

This document was provided, as is, to the California Department of Education (CDE) by the **Orange County Board of Education** and is posted to the CDE website to meet the legal requirements of California *Education Code* Section 33009.5. Minor formatting changes may have occurred during document remediation.

For more information regarding the content of this material, please contact the Charter Schools Division by email at charters@cde.ca.gov.



STEFAN BEAN, Ed.D.
County Superintendent of Schools

200 Kalmus Drive · P.O. Box 9050
Costa Mesa, CA 92628-9050

(714) 966-4220
(714) 434-4945 FAX

SCHOOLS LEGAL SERVICE

May 30, 2025

GREGORY J. ROLEN
General Counsel

CLAIRE Y. MOREY
LYSA M. SALTZMAN
RUTH D. BREWDA
CARL J. PIPER
Counsel

DEVON ATKINSON
Paralegal

Susan Park, Director
Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814-5901

VIA EMAIL ONLY
charters@cde.ca.gov

Re: Orange County Board of Education's Opposition to Tustin International Charter School's Appeal of the Denial of the Petition for Establishment of Charter School to the State Board of Education

Dear Director Park:

The Orange County Board of Education ("County Board") respectfully submits this written opposition to the appeal submitted by Tustin International Charter School ("Petitioner") to the State Board of Education regarding the denial by the Governing Board of Tustin Unified School District ("District Board") and the County Board of the petition to establish Tustin International Charter School ("Petition").

I. INTRODUCTION

The County Board acted within its discretionary authority under the Charter Schools Act, codified in Education Code section 47600 et seq., and complied with the procedural and substantive requirements in Education Code section 47605. The County Board's decision to deny the Petition was supported by specific, written factual findings in the documentary record.

While Petitioner may disagree with the outcome, such disagreement does not constitute an abuse of discretion. Under Education Code section 47605(k)(2), it is the Petitioner's burden to demonstrate that the County Board's denial was arbitrary, capricious, unlawful, procedurally unfair, or entirely lacking in evidentiary support. Petitioner's appeal fails to meet this standard. Instead, Petitioner offers generalizations, conclusory statements, and mischaracterizations of the process and record. Critically, Petitioner failed to submit an accurate and complete documentary record, including the April 2, 2025, public hearing transcript. This omission not only impairs the County Board's ability to understand and meaningfully respond to the allegations, but also impedes the State Board's ability to evaluate the appeal.

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 2

II. STATEMENT OF FACTS

On December 19, 2024, the District Board voted to deny the Petition. On January 8, 2025, the Petition was timely submitted to the County Board as an appeal pursuant to Education Code section 47605(k).

On February 11, 2025, a clarification meeting was held between the Petitioner and Orange County Department of Education ("OCDE") staff. The meeting provided Petitioner an opportunity to address questions and clarify specific elements of the Petition.

On March 5, 2025, the County Board held a public hearing pursuant to Education Code section 47605(b) to consider the Petition, assess the level of support from teachers, parents and other school employees, and to receive public comment. No action was taken at this meeting.

On March 18, 2025, in accordance with Education Code section 47605(b), OCDE issued and published a comprehensive written staff report analyzing the Petition, which included factual findings and recommendations ("Staff Report"). Among other matters, the Staff Report identified deficiencies in the delivery of Special Education and English Language Learner ("ELL") services.

On April 2, 2025, within ninety (90) days of receipt of the Petition, the County Board convened a second public hearing and then ultimately voted to deny the Petition.

On May 2, 2025, Petitioner filed an appeal with the State Board of Education ("State Board"). However, Petitioner did not request that the County Board prepare the official documentary record, including the transcript of the April 2, 2025, public hearing at which the denial occurred. Instead, Petitioner submitted a transcript from an unrelated County Board meeting held on April 3, 2024.

This omission is a direct violation of Education Code section 47605(k)(2)(A). Petitioner deprived the State Board of the complete and accurate record necessary to evaluate whether the County Board's decision constituted an abuse of discretion. Additionally, without specific citations to the documentary record, the County Board cannot meaningfully respond to or address Petitioner's claims.

III. LEGAL STANDARD

Assembly Bill ("AB") 1505 was enacted to reinforce local control over charter school approvals by limiting the State Board's appellate review to a narrow, abuse-of-discretion standard. Pursuant to Education Code section 47605(k)(2)(A), a petitioner must submit the denied petition

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 3

to the State Board within thirty (30) days of denial by the county board of education and must include:

- (1) The findings and documentary record from both the school district and the county board, and
- (2) A written submission detailing, with specific citations to the documentary record, how the governing board of the school district and the county board of education abused their discretion.

