

Transcript of the October 4, 2023, Orange County Board of Education Meeting

SHAW: Hello, everybody. Welcome. We will go ahead and get started. I would like to call to order the regular meeting of the Orange County Board of Education. Darou, will you please call roll?

SISAVATH: Trustee Valdes?

VALDES: Here.

SISAVATH: Trustee Sparks?

SPARKS: Here.

SISAVATH: Trustee Shaw?

SHAW: Here.

SISAVATH: Trustee Williams?

WILLIAMS: I'm here.

SISAVATH: Trustee Barke?

BARKE: Here.

SHAW: Thank you. We would like to amend the agenda to reflect that item number one, the expulsion appeal hearing will be an open hearing, to correct that. With that, could I have—

SPARKS: A motion.

SHAW: A motion for the agenda.

BARKE: Second.

SHAW: Moved by Dr. Sparks; seconded by Trustee Barke. All in favor?

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

SHAW: Any opposed? All right, agenda adopted. Let's see, Minutes of the regular meeting of September 6, 2023. Is there a motion for approval?

WILLIAMS: I make the motion.

BARKE: I second.

SHAW: Moved by Dr. Williams; second by Trustee Barke. All in favor?

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

SHAW: Any opposed? Okay. Nina, are there any comments regarding the expulsion hearing?

BOYD: There are none.

SHAW: Okay, very good. We will proceed to item number one. Terrance, I think you are on.

DUNN: Good afternoon, President Shaw, members of the Board, Deputy Superintendent Nina Boyd, and Associate Superintendent Renee Hendrick. I'm Terrance Dunn, Coordinator, Student Services and the Integrated Support and Services Unit. The purpose of this hearing is to review the expulsion of Samir Daniels from Saddleback Valley Unified, in accordance with the Education Code commencing with Section 48919. The date is October 4, 2023. The time is 3:39 PM. This hearing is open to the public. The expulsion appeal application, the transcript of the district's expulsion hearing, background of the case, and other relevant documents were sent to each of you, as well as the parent and the school district. The Orange County Board of Education (OCBE) has reviewed the packet of material that both parties submitted.

The circumstances of the expulsion are as follows. Samir Daniels was a seventh grader in the 22-23 school year when the incident occurred. The student was attending Serrano Intermediate School in Saddleback Valley Unified where the incident happened and was charged with the violation of Education Code 48900.4, harassment, threats, or intimidation directed against school personnel or pupils.

During the Saddleback Valley board meeting held on June 15, 2023, the Saddleback Valley Unified Board of Education took action and upheld the decision of the administrative hearing panel to expel Samir Daniels from an incident that took place on March 31, 2023. The district board of trustees voted to expel Samir Daniels from Saddleback Valley for the 23-24 school year. To all participants and presenters, during the hearing, I remind you that any students discussed are to be referred to as Student One, Witness A, Student Two, et cetera, rather than by their names for their safety and security, as this is a confidential matter.

At this time I would like to introduce the participants of the hearing. Representing Samir Daniels, Dominique Daniels, parent.

DOMINIQUE: Thank you.

DUNN: Representing Saddleback Valley Unified, Justin Stanfield, Director of Student Services.

STANFIELD: Good afternoon.

DUNN: Alefia E. Mithaiwala, Partner; Atkinson, Andelson, Loya, Ruud & Romo.

ALEFIA: Good afternoon everybody.

DUNN: Also in attendance are Jeff Riel, General Counsel, Orange County Department of Education; Gregory Rolen, Legal Counsel, Orange County Board of Education; Darou Sisavath, Executive Secretary, Orange County Board of Education; Mayu Iwatani, Manager, Student Services; Maggie Villegas, Senior Administrative Assistant, Student services; and the Media Department who will be facilitating the audio/visual platform and recording today's hearing.

Per California Education Code 48922, the review of the appeal by the Orange County Board of Education is limited to the following; whether the governing board acted without or in excess of its jurisdiction; whether there was a fair hearing before the governing board; whether there is prejudicial abuse of discussion in the hearing; whether there is relevant material which in the exercise of reasonable diligence could not have been produced or which was improperly excluded at the hearing before the governing board. The Orange County Board of Education has reviewed the packet of documentation that the parent and the district submitted regarding the expulsion. Each party will be allotted up to five minutes to clarify their position for the Board. Then each party will be allotted an additional two minutes for closing remarks. The time will be monitored by the light timer. The green light means you may begin speaking. The yellow light means you have one minute remaining, and the red light means you should finish your sentence. Stop, as your time is over.

Once both parties have completed their closing statements, the Board may then ask questions directly to the other party. This hearing is being recorded; therefore, I request when you address the Board you identify yourself by name. Thank you very much. At this time, we will begin the formal hearing. Daniel's family, you may address the Board for up to five minutes. You may begin.

DANIELS: Thank you. My name is Dominique Daniels, and I'm the parent of Samir Daniels. I'm here today because the Saddleback School District expelled the student without due process and in violation of the Ed. Code. On March the 31 of 2023, Samir was suspended for allegedly violating Ed. Code Section 48900.4. Prior to his suspension, Samir was denied his due process rights to provide his side of the story to defend himself against the allegations that had been made against him. The school did suspend Samir. An essential element to expel the student under Ed. Code 48900.4 is intent. The school district, their witnesses, the board members, they had many opportunities to find intent. Nowhere, at no time during the hearing did they say Samir intentionally violated Ed. Code 48900.4, which leads me to believe that he was expelled for a non-expellable offense.

Samir was also placed on an extended suspension. The school district, according to Ed. Code 48911 (g), it is required to have a hearing before subjecting the student to an extended suspension. They did not comply with that as well. Me or Samir never was informed that they were going to have a hearing for the extended suspension, and we also was not invited to the extension. In the Central District of California 1980 case, in Montoya v. Sanger Unified School District, the expulsion was overturned because the school district did not follow procedures and then also they did not hold the required hearings to give the student the opportunity to provide his side of the story.

Both me and Samir believe that the district does not have jurisdiction to expel him. For one, they did not find intent, which is a prerequisite. Also, the school district did not hold the expulsion hearing in a timely manner, which is not in compliance with Ed. Code 48918 (a)(1). For example, it appears that the school district is expelling him for incidents that occurred on March the 31st, March the 30th, and March the 29th. That mean that his expulsion hearing was supposed to be conducted no later than April 30th, April 29th, or April 28th. I do believe that the school district does not have jurisdiction to expel the kid. Then also in the California appellate case 1981, in Garcia v. Los Angeles County Board of Education, it is clear that the district ruling to expel Samir isn't valid because they did not comply with the time requirements.

Also, the Board did not provide Samir with a timely notice, which is in violation of Ed. Code 48918 (b). The hearing took place on June the 15th, which required the notice deadline June the 5th. The school district did not send me the notice until June the 26th of 2023. The notice did not inform Samir he had a right to an attorney. The notice did not inform Samir that he had a right to have a non-attorney represent him at the hearing. The student was not notified that he had a right to present evidence and cross-examine witnesses. This is a prejudice to Samir. He was severely prejudiced. The school district did not allow Samir to attend and participate at the June 15th hearing. That also prejudices the student from defending himself, cross examining witnesses, presenting his own witnesses. He did suffer prejudice from that.

The school district did call the Sheriff's Department on us while we was lawfully at their hearing and falsely accused us of trespassing when we received a notice to be there. We did file complaints on that day with—I forgot his last name, Mr. Darwin. While we was there complaining about what the school district had did on June 15, we immediately went to complain. Then, that is when the Sheriffs came.

SHAW: Go ahead and finish. Did you have just a little bit more to say or?

DANIELS: Yeah, just a little bit. I'm trying to—I can't even see.

SHAW: Five minutes goes fast.

DANIELS: I know. Okay. Also, I did want to let you guys know. On August 3rd at the board meeting before the board made a decision to expel Samir, during their closed session deliberations, me and Samir did request to be present. The superintendent was present, and then also about four other individuals were present. According to the Ed. Code, let me get that for you. According to Ed. Code 48918 (b), if the district has closed deliberations and allows the superintendent and other parties to be present, the student and the parent is also permitted to be there upon request. We did make multiple requests and our request was denied.

SHAW: Well, thank you very much. We will have questions for you as well.

DANIELS: Okay.

SHAW: We will give the district an extra minute if that is okay.

DUNN: Okay, thank you. We will now hear the presentation from Saddleback Valley. You may address the Board for up to five minutes.

STANFIELD: Good afternoon. This is Justin Stanfield, director of Student Services with the Saddleback Valley Unified School District. I think for the sake of organization, I'm just going to go through. I had obviously had the opportunity to review Ms. Daniel's appeal. I'm going to go through, kind of, letter by letter. First, the governing board acted without or in excess of its jurisdiction. I truly believe that Saddleback Valley went above and beyond to accommodate the mother's request to delay the hearing, after 30 days from the previously scheduled time. Let me give you a little rundown of the timeline of events.

As Ms. Daniels indicated, the suspension and the recommendation for expulsion was on March the 31st, 2023, as noted on page 181. The suspension date was the Friday prior to spring break. The student suspension days were set then for, it was a five day suspension, from April 10-14, with a potential return date of April the 17. On Monday, April the 17th, there was a pre-expulsion meeting held in the Office of Student Services with Coordinator Mikey Park, to kind of go over some of the options that the family had, given the recommendation of expulsion. I believe at that time Mrs. Daniels indicated she requested an in-person hearing of the expulsion.

In an email dated on April 18, Ms. Daniels requested the expulsion hearing date of May 17. On May 1, about two weeks after that, Ms. Daniels sent an email to our office Secretary, Tawny Bloom, requesting to reschedule the May 17 meeting and a 30-day extension. A few days after that, Ms. Bloom did reply to Ms. Daniels that we would hold the expulsion hearing on June 9, 2023, at 9:00 AM. Ms. Daniels then did respond to Ms. Bloom stating that June 9 would not work for her schedule. She would like to use the full 30-day extension that she had requested, and to have the meeting on June 15, 2023. It was then decided at that point, and it was replied to Ms. Daniels that the meeting would be held June 15 at 10:30 AM at the Saddleback Valley Unified School District Office.

For the second portion, the local board failed to provide a fair hearing. I do want to let you know two days prior to the expulsion hearing, Ms. Daniels did email Ms. Bloom that she wished to video record the hearing and that Ms. Daniels did not consent to having the hearing audio recorded. On June 14, the day prior to the expulsion hearing, Ms. Bloom responded to mother's request informing her that video recording was not permitted in an expulsion hearing. As you know, the state of California is a two party consent state. There is no Ed. Code to support video recording in an expulsion hearing. However, the Saddleback Valley Unified School District was in compliance with the audio recording of the hearing in Ed. Code 48918 subsection (g), as well as our district Board Policy 1250. Ms. Daniels was told she would not be allowed to audio record as she wished.

Throughout the initial phase of the hearing, Ms. Daniels was asked six times to stop recording the hearing and that members of the panel did not consent to a video recording of the expulsion hearing. Ms. Daniels was then told that if she continued to video record, the hearing would be stopped and reconvened in another room without her present, which ultimately happened. Then lastly, Section C, there was a prejudicial abuse of discretion in the hearing. Citing some of the Ed. Code that Ms. Daniels put into her appeal, starting with 48911 (a) and (b). Ms. Daniels and

the student were both afforded the opportunity to have a suspension meeting. However, Ms. Daniels throughout the year would not attend such meetings with site administration. It is noted on page 182 of the packet that was provided, that there were attempts by site administration to hold the meeting. The student did refuse to sign the suspension letter, and Ms. Daniels was unavailable to attend a meeting on that date. The suspension letter was ultimately emailed to the mother. Citing 48911 subsection (g), on page 183, superintendent's continuance letter was issued to Ms. Daniels on March 31, 2023. The letter was issued and signed by Mr. Joel Rubio who was the assistant principal of Serrano at the time. The letter was delivered via mail, due to the fact that mother was not available to conference on this topic. Do I have time for two more?

SHAW: Was that five minutes, Darou?

SISAVATH: Yeah. (Inaudible).

SHAW: Okay, we will give you another minute because we gave her a minute. Sure.

STANFIELD: Okay, great. I'm almost done. Thank you. Then, citing 48918 (a) one and two, Ms. Daniels was offered a hearing date in this timeline. However, as I noted previously, Ms. Daniels did ask for an extension to the hearing. She had requested June 15, as that was the last date possible to meet our timeline under Ed. Code. The board meeting where action was taken was actually on August 3, 2023. Ms. Daniels and both the student were able to address the Board of Education in a closed session hearing to state her case. The Board of Education then did reconvene in closed session to deliberate and determine if the expulsion was to be carried out. They ultimately voted to uphold the expulsion. That concludes my time. Thank you.

DUNN: Thank you. Ms. Daniels, you may have an additional two minutes to make a closing statement.

DANIELS: Okay, thank you. According to Ed. Code 4891883, the district was required to put on the record any cause for delay of the hearing being done in a timely matter. Looking at the transcripts, the district did not comply with that. There is federal case law that overturned expulsions because of that reason. Also, as far as the extended suspension on March 31, I have the envelope. I did not get this notice that he was getting put on the extended extension until I received the hearing package for the expulsion hearing, which was on June 6. Then the Saddleback Valley School District mailed me a copy of the letter on, January, February, March, April, on May 2. There is no way that it should take 60 days to send this to the parent if they had an extended hearing. They are falsifying documents. It is not true.

As far as him saying that Samir refused to sign the expulsion letter, there is no Ed. Code or school district policy requiring the student to do that. Samir did not get an opportunity to tell his side of the story regarding any of the incidents, also during the hearing. Also, Mikey Park held the pre-expulsion hearing, but the Ed. Code required the principal of the school to do it, not a district staff member. In the case of Central District of California 1977, case of Gonzalez v. McEwen, the Court of Appeals overturned the hearing. Because they found that it was the superintendent present during the closed session deliberations violated the student's due process rights and was considered by federal court fundamentally unfair. The superintendent was present

during the closed session deliberations and four other people, and me and Samir were denied that right. The school district repeatedly failed to comply with the Ed. Code before suspending and expelling the student. Then they also prejudice Samir, and he was completely denied the right to defend himself at the expulsion hearing.

The school district engaged in conduct that caused us not to be there. They called the Sheriff's Department on us, and then falsely accused us of trespassing. Then we did file a complaint with Human Resources. After the school district kicked us out of the hearing, we were still on campus, on this district, for like 45 minutes filing the complaint. Then when we left out, the sheriffs was waiting on us. We felt unsafe. We sat outside on the bench. That is what happened. Yeah, they completely denied the student complete due process, at the school level, at the district level, and during the hearing. He is severely prejudice from defending himself.

DUNN: Thank you. That concludes the presentation for the student. Saddleback Valley Unified, you may have up to two additional minutes to make your closing statement.

STANFIELD: Thank you. Thank you, Mr. Dunn. I'm going to go ahead and waive my two minutes. I feel I have said everything that needs to be said regarding this matter.

