

4B

REGULAR MEETING

October 4, 2023

3:30 p.m.

Location: The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream at <https://youtube.com/live/vH15d2CNODc?feature=share>

ORANGE COUNTY BOARD OF EDUCATION
AGENDA

WELCOME

CALL TO ORDER

STATEMENT OF PRESIDING OFFICER: For the benefit of the record, this Regular Meeting of the Orange County Board of Education is called to order.

ROLL CALL

(*) AGENDA

Regular Meeting of October 4, 2023 – Adoption

(*) MINUTES

Regular Meeting of September 6, 2023 – Approval

PUBLIC COMMENTS (related to Closed Session)

TIME CERTAIN

1. Expulsion Appeal Hearing (Closed) – Student #10042023001E - Saddleback Valley Unified School District.

CLOSED SESSION 1

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Orange County Board of Education v. OC Superintendent of Schools, Al Mijares, and State Superintendent of Public Instruction, Tony Thurmond Case No 30-2019-01112665-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)

CLOSED SESSION 2

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Orange County Board of Education v. Orange County Committee on School District Organization – Case Number 30-2022-01242499-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)

CLOSED SESSION 3

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Michael Sean Wright v. Orange County Board of Education and Al Mijares, Orange County Superintendent of Schools – Case Number 30-2022-01243638-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)

CLOSED SESSION 4

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Potential litigation pursuant to (d) (4) of Government Code Section 54956.9

INVOCATION

5:00 p.m.

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

PUBLIC COMMENTS (30 minutes)

CONSENT CALENDAR

- (*) 2. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
- (*) 3. Approve invoice #3267315 in the amount of \$46,290.76 for Haight, Brown & Bonesteel LLP.

CHARTER SCHOOLS

- 4. Charter submissions
- (*) 5. Charter School Public Hearing – California Republic Leadership Academy Yorba Linda
Aracely Chastain, Director, Charter Schools Unit, will facilitate the public hearing.

Discussion Format:

California Republic Leadership Academy Yorba Linda
Placentia-Yorba Linda Unified School District
Public Comments
Board Questions

BOARD RECOMMENDATIONS

- (*) 6. Approval of reimbursements for the panelists of the September 20, 2023 Special board meeting. (Action)
- (*) 7. Resolution Adopting Appointment Power Pursuant to Education Code Section 1042(e) (Action)
- (*) 8. Resolution Establishing Fair and Equitable Facilities for All Public School Students (Action)

STAFF RECOMMENDATIONS

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- Parent Communication (Board/Staff)

ANNOUNCEMENTS

- Superintendent
- Deputy Superintendent

LEGISLATIVE UPDATES

COMMITTEE REPORT

BOARD MEMBER COMMENTS

PUBLIC COMMENTS

ADJOURNMENT



Nina Boyd
Assistant Secretary, Board of Education

The next Regular Board Meeting will be on Wednesday, November 1, 2023 at 5:00 p.m. The meeting will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream.

Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting Darou Sisavath, Board Clerk at (714) 966-4012.

(*) Printed items included in materials mailed to Board Members

MINUTES
Regular Meeting
September 6, 2023

QJB

ORANGE COUNTY BOARD OF EDUCATION
MINUTES

WELCOME

CALL TO ORDER

The Regular Meeting of the Orange County Board of Education was called to order by Board President Shaw at 3:32 p.m., September 6, 2023 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via YouTube live stream at <https://youtube.com/live/HPcr0NwAroM?feature=share>.

ROLL CALL

Present:

Jorge Valdes, Esq.
Lisa Sparks, Ph.D.
Tim Shaw
Mari Barke

Absent:

Ken L. Williams, D.O. (arrived at 4:10 p.m. during closed session)

AGENDA

Motion by Barke, seconded by Sparks, and carried by a vote of 4-0 (Williams Absent) to approve the agenda of the Regular meeting of September 6, 2023.

MINUTES

Motion by Sparks, seconded by Barke, and carried by a vote of 4-0 (Williams Absent) to approve the minutes of the Regular meetings of August 2, 2023, amending number 14 on page 8 to reflect the correct spelling from "Sparkes" to "Sparks."

PUBLIC COMMENTS (related to Closed Session) - None

The Board took a recess from 3:34 p.m. to 5:04 p.m. to go into closed session to conduct an Inter-District appeal hearing, followed by Closed Sessions 1-4.

