

Transcript of the July 5, 2023, Orange County Board of Education Meeting

SHAW: Hello, everybody, welcome. We will begin this meeting. Darou, will you please call roll?

SISAVATH: Trustee Barke?

BARKE: Here.

SISAVATH: Trustee Williams? Trustee Sparks?

SPARKS: Here.

SISAVATH: Trustee Shaw?

SHAW: Here.

SISAVATH: Trustee Valdes?

VALDES: Here.

SHAW: Thank you for that. Dr. Williams is running late and we are just going to go ahead and start without him. Do I have a motion to adopt the agenda?

VALDES: I move to adopt the prior agenda.

SHAW: There has been a motion. I will second it. Before I forget, I believe for purposes of the Brown Act, when we have a trustee participating remotely, every vote has to be a roll call. Is that correct?

BOYD: That is correct.

SHAW: All right, so, Darou, please call the roll.

SISAVATH: Trustee Barke?

BARKE: I'm sorry.

SHAW: We are adopting the agenda.

BARKE: Oh, yes. Aye.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SISAVATH: Trustee Shaw?

SHAW: Yes.

SISAVATH: Trustee Valdes?

VALDES: Yes.

SHAW: We will proceed to approval of the minutes. Is there a motion?

BARKE: So moved.

SHAW: Okay.

SPARKS: Second.

SHAW: Moved by Trustee Barke, seconded by Dr. Sparks. Darou, will you please call roll?

SISAVATH: Trustee Barke?

BARKE: Yes.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SISAVATH: Trustee Shaw?

SHAW: Yes.

SISAVATH: Trustee Valdes.

VALDES: Aye.

SHAW: Nina, are there any comments related to closed session items?

BOYD: There are none.

SHAW: Very well, we will now proceed to closed session to conduct student appeals, hearing the following cases. An interdistrict appeal involving—do I have to read all that?

BARKE: No.

SHAW: No. Okay. We will have two interdistrict appeals.

BOYD: The only you want to go on record is that you will immediately following the interdistrict appeals you will remain in closed session for your closed session hearings.

SHAW: Thank you for that. For the record, following our appeals, we will remain in closed session for the litigation as posted on the agenda and we will aim to reconvene in open session at 5:00 PM. All right, so we will proceed to closed session.

[The Orange County Board of Education conducts closed session and returns to open session.]

SHAW: Hello, everybody. Thank you for coming this evening. I think we will come back into our open session. Thank you all for joining us here this evening. To lead us off, we are very fortunate this evening to have with us a former state assembly member and Minority Leader Scott Baugh, who will lead us in invocation and the Pledge of Allegiance.

SCOTT: Since we are going to do the prayer and then the pledge, I would ask you all to stand. Thank you very much. Let's pray. I see you, Lisa, up there on the screen.

SPARKS: Hey there.

SCOTT: Let's bow our heads and pray please. Father in Heaven, we thank you for the abundant blessings we have as Americans, as American citizens living in this great country of freedom. We thank you for the freedom of assembly. It is demonstrated here today, and we also acknowledge the rights we have, the inalienable rights come from you and not from government. So, we pray for wisdom, and prudence, and guidance for these trustees as they administer their duties in serving the public. We thank you for their hearts. We thank you for their concern for the community. We ask you to bless this meeting here this evening in Jesus name. Amen.

SHAW: Amen.

SCOTT: All right, please join me. A flag up here. I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all. Thank you.

BARKE: Thank you.

SHAW: Thank you, Assemblyman Baugh, for your years of leadership in our county. It is great to see you and have you here, so we will proceed. I was preparing to delay, but it looks like we got that diaper taken care of. We will proceed to introductions. Go ahead.

BARKE: I don't know how many of you realize, but last meeting we actually did our change of the officers. We elected the honorable Tim Shaw as our new president and Dr. Lisa Sparks is our vice president. Tonight is the official night when we will swear Tim in. I want to announce that we have some distinguished guests as a result. We have Shannon Shaw, Tim's wife - mother of six beautiful boys. I'm sorry, but I do have to read the boys' names off because I don't have them to memory. Let me: Luke, Matthew, Wes, Jason, Wyatt, and Lincoln. We have all of them with us.

WILLIAMS: Young men, stand up, turn around, and wave to everybody. Aren't they handsome?

BARKE: Do we have the honorable Karen Shaw here yet?

SHAW: She texted me; 5:09 was her ETA. Mom is on her way.

BARKE: In any moment, we will have the honorable Karen Shaw. In case you guys are wondering, that same last name, that is Tim's mother. Hard to believe it. She is so young and beautiful, but we will have Karen here. She is the president of the Lowell School District, so we will be excited to have her here. I think we will take a few photos as soon as she arrives.

SHAW: Thank you.

BARKE: Of course.

SHAW: I like to call them my little tax credits. They don't come very often. But thank you for that, Mari.

BARKE: Of course.

SHAW: While we are waiting for mom, we want to hear from the chairman of the Orange County Board of Supervisors and the supervisor from the Third District. We are honored to have Supervisor Don Wagner.

BARKE: And there she is.

SHAW: I know Don is in a hurry, so go ahead, Don.

WAGNER: Thank you, Mr. President, and congratulations to you and to all of your colleagues as well. I appreciate the opportunity to come before you for just a moment and talk about something that I know is on your radar screen, as it has been on the counties, as it has been on the school districts that serve us here in Orange County. And that is the issue of fentanyl. Recently, the Orange County Board of Supervisors passed a resolution calling attention to the fentanyl issue, asking Sacramento for some help, which has been a long time coming and relatively weak, the help we have gotten so far. But I wanted to make sure that you knew about the resolution that we passed. I would urge this board at the appropriate time to adopt a similar resolution.

Real quickly, and again, I know I'm preaching to the choir on the subject. But the issue of fentanyl has taken on a monumental importance to the state of California. Since 2016, we have seen a roughly 2,100, maybe, almost 2,200% increase in fentanyl deaths in the state. Orange County, as usual, we are better. We are only at 1,600% increase since 2016, in fentanyl related deaths. That is appalling and is something that we need to address as a community. We have asked Sacramento for help. We have asked for increased penalties. We have asked for things just like we do with DUI, an advisement. If you kill somebody after having been advised not to drive

drunk, there is the possibility of a second degree murder charge. We have asked for that with fentanyl. If you are a dealer and somebody dies from you dealing fentanyl, how about an advisement? Next time there is a death related to your sales, there is a possibility of a second degree murder charge. Sacramento said no. They have left it to the locals to deal with the problem.

What we have done at the county is everything possible to raise awareness and put our money where our mouth is. Specifically, with related to the schools, my office has dedicated \$100,000 to each of the school districts. A total of \$100,000 to the school districts to get the Narcan, which is the generic name, the Naloxone reversal agent into the hands of the teachers. Why? Because it is true. Every ambulance out there, every sheriff, every police department, every first responder, fire departments, they have all got Naloxone on board. They are not the first responders. Increasingly we are finding the first responder is the school teacher who finds someone in a bathroom, or a parent, god forbid, who comes home and finds a child, one of theirs, a neighbor, whatever, on a floor, in a living room, unresponsive in a bathroom or a bedroom. Those are the first responders and we are working to get the information out and the reversal agent out.

I couldn't be more proud of my board for stepping into this fight in a big way. I want to thank the entire community. We have done town halls. We have done what we can to get that word out. People are hearing it, but a lot more action needs to be taken. I wanted to, number one, inform you about it. Number two, as you are so close to the schools, as there are so many young people in one way or another under your charge of some responsibility here, to say, this is something that we would urge at the county level that you folks think about as well and join us. I know it is not a heavy lift. I know it is not a big ask, but it is a very, very important step all of us could take. I wanted to take that moment to come here and tell you what we have done. If anyone has any questions, I am happy to answer them.

Again, congratulations, Mr. President. I know this is a place where the children come first, come foremost, and this is something you know, as well as I do, is hitting them and hitting them hard. Thank you all for your attention, for your concern for this growing pandemic epidemic, et cetera.

WILLIAMS: Supervisor Wagner, was that statistic 1,600% increase in deaths?

WAGNER: A 1,600% increase in fentanyl-related deaths since 2016 in the county of Orange.

WILLIAMS: And that was 200% statewide?

WAGNER: It was 2,000%.

BARKE: 2,100%.

WAGNER: It was 2,100% statewide.

BARKE: Yeah, 2,100%.

WILLIAMS: Wow.

WAGNER: 2,100%, only 1,600.

BARKE: Well, we really appreciate all the work that you and your county group has done on it. We know how important it is to protect the kids, so thank you. We really appreciate it and I'm sure we will take some action here.

WAGNER: Thank you.

VALDES: Supervisor Wagner, first of all, thank you for coming down here and thank you for your seemingly tireless service to the citizens of Orange County. I do see your social media posts. I truly can't believe how much you are out in the community. At the beginning of your presentation you asked us to pass a resolution. Do you have a draft? Do you want us to come up with it on our own?

BARKE: It is here.