DUNN: Thank you. That concludes the presentation from the district. The Board of Education will now ask questions of both parties. Afterward, the Board may deliberate in closed session and make a decision. The Board will then announce its decision and the hearing will be concluded, pursuant to California Education Code 48923. The County Board's decision shall be one of the following (a) where the county board finds that relevant and material evidence exists, which in the exercise of reasonable diligence could not have been produced or which was improperly excluded at the hearing before the governing board. The county board will remand the matter to the local governing board for reconsideration or grant a hearing de novo (b) where the county board determines that the governing board's decision is not supported by the findings required to be made by Education Code 48915 but evidence supporting such findings exists in the record of the proceedings. The county board shall remand the matter to the local governing board for adoption and inclusion of the required findings (c) in all other cases, the county board shall either affirm or reverse the decision of the local governing board (d) in accordance with Education Code 48923, if the county board reverses the governing board's decision, the county board may direct the governing board to expunge all references through the expulsion action from the districts and from the student's record. The expulsion shall be deemed not to have occurred.

The decision here is a final step in the appeal process. President Shaw, you are now in charge of the hearing.

SHAW: Thank you very much. Thank you, Ms. Daniels, for being here. We are always impressed to have parents come in advocating for their children. Obviously you are doing that for your son, so that is great and commendable. We are just all new friends. We are just here to help this young man out and do what is right for the school. Trustee Valdes, I see scribbling questions over there. Perhaps I will start to my right. Trustee Valdes?

VALDES: Ms. Daniels, I have a lot to ask you. You have raised quite a few legal issues. I happen to be an attorney, and I have sat as a judge in the workers' compensation courts in the state of California. When a litigant says their due process rights were violated, that is a significant allegation. I'm going to make the initial comment. I do not think you are an attorney. The allegations you are making, the references to federal court cases, are really not outlined in the material. I'm hearing all of this for the first time. Your position statement essentially is woefully deficient to make the arguments that you have tried to make here today. But I'm going to try and piece through them as best I can. You said earlier that the student was expelled for a non-expellable offense. Please expand on that statement.

DANIELS: Yes. The school district expelled the student because they found that he violated Ed. Code 48900.4. According to that Ed. Code, it allows the school district to expel the kid upon them finding that he intentionally, that is the key word that is there, intentionally engaged in that conduct. The school district did not say he intentionally did it because they know he didn't. They know if he did do it, it is due to his perceived disability that the school district even admit they believe he has. But the student—

VALDES: So let's go through the conduct.

DANIELS: Okay.

VALDES: Okay. There is multiple references to it. If someone can refer me to the—

SHAW: I'm on 17.

VALDES: All right. All right. The conduct is on page 17. Samir took a student's Easter egg, verbal altercation. The principal intervened, slang by the student. If these are the allegations of conduct, how does that fail to show intent if these are witness statements?

DANIELS: Well, for one, I just want to make it clear on the record that Samir's not here to provide testimony. Second—

VALDES: Hold on.

DANIELS: Go ahead.

VALDES: He is not here because you do not have him here. Wouldn't you have the burden of proof here?

DANIELS: No, because it was my understanding that today is not a second hearing for the expulsion. It is actually an appeal. I did not come here today prepared to have a hearing as if it is the initial hearing to determine whether or not to suspend or expel the student. I do not know if I'm incorrect, but that is the information that I was given that today is not an actual expulsion hearing. It is an expulsion appeal hearing.

VALDES: This is the witness statement on page 17. How does that not show intent?

DANIELS: Well, and this is where due process comes in. Like I said, Samir denied the allegations. He is denying the allegations, and I let the school district know that. He also let the school district know that. This is why it was important for him to be able to present his side of the story when the allegations first came down at the school. It was also crucial and important for him to have due process to give his side of the story at the actual expulsion hearing. But he was denied that right. I'm not able to provide—

VALDES: Hold on. Hold on.

DANIELS: Go ahead.

VALDES: I'm trying to piece through this, okay?

DANIELS: Okay.

VALDES: Page 53, he was offered the opportunity to provide a statement, and he walked out of the room. What say you to that?

DANIELS: Well, I mean we are going to go in circles because Samir has firsthand knowledge of what did and did not occur. I wasn't present. That is why it was important for the student to have due process at the hearing to give his side of the story. He was denied that right. I think it would be presidential for me to make firm statements on behalf of Samir as far as that. Because the school district had the full opportunity to comply with the Ed. Code and give the student the opportunity to give his side. So, he is prejudiced. So, yeah.

VALDES: Then you said that the expulsion hearing, that you were not invited to the extension hearing. What does that mean?

DANIELS: Yeah, according to the Ed. Code, Samir was initially suspended for the alleged offense on March 31. According to the Ed. Code and case law, if a student is put on an extended suspension, meaning the student has to stay home until the school district decides whether or not to expel the student, by law that is considered a separate suspension which requires due process and a hearing. The school district did not invite us to it, me or Samir. It says before the school district determines to put the student on an extended expulsion, it has to be preceded by a meeting where the parent and student was informed and invited. The school district did not comply with that. That is another due process that they violated of the student.

VALDES: What day was the extension hearing that you were not invited to?

DANIELS: Well the school district, according to their document, that I believe they falsified, it says that they determined on March 31. The same day that the school suspended him, they made the decision the exact same day to put him on the extended suspension. They were required to have a hearing before doing so, and they did not.

VALDES: All right. Is the no timely notice argument that you made, is that the fact that you got a letter on June 6 for a hearing on June 15? Is that what you meant by that?

DANIELS: No. As far as the extended suspension, that is dealing with the school, the principal. The Ed. Code requires the principal to hold a meeting with the student and the parent before putting the student on extended suspension. They put it him on an extended suspension without giving the student a right to be invited and to defend himself. Now as far as the untimely notice, that is regarding the actual hearing that the school district conducted on June 15. That was the untimely notice. Not only was the notice untimely, it did not give him proper information as far as the right to an attorney, the right to present evidence, the right to cross-examine witnesses.

VALDES: Okay. Let's go to the actual hearing transcript, which I read.

DANIELS: Okay.

VALDES: Samir did not testify at that hearing at all. Correct?

DANIELS: He was not allowed to. When the school district started the actual expulsion hearing, we were not present. The attorney, the lady that is here for the school district, she actually instructed all board members, the witness they had, and the alleged facilitator. She said, "Let's go." She instructed all of them. They all walked in together, and they all walked out together. She guided them and instructed them to leave, while me and Samir were still sitting there by ourselves.

VALDES: Okay. I'm looking at a transcript where you are speaking, primarily talking about recording. Someone named Alefia, I can't pronounce that last name, Mithaiwala was present also. Was Samir present that day?

DANIELS: Yes, sir.

VALDES: Okay. Why did you not ask him to defend himself on that day?

DANIELS: Okay, I think you are confused. Okay. When you are looking at the transcripts, when you see the communication, the expulsion hearing had not started yet. The expulsion hearing first started after the school district attorney instructed everyone to leave out the hearing. According to the transcripts on page six, she went and consulted with the board members. After she consulted with the board members, that is when the Sheriff's Department showed up. Then she went back into a whole separate room and they had the meeting. When they started that meeting, me and Samir wasn't there. In the beginning, the meeting had not started. We were just discussing the disputes as far as the recording. So, no. When the actual expulsion hearing started, when were not present.

VALDES: Okay. Okay. What you are saying is you never were offered the opportunity to participate in any hearing on the substantive arguments at all.

DANIELS: That is correct.

VALDES: All right, so hold on. Folks from the school district, the student's mother is here saying that she was never offered an opportunity to even appear at the expulsion hearing. I do not

see any testimony here other than talking about recording devices. I read through this. What is your position on that statement?

STANFIELD: I think it is pretty clear in the transcript. You know. The beginning of the transcript itself starts with Ms. Daniels expressing her desire to video record. Then there is some back and forth between the panel chairperson as well as our legal representation there that we are not consenting as a school district to be video recorded. If you see on page one, I believe 197, Alefia, our attorney, basically tells Ms. Daniels: At this point you have two choices, you can stop video recording the expulsion hearing or we will proceed with the expulsion hearing without you. Alefia does give Ms. Daniels multiple verbal prompts to stop videotaping, number one. Then, number two, also multiple opportunities to allow her to stay and participate in the expulsion hearing.

However, Ms. Daniels continued to video record. At that point, Alefia did tell Ms. Daniels and Samir to stay in the room where the expulsion hearing was being done and to have the panel members, as well as the school presenter and the chairperson leave the room that the expulsion hearing was taking place in.

VALDES: Okay. Now I understand what happened.

ALEFIA: If I can just expand on that for a moment? The reason that I asked the panel members and everybody to step out of the room is because Mrs. Daniels would not stop video recording with her cell phone or her iPad device. I then went out, not to speak to the panel members, in fact I asked them to go to a completely separate location so that I could consult with my client as to whether or not we could obtain or could not obtain consent to being video recorded, given Mrs. Daniels adamants that she was going to video record if she was going to participate in the expulsion hearing. After that was decided, that in fact we were not in agreement to being video recorded as we had previously informed Mrs. Daniels in writing and repeatedly at the start of the expulsion hearing, I then went back to the expulsion hearing room expecting Mrs. Daniels and Samir to be there. I had asked them, it is in the transcript, to stay and wait. Instead of staying and waiting, they proceeded to go around the district board offices and were just walking around. That is the point where staff were concerned and the Sheriff's Department was called. Mrs. Daniels was quite agitated at that point. She did not return to the expulsion hearing, nor did Samir.

VALDES: Okay, I think I understand what happened. I do not have any more questions.

SHAW: Thank you.

DANIELS: May I respond to that just briefly, because it is very important?

SHAW: Go ahead.

DANIELS: Okay. I just want to make it clear on the record that according to Ed. Code 48911 (g), it does allow the hearing to be video recorded. For two, the district did not present any

evidence that I was actually recording. I requested to record. I did not record the hearing. I just want to make that clear. Also, me and Samir was not walking around the campus. We actually—

VALDES: What is the Ed. Code section you just referred to?

DANIELS: 48911 (g), and it does allow video recording. I clearly told the district, for future reference and so that the record would be all the way clear and because it is part of the student record, that is why we were requesting for it to be video recorded. But we did not video record. We only requested that it be recorded. Also, me and Samir was not walking around the campus. Like I clearly explained, we immediately went to Human Resources at the district. We filed a formal complaint that they denied him his due process rights and kicked us out of the hearing. I do want to make that clear.

SHAW: Thank you. Dr. Sparks?

SPARKS: Yes, thank you. I noticed a couple of different addresses in the correspondence. On August 4 there was a correspondence sent to your Lake Forest address.

DANIELS: What exhibit is that?

SPARKS: On August 4 there was a letter sent to you, to your Lake Forest address. Then on September 12, I see an address in Los Angeles. Where do you live?

DANIELS: I do not know what document you are referring to so I could give you a response.

SPARKS: Where do you live August 4, and where do you live September 12?

DANIELS: Well I have a mailing address. The law allows us to have mailing. Because there is mailing issues we do use a separate—

SPARKS: I'm just asking where you live?

DANIELS: Yeah, in Lake Forest.

SPARKS: In Lake Forest?

DANIELS: Yes.

SPARKS: Uh-huh. Then I noticed, I have a couple of questions for our attorney actually. When the parent is referring to Ed. Code and intent to carry out a certain behavior, is that correct interpretation? Can you shed light on that?

ROLEN: I can. If you want me to do it in open session, I can do it in open session. If you want me to do it in closed session, I can do it in closed session.

WILLIAMS: Closed session.

SPARKS: Closed session. Okay. Then I was also wondering of the parent, I see in the materials related to the hearing transcript, reference to Orangewood. Does the student live with you or is the student living in Orangewood?

DANIELS: Oh no, my child is with me. I never lost any parental rights to my kid. My kid is with me.

SPARKS: Okay. Okay, and how is he doing?

DANIELS: He is doing great, other than stressing out over this expulsion on his record. It is affecting him mentally, this unlawful expulsion without due process. Let me correct that.

SPARKS: Okay, so I will stop my questions for now.

SHAW: All right. Thank you. Dr. Williams?

WILLIAMS: I have no questions.

SHAW: Trustee Barke?

BARKE: I have no further questions.

SHAW: Thank you. I guess for me, as I'm reading through the transcript, it seemed to all break down right off the bat over the recording issue. I guess for me, ideally the family should be present. You guys immediately had this irreconcilable reading of the right to record or not. If there was another opportunity for a hearing, where the district presumably would, if they keep the same policy that you can't video record, would you be interested in participating in such a hearing where you and your son were present but you are not able to record? Or, are you just adamant on, it has to be recorded, a video recording?

DANIELS: Well, in response, me and Samira never refused to participate. We never asked to participate. The district ended, before it even started, they walked out. Me and Samir were just sitting there. That is when we went and filed a complaint.

SHAW: Well, if I'm reading this right, you could have stayed there. If you just put any recording device away or let them do their audio recording.

DANIELS: Well.

SHAW: That is the way I was reading that.

DANIELS: I mean, no. It is a misinterpretation, sir. All we did was specifically request to record. We did not refuse, walk out. We never said, if you do not let us record, we are going to walk out. That is their false interpretation.

SHAW: Okay.

DANIELS: The evidence doesn't reflect that we refused to participate because we couldn't record. Also the district attorney, all the panel members, and their witness, they all walked out. They was free to walk. Me and Samir was not detained and we were free to walk. We were still in the school. We went on the district property. We went and filed a complaint. We was with Human Resources. We complained about everything that just had happened. It is the conduct of the district and their attorneys that denied Samir due process. They caused the issue. All we did was put in a specific request and we referenced the Ed. Code. We did not do anything wrong. All of this happened right in front of the panel. Samir was prejudiced from that too. They had to see all that.

SHAW: What are going to do now is convene into closed session and so we will come back. We are going to meet with our attorney. Thank you.

DANIELS: Okay, thank you.

STANFIELD: Thank you.

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

SHAW: At this point, I will entertain a motion.

VALDES: I have a motion. President Sparks and members of the Board. Whereas the disagreement over the recording method of the hearing inadvertently caused material or relevant evidence, namely any presentation by the student to be excluded from the hearing. I move this Board to remand the matter to the Saddleback Valley Unified School District's governing board for reconsideration. We recommend another expulsion hearing to cure any potential procedural defects; namely, sole reliance on hearsay evidence at the hearing. Further, that the only legal requirement is a reasonably authentic recording and that a video recording is not necessary.

SHAW: Very good. Is there a second?

WILLIAMS: I will second that.

SHAW: Seconded by Dr. Williams. Any discussion?

BARKE: No.

SHAW: Seeing no discussion.

BARKE: No.

SHAW: Okay. All in favor of that motion say aye.

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

SHAW: Any opposed? Okay, so it is unanimous.

DUNN: Okay. The decision of the OCBE is to remand the matter to the local governing board. Thank you very much. This concludes the hearing.

SHAW: Thank you, Ms. Daniels.

DUNN: Thank you.

DANIELS: I can comment, right?

SHAW: We are done, but go ahead.

DANIELS: I don't know how to do it. Mr. Dunn, help me. Okay. It is on? Okay. I just want to make sure that I put on a record that I do not believe that the student, could have a fair and impartial hearing even if it is remanded back to the district. Just so that you guys know, there is a current investigation. We did file a uniform complaint. Also, I did serve the school district with a claim for damages for what happened to me and Samir on that there. There is no way. The board has already made their decision. They are upset with us. It is clear.

I'm just letting you guys know. I also do not think it is fair that the school district, I do not believe that having it remanded to give the school district a chance to correct their misconduct and their wrongdoings, it is not in the best interest of the student. There is no way he could have a fair and an impartial hearing at all. I have no doubt of that. Yeah, so they violated all his due process. They shouldn't get an opportunity to correct their wrongdoings against the student.