TIME CERTAIN

1. Inter-district Appeal Hearing (closed) – Student # 09062023001I– Huntington Beach City School District to Newport-Mesa Unified School District

Motion by Sparks, seconded by Barke, and carried by a vote of 4-0 (Williams Absent) to approve the appeal and allow the student to attend the Newport-Mesa Unified School District for the period of one academic year (2023-2024).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

<u>CLOSED SESSION 1</u>	CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Orange County Board of Education v. OC Superintendent of Schools, Al Mijares, and State Superintendent of Public Instruction, Tony Thurmond Case No 30-2019-01112665-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)
<u>CLOSED SESSION 2</u>	CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Orange County Board of Education v. Orange County Committee on School District Organization – Case Number 30-2022-01242499-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)
<u>CLOSED SESSION 3</u>	CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Michael Sean Wright v. Orange County Board of Education and Al Mijares, Orange County Superintendent of Schools – Case Number 30-2022-01243638-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)
<u>CLOSED SESSION 4</u>	CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Potential litigation pursuant to (d) (4) of Government Code Section 54956.9
<u>INVOCATION</u>	Dennis Cole
<u>PLEDGE OF ALLEGIANCE</u>	Betty Chu
Report Out	Mr. Brenner reported the Board discussed and received updates from board counsel; no action was taken for closed sessions #1 through #4 other than the approval of Epstein Becker & Green invoices 1124707, 1124708, 1124709, 1127740, 1127741, 1127742, and 1127743.
<u>INTRODUCTIONS</u>	None
<u>PUBLIC COMMENTS</u>	<ul style="list-style-type: none"> ▪ Len
<u>TIME CERTAIN</u>	<ol style="list-style-type: none"> 2. <u>Special Presentation</u> – Orange County’s Red Ribbon Week Campaign – Sonia Llamas, Ed.D., Associate Superintendent, Educational Services Recognition: <ul style="list-style-type: none"> ▪ Maribel Marroquin-Waldram, Executive Director ▪ Dennis Cole, member of the Board of Education ▪ Marilyn MacDougall, member of the Board of Education ▪ Sergeant Brian Gunsolley 3. Motion by Barke, seconded by Sparks, and carried by a vote of 5-0 to adopt Resolution # 17-23 in support of October 22 - October 28, 2023, as Orange County’s Red Ribbon Week campaign, and encourage all community members to promote alcohol, tobacco, and other drug prevention education programs and activities, and send copies of this resolution to school districts in Orange County.

Facilities Corp Meeting

The Board recessed the Regular Board Meeting to conduct a Meeting of the Orange County Department of Education Facilities Corporation from 5:16 p.m. to 5:17 p.m. to approve the minutes of the Facilities Corporation meeting of August 2, 2023. The minutes was approved by a vote of 5-0.

CONSENT CALENDAR

Motion by Williams, seconded by Barke, and carried by a vote of 5-0 to approve Consent Calendar items #4, #5, and #6, amending the BAI on page 17 to reflect Tim Shaw, Board President and Lisa Sparks, Ph.D., Board Vice President.

4. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
5. Approve invoice #3266371 in the amount of \$47,331.38 for Haight, Brown & Bonesteel LLP.
6. Approve the board date change from Wednesday, June 19, 2024 to Tuesday, June 18, 2024.

CHARTER SCHOOLS

7. Charter submissions – California Republic Leadership Academy Yorba Linda

BOARD RECOMMENDATIONS

8. Motion by Williams, seconded by Barke, and carried by a vote of 5-0 to approve the format and panelists for the September 20th Special meeting with final edits to be submitted by Board Vice President Dr. Lisa Sparks.
9. Motion by Sparks, seconded by Valdes, and carried by a vote of 5-0 to approve travel and hotel accommodations for the panelists presenting at the September 20, 2023 Special meeting.

PUBLIC COMMENTS (item #10 Only)

- John
- Betty
- Yan
- Michelle
- Sean
- Mey
- Sue
- Honey
- Grace
- Lorrie
- Nate
- Mike
- Janice
- Rosie

- Pat
- Debbie
- Jayville
- Pam
- Linda
- Cecilia
- Ghia
- Jessie
- Patty
- Win

10. Motion by Williams, seconded by Barke, and carried by a vote of 5-0 to adopt a resolution on HR 1146.

Media

Video of Greg Rolen regarding AB 764

11. Motion by Shaw, seconded by Sparks, and carried by a vote of 5-0 to approve the withdrawal of the Board's opposition to AB 764.