The governing boards are required to prepare the documentary record, including transcripts of the public hearings at which the denials occurred, *at the request of the petitioner*. (Emphasis added.)

Under Education Code section 47605(k)(2)(E), the State Board may reverse the denial only upon a determination that both the district board and the county board abused their discretion. As clarified by the California Department of Education, the abuse of discretion standard requires that deference be given to the determinations of the school district and county board unless their actions were “arbitrary, capricious, entirely lacking in evidentiary support, unlawful, or procedurally unfair.” (State Superintendent of Public Instruction’s June 30, 2022, Information Memoranda re “Charter School Appeals to the California State Board of Education: Abuse of Discretion Review Standard” and *California School Boards Assn. v. State Bd. of Education* (2010) 186 Cal.App.4th 1298, 1313–1314.) In *Manjares v. Newton* (1966) 64 Cal.2d 365, 370–71, the California Supreme Court explained that “in determining whether an agency has abused its discretion, the court may not substitute its judgment for that of the agency, and if reasonable minds may disagree as to the wisdom of the agency's action, its determination must be upheld.” Accordingly, a reviewing body may not overturn a discretionary decision simply because it would have reached a different conclusion; instead, the decision must be allowed to stand if reasonable minds could differ and it falls within the bounds of reason.

In *Napa Valley Unified School District v. State Board of Education* (2025) 110 Cal.App.5th 609 (“*Napa Valley*”), the Court of Appeal reaffirmed this principle when it held that the State Board erred in reversing a school district and county board’s denial of a charter school petition, under Education Code section 47605. In *Napa Valley*, the Court of Appeal indicated:

Under the arbitrary and capricious standard, the question is whether the agency's action has a reasonable basis in law and a substantial basis in fact. A reviewing court defers to an agency's factual finding unless no reasonable person could have reached the same conclusion on the evidence before it.

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 4

Consequently, in applying this standard, the State Board's role is not to reweigh evidence or impose its own judgment but to determine whether the local agency's action fell outside the bounds of legal discretion. The petitioner bears the burden of demonstrating an abuse of discretion, and any doubts must be resolved in favor of the local authorizing entities.

IV. COUNTY BOARD RESPONSIBLY EXERCISED ITS DISCRETIONARY AUTHORITY TO DENY THE PETITION BASED ON SOUND EDUCATIONAL JUDGMENT, ALIGNED WITH LEGAL STANDARDS, AND SUPPORTED BY SPECIFIC WRITTEN FINDINGS

Under Education Code 47605, a chartering authority reviews petitions for the establishment of charter schools, in accordance with the Legislature's intent that charter schools are, and should become, an integral part of the California educational system and that the establishment of charter schools should be encouraged. On appeal from a school district denial, a county board of education must review the petition under Education Code section 47605(b) and (c). Education Code section 47605(c) prohibits denial unless the board makes written factual findings, specific to the petition, that clearly support one (1) or more of the legal grounds for denial.

A. March 5, 2025, Public Hearing

On March 5, 2025, pursuant to Education Code section 47605(b), the County Board conducted a public hearing on the Petition, to consider the Petition and the level of support from teachers employed by the school district, other employees of the school district, and parents. (*See* Attachments A and B.) During the meeting, OCDE staff introduced the Petition:

Today the board will hold a hearing to consider public input regarding the charter petition appeal submitted by Tustin International Charter School on January 8th after denial by the Tustin Unified School District board, governing board. This charter school proposes to operate a classroom-based program serving students in transitional kindergarten through grade five for an initial charter term from 2025 to 2030. Before public comments, Tustin International Charter School representatives are allotted 15 minutes to address the board. Representatives from Tustin Unified School District did not request presentation time.

Mr. Steven Chuang is the lead petitioner. According to the Petition, Mr. Chuang was the founding principal of the first public Mandarin immersion charter school in Orange County, the Irvine International Academy ("IIA"). IIA is authorized by the County Board. Mr. Chuang presented "the vision, mission and educational impact" of the proposed charter school. He described the charter school as a Mandarin-English dual immersion charter school designed to

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 5

prepare students for success in a global economy through bilingual education, cultural literacy, and 21st-century skills. He emphasized the cognitive and academic benefits of bilingualism and positioned Mandarin instruction as a strategic asset for future careers in STEAM, business, and international relations. Mr. Chuang stated: "By equipping our students with Mandarin proficiency, we are giving them a competitive advantage . . . But this is about more than just language. It's about building bridges between cultures." The proposed instructional model would follow a 50/50 dual immersion format, with half the instruction delivered in English and half in Mandarin, aligned to California Common Core Standards. The charter school planned to open with two (2) classes per grade level, from TK to 4th grade, with one (1) Mandarin and one (1) English teacher assigned to each. Mr. Chuang explained that students would switch language blocks mid-day and receive instruction in core content areas – including social studies, math, and language arts – across both languages. Mr. Chuang also detailed instructional strategies, emphasizing small-group instruction and planned professional development partnerships. He cited his past success at a prior school site and presented performance data to demonstrate prior academic outcomes, particularly for English learners. He concluded by identifying multiple charter funding sources the school had applied for, including the Silicon Schools Fund and New Schools Venture Fund, and thanked the County Board for its consideration.