SHAW: Okay. Well good luck to you and your son.

DANIELS: Okay.

SHAW: All right.

DANIELS: Also I do want to put an objection on the record, just to preserve it.

WILLIAMS: We are actually off the record. We are actually off the record now.

DANIELS: Oh, we are off the record?

DUNN: Yeah.

WILLIAMS: This is now closed session.

SHAW: It is over.

WILLIAMS: Yeah.

DANIELS: Oh, okay.

SHAW: We have made our vote. The Board will now be convening to closed session.

DANIELS: Okay.

SHAW: To go over closed session items one through four.

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

SHAW: I think we can go ahead and get started. We apologize for our late start. We had an extended closed session. For the record, we are coming back into open session now at 5:15. Counselor, is there a report out of closed session? Mr. Brenner?

BRENNER: Good evening. Members of the Board, good to be with you. This is the report out for closed sessions one through four for tonight's meeting. At the closed session for one through four, no action was taken by the Board after a discussion with counsel. With respect to closed session items one through three, the only other action taken at all was to approve Epstein Becker Green's invoice numbers 1134094, 1134095, and 1134096. The vote for approval was 5-0 unanimously. That is the report out for the closed sessions tonight. Thank you.

SHAW: Thank you. We will begin with an invocation. I asked Kevin Pratt if he would kindly offer an invocation to get us started.

KEVIN: Sure. Let us pray. Heavenly Father, we humbly bow our heads and thank Thee, as we join together now to consider the affairs of education in this county. We are grateful to live in such a beautiful place, a place that cherishes liberty and enjoys the freedoms that this country has provided. We are really grateful for these public servants, for their leadership, and for their willingness to sacrifice. Their family's willingness to sacrifice to do what is good for the children and for the parents of this community. We pray that Thou spirit will be with them as they consider the matters at hand. We ask for these things in the name of Jesus Christ. Amen.

SHAW: Thank you, Kevin. We are honored this evening to have a good trustee from the Placentia-Yorba Linda School District, the honorable Leandra Blades. I would like to ask if Leandra would lead us in the Pledge of Allegiance?

LEANDRA: Place your right hand over your heart. Ready. Begin. 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.

SHAW: Thank you, Leandra. It is great to see you. Nina, are there any introductions?

BOYD: I have one this evening. Dave Giordano. Dave Giordano was hired as the Associate Superintendent of Administrative Services. Mr. Giordano was born in Youngstown, Ohio, and his family moved to California in 1968. The family settled in Anaheim where he currently resides with his wife Alicia of 25 years, and two sons, John Paul and Anthony. John Paul is preparing for his second year at Chapman University, and Anthony is entering his junior year of high school. The family also has a chocolate Labrador retriever named Enzo, who joined the

family about a year and a half ago. Mr. Giordano has over 26 years of school business experience and 32 years of overall professional business experience.

He recently served as the Assistant Superintendent of Business Services with Placentia-Yorba Linda Unified School District. Prior to Placentia-Yorba Linda, Mr. Giordano served with Brea-Olinda Unified School District as the Assistant Superintendent of Business. Prior to that, he was at Centralia School District as the Assistant Superintendent of Business and Administrative Services. He also served at Anaheim City School District as the Director of Fiscal Services. The highlight I would say is that he started his education career with the Orange County Department of Education, Business Services Division. He held various management positions here prior to elevating his career. Although it sounds like he moved around a lot, I will say that all of those were promotional opportunities to larger districts, larger budgets.

Mr. Giordano also completed his Bachelor's degree in Business Administration with a concentration in accounting from California State Polytechnic University Pomona. He also has a Master's in Business Administration with a concentration in management and leadership from the University of Laverne. When asked why he decided to work for the Orange County Department of Education again, he said that it was because of the reputation that is held by this office. Providing school districts, community colleges and families, he is committed to carrying that legacy forward in collaboration with the Department staff of dedicated professionals who he knows strives every day to provide the highest quality education to all Orange County students.

It is also an opportunity for professional growth for him. At the same time, a chance to continue servicing districts throughout Orange County, including programs that serve our most vulnerable student populations. His hobbies and interests outside of work, he enjoys spending time with family and friends. When time permits, he also likes to exercise, read, and fish. I asked him the one word that describes him best. He said, "loyal." His goals are to continue to make a positive impact both personally and professional each and every day.

We are so glad that you have decided to join our team again. Thank you.

SHAW: Terrific. Welcome. It is good to have you. Thank you. If I could add one introduction, maybe? Leandra, would you like to introduce your superintendent that you have with you this evening? Everyone should know.

LEANDRA: Yes. Everyone, I'm Leandra Blades. I'm the Vice President of the Placentia-Yorba Linda School Board. It is my honor and privilege to introduce our Superintendent Dr. Alex Cherniss.

SHAW: Dr. Cherniss, welcome. Okay, so we will proceed to public comments. How are we looking, Dr. Sparks?

SPARKS: Okay, yes. We have one general comment, then a few under item number eight, and a few under item number five. Yes. We will have our general comment, Nancy Watkins.

NANCY: Good evening, Trustees. There are several themes in this month's agenda. Excessive legal fees, the erosion of democratic processes, and a lack of transparency. Legal fees, the Orange County Board has spent over \$46,000 on legal fees this month. At a time when fiscal responsibility is paramount, it is disheartening to see the accumulated amount of \$10 million over the last five years being allocated to unnecessary legal matters that have yet to be resolved, especially considering the numerous challenges our educational system faces.

The second theme is a power grab. Item seven represents a board attempt at a power grab by starting the process to vacate an elected official and appoint a replacement without adhering to federal and state laws about leaves of absence. This raises ethical questions and threatens the democratic principles upon which our local governance is built, and it demonstrates a lack of empathy. The Orange County Board of Education's desire to assume the duties from the Orange County Committee on School District Organization, enabling this board to create its own districts and assume additional powers is also deeply troubling. Such actions risk undermining the democratic processes that guide our education system.

The third theme is a lack of transparency. The charter school hearing tonight and item eight show a lack of transparency. Item eight is a resolution presented as establishing fair and equitable facilities. It actually is a not so subtle attempt to release Department reserve funds for use by county-approved charter schools. The resolution mentions access, but the focus on the bullet points in the resolution are only related to charter schools and not students in the ACCESS program. I urge this board to reconsider its current trajectory and focus on policies and decisions that prioritize the wellbeing of students and responsible use of taxpayers' funds. The continuous waste of time and money on legal matters and potentially illegal resolutions and policies, coupled with this attempt to expand the Board's power is a disservice to the community you were elected to serve. Thank you.

SPARKS: Thank you.

SHAW: We will proceed to the consent calendar, items two through three on consent. Do I have a motion?

BARKE: So moved.

WILLIAMS: Second.

SHAW: Okay. Moved by Trustee Barke, seconded by Trustee Williams. All in favor?

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

SHAW: Anyone opposed? Passes unanimously. We will proceed to item number four. Nina, are there any charter submissions?

BOYD: Not this evening.

SHAW: Very good. Item number five, Aracely Chastain, would you please come to the podium? We have the California Republic Leadership Academy Yorba Linda on deck.

CHASTAIN: We do. Good evening, President Shaw and Trustees. Today the Board will hold a hearing to consider public input regarding the charter petition appeal submitted by California Republic Leadership Academy Yorba Linda on August 28, after denial 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 eighth grade for an initial five-year charter term, from 2024-2029. Before public comments, representatives from California Republic Leadership Academy Yorba Linda and Placentia Yorba-Linda Unified School District are each allotted 15 minutes to address the Board. I now call the California Republic Leadership Academy Yorba Linda representatives to the podium.

DAVIS: Good evening. Board President, members of the Board, it is a pleasure to be back here with you tonight. It is always a pleasure to see you. I think we have a presentation that was up for a second, but we will see if it goes back up, hopefully. If not, we will still walk through it. Oh, did I close it? So sorry. As always, it is my fault.

MEDIA STAFF: There we go.

DAVIS: Awesome. Thank you very much. Teamwork makes the dream work. Just as a reminder, the California Republic Leadership Academy is a unique classical leadership education model program. It takes the foundation of classical education and then layers on top of that the Franklin Covey, Leader in Me Program. Then weaves throughout all of it, the notion of servant leadership and teaching entrepreneurial leadership as well, but leadership in general. Our vision, which is up here, of course to read, but is to inspire and empower the next generation of California's leaders, to excel academically, be proud Americans, proud Californians, and to impact the world with the excellence that was derived from the education like that which produced the inspired servant leaders that founded our great nation. We believe that this vision aligns very well with your vision.

Our core values are appreciation of our national heritage, public and private virtue, scholar-empowered learning, fostering creativity and entrepreneurial spirit, high standards of academic excellence, modeling what we teach, building a culture of greatness, self-governance, personal responsibility, accountability. Really, our goal is to develop thinkers, entrepreneurs, and states people that have the character, capacity, and the competence to lead the next generation in our communities, so, in our community, in our state, and in our country. We will teach our scholars how to think and not what to think. A few things, in addition to the unique academic classical leadership education program, that make us different are certainly no phones, school uniforms, the unique set of curriculum that brings together core knowledge, Leader in Me, the use of mentors. Also, just again, weaving servant leadership throughout our educational program model, frankly, a mission-aligned school culture. To me, I think that is what makes charter schools so special. It is their ability beyond—like a neighborhood school's general goal is to be there and serve the community. We are there to serve the community as well, but charter schools have very specific cultures, mission, visions and values. That is what makes us unique and special.

Our goals, I think I kind of stated some of them. I just want to emphasize that we are going to teach the importance of freedom. How an educated society is a free society. We will teach our scholars critical thinking. We will teach them about noble service. We will teach them to be lifelong learners. Our program will make you proud. That I can guarantee you. As you all know, you approved our first campus in San Juan Capistrano, which we are very appreciative of. I'm very pleased to say that it is going well. August 17 was our first day of school. We have an amazing staff team led by our principal there. I will introduce our principal at this campus in just a moment. So far, the feedback we have received from our parents has been extremely positive. Really, I would say it is going well, overall. We have strong first year enrollment. Kindergarten, we still have a wait list, which is a bummer. We would have liked to have been able to let everybody in, but most of our grades are close to full. Our early grades are full. That is going really, really well. We are grateful that we have the opportunity to partner with you on that school.

Also, our Board President Kevin Pratt you know is here. He got to give the invocation. I will introduce the rest of our team in a minute. But right now it is my pleasure to introduce our Principal Brittany Rainier.

RAINIER: After explaining our mission statement and goals to the community, we had a great response. We obtained almost 200 families, which totals up to just under the planned enrollment for the first year. Many of these signatures come from families who are currently homeschooled or private schooled, so this will bring many more families back into the public school system. Also, while acquiring signatures for families, we obtained seven credentialed teacher signatures. That will add up to about half of our staff for the first year. The teachers stated that they believed in the mission statement, and they wanted to be part of creating great leaders in our city and state.

As we gathered signatures, we asked some of the parents to tell us their thoughts and statements. I think these statements speak for themselves. "I'm excited about having school options for our children that offer high education standards with a focus in leadership, morals, and values to produce healthy life skills. Under this model, both of my children have grown to show empathy for others, learn the value of community, and are becoming lifelong learners. I'm thrilled to have a school that will support these teachings. We can't wait for a school that is invested in a strong future for a generation that will live morally, have passion for learning, and lead our country with victory and compassion for others. Our community needs education options that focus on character, education, and leadership opportunities. I want a school for my children that will teach them to be free thinkers and challenge them to go back to the source while acting in a respectful manner. We want CRLA so that our children can go back to public schools."

I have personally seen these methods change students' lives by offering a different approach. I'm excited to send my own kids to a school where they can experience such an incredible educational opportunity. Before I end this part of our presentation, I would just like to give a chance for those who are here on behalf of students who would be attending CRLA to please stand for a moment. Thank you.

DAVIS: Awesome, thanks very much. We are talking fast too. We have 15 minutes, so bear with us. Your staff asked us to really focus in on responding to the Placentia-Yorba Linda staff findings. I guess I want to point out a couple of things. First of which was kind of unusual, something sort of unusual. We have been through this process before, so I reached out to staff in advance. I asked them in writing. How long do you think your presentation is going to be so that we can time our presentation to respond about the same time, because that is how the law is written? Staff responded back and said, "There will be no staff presentation; therefore, no opportunity to speak. But you can speak under general public comment if you would like. You have up to three minutes to do that." So we did. In general public comments, not on the item itself, but general public comments, we got up and we spoke and kind of shared our response. It was like a 25-page letter. Right? We had three minutes to respond, which we did the best that we could.

Then when we got to the agenda item, the staff actually did do a presentation, even though they had said in writing that they wouldn't. We were not given a chance to respond to it. I do not know. That was just highly unusual. I have never seen that before, so I just want to point that out. Second point is that I felt like the trustees, we have got one here tonight, she can speak for herself. But my opinion was that they generally seem supportive. This is my opinion, but they were not interested in being authorizers of a charter school. I understand they do not have charter schools that they authorize and oversee now. That is a big responsibility, so I understand that.

I also kind of got the impression that there was not a desire to overturn the Staff Report. I get that. I get that completely. But I would say generally, the Staff Report, I mean we have got Janelle Ruley who is going to get into a little more detail here. But really, there were no findings of fact in the Staff Report. They were opinions, speculative statements, asking for things that are not required by law. I mean, really there is no actual facts in the 25-page Staff Report that led towards any rationale to deny the charter school petition. I would like to introduce Janelle Ruley with YMC, and she is going to speak to some of those.

RULEY: I think Gary did most of my job. Good evening, board members. My name is Janelle Ruley. I'm with legal counsel, and I'm from the law offices of Young, Minney and Corr. We did want to be responsive to what county staff have, kind of, asked us to talk about, which is some of the district's reasons for denial. The district staff wrote up a lot of reasons why they wanted to deny the charter. That is undeniable. However, most of them do not actually match legal requirements. They are either based on opinion, or speculation, or regulations that do not actually apply. In fact, in some instances the district wrote up findings to deny the charter based on a capacity interview. But the law only allows denial based on the charter petition itself, not based on an interview. The district did have a lot of reasons, but none of them actually aligned with the law. I hope I did not do that.

As Gary mentioned this thing about the district staff giving a presentation in the charter school not being able to, that does violate the law. Assembly Bill 1505, which became law in July of 2020, harmed charter schools in a lot of ways. But one of the protections that it gave charter schools is that during a decision meeting we get equivalent time and procedures. That was not afforded in this situation. If this were an appeal to the State Board, we would allege that as an abuse of discretion. The charter was denied because there was an alleged lack of description of

how the school would be adopting its curriculum. Curriculum is mentioned 50 different times in the charter petition and the educational program itself is 30 pages. We think even if that were required at that level of detail, the charter already meets that.

The charter was denied because it had an ADA projection. There is a student enrollment and then how many of them are showing up every day. The charter school had a projection of 95%, which I think in pre-Covid days probably wasn't that high. But in post-Covid days the district thought it was a little bit too high. But in fact, this is an elementary school. Enrollment at those levels is common. The current school, I just checked with Gary, does have a 95% ADA rate. I do not see any facts to back that up.

