

SUMMARY OF FACTUAL MISSTATEMENTS AND CLARIFICATIONS
Regarding March 24, 2026, JLAC Hearing

This document summarizes and responds to certain factual statements made during the March 24, 2026, Joint Legislative Audit Committee (“JLAC”) hearing concerning the Orange County Board of Education (“OCBE”). The purpose of this summary is to clarify the record and address statements that are unsupported, inaccurate, or misleading based on currently available information.

I. SENATOR TOM UMBERG ALLEGATIONS

Claim	Response
<i>“...specifically in March 2023, writ petition alleged Brown Act violations tied to a January 5, 2023, meeting including serial meetings.”</i>	Sen. Umberg did not produce the writ petition at the hearing. A thorough search of publicly available court records reveals no evidence that any such petition was filed. Additionally, no Board meeting occurred on January 5, 2023; the Board’s regular meeting was held on January 4, 2023.
<i>“Public complaints also raised concerns that legal spending was not publicly available.”</i>	Not only have there been no complaints in the last five years, but legal spending is publicly available in the budget documents and financial reports of the Orange County Department of Education (“OCDE”).
<i>“Student impact complaint handling board actions, including reported firings of top administrators, how that may have affected school operations...”</i>	By law, the Board is not the employer of OCDE administrative staff and does not have the authority to hire or terminate such employees. ¹ Any purported impact on school operations would pertain only to OCDE’s ACCESS and Connections programs, which the Board does not operate.
<i>“But over the last five years, either spent or projected to be spent \$8.7 million on litigation”</i>	Over the last five years (March 24, 2021, to March 24, 2026), the Board has spent \$3,783,867.20 on litigation.
<i>“Contracting concerns at least six recent instances of unlawful contracting under the Education Code. An estimated half-a-million dollars or more, and potentially unlawful expenditures.”</i>	Sen. Umberg did not identify any specific contracts or expenditures that were unlawful, nor does he cite any findings by a court or regulatory authority supporting that assertion.

¹ Under California law, personnel and employment authority for a county office of education resides with the County Superintendent of Schools (Ed. Code, § 1293). County boards of education have only limited authority to contract for specific services (Ed. Code, § 1042(c)), which does not extend to general staffing or administrative personnel. Accordingly, there is no general statutory authority for the Board to serve as the employer of county office personnel. Instead, employment functions (including hiring, supervision, and payroll) are carried out by the Superintendent through the County Office of Education.

“...settlement involving a former communications officer, Seth Stevens, followed by reported Title VI retaliation complaint.”

The Board was not involved in any such lawsuit. There is no record of a former communications officer named Seth Stevens, and searches of relevant legal filings reveal no such individual, lawsuit, or related retaliation complaint involving the Board.

“It's then the Board's responsibility to engage in some sort of investigation.”

The Board does not have investigative authority over charter schools. Oversight and compliance functions relating to charter schools are the province of the County Superintendent of Schools.²

II. ANDY THORNBURG

Claim

Response

“The senator mentioned \$8.7 million of legal expenditures. I'd like to mention that in the four years prior to that expenditure going up, for four years, the total expenditure for outside legal counsel was \$51,000.”

During the past five years, the Board has spent \$3,783,867.20 on litigation. Mr. Thornburg fails to identify a specific timeframe for his assertion.

“...they actually handed in a budget that was illegal under state law and received a letter from the Board of Education here in Sacramento from the State Board stating that it was not illegal, and they sued under that issue.”

There was never a legal determination that the other budget was illegal. The State Board of Education never said the budget was illegal. The State Superintendent of Public Instruction, represented by the California Department of Education, settled the case with the Board.

“...from the issue of governance in which they appear to have violated the state law at least on two occasions and are suing under that basis.”

There has never been a finding that the Board violated any state law. Also, neither the Board nor any other body sues for itself for violating state law.

“And in addition to which they use an outside counsel, possibly in violation of the law requiring them to use a counsel that was already available to the state, to the county board and to this county department of education.”

The Board did not violate state law for hiring outside counsel. In fact, Judge Crandall ruled that the Board would be foolish not to hire a lawyer they could trust. The case settled accordingly. (See settlement documents)

² Oversight and compliance functions relating to charter schools are assigned to the County Superintendent of Schools (Ed. Code, §§ 1240, 1241.5, 47604.32) and are exercised through defined statutory tools, such as monitoring and extraordinary audits. The Education Code likewise does not confer independent investigative authority on county boards of education.

III. LISA HICKMAN

Claim

“... and are responsible for approving district budgets and providing fiscal oversight.”

Response

The Board neither approves district budgets or provides fiscal oversight. That is the province of the County Superintendent of Schools.³

“...as the Board ultimately determines how effectively schools prepare youth for future success...”

The Board has no role in determining how an individual school or individual school district prepares students. That is the province of the local school, local district, and, as it pertains to County programs, the County Superintendent of Schools.⁴

³ Ed. Code, § 1240

⁴ *Id.* See also, Ed. Code, § 1260