Following Mr. Chuang's presentation, Ms. Josie Chu ("Ms. Chu"), a member of the Founding/Advisory Team of the charter school spoke in support of the Petition. Ms. Chu is a co-founder and co-owner of Marco Polo Children's School, a Chinese immersion preschool located in Irvine near the Tustin border. Ms. Chu described her school as serving over 100 families committed to bilingual education and noted that, despite strong parent demand, there are currently few options for continuing Chinese immersion at the elementary level in Orange County. She stated that there are only two (2) charter schools in Irvine offering such programs, and none in Tustin, forcing many families to travel long distances or forgo immersion due to limited space.

Mr. Chuang concluded the Petitioner's presentation by requesting a show of hands from supporters. The visual demonstration of support was acknowledged during the meeting but not quantified.

The County Board received only one (1) public comment during the hearing. A parent spoke in support of the Petition and credited Mr. Chuang with successfully helping to lead a Blue Ribbon charter school in Northern California. He described Mr. Chuang's leadership at IIA, as instrumental to his own child's bilingual development. The speaker explained that, despite prior efforts, including after-school programs and home instruction, his child only began to meaningfully acquire Mandarin while enrolled in the immersion program at IIA. Additionally, the parent highlighted the alignment between the proposed charter and the state's "Global California 2030" initiative, which aims to triple the number of multilingual students. He stressed that Tustin is well-positioned for such an initiative due to its diverse demographics, including

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 6

Latino and Asian communities. He concluded by urging the County Board to approve the Petition, citing the potential educational and cultural benefits for the community.

After the public hearing concluded, OCDE staff reported that staff findings and recommendations would be issued by March 18, 2025, and that the County Board will conduct a second public hearing at the April 2, 2025, County Board meeting to grant or deny the Petition.

County Board members then had an opportunity to engage in discussion and ask questions of the Petitioner. Trustee Valdes expressed general support for charter schools and parental choice but raised concerns about leadership and past performance at IIA. He referenced community feedback alleging internal conflict and questioned Mr. Chuang's non-participation in a prior OCDE oversight visit. Trustee Valdes stated, "I look to the person who's going to lead the charter and what that person's record looks like." He also asked whether the Petitioner planned to seek a facility under Proposition 39, to which the Petitioner answered affirmatively. Mr. Chuang clarified that he was not responsible for decisions made by the executive director at IIA, stating he had been in a founding leadership role to set up a compliant program but was not the person in charge. He emphasized that he actively participated in all oversight and compliance audits with OCDE.

Trustee Shaw inquired about redundancy with existing Mandarin programs in Irvine. Mr. Chuang responded that demand remains high, noting a 300-student waitlist at IIA. Trustee Barke supported the expansion of school choice but expressed concern about the limited public turnout at the hearing, stating:

I'd love to see more public comment. The public comment was great and I appreciate that, but I'd love to see more. I'd love to see the community really wanting this and coming out. I've seen 10, 20, 30, 40, 50, close to a hundred parents come here telling us how important it is. And so, I'm hearing that from you and a few people, but I would love that to hear that from more of the community.

Trustee Sparks sought clarity on projected enrollment, family demand, and financial sustainability. She emphasized the need for "more solid data" on parent interest. Mr. Chuang explained that many families who attended the meeting were first-generation immigrant parents who were not accustomed to public speaking. He also described plans for targeted outreach to Tustin families. Mr. Delano Jones ("Mr. Jones"), Business Manager for the Petitioner and two (2) other County Board authorized charter schools, reported that they have developed a conservative plan and budget to ensure a successful second year when the school opens.

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 7

County Board President Williams expressed concern that Mr. Chuang's prior history with IIA had left reservations. President Williams commented, "Your leadership is in question," and emphasized the importance of strong, accountable leadership in managing a new start-up charter school. President Williams asked several questions, including about the Petitioner's financial planning and whether the school had secured any external support. Mr. Jones responded that the Petitioner had applied for grants from Silicon Schools Fund, Charter School Growth Fund, and New Schools Venture Fund, and confirmed that funding would depend on charter approval.