WAGNER: The answer to that question is we have a draft, number one, that we passed, which we can get to you and you can tailor as appropriate. A number of cities have passed similar resolutions. The answer, Trustee Valdes, is we can absolutely get something into your hands. Make this as easy as possible.

BARKE: We have it.

VALDES: We have it?

BARKE: Yes, it is behind section three. Yeah, it is right here.

WAGNER: Even better.

BARKE: Yes, we have it.

SHAW: It is behind it.

BARKE: Page 12.

WAGNER: Good on my staff.

BARKE: Yes, your staff sent it.

WAGNER: All right, good on them. Thank you.

SHAW: Thank you, Supervisor. I like the public campaign the DEA has, "One pill can kill." I think that is a good message.

WAGNER: That is sadly with the increasing strength of fentanyl, appalling how easy it is. I will tell you a quick story. In presenting this to one of the city councils in my district, one of the

council members said his sister three weeks earlier from that day had been studying for an exam. She had taken something, I don't remember, Percocet, Xanax, whatever it was. It was laced with Fentanyl and she died. That is how ubiquitous it is and that is how deadly the drug is in even the most minute of circumstances. I know Trustee Williams as a reserve sheriff has had training on this and knows probably even more than I do the fact that this is out in our communities and extraordinarily dangerous.

I'm glad you have a copy of the resolution, Trustee Valdes, thank you. To the extent we can modify it for you, change it for you, if you have any questions, you know where to find me, please and thank you. This is a great community. It is often quite easy and much more fun than being at my desk to get out and enjoy this community and help.

SHAW: Terrific.

WILLIAMS: Thank you, sir.

SHAW: Dr. Sparks, did you have anything to ask Supervisor Wagner?

SPARKS: No, just thank you for your great work and keep it up.

SHAW: Thank you, Don.

SPARKS: Happy to support.

WAGNER: Pleasure and honor is mine. Thank you all. I appreciate you taking this up.

VALDES: Thank you, sir.

SHAW: Thank you. With your indulgence, I know we are kind of out of order now but would it be okay if we do the picture?

BARKE: Yes, please.

SHAW: We will get it a lot quieter in here afterwards. Okay. Be right back.

BOYD: If the family would come back up for pictures and just stand at the line.

[Pictures are taken of President Shaw and his family.]

SHAW: Well, thank you everybody. We are going to proceed now to public comments. But before we go to public comments, for those who have come in, we have our Decorum Policy on the back table that I hope everyone will review. Basically, we are reminding people that during public comments we would like to be civil, respectful, quiet while others are speaking, and that sort of stuff. Hopefully we don't engage in personal insults and those sorts of things. But we have also have a change of moving the podium. We are trying this out here, so this is a little bit new.

If you are coming up for public comment, we have kind of positioned the podium over there. But go ahead, Trustee Barke.

BARKE: All right, we will have Bill Masters first, and then I believe it is, Joette, second.

BILL: Good evening, my name is Bill Masters. I'm a resident of the City of Orange. First of all, I would like to thank the board members for their hard work and sometimes thankless job that they have. I'm very thankful that we have them in our community. I would also like to thank Don Wagner, our Orange County Board Supervisor. The reason I'm here tonight is I want to talk to some people about this new this new bill that they have, that they are trying to push through. It is not good. It is AB 1078. For those of you that think that you have read it. If you have read it off the internet or you have read it off a TikTok, it is incorrect. Read it. You are going to be very surprised at some of the stuff that they are asking us to do.

Diversity, I don't know about you, but I was raised with diversity. The media, they like to stretch things all out of proportion and exaggerate the truth. There is no truth in some of the media that they have out there. The guidance, guidance to conversation. They want to control what we say and how we say it, things like race and gender. Then they are also talking about people that are gay. I started counting the other day, I thought about this. I started counting how many gay friends that I have got and I stopped at 12. I have got more than that. Do I love my friends? Yes, I do. Do I like their lifestyle? No, and they know it. They don't share that with me. They are not all flaming and all that, the look at me, look at me, look at me group.

When you are looking at them, you are not listening to them. Listening to them, they sound like a bunch of clowns and it is not good. We are here for our children's education only and we need to what is best for the next generation and the generations to come. If they continue with this type of stuff, it is not going to be good. You are not going to recognize your children. The way I was raised, I was raised by a marine, 20 years in the Marine Corps. When he said jump, I said, "Yes, sir, how high?" We don't have that anymore. Here is another example of kids that don't follow instructions—and I see the yellow light. Kids that don't follow instructions. Look at fireworks just the other day. LA city or in LA county, banned it. You would never know it by looking out into the sunset. Thank you very much.

BARKE: Thank you, Bill. Next we have Joette and then we have Portia on deck.

JOETTE: My name is Joette. I'm here to speak out against several things that really concern me. We have got 1078 popping up all the time, recommended for porn books, cultural and racial diversity. I have had it up to my neck with cultural and racial diversity. When do the schools get back to teaching reading, writing, arithmetic, history? Those are the important things. Our children are being drug through this agenda, which supports everything but our children. It supports gay rights. It supports parental rights being taken away. Its supports everything that the teachers' board, the things that they support is not good for our children. It is not what we want.

AB 665, saying a 12-year-old can be put in a residential shelter without their parents' consent. Who are these people? These are our children. They do not belong to the schools. They do not belong to the state. They belong to the parents. Children have advocates and those advocates are

the best advocates that they could possibly have. That is their parents. Parents are supportive of their kids. They are loving of their kids. We want our children with the parents. I'm sick and I'm tired of all of these different factions with all of these different agendas trying to take away from our children. Our children need reading, writing, arithmetic, geometry, geology, history. Thank you. Everything, everything. They do not need cultural and racial diversity. Our school grades are bad enough without having all of these different factions saying what they want for our children.

Our children are there to learn the basics, not the agendas of the gay movement, not the agendas of the school, whatever it is. I'm sorry. I'm so upset. These are our children. They belong to the parents. They belong to their grandparents. They do not belong to gay pride and they do not belong to anything that has to do with things that take away the rights from the parents. That is how I feel. Thank you.

BARKE: Thank you, Joette, next is Portia. Following Portia will be Patty.

PORTIA: Hello. It is actually Portia.

BARKE: Oh, sorry, Portia.

PORTIA: That is okay.

BARKE: I'm so sorry.

PORTIA: No problem. Thank you, board members. I wasn't quite sure what I was going to say. There was a lot of impassioned speaking right before me and I get it. What I want to say is that what we really need is for parents to wake up and understand that the agendas run so deep, even into our academics, even into our history and our science, and all the things that we think children need to learn. If parents could go back to being strong parents, not being afraid to parent. Then we would not have so many of the issues that we have at the schools. I have been a teacher for 30 years. I know teachers who now are posting that they are so miserable in their careers because parents are upset with them because they used to love them.

There is no joy in any of the public academics right now because it is so agendized and that is not what it is supposed to be. It is supposed to be a place where children go to learn. However, all the public schools are about an agenda. Unfortunately, that goes back 100 years. We just didn't know it. I was a public school teacher, raised by a public school teacher, and I sent my children to public schools. I didn't know. But exponentially in the past five years, we have been really able to see the huge change. It is very interesting, so I just encourage everyone to understand that at some point the system is going to implode. It can't keep going like this. When it does, I hope that parents will wake up and join forces. There are so many good teachers that do it for the right reasons and really do care about kids, and that we can let go of all of the nonsense and just welcome in reason. Thank you so much.

BARKE: Thank you, Portia, Next, we have Patty. Following Patty, we have Dianne.

PATTY: Hello, Board, I'm going to ask that you please speak out against AB 665. It is a bill that will allow healthcare providers including school counselors to place a child as young as 12 years old in a residential shelter without the knowledge or consent of the minor's parent, or guardian. Board, all of this stuff also stems around gender affirmation. This bill will hurt minority communities. It will definitely hurt the indigenous communities, especially the brown communities and every other community that is migrating here from another country.

Most people come here with their own faith, with their own cultural beliefs. Now, what is going to happen when a person migrates to this country and they say, we believe in X, Y, and Z? But the government here in the state of California is telling them that they have to abide by certain kinds of rules; if not, their children will be taken away. A lot of people in the Hispanic community do not agree with this gender affirmation. What is going to happen when you have the one family that is having the discussion and tells their child, "I will not call you this or that." That child will go to the school and say, I don't want to go home because of this. That will remove a child from a home. What is going to happen to those families that are thinking that they are going to come into the state of California being a family? But not knowing a bill like this. This bill affects people in a variety of ways. I don't think people see how many different ways this bill can be utilized against families.

What about our Muslim communities? They do not believe in this gender affirmation stuff. What is going to happen to their families when their child goes to school and says, at home, they are not accepting me as such and such. I want to go into another place. Now, because the parents have their faith in Islam, their parents will no longer have a choice in anything because their child will say, I am this, therefore I don't want to go home, or any other excuse. Many children won't understand the fact that if they get in the system, it is going to be harder than hell for them to get out of the system. What is going to happen to a teenager that goes out drinking and says, you know what, I'm scared to go home. Just don't send me there. I want to be placed somewhere else. Now they are going to be in the system not knowing that there are legal repercussions to the decision that they decided to make. I'm just asking that you please use your voices against this bill because it will harm more communities than any other bill has done so far. Thank you.