STAFF RECOMMENDATIONS

12. Motion by Williams, seconded by Shaw, and carried by a vote of 5-0 to adopt Resolution #18-23 identifying the Gann actual appropriations limit for 2022-23 and the Gann estimated appropriations limit for 2023-24.

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- Budget Update - Renee
- Parent Communication

ANNOUNCEMENTS

Deputy Superintendent

- Next Regular board meeting - October 4; Submission deadline - September 20; Board packet delivery - September 29
- Special Board Meeting on September 20
- Travel Reimbursements guidelines
- Orange County School Boards Association meeting calendar

BOARD MEMBER COMMENTS

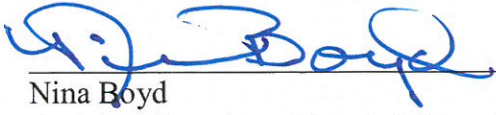
- Trustee Williams – Camera on Speakers
- Trustee Valdes – Meeting with LBGTQ
- Trustee Shaw – LBGTQ Youth
- Trustee Sparks – Safety Forum

PUBLIC COMMENTS (continue)

- Stephen M.
- Stephen S.

ADJOURNMENT

On a motion duly made, and seconded, the board meeting of September 6, 2023 adjourned at 7:07 p.m.



Nina Boyd
Assistant Secretary, Board of Education

Tim Shaw
President, Board of Education

The next Regular Board Meeting will be on Wednesday, October 4, 2023 at 5:00 p.m. The next Special Board Meeting will be on September 20, 2023. All meetings will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream.

Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting Darou Sisavath, Board Clerk at (714) 966-4012.



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: October 4, 2023
TO: Nina Boyd, Deputy Superintendent
FROM: Vern Burton, Assistant Superintendent, Alternative Education
SUBJECT: Granting of Diplomas

The students listed on the attached pages have been certified for graduation by the Custodian of Records or their designee for the Division of Alternative Education of the Orange County Department of Education. These students have met the standards of proficiency in the basic skills prescribed by the governing board in accordance with Education Code 51412. It is requested that the Board approve the granting of diplomas to these students.

RECOMMENDATION:

Approve granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.

VB:dc

Pages 10-11 removed (CONFIDENTIAL STUDENT INFORMATION)

Item: Consent Calendar #3
October 4, 2023
☒ Mailed ☐ Distributed at meeting



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: October 4, 2023

TO: Nina Boyd, Deputy Superintendent

FROM: Tim Shaw, Board President
 Lisa Sparks Ph.D., Board Vice President

SUBJECT: Haight, Brown & Bonesteel LLP – Invoice

RECOMMENDATION:

Approve invoice #3267315 in the amount of \$46,290.76 for Haight, Brown & Bonesteel LLP.

Haight Brown & Bonesteel LLP

LAWYERS

555 South Flower Street
Forty-Fifth Floor
Los Angeles, CA 90071

P.O. Box 17939
Los Angeles, CA 90017-0939

www.hbblaw.com

Haight

Telephone: 213.542.8000

Facsimile: 213.542.8100

Bill Inquiries: 213.542.8074
accountsreceivable@hbblaw.com

Tax ID: 95-1605271

Nina Boyd, Associate Superintendent
ORANGE COUNTY BOARD OF EDUCATION
200 Kalmus Drive
Costa Mesa, CA 92626-5922

Invoice No.: 3267315
Client/Matter: OC18-0000004
Billing Atty: GREGORY J. ROLEN
September 12, 2023

Representing: Orange County Board of Education
Re: ORANGE COUNTY BOARD OF EDUCATION
General Counsel to the OCBE

Total Fees This Invoice	\$39,467.00
Total Costs Advances This Invoice	\$6,823.76
Total Fees and Costs This Invoice	\$ 46,290.76
Total Due Upon Receipt	\$ 46,290.76

BILLS ARE DUE AND PAYABLE UPON RECEIPT
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

