was on a bill somewhere. I would just think.

SPARKS: Right.

WILLIAMS: The Superintendent was on it, right, for a long time?

MIJARES: When it was first introduced, I was on it. Yeah.

WILLIAMS: And you didn't find out until when, December of 21?

MIJARES: Somewhere in that period of time.

WILLIAMS: Yeah. So, Ball/Frost dropped the ball. They should have alerted this issue to you when it first introduced.

GOMEZ: I think Ball/Frost does a lot of stuff. I have attended lots of seminars with them, which I think we are all invited to.

MIJARES: Yeah.

GOMEZ: To provide information about legislation and what is happening in education. If people are not availing themselves to that information, you know, that is one thing. But they are providing that information.

MIJARES: Yeah.

GOMEZ: I have been to plenty of their workshops

MIJARES: Yeah. Their expertise is in the education space, the education sector.

GOMEZ: Yeah. Right.

MIJARES: That is their expertise. Dr. Frost is a professor at Claremont University, so that is their expertise. Andrea is an attorney.

WILLIAMS: Yeah. But paragraph 2, under (a), their services should include review, identify, monitor legislation, state budget proposals and state policy initiatives affecting the Superintendent. So, that is clearly something that they should have picked up. Then I know you would have probably told us about that. I'm wondering if—again, I think we may be too far behind this ball. The train is on the track and it has left. We may not be able to do anything with this. I question the need for—that we can do anything about this at this point.

BARKE: Well, and I think it is not just this. But going forward, should we have a lobbyist that tells us when we are part of a bill? Because I think we maybe thought that Frost would do that. It would be courtesy that, oh, did you know there is a bill and your name is on it? I just thought it would have been brought to our attention. When I looked and saw when that bill started, I was in shock how long it took for us to figure that out.

WILLIAMS: Al, do you think we can rewrite this agreement and to include the County Board of Education, and following legislation and us be part of being a client too in addition to you. Would you have any objections to that?

MIJARES: I, think—let me communicate with Ball/Frost. Because even though they are lobbyists for hire, they do have a criteria of what they want to go. I think they do not want to ever find themselves in a conflict so that is why I'm suggesting—you know, what you could do is rely on them for information, up to the minute information. You know, we have all learned lessons from this experience. We can talk to them about keeping the Board advised. They can even come here and make a presentation of the board. But if we ever find ourselves at odds, then I do think it would be better to retain somebody. I think Mr. Rolen can help with that process in terms of finding somebody that could be hired. You could either put them on retention. Put them on a retainer so that you are not looking for somebody when you need them. But there is different models we can follow. Maybe we need to just spend some time talking about it and figure out where we go from here.

BARKE: Mr. Rolen, sorry. Is that something—do you think it were wise to have our own from the get go, or do you think we are wise to—I feel like if we wait until we need one it is too late. We should have somebody out there with eyes for us.

ROLEN: Just like everything, if we wait it is too late.

BARKE: Yep. Okay.

ROLEN: There has been a lot of discussions about civics and government relations work. I think everything everybody said is accurate, especially the part about aggressive lobbying.

BARKE: Mm-hmm.

ROLEN: The real work is done with the chiefs of staff and the staffers.

MIJARES: Yeah.

ROLEN: If we are going to operate cooperatively as two separate entities, we should not put any lobbyist in that position.

BARKE: Okay.

ROLEN: To have to represent two entities that are at odds.

BARKE: That is what I'm hearing. Yeah. Okay. Do we feel that the amount that we have for lobbying we should divide that and each share that, or that we should have the same amount or is—

ROLEN: That is a decision for the Board. That is not part of my expertise about how much we should allocate. I do know that the Ball/Frost contract is representative of lobbyists in California. I do know the other gentleman, the federal government relations expert, he is a little low for DC. But there is a lot of work to be done in both of our state and nation's capitol that can benefit this board and this department.

BARKE: From your point of view, it would behoove us to have a lobbyist.

ROLEN: I think it would behoove us to have two.

BARKE: That is what I mean. Yes, each have our own.

ROLEN: Correct.

BARKE: Okay.

ROLEN: At the state and federal level.

BARKE: Okay. Oh, I gotcha. So, we would have a state and a federal.

ROLEN: Yeah.

BARKE: Gotcha. Okay. Thank you.

WILLIAMS: All this processing and open dialogue, it is difficult to make found decisions today. I'm not so sure I'm ready to make a decision on all this.

SPARKS: Well, why don't we think about it for a month?

BARKE: I think we only have until the end of the month.

GOMEZ: Don't we have a budget that is due though?

BARKE: I think our budget is due July 1.

BOYD: You can still add—you can choose to contract at a later point in time. You do not have to do it.

ROLEN: (Inaudible).

WILLIAMS: Renee, take us through the details of how this can be done.

SPARKS: Yeah. Renee, come on.