BARKE: Thank you, Patty. Next is Dianne.

DIANNE: Good afternoon, President. Good afternoon, Trustees. Good afternoon, community. Can everybody hear me?

BARKE: Yes.

DIANNE: My name is Dianne Wells and I oppose Assembly Bill 665 titled, Minors Consent to Mental Health Services. Quoting the Bill, AB 665 would also align the existing laws by requiring the professional person treating or counseling the minor to consult with the minor before determining whether involvement of the minor's parent or guardian would be inappropriate. I have never heard of any law that disregards and ignores parents. Who benefits from this law? It is obviously not the child and it is obviously not the family nor the parent. Dean Broyles, chief counsel for the National Center for Law and Policy wrote a legal memorandum in strong support of parent rights. In this memorandum, he cites many Supreme Court cases, which

uphold that parental authority is paramount and is well protected by the 14th Amendment to the U.S. Constitution.

I'm going to cite a few cases. The reason why I do that is because, I, my personal opinion is that, in California, we are living through a social experiment as parents. So, it will take lawfare to defeat this. In 1979, in the case *Parham v. J.R.*, the Supreme Court stated the law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's decisions, life's difficult decisions. More important, historically, it has been recognized that natural bonds of affection lead parents to act in the best interests of our children. Broyles continues to say that mothers and fathers, not the state, are in a much better position to authentically love, know, understand, and make better informed decisions on behalf of children in their custody, care, and control. We know our children.

Broyles also cites the Supreme Court case *West Virginia v. Barnette*. *West Virginia versus Barnett* of 1943 in which the Supreme Court ruled that the state, including our public schools, state legislators, and educators must educate, not indoctrinate. They must be both mindful and careful to not question, not to undermine, not to attack, to not supplant or strive to replace its sincerely held philosophical and religious beliefs of families whose students they serve. This undermines the child, the parent, and the family bonds. Parents are not the enemy. They are the primary ally in their child's education and upbringing. I ask the Board to advocate for our Orange County families to oppose AB 665. Thank you.

BARKE: Thank you, Diane. That is the end of public comment.

SHAW: Oh, I thought we had more. Excuse me.

BARKE: No.

SHAW: Thank you for your comments this evening. I believe we will now—are we are going to report out from closed session, Mr. Rolen?

ROLEN: Thank you, Mr. President, and congratulations. On the closed session from July 5, 2023, there was no closed session on closed session item number one. The Board did not receive any information from counsel. As to closed session items number two through number four, the Board received a report from counsel and no action was taken. On closed session item number five, the Board received a report from counsel; no action was taken, other than the approval of Nielsen Merksamer invoices. Deputy Superintendent, are you ready for the invoices and the dates?

BOYD: I am.

ROLEN: October 11, 2022, Invoice No. 248252; January 12, 2023, Invoice No. 252111; February 14, 2023, Invoice No. 253629; March 9, 2023, Invoice No. 254789; April 12, 2023, Invoice No. 256286; May 11, 2023, Invoice No. 257902; and June 9, 2023, Invoice No. 259175. The bills were approved by a vote of 4-0; Trustees' Valdes, Shaw, Williams, and Barke voting in

the affirmative. Vice President Sparks was unable to vote due to technical difficulties, and that is the report out from closed session.

SHAW: Thank you, Mr. Rolen. We will proceed now to the consent calendar, which is item number four.

BARKE: I will make a motion to approve.

WILLIAMS: Second.

SHAW: Thank you. I can't forget this. Because of the Brown Act, we have Dr. Sparks participating remotely, every vote needs to be a roll call vote. Darou, please call roll.

SISAVATH: Trustee Barke?

BARKE: Yes.

SISAVATH: Trustee Williams?

WILLIAMS: Aye.

SISAVATH: Trustee Shaw?

SHAW: Yes.

SISAVATH: Trustee Valdes?

VALDES: Aye.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SHAW: Thank you. Item number five, charter submissions. Nina, are there any charter submissions this evening?

BOYD: There are none.

SHAW: Very good. We will proceed to number six, general counsel litigation comment. Dr. Williams, would you like to introduce this item?

WILLIAMS: Yes, President Shaw. At our last June meeting, the first week, there were some concerns regarding public comments that were made. Because the record was unclear about this in the minds of many of our constituents, I asked at that time during the meeting to have general counsel come up and comment about attorney's fees and Mr. Rolen, who has been advising us as our board counsel for the past four to five years. I asked Mr. Brenner if he would prepare some

remarks and correct the record and help us understand how we got here. Mr. Brenner, will you please take the podium here?

BRENNER: Good evening, Mr. President, members of the Board, and Dr. Sparks from overseas. Good to be with you all tonight. As Trustee Williams indicated, some comments have been requested regarding the reasons for the Board's retention of Mr. Rolan as effectively its general counsel, and a summary or reminder of the road taken to get here. That is what I intend to do at this time. As Trustee Williams indicated as well, this is in response, in part, to public comments that have been made at past meetings in this calendar year, several of them, to suggest and call into question that the Board's use of Mr. Rolan, and advice, and general counsel fees in that regard might not be appropriate. A suggestion as well, that paying for a general counsel service through Mr. Rolan is unreasonable, a suggestion that Mr. Rolan's fees are excessive; a suggestion as well that the Board is not doing adequate oversight of those fees.

In my view, each of these suggestions is baseless. There is no analysis provided with them whatsoever. There is no examples provided as to what work, if any has been excessive or excessively billed, or has been billed and hasn't been done; no comparison to other legal fees that have been incurred by the Board or by the Superintendent for that matter, or the cost of legal fees through in-house sources as well. But just as importantly, there is no context provided for these assertions, at least as far as I have been able to see in reviewing those public comments that have been made. Critical context and history has been omitted and I intend to provide that for everyone here tonight at your request.

The suggestion of these prior assertions tacitly in omitting the context for why the Board is advised by Mr. Rolan in an effective general-counsel-type capacity is to raise the implication that the Board is doing this on its own, that it has essentially decided to retain Mr. Rolan and take advice from him out of thin air. That is just not true. The retention of Mr. Rolan for legal services by the Board is pursuant to an agreement between the Superintendent, Dr. Al Mijares and the Board. That is right. It is pursuant to an agreement that was signed on February 22, 2021, and that agreement is a matter of public record. The Superintendent gave that agreement while staring down the barrel of a tentative verdict stated on the record by the Orange County Superior Court, following a months long bench trial over the issue of whether the Superintendent violated California law when he appointed Jeffrey Riel as the general counsel, both for himself and for the Board without the Board's approval.

Now for years, as Trustee Williams knows, Trustee Williams had asked the Superintendent not to appoint a general counsel without the Board's involvement and approval. In fact, that is clearly required under the law, California Education Code 35041.5 states, quote, "The county board of education and the superintendent of Schools of the same county shall appoint the same legal counsel," shall appoint. But the Superintendent didn't co-appoint Mr. Riel with the Board's approval. Instead, he went ahead and appointed him himself. And he insisted that the Board be advised by Mr. Riel as its legal advisor, its trusted legal advisor. Even today, it is not clear why Dr. Mijares did that. But perhaps it was because he didn't think the Board would approve Mr. Riel. After all, Mr. Riel was at the time of his appointment by Dr. Mijares, the senior in-house counsel for the Anaheim Union High School District, which at that time was suing the Board for its decision to approve a charter school in the Anaheim Union District.

You heard that right. Dr. Mijares hired as the Board's new general counsel, the senior lawyer of a school district that was at the time suing the Board. Not surprisingly, the Board objected to having Mr. Riel serve as its lawyer. While asserting this objection, the Board attempted to retain other legal counsel, a local Orange County education counsel to provide temporary services due to conflicts with Mr. Riel and while these issues about the conflicts were being resolved. In response to that, the Superintendent then threatened that local counsel with reprisal in the form of non-payment of her fees if she provided any counsel to the Board. He did so through surrogates. He had Mr. Riel and another staff person do the dirty work of making those calls to that local counsel, which she took as threatening. Not surprisingly, being a local Orange County education lawyer and reliant, or at least hopeful to some degree on the Superintendent for future work on Department matters, she informed the Board that she would not provide counsel services to it.

This forced the Board to look for other counsel and it did so this time outside of Orange County. That would mean counsel who would be less likely to be subject to intimidation and threatening tactics. That individual was Mr. Greg Rolan who was located in Northern California, not in Orange County. The Board hired Mr. Rolan, but not before the Superintendent threatened him and his law firm in the same way that he had tried to do and did successfully with the local Orange County lawyer. Thankfully, the intimidation tactic didn't work with Mr. Rolan and he began to advise the Board although, Dr. Mijares held up payment to Mr. Rolan for many, many months. He only paid Mr. Rolan once the court ordered him in an extraordinary provisional injunctive order to pay his bills. Then after that, only once the agreement that I referred to later, the settlement agreement was signed.