The district denied because the insurance levels did not meet their own requirements, but I do not know what their requirements are. They are not published. We proposed something because we made a reasonably comprehensive description, but there is no sense of what the district's requirements actually are. Just a couple more. The district denied because the charter, they said did not accurately describe the facility location. As this board well knows, almost no charter school can give you an address of where they intend to locate when they open. Because no landlord is going to sign a lease. If they are seeking Prop 39, the process just hasn't completed yet. I think you all know that the law does not require that.

Then last, the district denied because they said that this proposed school duplicates already existing district schools and their educational programs. But there was no evidence provided that the district operates a school that is founded in a classical text for an educational program. We just wanted to talk about some of those findings. I think I'm going to turn it over to Roy next to talk about some of the financial pieces. Thank you.

KIM: Good evening. My name is Roy Kim from ICON School Management. I wanted to just take the opportunity to just address a couple of the fiscal findings. I know we had responded in detail to the district, but I just wanted to highlight a couple of things. We felt that the reviewer of the budget portion of the petition did not clearly understand how a charter school operates and made erroneous assumptions or speculations. Just a couple of examples, the district wrote, "The petitioner's cost of living adjustments, or COLA, are not aligned with the School Services of California's projections and inflated estimated revenues." When we submitted the budget, it was in April 2023. The petition was reviewed in July. As you all know, the state goes through budget revisions in May, called the Governor's May Revise and the June Budget Adoption. During those times, the COLA rates changed pretty significantly. We could not have projected what the COLA rates would have been at that time when we wrote the budget projections.

The second item that I just wanted to highlight. The district wrote, "The custodial position budget projection does not include benefit costs." Our budget chart indicated that we are putting the FTE or full-time equivalent of our staffing positions, and our custodian was 1.25. During the capacity interview we highlighted that these are two part-time positions, and that is why we did not include benefits because there were five and a half hours a day. That does not exceed the 30 hours a week. However, the district still made that a fiscal finding even though we clarified that during the capacity interview. We feel that a lot of the fiscal findings, the district either made

wrong assumptions, or we clarified most of the other questions. But they were not considered when they were actually writing the findings.

DAVIS: Again, yeah, we were sort of asked to respond to the staff findings. We wanted to do that for you. I hope that was helpful. We are just really grateful to be able to be here in front of you all for a hearing. We know that we will get a fair public hearing in front of you, and we are grateful for that. We thank you, and we are happy to answer any questions that you have.

SHAW: Thank you.

CHASTAIN: I now call representatives from the Placentia-Yorba Linda Unified School District to the podium.

CHERNISS: All right. Good evening, Board of education. I'm Dr. Alex Cherniss, Superintendent. I'm new to the district, but not new to the field of education and not new to Orange County. I was raised in Orange County in Seal Beach. I went through Los Al. I am a Los Al grad. For the past five years, I have been superintendent in Palos Verdes. I was superintendent through Covid, and I was a staunch advocate for parent rights. We were one of the first schools to close down when Covid began and the first school to open up in LA County. We advocated to the state of California. Through our advocacy and the consortium we put together, we got kids back in schools. We made the county and the state change their policies to get our kids back in schools. I know a little bit about standing up for what is right and standing up for kids. I commend this board for doing the same.

I know you are dealing with a lot of issues here about local control. I believe in local control. I'm bringing to Placentia-Yorba Linda a lot of values that this community holds dear about local control. I understand this board is disputing their authority on the County Committee. I was the only superintendent not to sign that letter, because I believe you have that authority to pursue that as you choose. I asked the Board to give us the ability to run our schools how we think is best for our kids. We are opening a charter school. We have a charter petition coming next week to our school board. We are converting one of our schools to a charter school. It will be the Orange County School of Computer Science. It will have foundational mathematics. It will not have common core math. We are going to be using a whole foundational approach.

One of the problems with common core math is it is very much language based. So many of our kids are falling behind because mathematics, they do not have the foundation. A lot of the things you will hear about charter schools where this foundational, classical education, we are going to put it into real-time, effective implementation in our charter school. For community members in Placentia-Yorba Linda that want to go to a charter school, we are going to have that. I love charter schools because I love innovation. I love the ability for educators to be able to develop new exciting programs. This is not it. This is not it. There is nothing in this petition that stands out that is special or different. It is nothing like the charter schools we are going to put together.

I just want to say a few things that you need to know. Just last week, I was inundated with people coming to me and saying, there is a charter school coming to Placentia-Yorba Linda. I said, "What do you mean?" Thinking it was the charter school that we are developing. But this

organization on their Instagram page have these ads going, saying, “Coming to Yorba Linda in 24-25, the California Republic Leadership Academy, Capistrano Valley. It is a tuition free school in the classical liberal arts.” To usurp your authority, to put advertisement out in our community that it is already a done deal. That this charter is approved already, is completely disingenuous. It disrespects the entire process. To the point on public comment, on presentation, they did present. They spoke for over nine minutes, and we spoke for two and a half.

We could dispute the details. But I will tell you this, we are doing exciting things in Placentia-Yorba Linda. We respect this board. Allow us and our community to open our charter school and invite our community members into our charter. If there are areas in this county that do not have charter schools and do not have the innovation or the opportunities for kids, let's open charter schools there.

BLADES: Well, for once, I do not know what to say anymore after that. I think he hit all the topics. But my name is Leandra Blades. I'm the vice president of the Placentia-Yorba Linda School Board, and I'm speaking tonight from my perspective on this whole thing. I'm a big supporter of school choice. I'm sure everyone is aware of that. In my three years as a school board trustee in Placentia-Yorba Linda, I have become very aware that when elected to this position, I'm elected to represent all students, families, teachers, staff in our school district. My primary concern that I would like to bring forward tonight, is that in light of a flawed system presented by CRLA, there is a lack of clarity in the process of identifying a location for CRLA. This causes me concern as a trustee of Placentia-Yorba Linda.

As a believer in school choice, I fear that the approval by the OC Board of Education will undermine our ability to provide parents with a localized option that features high levels of innovation, immediate access to skills that will prepare learners to be leaders in 2030 and beyond. I would also ask the OCBE to consider denying placement of CRLA in Placentia and Yorba Linda, because we are offering a better option for our families. We do not want to dilute or take away that from our students and families. As Dr. Cherniss just mentioned, that is the Orange County School of Computer Science, especially given that there has been no established location within our boundaries put forth in the CRLA charter.

In addition, my concerns relating to the location, my deeper concern is meeting the needs of learning for our students. CRLA educational program emphasizes their emphasis and vision, but presents gaps in how they will provide rigorous and enriching learning experiences. The PYLUSD school district and its affiliated conversion charter is not only a viable learning model, but it is petition explicitly outline goals and resources that will target achievement gaps and provide rigorous learning opportunities for all students in order to prepare them with essential skills for the future and beyond. As our superintendent just elaborated on, another concern in our community and for the past week, people have been approaching me that CRLA has been running ads on Instagram and on their official website boasting that they will be coming to Yorba Linda in the 24-25 year. Stating their location will be announced, pending approval by the OC Board of Education.

I find this has created mistrust and confusion among our stakeholders, denying them full transparency and the opportunity to engage in this process. On behalf of my constituents, I'm

voicing concern that they believe the CRLA has been dishonest in this process. I'm asking you that you follow the charter petition process, which should outline a clear location. It is my hope in doing so, our integrity will not be called into question with this decision-making process. Our stakeholders are seeing the lack of the CRLA's placement of a location, along with other lack of transparency and other areas. They think that this is a backdoor deal done by politicians. I'm just going to be honest here, completely honest. That brings up our integrity as a district and your integrity as a board. I want to look out for everyone here. But not only that, I want to do what is right for students. I know that CRLA is not right for the students in Placentia and Yorba Linda. But our staff, our innovative staff, and our team, can provide what is best for our students and our community.

In closing, the Orange County School of Computer Science that we are bringing forward in a petition next week, or I should say staff is bringing forward, it strikes the balance of building foundational knowledge while accelerating learning skills and acquisition for all learners. I thank you for your time, and I stand firmly behind this. Our staff has been on fire for this. We have become a student-centered district within these last three or four months, focusing on them, focusing on their needs, preparing them for the future. I believe in this program, and I believe in our superintendent. I believe in our staff. I especially believe in the people who have been doing the model of our charter. I am here to say please deny the CRLA charter. Please allow us to retain our local control and to do what is best for our community. Thank you.

CHASTAIN: The hearing is now open for 15 minutes of public comment. Dr. Sparks, are there any public comments for this agenda item?

SPARKS: Yes, we have a handful. What we will do is call the first one up, and then the second one will be on deck. The first one is Nick Mangoutas and on deck would be Randy Woolstrum.

NICK: Thank you for having us out to speak. Just wanted to say, avoid the redundancy. We know that we love school choice, and it is an important factor. Not one size fits all. Right? We understand that. I'm a father. I'm a husband. I have six kids. My kids have gone to all various types of schools; whether it be charter, public, you name it. However, I just wanted to share kind of a metaphor that I think that you should know. We recently had a visit from an internet company. The internet company that we have had for years has been claiming to be the best internet. But they were the only internet company in the area, so we had to use them.

Now, a new internet company came in and said, we are going to put in internet in your neighborhood. So we will be the second internet company. What we investigated and we realized, they had better things to offer us. We were happy with the product, and we decided that we are considering to change. It worked for our family. Yet, we did not know that they had such a great product because there was only one option available. Now that there is another option, that option meets our needs. I just wanted to say that metaphor means a lot to me. Meaning that sometimes we need options. We need competition, and we do not know what we are missing unless we see what the alternate product is available. Thank you.

SPARKS: Thank you. Randy is up, and on deck is Megan Muscol.

RANDY: Hello, my name is Randy Wilson. I thank you for giving us this time to speak. We need a charter school that offers students and parents choice. Choice on issues they think are important to them, and I think that this group does that. My experience with kids, and as a foster parent, is that there are students out there that have extra needs. I have found that with them, the schools usually aren't able to provide that or follow through with that as a charter school has been. I know that with one kid that we had, three schools, three public schools had given up on him and had not even given him a chance to succeed, whereas, a charter did. It totally changed his life around.

From my experience, I find that it offers even singles moms an opportunity that they would not have otherwise. Charter is an option, and I think that we should continue it. I'm just kind of saddened by the presentation that was given that it needs to be all our way and no other way. I'm just bothered by that. Thank you for your time.

SPARKS: Thank you. Megan is up and Gwen Lopez is on deck.

MEGAN: I have two children who attend PYLUSD currently. When CRLA petitioned our district, I reviewed their previous petition to Capistrano Unified and the appeal to the Board of Ed., as well as the petition to PYLUSD. I have read the staff reports, unsound educational program, unsound financials, outsize negative financial impact on our district. Schools proposed staff that do not even meet the minimum criteria that CRLA themselves propose later in their own petition. Having just sat through the full LCAP process for my district, I was struck by the lack of rigor, data, or community input. Our Staff Report was thorough and well-researched. CRLA comments were vague, full of platitudes, and generalizations and lofty references to founding fathers and mothers.

You read out your core values like the current parents at PYLUSD do not share these core values. You think that I do not teach my children an appreciation of national heritage? You think that I do not believe in public and private virtue? You think that I do not follow scholar empowered learning or choose the educational school district that my child is in because I want those things? You think I do not foster creativity or entrepreneurial spirit or look for that in the education that my children are pursuing? You do not think I hold high standards of academic excellence in PYLUSD or that we do not model what we teach? That we are not looking to build a culture of greatness or to foster self-governance, personal responsibility, or accountability in children already in the PYLUSD public school district? Frankly, I'm insulted.

Petitioners that signed in support of CRLA were by and large from outside of our district and as far away as Burbank and Paramount. If there are 35 people here in support of CRLA, and I calculated based on rows of six, we are looking at 36. They may be all of the people from in our district that were in support of the school. Compare that to the 22,500 students enrolled currently in PYLUSD who have chosen PYLUSD already. Where we already have access to classical literature, Socratic method, and even Latin, things that CRLA claims are unique offerings that should make them eligible for a charter.

PYLUSD doesn't have a school founded in a classical text. I still do not know what a classical education is. I have been to multiple meetings about this, read multiple articles, and read all of

the petition. Tell me how a classical education differs from what my schools offer. Our staff's professional evaluation recommended denial based on stringency guidelines for the evaluation of charters. Our board accepted the recommendation and denied. Considering there have been no changes to the application, an approval today seems like blatant manipulation of a process that is intended to strengthen rather than weaken public education. Thank you for your time.

SPARKS: Thank you. Gwen is up and Dillon Young is on deck.

GWEN: Hi, my name is Gwen Lopez. I am a parent of five children. As a parent with my eldest child having an IEP at a very young age, I was very misinformed about charter schools previously. After fighting for my eldest's IEP and years of compromising in my children's education, I'm standing up now for all the children who do not fit into the mold or the way the system says they are supposed to be. We are hushed and misinformed, but these kind of charter schools are exactly what our children need. A school that they can go to and be heard. There are no molds for children. There are no molds for you or I. We are all different in some way. But we are told that our kids need to be this or that, or fit into some kind of mold. But they do not. They are all different, and we need more schools that allow this for our children to learn differently. Thank you.

SPARKS: Thank you. Dillon is up and Jose Arredondo is on deck.

DILLON: Hi, my name is Dillon Young. I attended a charter school that had similar roots to the ones they are trying to start. Before I started the charter school, I was in a public school. I was in the foster care system. I was heavily addicted to drugs. I overdosed twice. I was expelled from my previous high school, all before I turned 16. But when I attended the charter school, I was able to turn my life around. I got sober. I started exceeding my classes and becoming a better leader. I just wanted to share that I was a product of public high school, but I was also a product of showing that a charter school built on the roots of CRLA is beneficial to me. So, thank you.

SPARKS: Thank you. Jose, and on deck is Gerard Kilgallon.

JOSE: Hello, my name is Jose Arredondo. For me, the public schools, what Pastor Randy had sad for me is that—I was actually one of his foster children. He helped me go through. The public schools really weren't helping me with my education. I was running through F's. It was just a really tough time for me. But with this charter school that I have been with, Brittany Rainier, the principal, she has helped me with education and coming back even stronger. Because life was pushing me down. I was also addicted to drugs, and my parents were addicted to drugs. That is why I had to move in with my current guardians. But without this school, honestly, I do not even know where I would be.

Right now, currently, I'm in college, a place that I would have never thought that I would have been without these people. I know some of these public schools, and they do not really support students as they supported me. I'm really grateful for their support. Thank you for listening.

SPARKS: Thank you so much. Gerard.

GERARD: Thank you for the opportunity to speak tonight. My name is Gerard Kilgallon. I live in Yorba Linda. I have three children. My two older children have been in classical education since kindergarten. I have a fourth grader and a first grader. Right now we drive about 40 minutes to the school. There is a lot of families that drive a lot further than that. There is just not a lot of classical education opportunities. But for the families that get involved in the school, it is an extremely positive response. Yeah, it is something that our family is really big supporters of. If we got the charter school to Yorba Linda, whether our family enrolled there or not, I think it is a great thing for the community. I know a lot of my neighbors, who were not able to be here tonight, are very interested in the school. I just think it would be a great fit for the community. Thank you.

SPARKS: Thank you.

SHAW: Very good. I think that was all of our comments.

SPARKS: Yes.

CHASTAIN: This concludes the public hearing. OCDE staff recommendations, including recommended findings, will be published on November 21. At the December 6 meeting, the Board will conduct a public hearing and take action to grant or deny the charter petition appeal. President Shaw, I now close the public hearing and turn the meeting back over to you.