HENDRICK: You do have \$350,000 set aside as contingency specifically for the Board, that you haven't decided what you do with that. There is those funds already in place in the budget. Then, the lobbying, it may not be that same amount if you are only doing something specific on specific bills. When you look at Ball/Frost contract, that is specific work that they are doing. That isn't necessarily the day-to-day lobbying, like you were discussing. It is more meeting with the Education Coalition and all of our partners so that they understand what Orange County needs. That is a little bit different than what you were asking for, I think, with the Min bill. I think if you were to construct that contract differently, it may not be the same amount.

BARKE: Yeah. And I mean, not just Min, just, you know, is there anything going on with charter schools, with school choice, with just different issues.

HENDRICK: Those type of things normally, I think that is the thing when they do the updates. They do those quarterly updates. With OCSBA, they would bring those things forward. We could maybe talk among staff of how we give you that information on a clearer method, but that is something that Ball/Frost does is shows all the new legislation pending. I think we have a huge email right now of pending legislation to go through.

GOMEZ: Well, again, we all get that invitation to attend those seminars, and they usually have a good handout as well.

HENDRICK: Yeah.

GOMEZ: That outlines the pending legislation, so we need to avail ourselves of that expertise.

SPARKS: I like the idea to support our savvy attorney saying that we need our own lobbyist on the state and federal level.

GOMEZ: And that could be taken out of that \$350,000.

WILLIAMS: Right. And we were putting—Renee, we have \$100,000 that we have in administrative services also in the budget?

HENDRICK: \$100,000 from Media Services is what you had requested.

WILLIAMS: Yeah. But is that, the object code, the administrative services?

HENDRICK: Miscellaneous, or other services.

WILLIAMS: Oh, okay.

HENDRICK: Yeah, 5865.

WILLIAMS: That \$350 that is another object code for litigation, right?

HENDRICK: It is.

WILLIAMS: So, it has to be moved?

HENDRICK: We could move it, yes, definitely.

WILLIAMS: Okay. (Inaudible)

HENDRICK: Or you could even, at our next budget cycle, we could make changes and add it to the budget. That is what Nina was trying to say.

GOMEZ: So, at the interim budget point, we could make those adjustments?

HENDRICK: Interim budget point, we could make those changes also.

WILLIAMS: Okay. Okay.

SPARKS: I would rather have it up front and budgeted for, than to move things around unnecessarily because we might need to keep that \$350 where it is.

WILLIAMS: Okay. So, is this as easy as saying, okay, let's make it from the litigation to the correct object code?

HENDRICK: Well, it is a contingency fund. Right now, it is sitting there, but it is very easy for us to move it to a different object code. That is very simple to do, yes.

SPARKS: Alternatively, we could add to the administrative miscellaneous that \$100,000 in miscellaneous.

BARKE: Well, how is lobbying on Ball/Frost, how is that categorized?

HENDRICK: It is under 5852 for advocacy.

BARKE: Okay. So maybe we just add that for us as well.

SPARKS: Add to advocacy, yeah. That is good.

BARKE: Yeah, advocacy that would be targeted towards the Board. I would think that would make sense. I think that is transparent. That is what we want to use it for. If we discover that we do not need it, we can always put it back. You know, I would like it to be categorized of what we intend to use it for.

SPARKS: Sure, and to mirror your categorization. Yeah, that makes sense.

WILLIAMS: Okay. Just a question, I'm okay moving on to another subject.

GOMEZ: We need to approve a budget.

SPARKS: Do we need to make a motion or something about adding an advocacy line of \$100K or something to match what they have?

BARKE: I think it is about \$120-\$130.

SPARKS: \$118.

MIJARES: \$118.

SPARKS: \$118.

MIJARES: Ball/Frost \$118?

HENDRICK: It is \$120.

SPARKS: \$121,554.

HENDRICK: Yeah.

BARKE: Why don't we just do \$125 and you know? Are you willing to do \$125?

SPARKS: Wait a minute. It says, oh, in the period between July 1st, 2022, and June 30, 2023, it is \$125,200.

BARKE: Okay, yeah. Why don't we do \$125 and if we have to adjust at the interim one way or other, we can.

SPARKS: Yeah. Let's just match it for now, and we can adjust it at the interim.

MIJARES: Yeah.

WILLIAMS: So, is that?

SPARKS: Is that a motion?

WILLIAMS: Yeah, I was going to say, is that a motion?

SPARKS: Yes. That is a motion.

BARKE: I will second that.

WILLIAMS: Okay.

BARKE: Oh, I will second it for discussion.

WILLIAMS: Well, that was a subsidiary motion because the primary motion to consider the budget is still on the table.

BARKE: Okay.

WILLIAMS: So, you are making a subsidiary motion.

SPARKS: Sure.

WILLIAMS: Right?

SPARKS: Yeah.

WILLIAMS: According to our parliamentary procedures, the ABC of parliamentary procedures we follow, that is a subsidiary motion, that you are adding to my motion.