The case over this issue of whether the Superintendent had violated the law in appointing a general counsel without the Board's co-approval was litigated and tried to the court. As noted, at the end of a month's long bench trial, which occurred during the Covid pandemic, the court stated its tentative verdict from the bench. The tentative verdict recited on the record on February 9, 2021, was completely in the Board's favor. The tentative made clear that the court tentatively intended to hold that Education Code section 35041.5, conferred co-equal authority to the Board to appoint the general counsel and that it required that the Superintendent work together with the Board to select and co-appoint that lawyer. The court also made it clear that it tentatively intended to hold that the Board was justified in retaining Mr. Rolan in light of the conflicts with and conduct of Dr. Mijares and Mr. Riel, and that Mr. Rolan had to be paid for his services.

These are just a few of the verbatim words taken from the court's tentative verdict that day. I do read them word for word because they are important. They explain, I think completely, why the Board is advised by Mr. Rolan today and has been since this issue arose. Quote, "So it is my intention and my statement of intended decision to say that Superintendent Mijares violated Education Code 35041.5 when he hired Mr. Riel without the prior approval of the Board." And again, this is the court from the bench, "But all I am saying is it appears there was a violation. It appears from the evidence that Dr. Mijares knew the Board wanted to be involved and felt that they had a right to be involved, and he told them they would be involved. Then, he didn't involve them and that does not comport with the requirements of the law."

Quote, "There is sufficient evidence to indicate that Dr. Mijares has used his position to coerce the Board to accept his authority to hire Mr. Riel. The actions that have been taken to not pay

Mr. Rolan have had serious consequences, not only to the Board, the party here, but to Mr. Rolan and his law firm. It appears that it is retribution to the Board for suing, retribution to the Board for picking out a new lawyer,” end quote. Quote, “But as soon as Mr. Riel had this issue presented to him and he chooses one client over the other because he is the lawyer for both the Board and the Superintendent, that conflict is cast in concrete. But then he compounded that issue by calling the Board's would-be lawyer and telling her that the Superintendent would be disappointed if she represented the Board of Education. So, here he has taken another position, contrary to his own client, the Board of Education,” end quote.

Quote, “So it appears to me that the Board was right in picking their own counsel because they have a right to a lawyer they can trust.” Three more quotes for you from the bench on that day in February. “I'm sure it would have been difficult for Mr. Riel coming on the job the first day to tell his boss on the first day, hey, I can't help you with that one. That would be a conflict. And four big issues came up where there was a conflict. But he didn't say there is a conflict and say, I can't give you advice. You have to get somebody else, Mr. Superintendent. He sided with the Superintendent,” end quote.

Quote, “It is a question of a lawyer who is the lawyer for the Board under the statute has taken so many conflicting positions to the Board that they would be foolish to trust him,” end quote. And the final quote, “But this became personal. This is where Mr. Riel went to the Board's chosen lawyer and said, don't represent them. Where Mr. Riel took the position of the Superintendent against the Board on the budget issue and actually tried to get it continued. It is not that there was a conflict issue that was resolved, it is that there has been an ongoing conflict for every single intersection, Mr. Riel turned toward Dr. Mijares and away from the Board and in fact took positions contrary to the Board's position. So my tentative finding is that there has been an irreconcilable difference of opinion and conflict of interest where Mr. Riel lost their trust and in fact, I think any board would be foolish to have a lawyer giving them advice when the lawyer has clearly taken adverse positions to them,” end quote.

Now the very next day that this tentative verdict was read out onto the record, Dr. Mijares took the extraordinary step of making a settlement offer to the Board in open court. I can tell you from my 30-plus years of experience litigating that very rarely ever happens. It was a first for me. A final settlement between the parties was reached, that is between the Board and Dr. Mijares, was reached 12 days later on February 22, 2021. That settlement makes explicit that the Board can use other counsel for as long as the Superintendent employs Mr. Riel, and the Board considers it to have a conflict with Mr. Riel, which of course it unquestionably does.

Indeed, in addition to all of this history that I have just summarized and it is just a summary, there is much more detail where that came from. Mr. Riel is advising a counterparty in litigation right now as we sit here today, adverse to the Board, as you all know, and as the public knows. That is why the Board has retained Mr. Rolan and that is why it continues to do so. Obviously, just as it is for any other client, it is critically important for the Board to be advised by a counsel it trusts, by a counsel in whom it can confide, by a counsel in whom it has confidence, and by a counsel with whom it does not have a conflict of interest. The court noted not just once, but twice that the Board would be foolish to do anything else. With that, I will close and ask if the Board has any questions.

SHAW: Thank you, Mr. Brenner, for that update. Dr. Williams, did you have any further comments?

WILLIAMS: No, I had forgotten a lot of the details. Thank you for bringing me up-to-date and hopefully that helps the public in understanding our current situation and it corrects the record.

SHAW: Anyone else on the Board? Dr. Sparks? Okay. All right, well seeing no other comments for item six, we will proceed to item number seven. There is a correction to this item. Do you want to read that, Nina?

BOYD: Yes, the membership dues of \$6,600 is incorrect. We received an invoice today and the correct membership dues are \$7,524. We wanted to make sure before you did that, that you would have the proper amount.

SHAW: Very good. Thank you. Do I hear a motion then on approving item number seven?

BARKE: I will make a motion to approve item number seven.

SPARKS: Second.

SHAW: Thank you. Darou, please call roll.

WILLIAMS: No, there is a question.

SHAW: Oh, I'm sorry. You had a question, Dr. Williams.

WILLIAMS: Right? Was that \$6,600 for last year?

BOYD: Yes.

WILLIAMS: Okay. So they raised the fee almost \$1,000. It was under my thoughts and understanding that we couldn't be a member of the State County Board of Education unless you were a member of the California School Boards Association. Did that change?

BOYD: No, that is correct. But the organization, the Department of Ed. is a member of the School Board's Association. So you can be a member of CCBE because of the membership that the Department holds.

WILLIAMS: Okay. So the Department purchased the membership for the California School Boards Association, right, the CSBA? How much is that?

BOYD: The membership dues for next year, this fiscal year, \$12,477.

WILLIAMS: Okay. Then because the Department is a member of CSBA, we can join the county board. Okay. That is what I thought, but I just wanted to confirm it. Just for the record, Mr. President, we had in the past and correct me if I'm wrong, Trustee Barke, we said we didn't

want to be a member of the CSBA. We only wanted to be a member of the California State County Board's Association.

BARKE: Yeah, we did state that, but it was not a possibility. We had given everything up. But then we found out that the Department joined in, so they said that we could join. What you can't do is just join CCBE without CSBA.

WILLIAMS: Got it. Okay. Good. That is all my questions, Mr. President.

SHAW: Thank you. Any other questions from anyone?

VALDES: No.

SHAW: Okay, Darou.

SISAVATH: Trustee Barke?

BARKE: Yes.

SISAVATH: Trustee Williams?

WILLIAMS: Aye.

SISAVATH: Trustee Shaw?

SHAW: Yes.

SISAVATH: Trustee Valdes?

VALDES: Yes.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SPARKS: Thank you. Item number eight, to prove disbursement of funds for Orange County Board of Education Professional Organization membership dues in the amount of \$250 for Orange County School Boards Association.

BARKE: I will make a motion.

SHAW: Thank you. Motion by Trustee Barke.

WILLIAMS: Second.

SHAW: Second by Dr. Williams. Any discussion?

VALDES: I have a question.

SHAW: Trustee Valdes.

VALDES: Didn't we just say we didn't want to be part of the OCSBA?

BARKE: This is different. This is the Orange County chapter. It is \$250. To be in the know of what is going on in Orange County, if I'm correct.

BOYD: That is correct. The previous one was the state organization. This is the county organization.

VALDES: Okay.

SHAW: Okay. Any other questions? Darou, please call roll.

SISAVATH: Trustee Barke?

BARKE: Yes.

SISAVATH: Trustee Williams?

WILLIAMS: Aye.

SISAVATH: Trustee Shaw?

SHAW: Yes.

SISAVATH: Trustee Valdes?

VALDES: Yes.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SHAW: Item number nine, approve disbursement of funds for Orange County Board of Education professional organization membership dues in the amount of \$50 for PTA, 2023-24 fiscal year.

BARKE: I will make a motion

WILLIAMS: Second.

SHAW: Thank you. Any questions or comments?

WILLIAMS: Yes. Because it has been some time, this is the county chapter, the PTA?

BOYD: Correct.

WILLIAMS: Okay. Do they have their own bank account and are they offsite of our department? In other words, are they independent?

BOYD: Yes, it is the Fourth District PTA.

WILLIAMS: It is the Fourth District PTA, so they have a whole separate bank account and the check actually gets sent to them and they deposit it.

BOYD: Yes.

WILLIAMS: Okay.

SHAW: Thank you for that. Any other questions? Darou, please call.

BOYD: Who was the second on that?