SHAW: Terrific. Thank you so much. Thank you all for being here and having your voice heard. We always appreciate that very much and hearing from the people affected. I'm sure we have questions, so maybe I will start to my left this time. Trustee Barke, do you have questions here?

BARKE: I do not think I have a lot of questions. I feel like we just heard great information just several months ago before you opened your first school. I understand it is very successful. You already have wait lists. I appreciate you bringing choice to the community. Choice that we do not have a lot of classical education in Orange County. I think you are one of two at the moment, maybe. I appreciate all the hard work. I appreciate the community coming out, and I think it is wonderful that you are expanding what you are doing throughout Orange County. Thank you for your time, your effort, and bringing choice that is much needed to children here.

SHAW: Thank you. Dr. Williams?

WILLIAMS: Not much to say. You have a good program that we have already approved and have had much conversation about. I'm sad that there is some people who feel otherwise in whatever community that you are going to be putting your foundations. We do not know that for sure. When the comment was made that there is nothing special about you, I would take exception to that. There is a lot that is exceptional about what you do. That is it.

SHAW: Okay. Thank you. Dr. Sparks?

SPARKS: Yes. Some of you may know that I teach courses in persuasive campaigns. The dream team here, you all, came up here. You not only did a textbook job of what you laid out in terms

of the arguments for your school, but you did a textbook job of the counter arguments, which is classic persuasive campaigns. I was so impressed. I'm going to use it in my class. You all in the audience, you supporters, the parents, thank you for coming out. This is an incredible dream team. You all have a proven record. I just want to ask you to respond publicly to a couple of the comments, for a couple of additional counter arguments that you could make for the public, related to their comment about the facility that you kind of touched on.

The PYLUSD District Board VP and the Superintendent made a comment about facility. Then they made a comment about Instagram. She said that in your post you said it was pending approval. Could you just speak to those two things?

DAVIS: Yeah, I'm happy to. First of all, I think you all know, but it is good to say it out loud. Until you have a charter approved, you won't find a landlord to sign a lease with you. What we told the Placentia-Yorba Linda Unified staff at the board meeting pretty clearly is, we said, look, we have identified some private facilities that we believe would work for our school that would serve our needs well. However, based upon the timeline of what we know, because once you identify a facility, you have to then submit a conditional use permit through the city. That usually takes five or six months. Then once you get your conditional use permit approved, you have to then go out and turn that building into a school. Put classrooms in place. Assuming we would start small, that process takes many, many months. What we told them at the meeting was that if you approve us tonight, we think we have a good chance time-wise of getting into a private facility. If you do not approve us tonight and if we do get approved on appeal, which we hope we do, we are going to have to go through a Prop 39 process. That is just going to be the timing that is available to us. That is the conversation that we had with the district and the community.

Ultimately, our goal would be to get into our own private facility. Unless we just happen to find a school that nobody was using and we could move into it, it is a long process. The parallel of that process doesn't match up with the charter school approval process. That is kind of I think the facility question. I think that is frankly what the community—I wouldn't say the community. The community is here. But I would say that district, a couple of the board members, she shared it tonight. They do not want to give up their facility. I understand that, but that is why Prop 39 exists. The law says that people that live in a community are allowed school facilities, whether they are in a charter public school or traditional public school. But our long-term plan would be to be in a private facility for sure.

Then with respect to—all we did was promote what is on our website. Yeah. It has been on there for months actually, which is not new. It said coming soon to Yorba Linda, but then we have kind of kept the website up-to-date as far as the process, what the steps are. Of course that is pending. Before it was pending approval by the Placentia-Yorba Linda School board. Now it will be pending approval by you all. If you all deny us, it will be pending approval by the State Board of Education. That is just kind of how we have promoted it.

SPARKS: Thank you. I just wanted to give you an opportunity to respond to those things publicly. Again, echoing the comments of my colleagues, you all have proven time and time again to do great fantastic work. Parents, you are in amazing hands. I hope that we will be able to approve you. Thank you. That is all I have.

DAVIS: Thank you.

SHAW: Trustee Valdes?

VALDES: I guess have a few comments. For the folks who came down here opposing this charter, I do not understand why two charter schools can't exist in the same town. I represent the city of Santa Ana, all of it. If I'm not mistaken, there is more than 10 charter schools within two miles. This notion that this community of 22,000 students can only accept one charter school, I mean it is just simply not a persuasive argument, at least not to me. Why can't people choose, was my next comment. I was particularly dismayed by Board Member Blade's comments. That they are offering a better option. I'm guessing that she and I would probably agree on a lot of things, but we do not agree on this. Just because Placentia is opening up a charter school that is focusing on computer science, maybe I do not want to send my kid to a school that focuses on computer science. Maybe I want to send my kids to a school that focuses on classical education. I think it is just a fundamental misunderstanding of what school choice means. School choice means just that. I do not understand why Ms. Blades also said that she knows what is right for her community. How could she possibly know what 10,000 families each individually want?

She mentioned that she believes in her superintendent. He looks entirely competent. I believe in him too, but that is not really the issue here. The argument made about negative financial impact, you can make that argument every single time we authorize a charter school. Every single time there is going to be some negative enrollment on a local public school. The Instagram post, I don't know. I just think that the opposition just does not understand the concept of school choice by parents.

WILLIAMS: I just have one more thing too. For the individual who said they did not know anything about classical education. There is like 100,000 as I'm looking here at a Google search, there is a lot of information. Basically, the difference between a classical education is classical education teaches kids how to think; whereas, traditional education teaches kids what to learn. Critical thinking minds, back to basics, inculcation of facts and knowledge, that is important. But critical thinking minds and how to learn, that is the most important axiom that we could pass to the next generation.

VALDES: One more comment, President Shaw?

SHAW: Okay. Trustee Valdes, sure.

VALDES: The most persuasive argument that I have heard is perhaps the local school board doesn't have the staffing in order to monitor something like this. I mean, we have Aracely Chastain, who I have always found to be just exceptional at what she does. We do have staff. That is probably the most persuasive thing I have found that they just do not have the staffing or ability to monitor this. But as far as the school choice stuff, I'm just not agreeing with it.

SHAW: Perhaps I could ask some questions around the facility issue? I have a sister-in-law who lives in Yorba Linda. She is seeing things online, and she is a mom in this district. She has expressed her concerns as well, so I wanted to make sure this is very clear to people, how a Prop

39 process would go forward. Correct me if I'm wrong here, Gary. But as you are looking for a facility, it always seems to me the chicken and the egg. You can't get into a facility until someone has chartered you. But then before you have been chartered, people say, well, look, you do not even have a facility. It seems like you are always stuck there. But I appreciate your comments that ideally you are going to get into a private facility eventually. But should you need to use Prop 39 to get into an existing campus or school space, could you let us and everyone know how that works exactly?

DAVIS: Yeah. Absolutely. I'm happy to. First and foremost, Prop 39 empowers residents to create space for charter schools in their own community. Essentially, we would have to get signatures from parents that are meaningfully interested in enrolling their children in our school to sign what we call the Prop 39 Form. They have to be residents of Placentia-Yorba Linda School District. Then we submit that to the district, and then we engage in a very long back and forth. Well, the law says that if you are a resident of a school—they do not have to provide space for kids that do not live in their district boundaries. This is only for kids that live in their district boundaries. But Prop 39 sort of leveled the playing field to say, look, if you live in a school district, you are a taxpayer. Those facilities do not belong to a government bureaucracy. Those facilities belong to the taxpayers of the community. As a charter school, you need access to school district facilities and you have signatures for meaningfully interested residents representing students that need space, then they have to provide that.

I would say also, enrollment has gone down in the Placentia-Yorba Linda district schools as it has in most district schools around California. There are classrooms. There is space available, but that is not our long-term plan for sure. That is an annual process. You have to get signatures every single year. It is not ideal. You got to plan your facility for one year. Even though that is how the process works, our goal, again, is to be into a private facility that we can grow into, call our own, and have control over.

SHAW: You need—is the number 80 signatures, 80?

DAVIS: Correct. A minimum number of 80 signatures in order to be considered for Prop 39.

SHAW: But you haven't started gathering those yet or you have?

DAVIS: We have started. We have started.

SHAW: How many are you at?

DAVIS: I'm not sure. A couple dozen, maybe, at this point. We have a community meeting scheduled in a couple of weeks too. That is also why you are getting feedback on those ads. It is because we want people to be able to come together in Yorba Linda and talk about the school.

SHAW: Okay. I was going to ask the district folks about their overall enrollment. I think that is an interesting point to make. They are down from where their high watermark was, a couple thousand students down, I believe. I was going to ask them about that. I mean, presumably if

they have shed a few thousand students from where they used to be, their facility, they may have capacity there. Let's see if I had any other questions.

DAVID: One thing by the way, it is not free space. We actually, we would pay rent. We would become a tenant of the school district, and then we would pay the district rent for the space.

SHAW: Thank you. I did get one criticism of your model, on leadership and questioning how you are teaching leadership. That it is not well defined. There was sort of comments along those lines here this evening about not being very defined and how you would teach that. Could you speak to that a little bit?

DAVIS: Sure. Most of it has been about classical education. I think when the comparison was made of a computer science charter school to a classical education charter school, that just shows me there is, in general, I think, a lack of understanding around what classical education is. I think that is not specific to the folks that were here in the front row. I think that is part of our challenge, is getting the word out and helping people understand it. Once they understand it, they love it and parents flock to it. Every classical education charter school that exists in the country, pretty much has a long wait list. But it is a very specific approach. We use the trivium for education. That is one part of it. The whole K-12 model is broken up into three parts. The focus for elementary, the focus for middle school, the focus for high school, our school is obviously only K-8, but we are going to cover two of those components of the trivium.

The Socratic method is not just something that is used on occasion. It is a predominant mode for teaching young people starting as young TK, frankly. It is the use of classical texts. As opposed to a textbook, I guess, a traditional textbook that would maybe summarize really important founding documents in our country. We would not read the summary. We will be reading. We read the actual source document and have a very robust conversation about what that means and have people learn from each other. The leadership piece is the Franklin Covey Leader in Me program. It is a very specific curriculum and a very specific program that is used all over the world, actually. It is based upon a model of leadership that is used by Fortune 500 companies. Now it has been created into an education curriculum for schools. It is a very specific educational program model.

Then the last piece about leadership is really studying great leaders of our past. Saying, okay, because we are looking to leaders of the past to figure out how we are going to lead in the future, we will read biographies. Classical education is very heavy on literature. That is a big, big part, which is different. Literature and arts are our very heavy focuses. Again, I think you can find bits and pieces of things all over the place. But classical education is the package of putting that all together and making that the emphasis.

SHAW: Why Yorba Linda, if you are going to get another campus? I mean that was sort of raised before. Why did you identify Yorba Linda as the next place?

DAVIS: Because that is where we got introduced to these wonderful people in the community that said, we would like to have your school in our community. Our goal is to bring classical leadership education to any community in California that wants it. We will give it our best shot

in any community that is interested in it, as long as we have the capacity to grow and provide opportunities for students. Yeah. We had a group of families, Brittany and her team, that were asking for it.

SHAW: Fabulous. Thank you. Okay. Any other questions or comments? None? Thank you again for coming and good job. We look forward to seeing you in the December meeting. Right? Wonderful. Okay. We will proceed now to item number six, approval of reimbursements for the panelists of the September 20, 2023, special board meeting.

SPARKS: So moved.

SHAW: Moved by Dr. Sparks.

BARKE: Second.

SHAW: Seconded by Trustee Barke. All in favor?

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

SHAW: Any opposed? Passes unanimously. Item number seven—let my get my packet. Sorry about that. Okay. Item number seven, resolution adopting appointment power pursuant to Education Code section 1042 (e). Mr. Rolen?

ROLEN: Thank you, President Shaw, members of the Board. This is a purely ministerial exercise. To be clear, 1042 (e), expressly grants county boards the authority to fill any vacancy by appointment. We believe the statute's unequivocal. However, subdivision II states, "The authority described in this subdivision shall be vested in a county board of education only upon its adoption by the county board at a public meeting." We are taking this ministerial action to avoid any unclarity created by subdivision II. I have vetted this with several other lawyers throughout the state familiar with this issue. This is consistent with actions other counties have taken.

SHAW: Very good. Any questions for Mr. Rolen from the Board?

BARKE: Nope. I will make a motion to approve.

SPARKS: I will second it.

SHAW: Very well, moved by Trustee Barke, seconded by Dr. Sparks. Now, discussion, Dr. Williams?

WILLIAMS: Mr. Rolen, I do not know if you did share with the Board the actual document, the certificate of appointment.

ROLEN: I do not believe I shared it with the Board.

WILLIAMS: Okay.

ROLEN: I believe it was shared—

WILLIAMS: Was that by staff?

ROLEN: With the Deputy Superintendent, yeah.

WILLIAMS: Okay. So maybe I will send my question that way. We have a whereas here. It is the sixth whereas, or the sixth paragraph. Where it says, “Superintendent Mijares signature was affixed.” I looked at that document. The document was signed by Dr. Miramontes and Renee. Was that Dr. Mijares actual signature? Do we know, or was it a stamped signature? It is important. Because if it is stamped, we should say so in that paragraph.

BOYD: I did not secure the signature.

WILLIAMS: Yeah. The two signatures, Renee and Dr. Miramontes, do you remember if Al did sign that document?

BOYD: We would need to check with his executive assistant. She is the one who seeks the signatures.

WILLIAMS: Okay. But it was signed by Renee as the person who was overseeing this and affixing his signature.

BOYD: Take the mic.

WILLIAMS: Do we know the answer to that question?

HENDRICK: We prepared the document for his signature. Yes. Whether he ended up stamping it, I do not have the authority to do that. That would be him giving his executive assistant that authority. But it was in a conversation with Dr. Mijares.

WILLIAMS: Is there any sort of document that Al communicates to the Board or public that that is his will?

HENDRICK: Yeah. Yeah.

WILLIAMS: Because if it is a stamp—

HENDRICK: There is normally is.

WILLIAMS: Okay.

HENDRICK: There is normally some, either by personal phone call is normally how he requires it. But he must give his approval. His executive assistant does not do his signature without his exact approval. I can't tell her to sign it.

WILLIAMS: Okay.

HENDRICK: Nobody can. That would be by him doing that. But I know we did provide a packet that we sent to him, so it could have been signed during that time also.

WILLIAMS: How is Al doing? Do we know of his health and well-being?

HENDRICK: That is a private question, so I do not have the ability to answer that.

WILLIAMS: I mean the elephant is in the room. He has been gone for 10 months. We love Al. He hasn't answered any—

HENDRICK: Dr. Williams, as you are aware, he is on a medical leave with protected rights. I'm not—

WILLIAMS: Do we know if he is living? Do we know if he can communicate?

HENDRICK: Dr. Williams.

WILLIAMS: Do we know if he is under hospice?

HENDRICK: Well, we all received emails from him in the last day. So, how is that?

WILLIAMS: Okay, so—

HENDRICK: Yes.

WILLIAMS: You are stating that he is communicating with the office and that he is still living?

HENDRICK: Yes.

WILLIAMS: That he obviously is communicating with emails.

HENDRICK: Yes.

WILLIAMS: He must have sound mind and judgment.