LOS ANGELES " ORANGE COUNTY " RIVERSIDE " SACRAMENTO " SAN DIEGO " SAN FRANCISCO

Haight Brown & Bonesteel LLP
213.542.8000

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

Invoice No: 3267315

Page 2

PROFESSIONAL SERVICES RENDERED through 08/31/2023

Date	Description	Attorney	Hours
08/01/2023		GJR	0.50
08/01/2023		GJR	0.30
08/01/2023		GJR	0.60
08/01/2023		GJR	1.10
08/01/2023		GJR	0.90
08/01/2023		GJR	0.70
08/01/2023		GJR	1.20
08/01/2023		GJR	0.80
08/01/2023		CC	1.60
08/02/2023		GJR	4.10
08/02/2023		GJR	6.00
08/03/2023		GJR	1.60
08/03/2023		GJR	0.80
08/03/2023		GJR	3.80
08/04/2023		GJR	0.90
08/04/2023		GJR	0.30
08/04/2023		GJR	0.90
08/04/2023		CC	1.00
08/07/2023		GJR	0.50

Haight Brown & Bonesteel LLP
213.542.8000

Invoice No: 3267315

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004

General Counsel to the OCBE

Page 3

08/07/2023	GJR	0.90
08/07/2023	GJR	0.60
08/07/2023	GJR	0.70
08/07/2023	GJR	0.80
08/07/2023	GJR	0.30
08/08/2023	GJR	0.60
08/08/2023	GJR	2.60
08/08/2023	GJR	0.30
08/09/2023	GJR	1.10
08/09/2023	GJR	0.40
08/09/2023	GJR	0.30
08/09/2023	GJR	0.90
08/09/2023	GJR	0.80
08/09/2023	GJR	0.90
08/09/2023	GJR	0.90
08/09/2023	GJR	0.90
08/10/2023	GJR	1.00
08/14/2023	GJR	0.40

Haight Brown & Bonesteel LLP
213.542.8000

Invoice No: 3267315

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

Page 4

08/14/2023	GJR	0.70
08/14/2023	GJR	2.80
08/14/2023	GJR	0.30
08/14/2023	DAV	0.40
08/14/2023	DAV	0.60
08/15/2023	GJR	0.40
08/15/2023	GJR	0.90
08/15/2023	GJR	1.00
08/15/2023	GJR	0.50
08/15/2023	GJR	0.80
08/15/2023	GJR	0.70
08/15/2023	DAV	1.20
08/16/2023	GJR	0.70
08/17/2023	GJR	1.00
08/17/2023	GJR	0.20
08/17/2023	GJR	0.50
08/17/2023	GJR	0.30

Haight Brown & Bonesteel LLP
213.542.8000

Invoice No: 3267315

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

Page 5

08/18/2023	GJR	0.90
08/18/2023	GJR	0.80
08/18/2023	GJR	1.70
08/21/2023	GJR	1.10
08/21/2023	GJR	1.20
08/21/2023	GJR	1.60
08/21/2023	GJR	1.30
08/22/2023	GJR	0.30
08/22/2023	GJR	0.80
08/22/2023	GJR	1.00
08/22/2023	GJR	3.90
08/22/2023	GJR	0.30
08/22/2023	GJR	0.30
08/22/2023	GJR	0.30
08/23/2023	GJR	0.30
08/23/2023	GJR	0.30
08/23/2023	GJR	0.30
08/23/2023	GJR	1.60

Haight Brown & Bonesteel LLP
213.542.8000

Invoice No: 3267315

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004

General Counsel to the OCBE

Page 6

08/23/2023	GJR	0.90
08/23/2023	GJR	0.80
08/23/2023	GJR	4.60
08/23/2023	DAV	2.10
08/24/2023	GJR	0.90
08/24/2023	GJR	0.70
08/24/2023	GJR	1.00
08/24/2023	GJR	2.60
08/25/2023	GJR	1.30
08/25/2023	GJR	1.00
08/25/2023	GJR	1.80
08/25/2023	GJR	1.40
08/25/2023	GJR	0.30
08/26/2023	GJR	1.10
08/31/2023	GJR	0.50
08/31/2023	GJR	1.90
08/31/2023	GJR	0.30
08/31/2023	GJR	3.80

Haight Brown & Bonesteel LLP
213.542.8000

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

Invoice No: 3267315

Page 7

Total Hours	100.00
-------------	--------

Total Fees This Invoice	\$39,467.00
-------------------------	-------------

Haight Brown & Bonesteel LLP
213.542.8000

Invoice No: 3267315

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

Page 8

Timekeeper	Hours	Rate	Amount
GREGORY J. ROLEN	93.10	\$400.00	37,240.00
DONALD A VELEZ JR	4.30	\$400.00	1,720.00
CATHERINE CAWLEY	2.60	\$195.00	507.00
	<u>100.00</u>		<u>39,467.00</u>