SHAW: Dr. Williams.

BOYD: Thank you.

SISAVATH: Trustee Barke?

BARKE: Yes.

SISAVATH: Trustee Williams?

WILLIAMS: Aye.

SISAVATH: Trustee Shaw?

SHAW: Yes.

SISAVATH: Trustee Valdes?

VALDES: Yes.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SHAW: Item 10, approve registration and travel for board members to attend education-related events and meetings sponsored by California School Boards Association and California County Boards of Education, effective July 1, 2023, for the 2023-24 fiscal year.

BARKE: I will make a motion.

WILLIAMS: I will second.

SHAW: Moved by Trustee Barke and seconded by Trustee Williams. Questions or comments? Dr. Williams?

WILLIAMS: Just for the record, this is what we have traditionally been doing for many, many years, approving the future travel that we will be incurring. But we do not know specifically that travel, those conferences, and how much at this time. We typically will at that moment when the travel occurs we do approve it a second time.

BOYD: Correct.

WILLIAMS: Okay.

BOYD: This is blanket travel. Once we have information if board members are interested in participating, then we put together the estimate of what those costs would be and that would come back before the Board.

WILLIAMS: Good. Thank you. Just helping you out there, Jorge, how we do things.

SHAW: All right, any other questions or comments? Seeing none, Darou, please call roll.

SISAVATH: Trustee Barke?

BARKE: Yes.

SISAVATH: Trustee Williams?

WILLIAMS: Aye.

SISAVATH: Trustee Shaw?

SHAW: Yes.

SISAVATH: Trustee Valdes?

VALDES: Yes.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SHAW: Item number 11, approve registration and travel for board members to attend education related events and meetings sponsored by the California Charter Schools Association, effective July 1, 2023, for the 2023-24 fiscal year.

BARKE: I will make a motion.

WILLIAMS: Second.

SHAW: Moved by Barke, seconded by Williams. Questions or comments? Dr. Williams?

WILLIAMS: Yes. Again for the record, Nina, this is again under the same premise for the last item. This is for the future meetings, registration, and travel?

BOYD: That would be correct.

SHAW: Same kind deal. Darou, please call the roll.

SISAVATH: Trustee Barke?

BARKE: Yes.

SISAVATH: Trustee Williams?

WILLIAMS: Yes.

SISAVATH: Trustee Shaw?

SHAW: Yes.

SISAVATH: Trustee Valdes?

VALDES: Yes.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SHAW: Thank you. Item 12, approve registration and travel for board members to attend education related events and meetings sponsored by the Orange County School Boards Association (OCSBA), effective July 1, 2023, for the 2023-24 fiscal year.

BOYD: President Shaw, we have an item number 12 public comment.

SHAW: Very good. Thank you.

BARKE: Do we do it now before we open the motion?

SHAW: Sure.

BARKE: All right, it is for Julie. Right there. Thank you.

JULIE: First of all, I want to let you know I support having you attend these meetings so that you can represent us, most specifically to represent us for bills such as Assembly 665. Right now there is a lot of effort, and you are doing the effort too, for inclusiveness. I feel that this bill, kind of in a draconian way is excluding parents, so I hope that you respect a lot of our—I think I speak for a lot of my friends that this should be evaluated. That would be a really good opportunity at some of these meetings when you are with your constituents to find a way to protect the children, but also to protect parental rights and to include them in these situations because we love our kids. Thank you.

SHAW: Thank you. All right, do I hear a motion for item 12?

BARKE: I will make a motion.

WILLIAMS: Second.

SHAW: Okay, moved by Barke, seconded by Williams. Any other questions or comments? Seeing none, Darou, please call roll.

SISAVATH: Trustee Barke?

BARKE: Yes.

SISAVATH: Trustee Williams?

WILLIAMS: Aye.

SISAVATH: Trustee Shaw?

SHAW: Aye.

SISAVATH: Trustee Valdes?

VALDES: Yes.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SHAW: Item 13, approve registration and travel for board members to attend education related events and meetings sponsored by the National Alliance for Public Charter Schools, effective July 1, 2023, for the 2023-24 fiscal year.

BARKE: I will make a motion.

WILLIAMS: Second.

SHAW: Okay. Moved by Barke, second by Williams. Any questions or comments? Dr. Williams?

WILLIAMS: Help my memory. Did any board members attend any of the conferences last year for the National Alliance of Public Charter Schools?

BARKE: I don't think so.

BOYD: We didn't for last year.

WILLIAMS: We didn't last year. Okay. Is this the first time that we have?

BOYD: No, I believe this would be the—

SISAVATH: This was on last year.

WILLIAMS: This was on last year, but we didn't go anywhere.

BOYD: Correct.

WILLIAMS: Okay.

SHAW: All right. Is that all?

WILLIAMS: That is it.

SHAW: Okay.

SISAVATH: Trustee Barke?

BARKE: Yes.

SISAVATH: Trustee Williams?

WILLIAMS: Aye.

SISAVATH: Trustee Shaw?

SHAW: Aye.

SISAVATH: Trustee Valdes?

VALDES: Yes.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SHAW: Thank you. Item number 14, approve board conference attendance, cash advances for the 2023-24 fiscal year.

BARKE: I will make the motion.

WILLIAMS: Second.

SHAW: Okay, thank you. Moved by Barke, seconded by Williams. Any questions or comments?

WILLIAMS: Yes.

SHAW: Dr. Williams?

WILLIAMS: Just for the record, for clarification for the Board, could you go over our policy on cash advances and how it is done operationally?

BOYD: Yes. The Board would follow the same Department policy for employees that we have for travel and cash advances. If any board member wanted the Department to extend a cash advance, we would again come up with the estimate of travel related costs. We have a Department credit card that we could put hotel and different things on so that those are not out of pocket for any individual board member. Then incidentals are estimated, so cost of dinners and that type of thing and we would give that to the board member in advance. They would be responsible for returning receipts to add up to the amount. If there was an overage, we would reimburse them for that. If there was an underage, they would reimburse the Department for any monies that they did not spend.

WILLIAMS: Okay.

SHAW: Okay. Thank you for clarifying that. Any other questions or comments? Seeing none, Darou, please call roll.

SISAVATH: Trustee Barke?

BARKE: Yes.

SISAVATH: Trustee Williams?

WILLIAMS: Aye.

SISAVATH: Trustee Shaw?

SHAW: Aye.

SISAVATH: Trustee Valdes?

VALDES: Yes.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SHAW: Thank you. Onto item number 16, nominate and approve board member assignments for the 2023-24 fiscal year.

BARKE: I will make the motion.

VALDES: You skipped one.

SHAW: Oh, did I skip one?

VALDES: You skipped 15.

SHAW: Sorry. Thank you for that, Jorge. Forgive me. Item 15, we will go to first, approve travel and name new representative for CCBE Board of Directors and Delegate Assembly.

BARKE: I will make the motion.

WILLIAMS: Okay.

BOYD: We have a second?

BARKE: Just do a second then discuss.

SHAW: Okay.

WILLIAMS: Okay, second, to bring it on the table to discuss. Gotcha. Okay.

BARKE: Yes. Yes.

SHAW: Go ahead, Dr. Williams.

WILLIAMS: Okay. My idea and thought of this, it is a very important position and I would like to nominate the good Jorge Valdes as our representative.

BARKE: I will second that. I have to do it before I get nominated.

WILLIAMS: Yeah. He wasn't aware of this, but, Jorge, that is an honorable task and role. It is quite a very important role, as each year the county boards we meet. You would represent us and it is a very valuable experience.

BARKE: Because we are so large, we actually get a seat on CSBA as well that comes with that. I had that explained to me. You would be representing us there.

SHAW: I think that is a terrific idea. Do I have any other nominations?

BARKE: Seeing none.

SHAW: Seeing none, Darou, please call roll.

SISAVATH: Trustee Barke?

BARKE: Aye.

SISAVATH: Trustee Williams?

WILLIAMS: Aye.

SISAVATH: Trustee Shaw?

SHAW: Aye.

SISAVATH: Trustee Valdes?

VALDES: I suppose I don't have a choice, so I will just say aye.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

WILLIAMS: Is that a yes then, Jorge?

VALDES: It is.

WILLIAMS: Okay.

SHAW: Normally we would have nominated the person that is not in the room. But she is watching, so we can't nominate her.

SPARKS: I'm still on the E.C., so I can't.

SHAW: All right, let's go to number 16 now, nominate and approve board member assignments for the 2023-24 fiscal year.

BARKE: I will make a motion.

WILLIAMS: I will second that and begin the discussion.

SHAW: All right.

WILLIAMS: Typically, the actual board assignments that we will be assigning takes place in August. Nina, please tell me if that has been changed by the E.C. But typically we begin the final assignment in August and talk about it today.

BOYD: Well, they were always done in July. Then the last number of years you all have deferred it to August while you all looked at the positions and so forth.

BARKE: You just did it in number 15.

BOYD: I was going to say if you go to page 27, you will see that.

BARKE: The only one that is.

BOYD: I mean the Delegate Assembly you just did because that is going to be Jorge.