HENDRICK: He sounds like it to me.

WILLIAMS: Okay. That is my only concern. We do not know if it is fixed, or stamped, or actually his signature.

HENDRICK: What I'm trying to explain is if it is a stamp, he would be the only person who would give the approval to do that. It would have been with his approval to do that.

WILLIAMS: Okay. Because the handwriting, it was in blue ink as yours and Ramon's. It was black for his.

HENDRICK: The copy I have is blue, so I don't know.

WILLIAMS: The only reason I mention it is because—

HENDRICK: The copy I have is blue, I believe. So, I am not sure.

WILLIAMS: It was black.

HENDRICK: Okay.

WILLIAMS: Okay. Are we okay, Counsel, to leave it as signature, whether we do not know if it is stamped or not? Does it matter?

ROLEN: It doesn't. No. My understanding is that a stamp is legitimate. If it is a stamp, if it is a signature, either way, it is a legitimate signature, I believe.

WILLIAMS: By the way, Renee, have we ever used this certificate of appointment before? Is this something standard that we have used?

HENDRICK: Yes. We use it quite a bit for—we are required to, actually, for certain positions to approve state reports and things like that depending on what the position is or depending on what the job duty they are doing. We use that, and a copy is sent to the county clerk.

WILLIAMS: Got it. Thank you.

SHAW: Now, Dr. Williams, you actually appointed Dr. Mijares to be Superintendent. Is that correct?

WILLIAMS: That is correct.

SHAW: When was that?

WILLIAMS: Oh boy, that was in—

SPARKS: 2012.

WILLIAMS: 2012 or 2013. It was quite a long time ago.

SHAW: Okay. Very good. All right, so we had a motion and a second. All in favor?

VALDES: Hold on.

SHAW: Oh, you had another question? Sorry.

VALDES: I have a question.

SHAW: Trustee Valdes?

VALDES: I can't pass up this opportunity. I really can't. Renee, would you come back to the podium? I think the only question I have is that this transfer of duties, this certificate was signed on May 30. My only question is, as far as the transparency of that, as I recall, I can't remember the date. But I did not hear about this until July. It was in an email that I got in July, six weeks later, that this transfer of duties occurred. I can't speak to the exact date. I do not know it offhand, but I'm pretty sure it was July.

HENDRICK: Just for the record, this is a normal procedure for us to have a transfer of duty on file. There is actually one for me also. That is what we are required as a county clerk in order to register that with the County Clerk. Just because we have that on file doesn't mean that the Superintendent is going to assign those duties, if that makes sense. But you have to be registered with the County Clerk to be a deputy-to sign official documents.

VALDES: But in this case that transfer did occur to Dr. Miramontes. Correct?

HENDRICK: It did. This is the first time I have seen that happen.

VALDES: Can you tell me, was there any decision-making process and who was part of that to not tell the five of us?

HENDRICK: I could not answer that.

WILLIAMS: It was, actually the date that we received it, August 16.

VALDES: August 16.

WILLIAMS: August 16.

VALDES: Okay. Two and a half months later.

WILLIAMS: Two and a half months later.

HENDRICK: Well, but again, I just want to clarify, the certification of the oath of him being deputy is not the same as assigning the duties. It is a very different item.

VALDES: When did the duties get assigned?

BOYD: It wasn't until July that Dr. Mijares indicated that he was going to exercise using his medical leave. At that point, I notified the Board of what was occurring, as soon as he notified us of what he was going to do. From that standpoint, there wasn't an intentional delay to not notify the Board. Once I had a conversation with Dr. Mijares, because he had the conversation with me.

VALDES: Was that August, Nina?

BOYD: The conversation was that he was going to exercise going on medical leave, but we did not have a document.

VALDES: What I'm saying is, the document and the ministerial aspect, I get that. Now I understand that. But as far as the actual transfer of those duties to Dr. Miramontes, when did that occur?

BOYD: That did not occur until August. He indicated he was probably going to do that. We told him we needed a doctor's note.

VALDES: Okay.

BOYD: By the time we received that, that was August timeframe. That is when we shared the information with staff. We shared the information with the Board.

VALDES: Okay.

BOYD: We tried to be timely.

VALDES: Okay.

SHAW: Very good. So we had a motion and a second. All in favor?

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

SHAW: Any opposed? Passes unanimously. Item number eight—

SPARKS: Oh, go ahead.

SHAW: Oh sure. Resolution establishing fair and equitable facilities for all public school students. Mr. Rolen?

ROLEN: Thank you again, President Shaw. This resolution is a brain child of public outreach, particularly the public outreach of Trustees' Valdes and Williams. All board members, as part of their duties, regularly go out in the public, go to schools, and meet with school leaders, including charter school leaders as part of our public school community. They are invariably told that facilities and facilities access are the first and second most pressing problems. The Board with particular prodding from Trustees' Valdes and Williams, asked me to craft a resolution

identifying the problem, stating the Board's position, and identifying particular action that they may take to do anything they can to help alleviate this problem.

As you can see, the Board commits to facilitate the allocation of resources, develop policy, and establish and support a countywide school facilities work group, hopefully, with the help of our Superintendent and his staff.

WILLIAMS: Very good. You want to make the motion, Jorge?

SHAW: Okay. We do have a public comment. Why don't we go ahead and take that?

SPARKS: Okay. We have a few public comments. First off, Javier Ortuño is coming up. Then Mike Davis on deck.

JAVIER: Hello, everyone. It is always a pleasure to be with you. I'm going to read this on behalf of CCSA. Dear, Board President Shaw, Superintendent Mijares, Board Trustees and Staff. On behalf of the California Charter School Association and the charter school signatories below, I'm writing today in support of your common resolution, establishing fair and equitable facilities for all public school students. CCSA is the membership and professional organization serving the vast majority of public charter schools in the state of California. Our mission is to meet the needs of students, parents, educators, and communities for high quality public charter school options. As your resolution notes, access to quality facilities is a major contributor to the lack of quality school-choice options in Orange County. It is in the best interest of the entire community to provide all students with a caring, safe, and successful learning environment designated to develop lifelong skills. Instill a voice that leads to a positive transformation.

CCSA understand the intricacies of being an authorizer and the challenges that come with that responsibility. We applaud the hard work of the Board and county staff in their continued commitment to support all Orange County public schools and take future policy action through this resolution. It will 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. On behalf of the 22,000 transitional kinder-12th grade students and families being served at the 41 diverse charter school options throughout Orange County, we seek to support the passage of the resolution establishing fair and equitable facilities for all public school students and future policy changes in the access to equitable facilities for our charter school students.

We look forward to our continued partnership with the Board and the community to improve educational options for all students. Thank you.

SPARKS: Thank you. Mike is up, followed by Kapil.

MIKE: Thank you members of the Board. My name is Mike Davis. I'm both a staff member and parent of students that go to Orange County Classical Academy. As a parent and member of the staff, I have had the amazing privilege of witnessing a school where in its first year, half of its English learners achieved English proficiency. Then in its second year, the rest of our English learners did. This is compared to the typical district, county, and state averages of about 15%.

Then in our third year of operation, last year, this school was honored by State Superintendent Tony Thurmond to be included among the list of California Distinguished Schools of 2023. Yet, I have had the gut-wrenching experience of informing 60 eighth grade students last year, that despite all our efforts as a school, they would not be able to continue at OCCA as they and their parents had hoped. There simply were no available additional facilities that we could locate to accommodate another school. Something I would wish on no one.

OCCA is only one of many such charter schools with long waiting lists, programs that offer an education that works for all students, not just some. Yet, are artificially obstructed from being able to truly serve their communities because of this completely unnecessary obstruction of facilities. I say artificial because as many here know, there are laws in place like Prop 39 that are supposed to alleviate this issue by obligating school districts to make facilities available to schools like ours. Districts that are now dramatically losing enrollment, so they have the space. When 60 devastated kids were forced to leave OCCA last year, there was directly east of our campus, 3 1/2 acres of undeveloped and unused land owned by the district in which we reside.

As long as there are charter schools that continue to offer uniquely excellent programs for families that are lining up to enter, we all have an obligation as educators and as citizens to do what we can to remove these artificial barriers obstructing families from receiving the education they want for their kids. This resolution does exactly just that. This resolution is exactly what the families like those hoping to enter schools like ours have been waiting for. Thank you, Orange County Board of Education for your attention to this great, great need.

SPARKS: Thank you, Mike. Kapil.

KAPIL: Good evening, President Shaw, Trustees, Dr. Boyd, Dr. Miramontes. My name is Kapil Mather. I'm the founder and executive director of the Orange County Academy of Sciences and Arts. We operate two charter schools in the Capistrano Unified School District. I applaud your efforts to assist us with facilities. I think there are a couple of assumptions that people do not understand when you talk about charter school facilities. The first thing is, and I need to get a t-shirt that lights up that says this. Charter schools are public schools. The public school facilities that the public has paid for—for the education of our children, that public includes the teachers, students, and parents who attend charter schools.

The other thing that everybody forgets is the other half of Prop 39. We always hear about Prop 39 as somehow taking classrooms away from district schools and providing them to charter schools. The actual core of what that proposition said, was that we need world-class facilities for schools. In order to build a coalition to get this proposition passed, there was a deal made with the charter school community. That, if you support this proposition, we will throw you a bone and let you access these facilities too. Proposition 39, the actual core of what it says, is the lowering of the threshold to pass school bonds. Every single school district in Orange County that has passed a school bond since the passage of Prop 39 has benefited from Prop 39. My time is turning yellow. A couple things, Prop 39, the people who decide what facilities you get, are the same people who do not believe in school choice and do not believe that charter schools should exist.

Second thing is, Prop 39 is supposed to provide reasonably equivalent facilities. Most of you have been to both of my schools, or at least one of my schools. My schools are in 30-plus year-old portables, both campuses-100%. That is not reasonably equivalent to any school that is operated by the school district. They have given us absolutely no option to grow. Second thing is, the Prop 39 application is due November 1 for next year. We have to submit signatures—thank you very much. I appreciate your support on facilities.

SPARKS: Thank you, Kapil. We have Sarah Bach.

BACH: Good evening, Board of Trustees, Staff, and the public. Excuse my bedraggled look this evening. I literally just came from school. I apologize for my less than formal appearance. It is such an important resolution that I know you are reviewing this evening. Oh yes, I remember last time: do not hold on to the microphone. It makes it hard for everyone, I think, elsewhere. I am delighted to be here and offer my gratitude on behalf of our school, Sycamore Creek Community Charter School. Oh, yes. I am supposed to say my name. Did I do that? I'm Sarah Bach, Executive Director of Sycamore Creek.

On behalf of students overall—all students, of course, they deserve clean classrooms, safe classrooms, safe facilities, and playgrounds. Whatever can happen at your level of jurisdiction to make sure that all students receive that, we are so, so very grateful for it. I do not want to be redundant because I heard Kapil mentioning Prop 39. Our school is in a Prop 39 campus. That means we are co-located. We actually have seven classrooms for nine grades. We are co-located with a preschool, a state Head Start preschool, an elementary school, a library, a family resource center, and a Boys and Girls Club. There is a lot going on, all the time. We manage to share playgrounds. We just manage to play well in the sandbox to demonstrate that for the students.

At the same time, it is a daily operational struggle. So, just thank you. On my way here, I thought of the phrase, build it and they will come. That is so true. If you do not have the building though, they won't come. That is a struggle here in Southern California, as we all know, in Orange County in particular. I have a yellow light. I know I don't have more time. However, I know it is always a long evening for you all. Thank you for all you do. I know the agendas are long and they are weighty. I want to take my extra moment to just say thank you, dear Board. Thank you.

SPARKS: Thank you, Sarah.

SHAW: Thank you. No other comments? Wonderful.

SPARKS: We have one at the end, but not right now, for item eight.

SHAW: Do I have a motion?

BARKE: I will make a motion to approve.

SPARKS: I will second it.

SHAW: Motion and a second, any comments?

WILLIAMS: Hold on here.

SHAW: I was going to ask you for comments. Are you taking—

VALDES: These guys are always jumping the gun on those things.

WILLIAMS: Yeah.

SHAW: Ladies first, right?

WILLIAMS: Traditionally, those who put this together usually—

SPARKS: Yeah. Yeah. That is true.

WILLIAMS: —are involved.

SPARKS: Well, you can discuss. Discuss. Yeah.

SHAW: Okay.

SPARKS: We can take it back if you want us to?

SHAW: All right, Ken is getting his feelings hurt. Motion by Dr. Williams, seconded by Trustee Valdes.

WILLIAMS: I want Jorge to be the one.

BARKE: I just wanted to make a motion so you can start the discussion. That is all.

SPARKS: Yeah. We were ready for you to discuss.

BARKE: I did not want you to wait any longer to start your discussion.

WILLIAMS: Okay. We are having fun.

SHAW: All right. Do you have any comments, Ken?

WILLIAMS: Let it stand the way it was originally.

SHAW: Okay.

WILLIAMS: No, I have no comments.

VALDES: I have toured a lot of public schools since I took this seat. I have toured a lot of charter schools. Almost every tour of the charter school has an issue of facilities being discussed with the executive director. That is why I'm asking the Board tonight to pass this agenda item. I

just want to be clear as far as my public position with respect to the charters. I believe that our students, particularly in my district, but everywhere, they are best served by educational options to the parents. How that happens is a little less of my concern, but I want to make sure that parents have plenty of educational options.

I do not feel like I am unduly favoring charter schools over public schools. It is simply not true. My kids would have gone to a public school if my wife did not really want them to learn Spanish. That is why they are going to a charter school in Santa Ana. I think the charters need assistance with facilities, and that is why I'm asking my colleagues tonight to pass this agenda item.

SHAW: Thank you for those comments. I agree. I know, Sarah, I was thinking about how she is the poster child of facility challenges. I was so glad you were able to make it tonight. I want to commend and thank you guys for helping to put this together. We clearly have challenges for our schools out there. Getting their facility needs met is a huge goal and a worthy goal, so I appreciate that.

VALDES: Thank you.

SHAW: Any other comments? Seeing none.

SPARKS: I just think high tides lift all the boats. Everyone is floating a little bit higher with school choice.

BARKE: When Kapil makes those t-shirts with the bright lights, I want one, please, size small.

SHAW: Every time I'm asked to speak anywhere, I start off explaining, charter schools are public schools. We are trying to do a public information campaign because a lot of people do get that wrong. I appreciate that message. Okay. All in favor?

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

SHAW: Any opposed? Passes unanimously. Thank you. We need to put stuff like this on the agenda. We will get all of our great charter leaders. You can come out and we will get to see you again every month. Alright, let's see. Information items, communication information, discussion from—let's see, parent communication from the Board or staff.

BOYD: The Board was provided a number of input ideas, related to the document that was presented last month. Our Media department went back and made those adjustments. I sent that to the Board individually last week to see if there were anything else. I did receive a comment related to the map. Just for transparency purposes, I want to make sure that the clarity is there. The reason why cities and school districts are not listed on the map is because of overlapping and the fact that it is very confusing. You have some schools of some districts in some of the different trustee areas.

The conversation with the Executive Committee was, could we link to the Registrar of Voters where an individual could put their address in. Then they could see what trustee area they lived in. Media was able to go back and do that. That is what you have before you now. The adjustments and all the other links are active. We now have all of the charter schools listed, as well as clarifying intra and inter-district. I think that we have met everything that was brought up, but certainly open to anything that might have gotten missed.