SPARKS: Yeah.

WILLIAMS: Right. That would be totally separate. Then you come back and vote for the primary.

SPARKS: Okay.

HENDRICK: Can I ask a clarifying question? Because we did the public hearing on the budget and stuff, there is a difference between you just transferring between the lines. I guess that is what I'm trying to understand. Are we just transferring from one object code to the next?

SPARKS: No, we are matching the advocacy code, whatever that number is that the Superintendent has.

HENDRICK: What I heard Mari say is we were going to take it out of the contingency fund.

SPARKS: No. No, we are not.

BARKE: No, I didn't say that. I just wanted to have matching funds.

HENDRICK: You can ask your—because we have publicly—we did public things with the budget, right?

SPARKS: We are in public right now, too.

BOYD: No, I think what Renee is trying to say is, you may need to have another public hearing, which means you will need another board meeting in order to approve the budget if you are making the kinds of adjustments that you are making now, as opposed to just moving money.

WILLIAMS: Right. And we went through this before.

BOYD: Correct.

WILLIAMS: In 2018. Subsequent to that, I think that we have a differing opinion on that. With the ability of the Board to adjust the budget, that is why we are here, to make decisions in the budget. We do not need to do another public hearing.

MIJARES: You could adjust it. In other words, you have that \$350 account, right?

HENDRICK: Mm-hmm.

MIJARES: It is sitting there open.

HENDRICK: Yes.

MIJARES: Nothing has been drawn down.

HENDRICK: No.

MIJARES: If something came up like now you needed somebody, you could take it out of that. Then the next time when we are bringing expenditures of over \$25,000, you could make the adjustment there. That way you wouldn't have to do another public hearing.

HENDRICK: That is my understanding, yes.

SPARKS: I would like to hear from Greg Rolen on this issue.

ROLEN: The last time we had this quandary, we had another public hearing. We jumped through a lot of hoops to do it. As it turns out, we made the right decision. I think if there is going to be no other adjustments to the budget, we can address this issue with the transfer of funds that has been discussed. If there is major revisions to the budget based on what the Board does here today, I would recommend that we have another meeting. If this is the only issue we are discussing, I think we can address this issue by a transfer of funds without another public hearing. But if we are going to make any other revisions to the budget that are substantive, I think we should have a public hearing. That would be the most cautious approach.

SPARKS: Okay. Shoot. Does that mean we should continue and let Renee do her thing?

GOMEZ: Mm-hmm.

SPARKS: Yeah, until we decide.

BOYD: Do her thing—so she would just be moving the money?

SPARKS: No, no. We are having a discussion with Renee and see if there is anything else that we want to deal with.

BOYD: Okay.

SPARKS: So, I would ask Renee to come up? What additional questions do you guys have for Renee?

WILLIAMS: The question has to do with—we had the public hearing June 1st, I believe. We presented a budget, and now the Board has the authority, that we believe, and that was the subject of the litigation, the illegal action by Superintendent Thurmond to create a panel that was not according to Education Codes. Then we were left with a budget that we reduced, as I recall the travel and the lobbying. What was the last thing that we?

SPARKS: Those was the two major things.

WILLIAMS: Yeah. We reduced like \$186,000 and that is what led to all the extra effort because we were told we had to do another one, as far as the public hearing. We did the public hearing, and we posted it and we passed it. That is what led us down this rabbit hole. That was something that was only a minor amount of money, \$186,000 that we wanted to reduce. Now, looking back on that, we are not so sure. I still do not believe that it is necessary, because we already did a public hearing. We are just now talking about everything publicly about adding to or taking away. I'm not so sure we need another public hearing on that issue. That is not clear and set. In fact, our counsel, on that piece of litigation would agree with my sentiments.

We have a motion and a second to add funds to the budget. I'm talking out loud now. We have a motion a second to add—what was it, 125,000 you said? There is \$125,000 that we were talking about adding to the advocacy object code that would be equivalent to the Superintendent's object code and his advocacy fund. That is a subsidiary motion. We can vote on that going forward. But I will reveal the cards, I'm going to ask to lay the budget on the table and have a meeting in two weeks to make the final adoption. We have until July 1st to make that, so that gives us time to process everything. My recommendation would be to vote on the subsidiary motion, put that in with my motion; then I'm going to tell you in advance what I'm going to do, which is to ask that we lay it on the table until the next meeting which would be 14 days from today, the 29th of June.

BARKE: The 29th of June doesn't work for me.

WILLIAMS: It doesn't?

BARKE: No.

WILLIAMS: Okay.

BARKE: I just know that because I have an event, a work event that I have that evening that I have been working on, so I know that off the top of my head.

WILLIAMS: Okay. Can we vote on, Madam President, can we vote on the subsidiary motion just to put it on with the primary? Then we can talk about that date.

BARKE: Yeah that is okay.

WILLIAMS: Are we clear about what we are voting on?