BARKE: You just did it.

SHAW: Right.

BOYD: He was the representative last year for OCSBA, so it is really OCSBA and the PTA liaison that you—if there is a reason that you need to defer that to August, it can certainly be carried over or if you all know now, then you can do it at this meeting. It is really up to the Board.

SHAW: That last box, we just put Jorge in in that position.

BOYD: Yes.

SHAW: Then the only one we are missing is PTA liaison?

BOYD: PTA liaison and the Orange County School Board Association liaison.

SHAW: Well, Dr. Williams was our PTA liaison this last year. Would you like to do it again?

WILLIAMS: Sure, why not?

SHAW: I nominate Dr. Williams for that one.

VALDES: I second.

SHAW: Do we have any takers on the—I get these acronyms so goofed up, sorry. OCSBA, did I get that right?

BOYD: Yes.

VALDES: I nominate Dr. Sparks.

BARKE: I will second.

SPARKS: I decline because I'm going to be serving on the E.C. as vice president, but thank you so much.

SHAW: She can't do both?

SPARKS: No.

SHAW: Oh.

BOYD: She knows her schedule. These are dinner meetings, typically and late afternoon.

SHAW: Mari, you want it?

BARKE: Not especially. If nobody will do it, I will take it. But I have a very busy schedule too, and it is quite a few meetings. I think maybe, Dr. Williams, would you like that one as well?

WILLIAMS: Hmm, I will defer.

BOYD: President Shaw and Trustee Valdes were at most of these last year, even though the representative was Jorge.

SHAW: Yeah, I will nominate myself then. I will be happy to try to go.

BARKE: I will cover for you if you have a conflict.

SHAW: Okay.

SPARKS: And I will cover for you if you both have a conflict.

SHAW: All right.

BARKE: Perfect.

BARKE: Do you want to amend so that you are taking both of these at the same time, the PTA and the Orange County School Board Association. Then Darou can poll you for—

SHAW: They have to be voted on separately, you are saying?

BOYD: No, I'm saying they can be done together.

SHAW: Together, so the motion is to have Ken be our liaison with the PTA and myself for the OCSBA, right?

BOYD: Yes.

SHAW: Okay. That is agreeable? All right, Darou, please call roll.

SISAVATH: Trustee Barke?

BARKE: Yes.

SISAVATH: Trustee Williams?

WILLIAMS: Aye.

SISAVATH: Trustee Shaw?

SHAW: Aye.

SISAVATH: Trustee Valdes?

VALDES: Yes.

SISAVATH: Trustee Sparks?

SPARKS: Yes.

SHAW: All right, thank you for that. Now we are going to proceed to our different information items it looks like. Are there announcements from the Superintendent, Deputy Superintendent?

BOYD: The announcements from our office are that, as a reminder, the next board meeting is August 2. You will have a reprieve and your submission deadline is July 19. Board packets will be delivered July 28. You know we have been doing meetings every two weeks for the last month, so this will be an actual break. If there are items that you all are wanting to send forward, then please get those to Darou or myself. We are meeting with the Executive Committee to dialogue and set the agenda, pursuant to the requirements that the Board has.

Inside of your red folders for the legislation discussion are the analysis on AB 1352, 665, 1314, and HR 1146. I just want to call your attention to that. There is also the Orange County Board of

Ed. At a Glance, that we typically give you a four month. We remind you to please take a look at that so that the things that we put on that calendar are the things that come up every year. But if there are things that are new to this, then we want to get those on there so that board members are aware of what conversations would be coming up.

In September, I would remind you that you have a special board meeting on September 20. I just wanted to call that to your attention and remind you of that. Vice President Sparks is working on that agenda as we speak, so we are hopeful that by next month we will have some tentative information to share with the full board.

BARKE: Just a point of clarification, it doesn't show the date for the September meeting. It is September 6, correct? For the September, there is just no number next to it. I don't see, unless I'm missing something.

SHAW: Oh, yeah. You are right.

BOYD: No, I think it fell off because of the—

BARKE: Spacing.

BOYD: But yes.

BARKE: So the sixth, okay. Perfect.

BOYD: First Wednesday of the month.

BARKE: Okay.

SHAW: Thank you for doing that bill analysis. I think that is great and very proactive of you guys, so thank you for that. We have next legislative updates. Dr. Williams has discussion on some various pieces of legislation right now, so why don't you lead us off, Ken, SB 1352?

WILLIAMS: As we know in the record, we have an advocate in Sacramento that is helping guide the Board with positions on state legislation. There is a few pieces of legislation that I just wanted to bring up and get thought and feedback from the Board. I also want to bring up under board member comments and with the consensus and unanimous decision I can bring it up under legislative updates. There is no action to be taken. It is just discussion. But I did want talk about the extraordinary case of Assemblyman Jackson's Bill, AB 1078. I will get into details with that.

First, let me start off by just mentioning AB 1352 by Assemblymember Bonta. Again, this is Mrs. Bonta. This is our state attorney general's wife who went from the Assembly, was appointed by Governor Newsom to be the state AG. This is a bill that would actually remove elected members of school boards. It is a very unusual bill in that this bill, as it is still going through the process. If we go to the second page of our document here, it says, "The governing board of a school district may remove a member from office by two-thirds vote of membership." I have never seen anything like this where you can remove somebody who was elected to that

office by citizens and constituents if you happen to fall out of favor by your board members, or being a board minority and you have a differing opinion, and you represent your constituents differently. It is highly unusual and probably unconstitutional. It would not withstand a legal challenge if this were to pass, that one of us could be removed by a two-third vote. I just want to bring that to the attention of our board.

SHAW: I just noticed, I should have caught this in our planning session. It was listed on the agenda as SB 1352. It should have been AB 1352. It was an Assembly bill. Mia Bonta is in the Senate or Assembly?

WILLIAMS: Where did you get these? Because this is an Assembly bill here.

SHAW: She is in the Assembly.

WILLIAMS: She is in the Assembly? Okay.

SHAW: It is Assembly Bill 1352.

WILLIAMS: It is Assembly Bill, okay.

SHAW: Yeah.

WILLIAMS: Okay. Moving on to an update on 665, we have had a few people in the audience who have made some comments on this. I just wanted to, again, bring it to the attention of this board. This was introduced by Assemblymember Wendy Carrillo. The principal co-author was Senator Wiener. On June 20, this passed 9-2. The bill, I think, is very broad and unclear with significant consequences upon our communities and families. AB 665 is not about obtaining medical coverage or aligning healthcare codes. It is really about children that can be taken from their parents without a claim of abuse. You have the language in front of you here. The criticism of this is that if it was simply about providing mental health care, which our youth do have and they are receiving it, they could have simply removed one word from the Health and Safety Code 124260, but they didn't.

What this really is, is this is amending the Family Code and striking 44 years of guardrails that ensure mental health providers only place the children in a residential shelter if that child is in danger of abuse, incest, or harm from themselves. What this bill does is it changes a law that allows a 12-year-old to opt out of their own home if they wanted to. They can invoke parental separation and emancipation without any claim of danger or parental consent. If this bill was to, again, expand mental healthcare, which we are all in favor of doing for kids who are in need. It could have happened in a different way. Instead, what this law does is it really hurts and breaks down the relationship between parents and their children. It is quite, quite unfriendly to families and children, and to the dynamics that, even though they may be unhealthy, it allows children to do what they want to do without any claim of abuse or any other legal reason. For that reason, I'm personally against 665 and I don't think it is a good bill. I will wait if there is any comments or if anyone wants to give their opinion before I move on.

BARKE: No, I would agree with you. I think that we are giving children more discretion than they are a fully capable at 12-years-old. If a 12-year-old suddenly decides he doesn't want to go home, he can go be a ward of the state or whatever he becomes when he goes to a facility. But I don't think a child who is of sound mind would probably do that. They are too young to make such critical decisions in their lives. How scary that would be for a parent to, just you know, today my son or daughter doesn't come home and I don't know why. They just decided they didn't want to be there anymore. I think it is a very, very scary to be doing this, so thank you for bringing this to our attention.

WILLIAMS: Yeah. The guardrails defending—

SPARKS: I would add a comment if I could?

WILLIAMS: Go ahead, Lisa.

SPARKS: I just wanted to add a comment, piggybacking off that comment. That is that it is important to remember that all the literature indicates that the prefrontal cortex is not fully developed until the age of 25, 26 in our children, until they are young adults. The prefrontal frontal cortex is the decision making and the impulse control part of the brain. It just supports what you were saying, Mari, from a little bit more of a scientific viewpoint.

BARKE: Thank you.

SPARKS: That I think is worth noting.

BARKE: Thank you for being more scientific. I appreciate it.

WILLIAMS: And more pragmatically, my wife would say it doesn't even matter how old you are. I'm 65, and she will still say my prefrontal cortex is immature. Just a little bit of humor in the moment. Moving on to Assembly Bill 1314 by Assemblyman Bill Essayli. There has been a lot that we have talked about and heard a lot from the public comments on this bill. We appreciate everyone who is coming forward and talked about this. We were elected as people by our constituents on certain values. One of the values is that we are going to protect the rights of parents to direct the upbringing of the children.