BARKE: Remind me what I asked. I forget. Will you remind me so I do not have to look up the email? There was something I suggested.

VALDES: You wanted colors.

BARKE: No, no. I suggested it by email to Nina when you sent it to me. I responded and you said it would be difficult, but I just can't remember at the moment.

BOYD: I thought it had to do with the map again.

BARKE: No. I do not think it did.

SPARKS: No, there were two things. I appreciate you doing that link. I think people who want to deep dive into where their address is and who their trustee is, they can click on that very easily. I appreciate you doing that. I think that is going to work. If they want to just kind of get an overall glimpse of their trustee area, they can do that. I think the other thing was on page one, where it says, "A list of Orange County charter schools can be found at ocbe.us."

BARKE: Oh.

SPARKS: That was what I think you were talking about.

BARKE: Yes. I said I she think it reads very well.

BOYD: She was talking about the enrollment.

BARKE: Should we add that charter schools have no geographical boundaries?

BOYD: Right.

SPARKS: Oh.

BARKE: That was something that I wanted in there. So people would understand that just because the school was in Placentia, they did not have to live there. They could live in LA County. That was what I thought was missing. But you responded to me—

BOYD: I responded that I thought that the additional language—I wasn't sure where we could put it. I said that I thought it would be confusing to the average person because charter schools

do have geographic boundaries for where they may locate. The difference is if you are brick and mortar or if you are independent study. The charter schools are a mixture of both.

BARKE: I meant enrollment though. I was talking about enrollment. I wanted families to know that they could enroll in a charter school regardless. It wasn't like a district school where you have to live in the district or you need an interdistrict transfer. With a charter, there is no geographical boundaries for enrollment.

BOYD: But only for seat based.

BARKE: Right. Yeah. Well, yeah, yeah.

BOYD: That is what I'm saying. All of the charters listed aren't seat based charters. If they do not know that it is independent study versus seat based, then that would be the only thing.

BARKE: Well, we could—

BOYD: However you all choose to edit it.

BARKE: I mean, what about for seat-based charters? I just thought it was kind of important that people know that there aren't geographical boundaries because that is a big difference from a district school. I mean you guys tell me what your thoughts are. Maybe it is too much information, but I thought it was—you know.

SPARKS: Well, the first line says parents can choose to enroll their child in the charter school of their choice if space is available.

BARKE: Regardless of geographic boundaries.

SPARKS: You could put it right there I think.

BARKE: Yeah.

BOYD: Again, spacing. I will leave that to Media with regards to it, but it is getting busier in terms of—

SPARKS: Just add those four words, “regardless of geographical boundaries,” after the word “available.” Does that look okay, Mari?

BARKE: Yeah. Yeah, I just thought that was somewhat important.

SPARKS: Yeah. Yeah.

BARKE: You know. Somebody who lives in a city and they do not want to go to school in that city, it opens it up for them.

BOYD: I will ask Media to work on it. I will send that back to you.

BARKE: Thank you.

SPARKS: Then I would just add, I want to clarify. The Executive Committee discussed with the staff and they fixed it. On the bottom left where it says, “A list of Orange County charter schools can be found at ocde.us.” What they did is they added the link. When you click on that, it lists all the charter schools. Then it lists the ones that are under our supervision.

BARKE: Okay. Yeah.

BOYD: Authorization.

SPARKS: Authorization, I mean. I knew I was using the wrong word.

BARKE: I knew what you meant.

SPARKS: Authorization. Yeah. Anyway, so that was done.

BARKE: Okay.

SPARKS: That makes it easy for people to just click and it is right there.

BARKE: Excellent.

SPARKS: I think we are really close.

VALDES: I have a few comments about the transfer paragraph. This is how I think it should read, and I do not want it to get too busy. It should say, “Parents can request to transfer to another school within their child's district.” Then I would put a period, “To begin a school transfer within your district, please contact your local board of education.” That is what I think it should say.

BOYD: Can you send me the language you would like, please?

VALDES: Yes. Then a new paragraph, “Transfers to different districts are referred to as inter-district transfers.” I do not think it is that big a deal to put in the OCBE is responsible for handling inter-district appeals. I would take that out. I do not think that is a huge bit of information. I think it is more important—so that the document doesn't look too busy. “Transfers to different districts are referred to as inter-district transfers.” Then I would put a period.

SPARKS: Yeah.

VALDES: “You may request to transfer your child to a school in any district in Orange County.” I would take out the part of the appeals.

SPARKS: Yeah.

VALDES: I do not think that is really necessary.

WILLIAMS: I agree.

SPARKS: I like that.

VALDES: I would just put the instructions. “To begin a school transfer within your district, please contact your local board of education.”

BARKE: Or, your local district. Right? No? Oh, okay. Either way.

VALDES: Whatever. “You may request to transfer your child to a school in any district in Orange County.” I would take out the appeals process. I just do not think that is necessary.

BOYD: Send me the language and we will be happy to get a document back to you.

VALDES: Okay.

BOYD: With the preferenced language that you all have decided on.

SHAW: Well, thank you. I think it is looking great. Thank you to the Media team and everyone who is working on this.

VALDES: Yes. It is really looking good.

SHAW: Is there more, Nina, on that?

BOYD: Not unless the Board has more.

SHAW: You have something, Lisa?

SPARKS: Can I add something? I heard from a constituent. This is related to communication. That is why I'm saying it right now—about adding our YouTube link from the Savvy Safety in Public Schools Forum, adding that to the flyer that you all produced for us to advertise the forum. Adding the YouTube link to that and printing out a handout that could be handed out to people as well.

BOYD: Hand it out to them where?

SPARKS: Well, I do not know yet. But I guess to parents. Parents who could hand them out in their community, or whatever. But anyway, we would have that link on that flyer that you already produced.

BOYD: The flyer that advertised the—

SPARKS: The Savvy Safety in Public Schools.

BOYD: The Savvy Safety. Okay.

SPARKS: The public forum, just adding the YouTube link from the forum onto that document, that PDF. Then sending it back to us. Then we can give it to constituents who are interested.

BOYD: Okay. Then send it back to you all.

SPARKS: Just send it back to me.

BOYD: So that you all can do what you want with it?

SPARKS: Yeah. You don't have to do anything.

BOYD: Okay. We already have it on your website.

SPARKS: Yes. I know.

BOYD: Okay.

SPARKS: But they want, just like this, they want a paper copy that they can hand out to people with the YouTube link.

SHAW: Okay. Thank you for that.

SPARKS: Yep.

SHAW: Announcements from the Deputy Superintendent?

BOYD: Yes. We have several for you. Aracely?

CHASTAIN: Hi. Thank you for the opportunity to allow me to provide some context to the fall Charter School's Report that is in your red folder. This report obviously covers the schools that are authorized by the Board and talks about some of the information that was given to us. Just for some context, I do not remember if Trustee Valdes is aware. We provide just a general update like this twice a year. We do one in the beginning of the year, mostly talking about enrollment and where they are in their budget. That is the majority of the information that you get here and any general comments that we may have. Then your spring update will have a little bit more individualized information from each of the schools over things that have happened throughout the year, awards, concerns, anything like that that might be going on.

That is just some general context there. I did want to give you a little bit more information, though. That financial data information and the enrollment information is based on what was submitted to us by the school. Obviously, the financial data is based on the 22-23 Unaudited Actuals and the school's 23-24 Adopted Budgets. I want to point out a couple of things in the

report, again, to give a little bit of context here. For Explore Academy, it shows that they are not opening until fall of 2024. They have delayed their opening again. They delayed it already one year. They are delaying it again for the next year. This is the third year that they are not opening. The school is leasing a facility through Orange Unified School District, and I believe that they have a two-year agreement with them. They are continuing to pay on that facility. I think because, one, they have the agreement; but two, they probably just do not want to lose that facility. What ended up happening is that they decided to delay opening due to low enrollment. That is pretty much the context that we have there, so we are keeping an eye on the school. We are not quite sure how this is going to work exactly, but we will provide you any further updates as we get any additional information there.

For Irvine International Academy, I'm going to talk to you a little bit about the schools that are showing, kind of, their financial status, is looking a little bit poor there. Irvine International Academy began the 22-23 fiscal year with total net assets of about \$128,999. The school had operating costs that exceeded that. Right? So that is what is going to happen in these situations. They exceeded over a million dollars in operating costs, so their resulting total ending net assets was a negative \$823,683. IIA's deficit was mostly due to unplanned—It was an unplanned deficit. Normally, you kind of know when you have overextended yourself. You just have spent more money than you have, or you are spending more money on certain things than you have. This was mostly unplanned, and partially it was due to legal settlements that the school had to do.

For IIA's 23-24 budget projections, the school will end the year with a negative \$640,487 in net assets. That number has gone down a little bit, but at least that is what they are projecting. In a situation like this, we do request a revised budget and a fiscal stabilization plan. We do not want to see a school ending the year negative like this for multiple years. We need to understand how they are going to remedy that. Typically it is cuts in their budget wherever they can make them, and sometimes it is loans. Sometimes it is just time to get the money back in order.

Suncoast Preparatory Academy, they began the fiscal year of 22-23 with net assets of negative \$255,750. The school also had deficit spending and finished the year with total ending net assets of negative \$380,024. That operating loss is primarily due to—what we were told, was higher than expected professional and consulting services, operating expenditures, and the funding of student enrichment programs. That is for students that enrolled late in the school year. Suncoast Prep is one of those schools that provides enrichment funds to their students. That is for things that the school doesn't offer. For example, art, PE, those types of things.

For the students that enrolled later on in the year, it appears that they were provided with the full amount of enrichment funds, which are high. That is always going to negatively affect the budget. It is one of those situations where even though their enrollment has increased and continues to increase, they are expending money out in these enrichment funds that they have to sort of balance out.

SPA is projecting that they are going to end the 23-24 year, so this year, with net assets totaling negative \$100,455. Now, they did build their budget on an assumption of 560 students. Per the sixth day enrollment, which is different than what you have in your document right now, because

we just received this information recently. The sixth day enrollment count so far for SPA is 945 students. They have significantly more students than what they built that budget for. Our understanding is that enrollment is even continuing to grow now. We anticipate an improvement in that school's financial condition. We will request an updated budget to hopefully be able to gauge that and see where we will end up with this new projected number of enrolled students.

Orange County Classical Academy, Vista Condor Global Academy, and Vista Heritage Global Academy, all mistakenly included right of use assets in net investment and capital assets. That is about as much as I can tell you about that. If you need more information on that, I can try to get a little bit more. But what that does is that it caused an overstatement, resulting in negative unrestricted net assets and the school is being classified as having fair financial status. Our administrator of charter school fiscal oversight will provide technical assistance to the back office provider, and that is ICON School Management, to correct the reporting for the future. We anticipate that the schools will show positive unrestricted net positions and be categorized in good fiscal condition moving forward once that correction is made.

Unity Middle College High School began the 22-23 fiscal year with net assets of \$301,427. The school has increased their operating expenses and ended the year with unrestricted net position of negative \$867,179. The current year budget projects total ending net assets of positive \$685,824. However, that budget was built on an enrollment assumption of 125 students, which the school did not meet. The current enrollment is 56 students, so it is pretty significant. Unity continues to owe a private investor \$200,000 and the Orange County Community Foundation \$350,000. They have negotiated some additional time to pay off those loans. I think they are only paying interest right now for the 200,000. I do not think they are having to pay anything at all for the 350,000, but those loans will come due. Per the unaudited actuals, the cash in the bank of the school and the county treasury totaled \$301,153. However, the accounts payable total is \$295,425, so that is leaving only \$5,727 in available cash. That is concerning, obviously. We will continue to monitor. Unlike some of these other examples where I have given you where we feel like the school is probably going to be okay, this is one that is a bit more concerning.

Additionally, I wanted to give you a little bit of an update. In the fall, I gave you an update on where they were with their English Learner Program, their Special Ed Program. We talked a lot about the issues there. We have had our annual oversight visit with them, and we are currently researching how to support the school in operating a legally compliant English language development program. When we presented to the Board last year, we let you know that the school was failing to provide English learners with a comprehensive program that included designated and integrated ELD instruction. The school is currently not monitoring or reclassifying affected students. We are continuing to see where we can provide support for the school. They are continuing to try to fix this issue, so we will continue to monitor their program. We will come back to you if there are further concerns or we are not seeing that this is going to be something that is going to be able to be fixed this year again.

The Charter School Unit, as I'm saying, has begun the required annual school visits. The visits focus on the operations and the educational programs of the schools. This year we asked the schools to submit to us their preferred month that they wanted the visits to be done. The staff was able to accommodate the first or second choice for all of the schools, which is great. I think we

are getting a little bit of feedback that some schools are regretting their choice. I think some of these dates have come up a little faster than they thought, so they may choose different months for next year. But we do try to spread it out throughout the year, and we are trying to accommodate. But most schools, most of them wanted October because nobody wants November or December. Then some of them wanted it later in the year. But others didn't because it interferes with testing and things like that. We are trying to work with them on that, and we will continue to get that feedback moving forward for the next year as we schedule more visits. I'm happy to answer any questions that the Board may have.

SHAW: Thank you.

VALDES: I have some.

SHAW: Go ahead, Jorge.

VALDES: Unity in particular, Aracely, was a big issue in the last calendar year. To the point where, as I recall, we were putting them on our agenda every single month for follow-up. Is there anything that you feel we need to do as a board? That was the one that you seemed to be concerned about or at least somewhat concerned about?

CHASTAIN: Yeah, we are concerned about the school. I will say, though, just to give this feedback. When we were on that campus, the feelings of improvement are there. Right? Kids are engaged. Teachers are engaged. I know they have had some staff turnover. That has affected some of these programs they had thought the last time they came to report to you they thought might be fixed. Suddenly they are not. The budget has sort of taken a turn for the worst. That always affects the services that can be provided in the school. We want to make sure that they are offering what they are legally required to offer in a legally compliant way. Right? We have expressed all of this to the school.

I mean, obviously you can have a school come and talk to you and give you updates at any time that you want. Like I said, we want to support them in their English learner program. We are looking to try to figure out how to do that. But I know that the principal/executive director is also taking steps to try to improve that. I know that she has posted a position for an English language development teacher. I believe she is looking for an aide as well, and that is as a result of some of our feedback from the oversight visit.

We want them to be offering a legally compliant English learner program, as soon as possible. That is why we are glad that their visit was so early in the year so that they can hopefully start making those strides to moving towards that.

VALDES: I guess my question to you is, do you recommend that we do something? Should we put them on the calendar? Is there anything we should be doing?

CHASTAIN: We can continue to provide you updates as they come up. It is up to you if you want them to be able—Obviously, there is going to be things that the school knows that they are doing that we are not aware of. We are not in their day-to-day. All we know is what we can get

as we get updates and things like that. If you had specific questions that have to do for the school, then that would be why they would come. Because I wouldn't be able to answer some of those questions probably.

SPARKS: You mentioned I think three schools that had investments that weren't as solid as they were expecting. Is that what I heard you say?

CHASTAIN: Well, it depends. I gave you updates on schools that were in poor and fair fiscal condition.

SPARKS: Yeah.

CHASTAIN: Yeah. I was able to sort of explain some of those. The only one that I really can't explain is Unity.

SPARKS: Right.