SPARKS: No.

WILLIAMS: Okay. You made a motion, Lisa. To add advocacy funds to the budget, to the object code. That was seconded by Mari. Then we had discussions about it. From what I recall, the discussion was about \$125,000. Is that clear?

BARKE: Mm-hmm.

WILLIAMS: Beckie, is that your?

GOMEZ: Well, yeah, I understand you want to add \$125,000. Are you taking it from the \$350 or are you adding it to the budget? If you add it to the budget, what are you reducing by \$125,000? I think that is where the public hearing issue comes in. That is what Mr. Rolan said, that if we did it that way, if we added \$125,000, rather than moving it from the \$350, that we would have to have a public hearing. Is that correct? Isn't that what you indicated, Mr. Rolan?

ROLAN: I didn't make any comments specific to taking it from the \$350, from another object code. I did say if there was a substantive change to the budget that we couldn't accomplish the

Board's wishes through a transfer of funds, that a public hearing would be proven. The Board president or vice president I should say, seems to think I'm wrong about that and he may be right. But what I'm saying is that, in an abundance of caution, that is the recommendation I'm making to the Board so we can do this all. But, he may be right.

BARKE: Do you have a preference as to whether we just move it over, or we transparently actually create a code or does it matter?

ROLEN: I think it is always better to be more transparent. I think for the purposes of the 2022 Budget we can move it from the \$350. Then we can cross that bridge later in the—

BARKE: The First Interim.

ROLEN: First Interim Report process, yeah.

BARKE: Okay. All right, and that is a clean way to do it.

ROLEN: It is clean.

BARKE: Okay.

ROLEN: We have discussed it pretty publicly here.

BARKE: Okay. Yeah.

SPARKS: Okay. Do we adjust the amendment?

ROLEN: Does that work for you?

WILLIAMS: You have to withdraw?

SPARKS: Okay. I will withdraw my motion.

WILLIAMS: Okay.

SPARKS: Based on the legal advice that we just received.

WILLIAMS: Okay. We are withdrawing your motion. Now we go to the primary motion, which I made and I think you seconded it.

SPARKS: Mm-hmm.

WILLIAMS: I'm going to make the motion that we lay it on the table for a second meeting, either the 20, that Tuesday or the Thursday, then if you can't make it on the 29th. It would be the 28th or the 30th. Are you going to be in town?

SPARKS: No.

WILLIAMS: Okay. Will you be in town?

BARKE: Yeah. I'm in town. I have to work on the 29th, so I can't be here. But I will be in town. I will be here.

WILLIAMS: You can't be here at 5 o'clock?

BARKE: On the 29th?

WILLIAMS: Yeah.

BARKE: No, no. I have an event starting at 5:30; that is around the corner.

WILLIAMS: What about you, Beckie?

GOMEZ: On which day?

WILLIAMS: It looks like Wednesday, the 29th would be out. It is the 28th or the 30th.

GOMEZ: I can do the 28th. I cannot do the 30th.

WILLIAMS: Okay. I can do either.

GOMEZ: Oh, wait, I take that back.

SPARKS: Well, I mean, I could

GOMEZ: We are talking.

SPARKS: I could Zoom in.

GOMEZ: Yeah.

SPARKS: But I can't be here in person.

GOMEZ: We do not have the approval to do it remotely.

WILLIAMS: The 28th, you can do?

GOMEZ: I can do the 28th.

WILLIAMS: Okay, and what about you, Mari?

BARKE: I believe I can do the 28th.

WILLIAMS: Okay. And you are going to be not in country?

SPARKS: I'm not in country.

WILLIAMS: Okay. We can do a Zoom with you?

SPARKS: Well, I mean, I would have to post publicly the meeting and all that at my home in Italy, I guess.

WILLIAMS: Nina, help us out on that one.

BOYD: Yeah. That is what you would have to do.

WILLIAMS: Okay. Okay. So, the motion that I will make then is that we lay this on the table for a meeting on July 28th here at 5 o'clock and the budget item number—what is that number—number 16 will be on that agenda for the 28th. I need a second for that.

SPARKS: Second.

BARKE: I guess I just want to be clear when we have the other meeting. Are we going to bring other things?

BOYD: Can't hear you, Mari.

BARKE: Sorry. I just want to be clear for the meeting on the 28th, is it to just further discuss the lobbying piece? Are there other issues, or why are we laying it on the table just so I understand?

WILLIAMS: Well, so there is just a lot happening here just in discussion that, I mean, I do not like to be rushed in making a decision.

BARKE: Okay.

WILLIAMS: We have talked a lot and spent a lot of time on this. Thirteen more days certainly meets the Education Code deadlines, and it gives us more time so we do not feel rushed.

BOYD: Is this just around the advocacy issue, or are there other issues in the budget that you?

BARKE: Are you available, Mr. Rolan on the 28th?

ROLEN: Yeah.

BARKE: Okay.