There has been research that has been said that kids who are in homes that are adverse and confrontational, it is not healthy for them. But then there is other research that says that parents do provide a significant help and role in the emotional and mental wellbeing of their children. We all feel that those kids who are depressed, suicidal, have chronic anxiety disorders, or whatever it may be, as a parent of four children, as a grandfather of 13 children, I just can't see where we go wrong as a society if we say that parents need to be removed from the process. This bill says that parents have the right to be involved in the process. I think for myself as well as some of the comments, this bill is only about parental rights. It is not a bill that speaks against anybody because of one particular sexual preference, or gender dysphoria, or any of those other mental health diagnosis. It just says that the rights of parents are that they get to be involved in the rearing and the upbringing of their children and that is all this speaks to.

I know there has been a lot of comments that have been said that this is a bad bill and that you are a bad person if you support it. I just don't think if you read the bill, that that is true.

BARKE: I will make a couple comments and we had some eloquent comments tonight. I believe it was Diane who spoke to that and I think we have spoken to it as a board. We are really not anti-anything. We are just pro kids and pro parents and we believe it is important for parents to be in their children's lives. There is no law that I know of, and I think, Diane, you spoke to that as well, that actually gives children privacy from their parents. Parents are parents, and I think nobody loves their children like their parents. To remove parents, I think, again, is harming children. That is not something that we want to see.

WILLIAMS: Very good. Moving on to the last of the legislative updates. This is going to be a resolution that I'm going to bring to this board. This is a new subject to me. I thought it was very interesting in talking with Congresswoman Michelle Steel's office, she is very, very concerned about the effect of Communist China upon higher education and indirectly concerned about Confucius schools, which are in K-12 education. I did a little bit of research on these Confucius schools. When you read the bill in its entirety, which is H.R. 1146, it was introduced by Mr. Crenshaw and Stefanik. It is being referred to all the various committees, Judiciary, Committees in Education, the Workforce, and Foreign Affairs.

But Congresswoman Michelle Steel is very, very concerned about the impact of the Communist Chinese Party upon higher education and its negative influence upon people in high academic areas. The connection and the nexus to K-12 education is the Confucius School. I'm just in the last phases of finishing this with Congresswoman Steel. Because it is August break, she may be able to come here and give us some insight into her knowledge on this particular bill. So, I just wanted to make this an item just so everybody is aware of that. I wanted to talk about AB 1078, but I'm willing to wait for board member comments, because it is not agendaized.

SHAW: Oh, okay. We could do it that way.

WILLIAMS: Okay.

SHAW: Thank you, Dr. Williams, for your diligence and keeping a sharp eye on legislation going on in our state and even national level. Your passion is very evident. I was just going to add that last week we were speaking with our lobbyists in Sacramento. Dr. Sparks and I were speaking with them. He had made the comment that this legislative session in Sacramento there seems to be quite a number of bills where they are doing this gut and amend type of massive amending of the bill. You are two-thirds of the way through the legislative session and all of a sudden these bills are changing very radically here in having whole new sections of language inserted and this sort of stuff. It really diminishes the opportunity for the public to kind of clue in to what is going on, and comment, and call their assembly members and senators as this legislation, as we are now in July and all this. All these things are kind of being done at the very end of session and bills are already out of their house of origin and in the other house and being wildly amended this way.

Frankly, I think it is a very poor way to run the state. If you are going to make big changes to the law, why not do introduce that near the beginning of the session? Allow the public to kind of read about it, hear about it, reporters write stories about it, and the public can comment, agencies or boards like ours can take positions on it well in advance; but instead, it seems to be a fairly haphazard process that we are seeing going on. That was actually his comment, not my comment. But I thought with some of these bills, it is a very valid point that we are seeing.

Our committee reports, do we have any committee reports? Dr. Sparks?

SPARKS: I do not. Thank you.

SHAW: Nothing from you, okay. Anyone else? I would make a comment here. I saw the staff put a section on our website about the charter schools that I had mentioned. I thought that was great. There is now information on—you can at least read the schools that we have chartered as a tab on our page with links to that particular school's website, their address, and that information. I want to thank the staff for getting that done. I think that is a great addition. I don't know if you saw the email. I followed up with requests to maybe put the link to our charter school forum that we had maybe on that page. I think it would be good there.

BARKE: Love that.

SHAW: I know the Charter School Association has fact sheets that we can maybe put there.

BARKE: Love it.

SHAW: Because there always seems to be sometimes some basic misunderstandings with folks about what is a charter school exactly. I love trying to get that information posted there for people to read, kind of an information page about our charter schools. Go ahead, Mari.

BARKE: Yeah, I would just second that. But thank you. Just yesterday I had somebody reach out to me with questions about charter schools and I was able to go there and get all the information that I needed, so thank you. I think it is great and I would love adding some articles. I actually have an article I will read under board member comments about charter schools. Maybe we could add that one as well, so thank you.

SHAW: Terrific. Well, speaking of board member comments, why don't you lead us off, Mari? Go ahead.

BARKE: Okay. We have often talked about charter schools here. I came across this article. It is from the *Wall Street Journal*, so it is bipartisan. There is no partisanship and it is just plain good fact. It is pretty short, so I would just love to read it to you quickly, just so you know why I, and I think a lot of my colleagues support charter schools. I truly believe a child should never be trapped by their zip code. Talk about not being diverse and inclusive, trapping a child by their zip code, I think to do that to our most vulnerable children is unconscionable. I'm going to read this. It is very short. It is by the Editorial Board at the *Wall Street Journal*, and it came out about two weeks ago right before our last meeting.

“School choice is gaining momentum nationwide and charter schools are a large part of the movement. A new study shows that these independently run public schools are blowing away their traditional school competition in student performance. Stanford Center for Research on Education Outcomes CREDO Report is the third in a series, 2009, 2013, and 2023, tracking charter school outcomes over 15 years. The study is one of the largest ever conducted, covering 2 million charter students in 29 states, New York City, and Washington, D.C., and a control group in traditional public schools. CREDO’s judgment is unequivocal. Most charter schools produce superior student gains despite enrolling a more challenging student population. In reading and math, charter schools provide their students with stronger learning when compared to the traditional public schools.”

A lot of these are in quotes and the CREDO article is also out. It is much longer. It is eight pages. I didn't think you guys wanted to hear that. I think this is a great summary.

“The nationwide gains for charter students were six days in math and 16 days in reading. The comparisons in some states are more remarkable. In New York, charter students were 75 days ahead in reading and 73 days in math, compared with traditional public school peers. In Illinois, they were 40 days ahead in reading and 48 in math. In Washington state, 26 days ahead in reading and 39 in math. Those differences can add up to an extra year of learning across an entire elementary education. CREDO’s first study in 2009 found that charters didn't yield better student outcomes and has long been cited by charter opponents. Teachers unions often claim charters and choice programs betray public education because they cherry pick children and fail to serve those in greatest need. CREDO’s results should also end that discussion. The latest study shows that Black and Hispanic students had some of the largest gains and that they advance more than their TPS peers by large margins in math and reading; ditto for children in poverty.

Unions should also read the section on what CREDO calls “gap busting schools,” which show Black and Hispanic students succeeding as well as White peers. CREDO says this shows that learning gaps between student groups are not structural or inevitable. Not all charters are created equal and the study shows a growing advantage in results for schools run by charter management organizations which operate multiple schools. This is likely the result of learning curve that can be applied to many locations. Around 15% of charters underperformed their local public school, but lackluster charters are closed, unlike failing union schools. This CREDO installment covers 2015-19, before the pandemic. With each new report, student progress has climbed further and the long lens of the study shows that charter schools are getting better. The CREDO report may even understate the success of some charter schools.

In the case of Ohio, the CREDO mythology dilutes the strong result of brick and mortar charter schools by including remote schools and other specialized schools in its results. A 2020 Fordham Institute analysis of Ohio charter schools showed strong gains. In a better world, results like this would trigger a movement to expand charters and increase their funding. But that won't happen as widely as it should because unions will fight to keep up their near monopoly. Washington state has only 17 charter schools serving about 4,700 students, well under its legal cap of 40 schools, according to the Mountain State's Policy Center. The real reason the unions object to more is that charter learning proves there is no excuse for failing children.”

SPARKS: I would just like to add something if I could.

BARKE: Thank you for indulging me. I just had to share that with everyone. If anyone wants a written copy, you know where to find me.

SPARKS: Could I just add a comment to that, Mari? Thank you for reading that. In Orange County, we actually have a couple of our schools that we authorize that are ‘gap busters’ in that report. The Oxford Preparatory Academy and Spring Charters are the ones that I know of. There may be more as well, but just right here in Orange County we have some gap busters and I'm sure we will have more down the line.

BARKE: Nina, exactly how many charters do we have now in Orange County, so I don't misquote?

BOYD: I couldn't give you the exact number.