Haight Brown & Bonesteel LLP
213.542.8000

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

Invoice No: 3267315

Page 9

Mileage

08/03/2023	Total for Mileage	36.68
		36.68

Online Research

08/31/2023		137.61
	Total for Online Research	137.61

Out-of-Town Travel

05/02/2023		980.75
05/02/2023		3,309.62
08/10/2023		621.96
08/10/2023		223.04
08/10/2023		637.97
08/10/2023		410.17
08/10/2023		413.96
	Total for Out-of-Town Travel	6,597.47

Parking Expense

08/03/2023		52.00
------------	--	-------

Total for Parking Expense	52.00
Total Costs Advanced This Invoice	<u>\$6,823.76</u>
Total Fees and Costs This Invoice	<u><u>\$46,290.76</u></u>

Haight Brown & Bonesteel LLP

LAWYERS

555 South Flower Street
Forty-Fifth Floor
Los Angeles, CA 90071

P.O. Box 17939
Los Angeles, CA 90017-0939

www.hbblaw.com

Haight

Telephone: 213.542.8000

Facsimile: 213.542.8100

Bill Inquiries: 213.542.8074
accountsreceivable@hbblaw.com

Tax ID: 95-1605271

Nina Boyd, Associate Superintendent
ORANGE COUNTY BOARD OF EDUCATION
200 Kalmus Drive
Costa Mesa, CA 92626-5922

Remit To:
Haight Brown & Bonesteel LLP
P.O. Box 17939
Los Angeles, CA 90017-0939
Attn, Accounts Receivable

Invoice No.: 3267315
Client/Matter: OC18-0000004
Billing Atty: GREGORY J. ROLEN
September 12, 2023

PROFESSIONAL SERVICES RENDERED through August 31, 2023

Total Fees This Invoice	\$ 39,467.00
Total Costs Advanced This Invoice	\$ 6,823.76
Total Fees and Costs This Invoice	\$ <u>46,290.76</u>
Balance Forward	\$ 0.00
Total Due Upon Receipt	\$ <u><u>46,290.76</u></u>

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE

**ORANGE COUNTY BOARD OF
BOARD AGENDA IT**

Item: Charter Schools #5
October 4, 2023
[X] Mailed [] Distributed at meeting



DATE: October 4, 2023
TO: Nina Boyd, Deputy Superintendent
FROM: Aracely Chastain, Director, Charter Schools Unit
SUBJECT: Public Hearing – California Republic Leadership Academy Yorba Linda Appeal
Charter Petition

DESCRIPTION:

On August 28, 2023, CRLA Southern California, a California nonprofit public benefit corporation, submitted an appeal to operate California Republic Leadership Academy Yorba Linda after being denied by the Placentia-Yorba Linda Unified School District governing board. The charter school proposes to operate a classroom-based program serving students in TK through grade eight for an initial charter term from 2024 through 2029.

RECOMMENDATION:

Under California Education Code 47605, the Orange County Board of Education will hold a public hearing on the provisions of the California Republic Leadership Academy Yorba Linda petition and consider the level of support for the charter school by teachers employed by the school district, other employees of the school district and parents at the October 4, 2023, board meeting.



ORANGE COUNTY DEPARTMENT OF EDUCATION

BOARD AGENDA ITEM

DATE: October 4, 2023
TO: Nina Boyd, Deputy Superintendent
FROM: Darou Sisavath, Board Recording Clerk
SUBJECT: Travel Reimbursements – September 20 Special Meeting

Reimbursement is being requested for travel and hotel accommodations for the panelists that traveled from outside of Orange County to attend the September 20, 2023 Special Meeting.

Matt Friedman	\$523.01
Jack Britton	\$731.46
Toni McKinley	<u>\$946.36</u>
Total	\$2,200.83

RECOMMENDATION:

Approve reimbursements for travel and hotel accommodations for the panelists that traveled from outside of Orange County to attend the September 20, 2023 Special Meeting.