WILLIAMS: Okay.

ROLEN: There isn't anything more important than this?

BARKE: All right. Okay. I just want to make sure.

WILLIAMS: The budget is important.

BARKE: It is. No, no, I didn't want to—I just want to make sure that we are clear on why we are postponing or laying it on the table. That is all.

SPARKS: Are there other issues?

WILLIAMS: Not that I'm aware of.

SPARKS: Are you comfortable with Greg's advice or you want to think about it more?

WILLIAMS: Well, I think he is wrong.

SPARKS: Oh, you think he is wrong? I see.

WILLIAMS: I think he is wrong about the issue of having—

BARKE: I think we better lay it on the table.

WILLIAMS: Yeah.

ROLEN: I've been talking to my wife again.

WILLIAMS: I need to understand the legal issues from our counsel better. Because we did go down this road at one point before, and I do not want to make the same mistake that we did.

SPARKS: Okay.

WILLIAMS: That is just my thoughts on that.

BARKE: Okay. We have a first and a second to lay it on the table until the 28th. If there is no further discussion, we will call for the vote. All those in favor?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye.

BARKE: Okay. The ayes have it.

WILLIAMS: Moving forward, I would like to make a motion to accept item number 17, the Dashboard Indicators.

SPARKS: Second.

BARKE: If there is no discussion, all in favor?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye

BARKE: All right.

SPARKS: I will make a motion to accept California—number 18.

BARKE: Thank you.

WILLIAMS: I will second that.

BARKE: All right. If there is no discussion, all those in favor?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye

BARKE: Okay. Moving on under information items, Madam President, I just want to quickly put into the record, the FCMAT budget and purchasing review along with the OCDE response, that was something that was done, I believe, last year. It was originally initiated in 2020 by the good Superintendent. It was a very thorough administrative review. It wasn't the forensic budget review that we wanted or asked for. But nonetheless Mr. Fine, who is the CEO of the FCMAT team, came out and there was a review at that time. There were some recommendations by FCMAT and a very thorough review. It was a very interesting read. I thought it was very, very good. I think the overall—tell me if I'm wrong, Nina, but it strengthened our internal programs and assessment and protocols. That was what I took away from staff comments and discussion. Anyway, that is an official document that is online by FCMAT. I thought the response by the staff was good. I thought it was honest and transparent, but it is nowhere to be found publicly. Again, kudos for the staff and for the Superintendent on doing this. But I just think it needs to be made transparent. With that, I had asked for the Board to put it on to our website.

BOYD: We actually have it on the Department's website.

WILLIAMS: Oh, it is on the Department's website.

BOYD: Yes.

WILLIAMS: Is the recommendation?

BOYD: Yes. Both documents are on.

WILLIAMS: Both documents.

BOYD: Yes.

WILLIAMS: So it is on the Department website?

BOYD: Yes.

WILLIAMS: Okay. Very good. I was not aware of that. Where is that under? I thought you told me it wasn't.

BOYD: It wasn't—when we talked and I told you that we were going to do a link to add it.

WILLIAMS: Right.

BOYD: That is what we did as of last week when we met.

WILLIAMS: Oh, okay. It wasn't at the time that we talked.

BOYD: Right. Right.

WILLIAMS: But you did do it then?

BOYD: Yes.

WILLIAMS: Okay. And the recommendations and everything?

BOYD: Both documents, you wanted the FCMAT Report and you wanted the response we did for the Board. Both documents—

WILLIAMS: Is that on our website or the OCDE website?

HENDRICK: It is on the OCDE website. It is posted where all of our budget/financial documents are, so it is under Administrative Services.

WILLIAMS: Okay.

HENDRICK: It will actually say FCMAT Study and Review, OCDE Responses.

WILLIAMS: Oh, okay.

HENDRICK: It is a link to click on that.

WILLIAMS: You just forgot to tell me.

BOYD: Well, we haven't talked since then, but there is also a link that is on the Agenda.

WILLIAMS: Oh, okay.

BOYD: On your website, there is a link to the document. Oh, there is, which is what I informed you that we would do. Because when you were saying, how can we make sure that it is available? I said, we will do a link on the agenda.

WILLIAMS: Okay.

BOYD: To those two documents.

WILLIAMS: You did do that then.

BOYD: That was posted last Friday.

WILLIAMS: Very good.

BOYD: When we posted the Agenda.

WILLIAMS: Awesome. Thank you. That is it, Madam President for that?

BARKE: Okay. Announcements, Superintendent, please.

MIJARES: No, I do not have any tonight, Madam President, thank you though.

BARKE: All right. Thank you. Madam Deputy Superintendent.

BOYD: Next board meeting, I think you tried to clarify, but we need to be clear. Is the budget the only item on the agenda for the 28th because we will be preparing that?

GOMEZ: Please.

WILLIAMS: It is the only thing so far.

BOYD: Okay.