CHASTAIN: Then the other one that we are looking at is Irvine International Academy and asking them for further information.

SPARKS: I thought I heard you say that it was because of some investments that did not perform as well as they were anticipating.

CHASTAIN: No. For which school?

BARKE: I think she just said they were miscategorized.

SPARKS: They were miscategorized. Okay.

CHASTAIN: Right. Yeah, so we will work with their back office provider.

SPARKS: Oh, okay.

CHASTAIN: Nothing will be changed for this last budget, obviously, that was submitted. But we want them to make those corrections moving forward.

SPARKS: Okay.

CHASTAIN: So that they do not continue to show—

SPARKS: Okay.

CHASTAIN: What they did actually made the school look like they were in worse financial condition than they probably are. But until we get those corrected documents, we won't really be able to assess exactly where they are. We will have that information once we get that.

SPARKS: Okay. Thank you. Thank you for that clarification.

WILLIAMS: That is an accounting issue. It is on their P&L, and it could be moved around.

CHASTAIN: Right. We will work with ICON School Management, their back office provider, to try to talk about it. It has to do with how nonprofits are supposed to account for some of these things. Again, right of use, and all of that, I do not have a ton of information on that. But I know that my administrator of charter school fiscal oversight has done a lot of research here. She could give us a write up if you needed more information on that. But it is just literally something that needs to be corrected.

WILLIAMS: The Irvine International Academy, are you allowed to talk in public about whatever this legal settlement is?

CHASTAIN: I do not have numbers or that exact information. I would need to check and see what is public and what is not before I can give you that. But we can provide the Board with some additional information on that if you would like.

WILLIAMS: Yeah. I would be interested in that.

CHASTAIN: Okay.

SPARKS: We are going to get the new, once those accounting practices are shored up, can we get an updated PDF or something of that before next spring's report? Or is it going to take that long?

CHASTAIN: It should be fixed I believe in the next budget cycle which Renee will have to help me.

BOYD: After first interim.

CHASTAIN: After. Right. Go ahead. Thank you.

HENDRICK: I think it is a problem with their financial statements, is actually what it is. Their auditors could probably help them make that correction also. It is just a GASB statement that got miscoded. I think that they all look fine. Honestly, if you take those pieces out. If you remember quite a while ago when we had the STRS on behalf, we had to show this long-term thing. It is similar to that. I'm not sure if we would be able to get the things until the auditors actually redid the financial statements.

SPARKS: Okay.

HENDRICK: I'm not sure of the timing on that. It could be December, or they may even wait until next year.

SPARKS: Oh, wow. Okay.

HENDRICK: But we could probably get you what that dollar amount is.

SPARKS: Yes.

HENDRICK: To be able to say, if you take this out.

SPARKS: Yeah. I think we just want to know that it is cleared up, as soon as it is cleared up.

HENDRICK: I think the staff was saying they felt very comfortable that they would be in “good” if you just took those three things out.

SPARKS: Okay.

HENDRICK: Just for those three schools though.

SPARKS: Yeah. Alright, thank you.

SHAW: Very good.

BOYD: Dean.

SHAW: More announcements?

BOYD: Yes. Dean. Dean. You had asked for first and sixth day enrollment information.

SHAW: I was going to bring that up. Thank you.

BOYD: Yes, we put some information in your folder. Dean will provide you some information.

SHAW: Very interesting.

WEST: You want to ask specific questions or you want me to go into it? Then you can ask later.

SHAW: Go for it.

WEST: Sure. Yeah. You have enrollment, you can see the first and sixth day. Obviously, the first day of school, sixth day of school, they are not used for anything other than to give us an indicator of what this year looks like at the same period last year. We compare it to prior first and sixth days, just to get a guideline. The beginning of October, or October CBEDS day, is the date when the historical numbers are logged into our CALPADS system. That is more of the official enrollment. We are not at that yet, but it is an early indicator.

From this you can see that, at last year's CBEDS census day, we had about 415,000 students in our K-12 districts. There was more that we serve here, obviously at the county, another couple thousand of enrollment in our programs. Then we have 22,000 in charter schools. But this year we are seeing, we have about 6,000 student loss in the district level. That is primarily about a 2%

enrollment loss of what they are seeing in their declining enrollment trend, offset by about 0.6% of TK growth. We have about 3,600 transitional kindergarten students that we had this year, that we did not have last year. That is the step up of two months of additional birth dates of four-year-olds becoming those four-year-olds that are going to be integrated over the next few years. So the TK is the growth part that the districts are experiencing, the transitional kindergarten.

The charter schools are always seeing growth in that area, running. You can see that this 9% or 11%, depending on what the numbers you look at, very volatile. With the lower numbers, you get more volatility. First and sixth day, and again, these are not numbers that are used officially in any capacity. Actually getting the data and getting it accurately reported sometimes is a little bit of a challenge. We did do a few updates in just a few days. Overall, countywide, the sixth day is showing almost losing 3,000 kids. We had sharp drop off in 21-22 and 22-23. This is a little bit more moderate.

What we are seeing is the state has rolled out its enrollment projections over the next decade. Orange County actually dropped off of that 10 counties that were the fastest declining enrollment. We have been part of that, probably the second or third quickest dropping. But I think from that pandemic level, the change you have seen in the real estate market with sustaining high growth in market value in Orange County. Obviously, that economic factor, a lot of people had transitioned out of Orange County related to cost of living maybe.

Any other questions?

SHAW: If I'm looking at this, it looks like the only districts that did not have declining enrollment were the Buena Park Elementary, Fountain Valley, Lowell Joint, Brea-Olinda and Irvine Unified.

WEST: Yes. They stand out with all that red on there, right?

SHAW: A lot of red.

WEST: The black stands out.

SHAW: A little black.

WEST: Yes. I would say Brea has been a consistent one. They have been not like a large growing district, but maintaining their enrollment with a little bit of growth over the last few years. Nothing like the growth that we have seen in Irvine with the Great Park and all the growth that they have had. But these numbers are a little bit larger, obviously, that we are seeing here in Brea-Olinda than we have seen in the past couple years as everybody has been declining.

SPARKS: What schools are the TK in the elementary level?

WEST: The reason we break this out as elementary, high, and unified, the high obviously doesn't have any of those transitional kindergartens.

SPARKS: Right.

WEST: They are all transitional kindergartners, so it is only the ones that are elementary and unified districts will have that.

SPARKS: Oh, elementary and unified.

WEST: There is three districts that actually have done a full implementation of transitional kindergarten, which means they are taking all four-year-olds regardless of their birthdate. Where they might have to be in a few years from now with full implementation, they said it is better for us to kind of open up all of our classrooms. We have enough space, and we are going to take all of them. They do not get paid for them, but they are serving them in a—it is kind of like a marketing type of thing. If they start with us, they are going to continue with them. Those are Oceanview, Westminster, and I believe Los Alamitos are the three that have decided to do full implementation of transitional kindergarten.

SPARKS: So those three are the only ones that currently have TK?

WEST: No.

SPARKS: Or all of the elementary?

WEST: All of them have it. All of them are required to have it.

SPARKS: Oh, okay.

WEST: Yeah, it is just a matter of what the program looks like.

SPARKS: Okay. I see. Okay.

WEST: Right.

SPARKS: To be clear, so that I understand.

WEST: Sure.

SPARKS: All of the elementary schools listed here have TK now?

WEST: Yes.

SPARKS: And all of the Unified's have TK?

WEST: It is a requirement.

SPARKS: Then the distinguishing difference in Oceanview, Westminster, and Los Alamitos is?

BARKE: They take all four-year-olds.

SPARKS: All four-year-olds.

WEST: Right.

SPARKS: All four-year-olds. Okay, I get it.

WEST: We had a long period of time where there was only three months of birth dates that actually could qualify for transitional kindergarten.

SPARKS: Okay.

WEST: With the change of the program and the program expansion is, those three months you add another two, another two, another two, and then another three. Then all of a sudden you got 12 months, all four-year-olds that can participate before that.

SPARKS: Okay. I see.

WEST: We are in a five-year program implementation, which is supposed to be a learned lesson from when we did kindergarten class size reduction. Kindergarten through third grade where we did it all at once.

SPARKS: Right.

WEST: And we did not have the facilities.

SPARKS: Okay.

WEST: The state plan is you have declining enrollment throughout the state, and then that transitional kindergarten is a way that we can provide that because of the space being available.

SPARKS: Okay, I got it. Thank you.

SHAW: My oldest boy was born in November of 2007. He was an inaugural transitional kindergartner.

WEST: Lucky few.

SHAW: That was a brand new thing. Alright, other announcements?

BOYD: Ramon.

MIRAMONTES: President Shaw, members of the Board, and fellow guests. Thanks for allowing me to share a few things that are happening. I want to inform the Board that we just had our Careers Without Borders series. OCDE's ACCESS division recently hosted a virtual event as

part of its Careers Without Borders, that featured accomplished Actor and Director Edward James Olmos. He spoke to our students within ACCESS, providing them valuable career insights to alternative education. Students aiming to inspire their own educational and professional journeys. It is one of the things I think that Vern and the staff continue to do on a monthly basis.

I also attended the Fourth Council PTA. I provided them an update with the services and programs we offer across four districts. The Fourth Council is an incredible, dedicated group of leaders, so focused on their mission of advocating for all students. I enjoyed my visits to the ACCESS sites, along with other staff members, as well as the Samueli Academy with Anthony Saba, on the second day of school. I look forward to visiting Vista Charters with Collin Felch this month, as well as Sunburst Academy and our special education sites as well. Kudos to our Crisis Response Network team. Our Crisis Response Network team, we were just informed that they are going to receive a Golden Bell for their efforts. The team was developed to support Orange County school districts, charter schools, and private schools with crisis readiness response and recovery. This program addresses the growing mental health crisis related to mass casualty events, sudden losses, and natural disasters. The CRN provides immediate crisis intervention, as well as training and long-term capacity building for districts, private, faith-based schools, and charter schools to develop their own comprehensive evidence-based crisis response plans. Congratulations to our team.

As the superintendent of Buena Park, we had a couple of incidents. They were there the very next day supporting our staff, students, and families. Thank you for signing off on that. They will be receiving the award at the CSBA conference in San Francisco. That concludes my report.

BOYD: Thank you.

MIRAMONTES: Thank you.

BOYD: The next board meeting is scheduled for Wednesday, November 1. Submission deadline is October 18 for agenda items, and your board packets will be delivered on October 27. Dr. Miramontes just mentioned the fact that the Crisis Response Network will be getting a Golden Bell at CSBA this year. I mentioned to you all in June that they had open registration. It is in San Francisco this year, even though they said they were not going back to San Francisco because it is so expensive. The dates are November 30 - December 2. We were trying to hold spots for board members, while you try to decide whether or not you were going to attend. But we had to release those because if you are not registered, you can't hold a hotel. They want to make sure that those that are attending have hotels.

If any of you are interested in attending CSBA, then please let us know within the next week or so. They still have not sent an agenda out, so we do not know what is going to be offered on what days. But we did want to make sure that if you do want to get registered, because hotels fill up really quickly up there, we want to make sure that we have options for you to offer accommodations.

SHAW: Terrific. Thank you for those announcements. Legislative updates, anyone have anything to report there? Probably not, the Legislature is out of session. Committee reports?

Seeing none, we will go to board member comments. I think I will start on my right this time, Trustee Valdes.

VALDES: I had a really nice visit with Irvine International Academy yesterday. I had a really fun time talking to the students. I'm not sure why everyone was so interested in what I ate for breakfast that morning. But I got a lot of questions about my diet plan during the day. We talked about baseball. We talked about the school. Thank you to Dr. Bean for hosting me.

SHAW: Dr. Sparks?

SPARKS: Yeah, I will just make a quick announcement. Thank you for those who were able to attend the Savvy Safety in Public Schools Forum. I understand we had some competing events across Orange County that night. A lot of people tuned in on YouTube. We do have it now available on our website for parents and community members who want to learn more about it and were not able to attend that night. That is up and running. I believe the staff is going to work on updating our flyer with the YouTube link as well. We can get that out to community members that may not have access to the internet. Thank you.

SHAW: Wonderful. Dr. Williams.

WILLIAMS: Yes. Kudos to you, Dr. Sparks, for putting that public safety forum together. That was the bulk of your work. I thought that was really, really interesting. The topics, the information that was gained, that was really enlightening.

SPARKS: Yeah. A lot of great information.

WILLIAMS: Good job. Good job.

SPARKS: Thank you.

BARKE: Same for me. I appreciate it. As a matter of fact, from some of our YouTube watchers, I had requests for contact information for some of your speakers. I connected them, and I think they will be speaking around the state as well.

SPARKS: Oh, great.

BARKE: Yeah.

SPARKS: Fantastic. Yeah, it ended up being really very informative. If we can push out that YouTube link to people who are interested, I think there is a lot of great information.

BARKE: Definitely. Yeah, there were people watching that evening, clearly.

SPARKS: Yes. We do have one public comment.

SHAW: Well, thank you. I will just make my comment real quick and then we will go to that. I did want to adjourn this evening in memory of Jordan Brandman, unfortunately he passed away. For years I was a city council member council in La Habra. Jordan was on the Anaheim Council. I'm trying to think when I first would have met him. I think it was at city council stuff back at that time. We competed in 2020 for this seat on the Orange County Board of Education. Sometimes what happens in the heat of a campaign, some sharp elbows might get thrown. That was not the case with Jordan and myself. We kept it very positive and civil. I always really appreciated that.

When they posted the numbers online, I was fortunate enough to be coming out on top. I think one of the first phone calls I got congratulating me was from Jordan Brandman.

BARKE: Oh, nice.

SHAW: I always thought that was very classy as well of him. He called me several times over the last few years, asked me how I was enjoying being on the board and just checking in. I was in somewhat regular contact with him. I was just really sad to hear of his passing last week at the age of 43. He was only 43, so very unfortunate there. But served for, I should mention, not only on the Anaheim City Council, he had been on the Anaheim High School Board as well before that elected. I think he was in his twenties, very young. He spent a lot of years in public service here in Orange County. We will do that. For our final comment—

SPARKS: Thank you for those kind words. Yeah. We have Patty. Patty is up for our final public comment.

PATTY: It is a little late since you already voted. Can you hear me? Okay. Since you voted on it—The reason why I think you should take the charter school into consideration is because parents want more options than the school that they have in their own backyard. For instance, in the city of Santa Ana, you can find, “This Book is Gay” in the Bookmobile. Okay? Unfortunately, many schools are no longer respecting the religious and cultural beliefs of many students. For instance, in this book, it shows how dreary a marriage between a man and a woman is, which is not something that a lot of parents want their children to be exposed to. As well as, in a chapter it is called, “A Guide to Recognizing Your Gay Saints,” which clearly goes against many people's religious beliefs. A book like this is just one reason why parents want more options on where to send their children to school. Schools are no longer about being inclusive as they claim to be. If you do not agree with all of this LGBTQ ideology or a certain political view, you as a parent are no longer truly welcomed in these schools and neither are your children.

The children are no longer to really be who they are, the children that they are at home, because they try to fit in to the school where they are at. The school that they are at might not align with their family views at home. That is why I wanted to ask for you to please take the charter school into consideration. Thank you. But you already did.

SPARKS: Thank you.

SHAW: Thank you. So with that, we will stand adjourned until Wednesday, November 1, 2023, at 5:00 PM here at the office. We will see you then.