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: October 4, 2023

TO: Nina Boyd, Deputy Superintendent

FROM: Jorge Valdes Esq., Trustee Area 1
Ken L. William, D. O., Trustee Area 3

SUBJECT: Resolution Adopting Appointment Power Pursuant to Education Code Section 1042(e)

RECOMMENDATION:

Board action on Resolution Adopting Appointment Power Pursuant to Education Code Section 1042(e)

**RESOLUTION OF THE BOARD OF EDUCATION
ORANGE COUNTY CALIFORNIA**

Resolution Adopting Appointment Power
Pursuant to Education Code Section 1042(e)

OCTOBER 4, 2023

WHEREAS, Orange County Superintendent of Schools Dr. Mijares (“Superintendent Mijares”) has not attended an County Board of Education (“Board”) meeting since December 2022; and

WHEREAS, on or about February 21, 2023, the Orange County Department of Education announced Dr. Ramon Miramontes (“Dr. Miramontes”) was hired as the Deputy Superintendent of the Educational Services Division; and

WHEREAS, at the May 3, 2023 Board meeting, the Board received public comment concerning Superintendent Mijares’ absence; and

WHEREAS, on or about May 15, 2023, the Board Executive Committee made an informal email inquiry of Superintendent Mijares’ staff concerning, among other things, Superintendent Mijares’ availability and capacity to perform the duties for which he was elected; and

WHEREAS, on May 30, 2023, Superintendent Mijares’ signature was affixed to a Certificate of Appointment-Oath/Affirmation appointing Dr. Miramontes as Deputy County Superintendent of Schools; and

WHEREAS, thirty-six (36) days after the May 15, 2023 request, on June 21, 2023, Superintendent Mijares staff responded acknowledging receipt of the request; and

WHEREAS, on July 28, 2023, the Board Executive Committee again requested the information sought in the May 15, 2023 informal email inquiry; and

WHEREAS, on August 14, 2023, the Board Members were copied on an email from “OCDE Cabinet” to “Staff” stating in relevant part: “Dr. Mijares has been extremely grateful for the understanding and support he’s received throughout this process, and he eagerly looks forward to resuming his duties. In his absence, he has delegated to Deputy Superintendent of Instructional Programs, Dr. Ramon Miramontes, to fulfill the duties and responsibilities of the county superintendent”; and

WHEREAS, as of September 28, 2023, the Board Executive Committee has received no further response to their inquiries of May 15, 2023 and July 28, 2023; and

WHEREAS, California Government Code section 1770 defines what constitutes an office vacancy as a matter of law; and

WHEREAS, California Education Code section 1042(e) provides: County boards of education may do all of the following:

(e)(1) Notwithstanding Section 25304 of the Government Code, fill by appointment any vacancy that occurs during the term of office of the county superintendent of schools. In a county in which the county superintendent of schools is elected, the appointee shall hold office until the office is filled by election at the next gubernatorial election.

(2) The authority described in this subdivision shall be vested in a county board of education only upon its adoption by the county board of education at a public meeting held pursuant to Article 1 (commencing with Section 1000).

THEREFORE, BE IT RESOLVED:

1. The Orange County Board of Education hereby adopts the authority conferred by California Education Code §1042(e).
2. By this Resolution the Orange County Board of Education is hereby vested, from this point forward, with the authority conferred by California Education Code §1042(e).
3. That should any vacancy that occurs or exists in the position of the Orange County Superintendent of Schools shall be filled by Board appointment.
4. Finally, that any appointee appointed pursuant to this Resolution and Education Code §1042(e) shall hold office until the office is filled by election at the next gubernatorial election.

Adopted by the Orange County Board of Education on October 4, 2023.

AYES:	
NOS:	
ABSENT:	

State of California

County of Orange

I, Tim Shaw, President of the Board of Education of Orange County, California, hereby certify the foregoing resolution was duly and regularly adopted by the said Board at a regular meeting thereof held the 4th day of October 2023 and was passed by a vote of (___ to ___) of said members present.

IN WITNESS THEREOF, I have hereunto set my hand and seal on the 4th day of October 2023.

Tim Shaw, President
Orange County Board of Education

October 4, 2023

☒ Mailed ☐ Distributed at meeting



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: October 4, 2023

TO: Nina Boyd, Deputy Superintendent

FROM: Jorge Valdes Esq., Trustee Area 1
Ken L. William, D.O., Trustee Area 3

SUBJECT: Resolution Establishing Fair and Equitable Facilities for All Public School Students

RECOMMENDATION:

Board action on Resolution Establishing Fair and Equitable Facilities for All Public School Students

RESOLUTION OF THE BOARD OF EDUCATION

ORANGE COUNTY, CALIFORNIA

Resolution Establishing Fair and Equitable Facilities for All Public-School Students

OCTOBER 4, 2023

WHEREAS, all Public School Students deserve a high quality educational experience in both their instructional programs and the facilities where they attend school in California; and