BARKE: I do not know. If an interdistrict transfer comes up between now and then, is that something?

BOYD: Well, we would notify you with regards to that. But if there had to be done in that timeframe, but right now they are prepared for the July 6th. We just want to know how to prepare because those two meetings are one week apart.

WILLIAMS: I would just say put that on the agenda as the only action item, and that is it for now.

BOYD: Do we need to have an Executive Committee meeting with regards to it, or?

BARKE: I do not think so.

WILLIAMS: I do not think so.

BOYD: Okay. Let me know if we do and we will schedule that.

WILLIAMS: Okay.

BARKE: Just so I get it in my calendar, we are talking about June 28th at 5 PM?

WILLIAMS: Correct.

BARKE: Yes. Is that what we are?

BOYD: That is my understanding.

BARKE: Okay.

WILLIAMS: Correct.

GOMEZ: Did we say 5?

BARKE: I do not know. That is why I'm just confirming that it is 5.

GOMEZ: I will put it in as 5.

SPARKS: Pacific/Central time.

BARKE: Yes, 5 Pacific.

GOMEZ: Or 2 in the morning for you.

SPARKS: You could do a morning meeting that day if you want.

BOYD: Submission deadline for your July 6th meeting would be June 22nd, which is next week. We will deliver the board packets on July 1. The Board no longer has individuals who have stated they want to do invocations. We are at that point again. I wanted to let you know that.

BARKE: Oh, so nobody.

BOYD: Our lists have been exhausted and everyone has been utilized. No one else has registered that they would like to do an invocation.

WILLIAMS: The administrative, not review.

ROLEN: Regulation.

WILLIAMS: Regulation, thank you. I knew it began with an R. The administrative regulation gives the clear line of direction for the staff.

BOYD: Right. But if no one responds to that, we don't.

SISAVATH: We have it on the website.

BOYD: We have it on the website. We follow that, but I'm just telling you that there is no one lined up for the next meetings, the upcoming meetings.

WILLIAMS: You don't have a list that you go through?

BOYD: We did this year.

BARKE: It sounds like they ran out, their list is—

WILLIAMS: How many—well, this is all new. How many people did you actually contact?

SISAVATH: It was like every month for the whole year last year. It was a year ago. We did that, collected the list, unless you want to go back to that?

BARKE: Did we do outreach for that list? Where did that list come from? No, they just—

BOYD: We don't do any—we just post it and it circulates. The announcements that you all make and so forth, but we are not sending anything out to try to solicit that. That is not something that staff would do.

WILLIAMS: Mr. Rolen, help me out here. Because that is not my understanding when we did that administrative regulation. If you recall it?

ROLEN: Yeah, I wrote it. I just do not remember what the process is if we have exhausted people who have volunteered for the invocations. I do not see a problem with going back to the beginning and starting over. I think that is within the spirit of the regulation and the law.

BARKE: Mm-hmm.

ROLEN: Okay.

WILLIAMS: So, you would reach out and make phone calls?

BOYD: We would just send the communication again, the same communication, it is up to them to respond. We are not—

WILLIAMS: Exactly. You can't force anybody to come here.

BOYD: Exactly, that is all we are saying.

WILLIAMS: Right. Right.

SISAVATH: We are going off the old list and just contacting everyone?

SPARKS: Yeah.

WILLIAMS: Yeah. But for the record, the reason that we began down this road was because of the atheist organization. I can't recall their name.

BARKE: Freedom from Religion.

WILLIAMS: Freedom from Religion, they were going to sue us and we had to get legal counsel to protect us to keep the invocation into our protocol. Part of the recommendation from our legal counsel, Mr. Robert Tyler at that time, under a threat of litigation. It did include the ACLU. They came in at a later date, but the Freedom from Religion people were going to sue us. Our attorney said, "you need to do an administrative regulation so you are not involved in that." That is how the staff became involved. We do not get involved in seeking or soliciting individuals to give invocations.

BOYD: Right. I'm looking at your policy. It states, again, just what I'm saying. We post the information and the notice on the website to solicit names of volunteers to deliver invocation for the calendar year. The person who is interested in delivering must send a letter of interest in writing or email to us by a specified date. We do this every December, is what the timeframe is. The names are chosen at random. Then we work with people with regards to, if they can't make the dates and so forth. We provide written confirmation, and we also send them a copy of your policy that states how much time they have and what the parameters are. That is the process that we utilize. All I'm saying is we have exhausted the names and the people who have responded. We have been following the guidelines.

WILLIAMS: How many people have responded? How many people are on that list?

BOYD: Ken, I can't answer that question?

WILLIAMS: Okay.

SISAVATH: Yeah. I can't answer that.

WILLIAMS: That is okay.

BOYD: Okay.

WILLIAMS: We can talk later about that.

SPARKS: I have a question if I may? On the June 28th meeting, if the budget is our only item, would it be the will of the Board to have the meeting earlier in the day? I can adjust to whatever. But if that is the only item, why not punch it out in the morning when you are fresh?