SHAW: Javier knows.

JAVIER: Twenty four.

BARKE: Twenty four?

SHAW: Twenty four that we have chartered.

BARKE: Yes, 24 under the county.

BARKE: Thank you. I knew it was around—thank you. I knew it was around forty, but I didn't want to misquote.

BOYD: I'm sorry. I thought you were asking countywide charters.

BARKE: Okay. Yes. So, we have 41 in Orange County. Twenty four of them are authorized by the county, which often means that the district has denied them, so they have come to us on appeal.

SHAW: Thank you for those comments, Trustee Barke. Dr. Williams?

WILLIAMS: Okay. Moving on with some of the legislative updates and opinions here. The bill that I think we really should be thinking about is Assembly Bill 1078, which was authored originally by Assemblyman Jackson, who is a former Riverside county school trustee, who was elected to his district there in Riverside. His original Bill 1078 was introduced and was really quite radical in its language. Basically, it was removing the ability of locally elected leaders to create and select their curriculum and textbooks. It was really quite draconian. In fact, it was so bad, Jackson's peers, the Democratic majority, and the Assembly Committee gutted his bill. He accepted the amendments and it was moved on. That was a vote of 5-2. After that committee it went into a suspense file. It was referred to the suspense file on May 17.

It went eventually to our good local state senator, Josh Newman, who is the Education Committee chair there in the Senate. A strange thing happened along that way. Normally and typically when a bill is amended, especially by your own political party in the committee of origin, and the amendments are accepted by the author, that usually goes on to the next up, which is to the Senate side and to the Senate Education. Then it goes through the process and has to go to the Appropriations Committee if there is any involving with money. But a strange thing happened on the way to the Senate Education Committee that is very atypical and it rarely occurs. But I think it really shows the political limitless powers that the political party in power in Sacramento feels they have, in which Senator Josh Newman allowed the author to remove those amendments that were put in there by his peers in the Assembly Committee, to remove it and to change it so it really has the same form as it was originally amended a month ago.

Strangely enough, that happened all in the last week. We didn't know about it until like last Thursday and Friday, so it couldn't get on the agenda officially. Here I am under board member comments talking about a bill that went through in the atypical process that now is back into its intended outcomes, which is to remove the local control of education.

What it does is it empowers, in fact there will probably be an article coming out on Tony Thurmond's task force on this. Because he is now going to be like the Nazi police going to each individual school district. If they don't adopt what he wants to adopt, they get their name put on a list and that list is the bad boy list. It is quite troubling this bill. I wrote and submitted an article to the *Orange County Register* and it should be online and perhaps published this this week. But I think if I can just talk about what I wrote, I think it may make sense and why this bill is so troubling. Our founding fathers believed in the core and essential principles that advances our republican form of government that has been going on for the last two and a half centuries because they believed in public education.

At that time, education was private in many instances, or religious. Public education was not really something that was available. But our founding fathers knew that in a thriving nation they needed to have education and awareness of its citizenry for our country to flourish. With that, when you begin to have self-government, you begin to have people that are educated, you are able to pass that baton onto the next generation. Unfortunately, this bill stops that baton from being passed on because it removes locally elected school board members from their primary purpose of governing locally. We all know that the understanding of local control of education is that those who are nearest to the central part of the community that is being controlled knows it best and can make the best decision. That is a concept that both Republicans and Democrats have traditionally recognized and revered for many, many decades.

I think when you begin to look at this bill, though, we begin to see that trust between local community members making the best decisions that are closest to the communities they live in. It is all because of reaction I think with Temecula Valley when they wanted to do something else that wasn't politically correct and they didn't select the correct curricula. Governor Newsom I think—and, Tim, maybe you can correct me—he said, we are watching you Temecula Valley. I think that was the words of our Governor. It is troubling, this bill, how it was presented. The peers in Sacramento of Assemblyman Jackson said, “No, this is a bad bill. We are going to

change it.” They gutted it. Now it has reappeared because of the permissive perspective of the Senate Education Committee member, Josh Newman.

I wanted to bring that to our attention because from this if this does pass, it is all of a sudden by the way, it has been put on high alert. It is a matter of urgency. It was gutted, then put in the freezer for a while, then brought out, and now it is a matter of urgency. It is quite troubling. I think we are going to see more and more of it. Mr. President, do you know the outcome of today's Senate vote on this bill?

SHAW: I'm afraid I don't. I do know as an urgency item, it would require ultimately a two-thirds vote in both the Senate and the Assembly. He made his life a little more difficult by making it go into effect immediately, as opposed to waiting to January 1 of next year.

WILLIAMS: It went from the freezer—

SHAW: Is that right?

WILLIAMS: To the neutron bombs center, in a matter of urgency, which is really interesting. This bill creates new general fund liabilities. It creates, actually the Superintendent, our county Superintendent, is now empowered to go out to the individual school districts to make sure that they are doing what the State Board of Education wants them to do. If the school district is on the naughty list, they get to be put on a website that we will soon be having. An area where the school board is out of compliance with the State Department of Education. It is sad that we are going to see the concept of local control of education that we once enjoyed in the state being lost by those overachievers in Sacramento who do not revere the concept of local control of education. Our founding fathers would scorn the Sacramento legislators who are allowing for the demise of local control of education. With that, I will conclude my comments.

SHAW: Thank you, Dr. Williams. Trustee Valdes, do you have any board member comments?

VALDES: I do. So, telling everyone a little story, this month I was sitting in a restaurant in Santa Ana. A very nice, Latina woman who speaks mostly Spanish, came up to me and she said, “I recognize you.” I said, I'm sorry, ma'am. I have met thousands of people in my political career and I don't remember. She goes, you came to my door when I lived in Tustin, looking for my vote when you ran for city council in 2020. Then I did remember. She told me that she had moved to Santa Ana, she has two young kids, and she is really unhappy with the school that she has in Santa Ana. I told her, I now sit on the Orange County Board of Education.

She proceeded to tell me that she honestly believes she has no option with respect to the school that she sends her kids to. I told her, I needed to be careful because you may be coming before the Board at some point. But I proceeded to tell her, you could try and get a transfer. You could even go try and request a transfer back to Tustin. She got really emotional and really upset that she did not know that she had those options at all. My request and my board member comments is another request to the staff because I know I have mentioned it to everyone here before. This type of information is not readily known. I'm not going to talk about anyone else's constituency,

but I am firmly of the belief that the people, the folks in my area do not know that they have these options. They absolutely do not know.

We need to make a much better effort in an outreach to reach the constituency of area one to explain that these folks do have options. They are not limited to the school that they are assigned to. They can ask for a transfer within the district, outside the district. We can tell them what our board policy is, with respect to approving that. We can make a decision as to whether we want to include that information. But I think specifically an outreach needs to be done. More work on our website, both in English and in Spanish needs to be performed so that people like this very nice young lady with two kids understands that they do have options.

BARKE: You know, Jorge, I don't think it is exclusive to your district. I think it is countywide if not statewide. I would recommend that you do an op-ed and get the word out.

SHAW: That is brilliant.

BARKE: With all of the particulars.

SHAW: I agree with you, Jorge. I think a lot of people—If this woman is living in Santa Ana, there is a number of charter schools that are also going to be nearby her. Because we have so many there too, so. Okay, Dr. Sparks, you still awake?

SPARKS: I am fading a little bit.

SHAW: Is it about 3:00 AM there now?

SPARKS: It is, well almost 4 in the morning, so I'm fading a little bit. So, I'm going to pass on my comments for today and save them for August.

SHAW: Well, you look good.

SPARKS: Well, thank you. I'm definitely fading.

SHAW: For my comments, I did want to thank a few people; obviously, the voters of the Fourth District who allow me the great honor to serve here on the County Board of Education. I wanted to thank, Dr. Sparks, for her tremendous leadership as president of our board for the last year and thank my colleagues for allowing me to serve this coming year as board president. It is a distinct honor and I'm really excited about it. I suppose at my funeral, someone is going to say he was the president of the Orange County Board of Education. Hopefully that is very far in the future, but this is going to be definitely a highlight of my life. I really appreciate that and the kindness of my colleagues here on the Board. I have really come to just love these guys up here. They are my colleagues, but really my friends. I just enjoy coming every month, seeing everybody here and the staff, having a good time, serving and hopefully making a difference here in Orange County. Let's see, do we have any more public comments?

BARKE: Can I make one more board comment? I just forgot just a little—

SHAW: I will allow it.

BARKE: I just wanted to call out Garden Grove Unified School District. I visited them last week for ribbon cutting of their fabulous new track and field at Santiago High School. It is state-of-the-art, beautiful. I know they have two other schools that are going to be doing that, but kudos to them. It is beautiful. I got to watch the football team, the cheer squad, and everybody run out on their beautiful new track and field. So, it is nice to see that happening.

SHAW: Terrific. Thank you. We didn't have any more public comments? No? Okay. I think we are all done. Seeing that, we will stand adjourned.

WILLIAMS: I make a motion to adjourn.

SHAW: Motion. Second?

BARKE: Second.