WHEREAS, the Orange County Board of Education ("Board") oversees a variety of educational programming opportunities through the County's Alternative, Community, and Correctional Educational Schools and Services ("ACCESS") program; and

WHEREAS, the ACCESS program seeks to provide students with a caring, safe, and successful learning environment designed to develop lifelong skills, and instill a voice that leads to positive transformation. Incorporate a technology-rich environment that stimulates meaningful dialogue and offers the application of real-life skills, including CTE opportunities,

WHEREAS, the State Legislature and California voters have supported acquisition and improvement of public facilities for students through funding made available through statewide school bond measures and local bond measures, passage of Proposition 39 and through state facilities funding for charter schools; and

WHEREAS, the public school students served in the County through the ACCESS program and charter school programs do not always have full access to these traditional school facilities; and

WHEREAS, Proposition 39, approved by California voters in 2000, has had significant positive effects on the building and maintenance of school facilities in California. By approving Proposition 39, California voters committed to removing barriers to investing in education to prepare our children for the 21st Century. The State committed to ensuring our children have access to the learning tools of the 21st Century while also repairing and rebuilding our dilapidated schools to ensure that our children learn in a safe and secure environment; and

WHEREAS, Proposition 39 lowered the required threshold for school bond passage from two-thirds to 55%.¹ In the 12 years prior to the passage of Proposition 39, only 53% of school bonds were approved by voters. In the years since 2000, California school bond measures have

¹ See Section 18 of Article XVI of the Constitution of the State of California.

been approved in more than 80% of the elections, providing billions of additional dollars for California school districts to meet the facilities goals of Proposition 39;² and

WHEREAS, Proposition 39 also clearly expressed the intent of the people in amending the California Education Code to unequivocally state that public school facilities should be shared fairly among all public school pupils, including those in charter schools; and

WHEREAS, Proposition 39 required all school districts to make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter schools' in district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. It requires the school district to make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and not move the charter school unnecessarily;³ and

WHEREAS, in the years following the passage of Proposition 39, many charter schools have accessed public school facilities via Proposition 39, but this access is inconsistent across the state, and California school districts do not always provide charter schools with what they believe to be reasonably equivalent school facilities. Other charter schools cannot meet the eligibility requirements for Proposition 39 facilities. As a result, charter school operators consistently cite access to quality school facilities as a major barrier to providing high-quality public school instruction to public school students. This challenge is particularly acute in regions of the state with expensive real estate markets such as Orange County; and

WHEREAS, the Board should pursue collaborative and innovative approaches to bridge the gap between traditional public facilities programs and the resources and educational technology necessary to meet the needs of all Orange County public school students,

THEREFORE, the Orange County Board of Education hereby resolves as follows:

1. The Board will continue to support all Orange County public schools and take policy actions to provide fair, equitable and transparent access to facilities consistent with California law to provide space for high quality instructional options for all public-school students.
2. The Board hereby commits to the following actions to ensure that all public schools and public school students in Orange County have access to quality school facilities:
 - Allocate resources to support the development of facilities that will provide increased options for ACCESS and charter school programs.
 - Develop a Board policy to educate and inform the community of the challenges and barriers that charter schools face working within the public education system to secure adequate facilities for their students.

² <https://www.ed-data.org/article/School-District-Bond-and-Tax-Elections>

³ See California Education Code Section 47614.

- Create legal mechanisms and agreements to reduce barriers to the acquisition, lease, and use of facilities for charter schools within Orange County.
- Request the Orange County Superintendent of Schools, or designee, establish a school facilities workgroup with ACCESS and charter leaders to engage with local school district superintendents concerning the use of underutilized in/or access school district properties to support ACCESS and charter school facilities' needs.
- Establish a Board subcommittee to support the above referenced workgroup.
- Designate and/or appoint a Board subcommittee member to serve on the workgroup.

APPROVED AND ADOPTED *this 4th day of October 2023 at a regular meeting of the Orange County Board of Education.*

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Tim Shaw, President of the Board of Education of Orange County, California, hereby certify the foregoing resolution was duly and regularly adopted by the said Board at a regular meeting thereof held the 4th day of October 2023 and was passed by a vote of (___ to ___) of said members present.

IN WITNESS THEREOF, I have hereunto set my hand and seal on the 4th day of October 2023.

Tim Shaw, President
Orange County Board of Education