GOMEZ: As opposed to how we feel right now you mean?

SPARKS: Right.

BARKE: I do not know about work schedules. I can be flexible.

SPARKS: Yeah.

BARKE: Ken, I do not know if you have patients, or if that is something you have to look at? Are you flexible?

WILLIAMS: If I have a procedure that morning, I can't do very much about that.

SPARKS: Okay. Well, I can adjust.

BARKE: Well, maybe we can make it a little bit earlier. But, Ken, you can let us know.

WILLIAMS: Yeah, I can make a little bit earlier.

BARKE: Yeah.

WILLIAMS: But we have to give Nina direction on that.

SPARKS: Yeah.

BARKE: As long as I know ahead of time (inaudible).

SPARKS: Yeah. I can adjust to whatever. I was just throwing it out there as an idea in case it is doable.

GOMEZ: Well, if it is a special meeting, we need to be sure we give the public enough notice too.

SPARKS: Yeah. Well, it is the same day.

BARKE: Yeah. I mean, Ken can probably look at his schedule tomorrow and see if he can start at 4.

GOMEZ: Well, it is a special meeting.

BARKE: Whatever works for you without messing up the schedules.

WILLIAMS: Yeah. Okay.

BARKE: Maybe we will just confirm tomorrow the exact time.

SPARKS: Okay.

BARKE: On the 28th.

SPARKS: That would be great.

BARKE: Greg, too, let's make sure your schedule works. All right.

GOMEZ: What about Renee's schedule? Is she available?

BOYD: Well, it wasn't that. We have a restriping of the parking lot scheduled for that day, that that week. We have minimal—a lot of people take vacation during that timeframe and so forth. We were able to work things around, because it is closure at the end of the month so that may impact parking.

WILLIAMS: Okay.

BARKE: You are saying we may have to walk from the street?

HENDRICK: I don't know (inaudible).

BARKE: I think we can figure that out.

BOYD: The only other thing that I wanted to mention to you is the CCBE Annual Conference is going to be held in person this year in Monterey, and it is scheduled September 9th-11th. They have just opened registration. If you all are interested in attending, we will go ahead and get registrations reserved so that we can get hotel rooms. Then you can let us know if you are not able to make it.

BARKE: I have a wedding that weekend, so I'm definitely out. Yeah.

BOYD: Okay.

BARKE: It is a niece. I have to be at that.

BOYD: Mari.

BARKE: I knew that date rang a bell.

BOYD: Okay.

SPARKS: While we are on dates, I would like to move the August 3rd meeting to a week later to August 10th. I have a mandatory conflicting obligation on the third.

WILLIAMS: I'm open.

BARKE: I'm amenable to that.

WILLIAMS: I'm open to anything.

BARKE: Does that work for you?

GOMEZ: Well, yeah, we just have to make it work.

BARKE: Okay. All right. That way we will get plenty of notice out.

WILLIAMS: Well, we have our organizational meeting in July, where we make all the dates.

SPARKS: Oh, okay.

WILLIAMS: We can finalize.

BARKE: Well, I'm just saying if we—

GOMEZ: That would be better to do it in.

BARKE: Okay.

SPARKS: Sure. I just wanted to throw it out there for your planning.

BOYD: I appreciate that.

BARKE: Okay.

SPARKS: Yeah.

BARKE: I'm going to note it on my calendar now, too.

BOYD: You can make sure the Board Room is—

BARKE: So I do not do anything.

SPARKS: Yes. Thank you. No mas.

WILLIAMS: That is it. Okay.

BOYD: That is it.

WILLIAMS: Okay. I will make a motion for—

BOYD: You all have—

BARKE: Board comments, any board comments?

GOMEZ: Well, I have a report from CCBE.

WILLIAMS: Oh, okay.

GOMEZ: Can I do that?

BARKE: Yeah.

GOMEZ: Well, Nina already mentioned that the CCBE will be meeting in Monterey in September. One of the things that, as a representative of this board to that board, we have been working the past several months developing a board member governance handbook to help orient and delineate the responsibilities of board members, also how to work collaboratively with the respective offices of education. There is a core group of us that are working on the manual, but it will still take a little bit of time to come to fruition. Drafts are being written. They are being reviewed by legal counsel as we kind of go through some benchmarks.

I think the goal was to try to have it available by September in Monterey so that people could see it and get oriented to it. I think they were talking about having an orientation, and then, you know, share the handbook. Some of the folks that have been working on this said this would have been a great resource for them when they first came on the board. It is something that I think has been lacking. I think it will identify some different things that people need to do. I also have some comments if anybody else has anything I will defer to them first.

BARKE: No, go ahead. As long as you have got the floor, continue.

GOMEZ: Okay. Somebody said something about the staff not being available for the past couple weeks. Well, they were busy doing graduations. I was able to attend the Samueli Academy, one of our charter schools, their commencement on June 2nd. It was great to see all the changes made to the campus and really their dedication to their students. I was able to see the dorms, from a distance, that they built to help house the foster students.

On June 9th, I was able to attend the ACCESS, Areas 2, 3 and 4 high school graduation. The speeches from the students were just wonderful. It just reminds us why we support public education. Thank you for the kind invitation to speak to our students. Later that day, I attended Pacific Coast High School graduation. The student performances and the ceremony was just outstanding at Pacific Coast High School.

BARKE: Was that Pacifica High?

GOMEZ: Pacific Coast High School.

BARKE: Oh.

GOMEZ: That was at Orange Coast.

BARKE: Gotcha.

GOMEZ: On June 10th, I was able to attend the Sunburst Academy and the College and Career Preparatory Academy graduations. Again, the students speeches are always the highlight of the

ceremonies. The energy of the Sunburst Academy students is by far the best. I think one or two of you have been to those. They are just so loud and energetic. It is just a lot of fun.

I also want to thank our teachers and staff who help make these ceremonies a memorable experience for the students, and thanks to Mariner's Church and Orange Coast College for hosting these events. I have one more thing. Does anybody else have anything?

BARKE: No. Keep the floor.

GOMEZ: All right. Okay. I'm going to read this statement. In recent weeks, a Santa Ana resident who had business before this board filed a lawsuit to remove me from my seat on the Orange County Board of Education. The claim was due to the perception of an incompatible office since I also serve as a city council member. After being recruited to run in 2016, I received more than one legal opinion, which did not indicate an incompatibility. Several years ago, there was an agenda item that involved a park next to an adjacent school. I sought counsel from the City attorney and the Department's attorney and both agreed that there was no conflict and that I could participate in the discussion. However, with an abundance of caution and to deter any inference of impropriety, I recused myself and appropriately left the room when it was discussed. I do not believe that there is an incompatibility between the Board of Education and City Council offices. On that point, former Trustee Shaw and I agree.

Over the past four years, I have opposed the Board majority's initiation of several lawsuits and the hiring of outside counsel, which I believe removes funds from our classrooms and wastes taxpayer dollars. It is my hope that this board and attorneys will honor the pro bono commitment in the lawsuit against the Governor. Although I asked for clarification months ago, I did not get it. However, Trustee Williams indicated on June 1st that this suit was in fact pro bono. This should include all attorney fees related to the lawsuit against the Governor. Any paid fees related to this suit should be refunded to the Department of Ed.

The Board should work collaboratively with the Department and Superintendent to address concerns and questions. Lawsuits should be the last resort to resolve a difference of opinion between the Board and the Department. Although this lawsuit seeking to remove me from this office was directed to me personally and does not impact public dollars, this litigation does affect the focus of the Board of Education. I do not want this latest lawsuit to be a further distraction from the mission of the Board to educate our students.

After careful consideration and with deep regret, I will be resigning as the Board of Education Trustee for Area 1 effective July 1, 2022. It is my hope that the trustees elected in June will appoint a reasonable, judicious colleague who is willing to do the work to represent the students, teachers and families of Orange County to fill my seat. It is my hope that the future Board can focus on the business of educating our children and supporting our teachers. Our charter schools should be a choice for our families, but all charter schools should provide a quality education so that we do not jeopardize the future of these students. Approving charter schools that do not have a strong curriculum, qualified teachers and administrators and adequate facilities will not serve our county well. The Department's Charter School Unit has been diligent in addressing the gaps when charter schools are proposed, and our Board should heed their guidance. The expected

excellence is also incumbent upon the Charter School Association to ensure that charter schools in our county provide a quality choice.

During the past six years, I have diligently worked to ensure that the students of Orange County have numerous opportunities to succeed in college and career choices. As a representative of the Board to local and state board associations, I have worked with trustees throughout our state to identify best practices. Thank you to the many people who have contacted me over the past few years regarding my role on the Board. Your words of encouragement and support are truly appreciated. I would like to thank the Superintendent and staff of the Orange County Department of Education who have continuously demonstrated the highest level of integrity, professionalism and compassion to achieve an excellent education for our children. Thank you for your guidance and support for my concerns and questions over my term of office.

It has been one of the highest honors of my career to represent the First District on the Orange County Board of Education. Although I won't be an elected official for this seat, I will continue to support public education so that the children of Orange County can achieve their highest goals. I will take the next two weeks to wrap up my commitments to the Orange County School Board Association and the County Board of Education. Thank you for your support in my tenure as a trustee for the Board of Education over the past six years.

BARKE: Wow.

SPARKS: Thank you for your service, Beckie.

BARKE: Yes, thank you for your service.

GOMEZ: Can I move to adjourn?

BARKE: Any other Board comments?

SPARKS: Nope.

BARKE: Okay.

WILLIAMS: Move for adjournment.

BARKE: All right. So adjourned.