The County Board concluded their discussion and questions without action, in accordance with the legal requirement to allow for a two-step process – first, public hearing; second, decision at a second public hearing.

B. Staff Recommendations and Recommended Findings

On March 18, 2025, OCDE issued the Staff Report with findings of fact and recommendations based on information gathered throughout the review process, including a clarification meeting with the Petitioner held on February 11, 2025. (*See* Attachment C.) Consistent with Education Code section 47605(b), the Staff Report was provided to the Petitioner and posted on the OCDE website fifteen (15) days before the April 2, 2025, public hearing.

The Staff Report stated that the information in the report was "*condensed to the most significant issues and does not include all areas of concern.*" (Emphasis added.) The four (4) most significant areas identified were:

- (1) ELL support;
- (2) Special education compliance;
- (3) How to meet the needs of students achieving below grade level expectations; and,
- (4) Curriculum for core subject mastery and language acquisition.

The factual findings for each area are described more fully below:

1. English Language Learner

The Staff Report noted that the Petition lacks a comprehensive and clearly articulated plan for supporting ELLs. Specifically, it does not identify how and when integrated and designated English Language Development ("ELD") will be implemented during the school day, nor does it provide sufficient strategies for reclassified students, long-term ELs, or students learning Mandarin and English concurrently.

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 8

During the clarification meeting, Petitioner stated that struggling students might receive support through online curriculum access, small group instruction, or optional before and after school sessions. However, these measures fall short of the requirements outlined in California's ELA/ELD Framework, which calls for targeted, credentialed teacher-led instruction in both integrated and designated ELD throughout the school day. (See California Department of Education. (2015), *English Language Arts/English Language Development Framework for California Public School for Kindergarten Through Grade Twelve*.
<https://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp>.)

2. Special Education Compliance

As noted in the Staff Report, "the [P]etition lacks the necessary information regarding how the school will meet the needs of students with disabilities" and fails to articulate clear plan for how instruction will be differentiated to support students with special needs. During the clarification meeting, Petitioner was asked to elaborate on the school's plan for diverse learners, specifically in reference to page 66 of the Petition. In response, the Petitioner described a process involving monthly Individualized Education Program ("IEP") meetings and the use of Student Study Teams ("SSTs") prior to involvement by a resource specialist. This explanation reflected a fundamental misunderstanding of special education procedures. IEP meetings must be held annually, and are not generally held monthly for every student, and resource specialists serve students with IEPs, not to all low-achieving students. Petitioner's response conflates support for students with disabilities with general interventions for academically struggling students. The Petition also fails to describe how the school will ensure that accommodations and services are provided in compliance with federal and state special education laws.

3. Students Achieving Below Grade Level Expectations

The Staff Report also found that the Petition lacks a clear plan for addressing the needs of low-achieving students who require additional support. While the Petition identifies some Tier 1 interventions, such as small group instruction and skill-building activities, it "assumes these students will have IEPs" (Petition, pp. 66–69), and does not distinguish between students with disabilities and those who are simply performing below grade level. The Petition fails to account for the distinct needs of academically low-achieving students who may not meet eligibility criteria for special education but still require targeted support to reach grade-level standards.

4. Curriculum

Lastly, the Staff Report states that the Petition contains inconsistencies regarding the curriculum that raise concerns about the school's ability to implement its educational program as described. For example, page 42 of the Petition states, "Instruction in Mandarin Language Arts, Mathematics, and half of the Social Studies curriculum will be conducted in Mandarin," while

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 9

other sections, specifically pages 47 and 61, indicate that mathematics will be taught in English. When this discrepancy was raised during the clarification meeting, Petitioner clarified that mathematics would be taught in Mandarin. Petitioner was also questioned about the Petition's statement on page 42 that "our Mandarin teaching staff will be responsible for curriculum development in the subjects instructed in Mandarin," which was said to occur on Wednesdays during minimum school days. Petitioner clarified that this was a mistake in the Petition, and that Mandarin teachers would not be responsible for developing curriculum and that the charter school would instead purchase the necessary curriculum. The Staff Report indicated that the inconsistencies in the Petition suggested the need for further clarification on how the school plans to deliver its educational plan.

5. Recommendation and Options

Despite these shortcomings, the Staff Report recommended that the County Board approve the Petition with conditions for a term of five (5) years from July 1, 2025, to June 30, 2030. The Staff Report also stated that to satisfy the conditions, the Petitioner and the County Board must fully execute an Agreement that addresses *all* of the findings in the Staff Report, establishes appropriate timelines for the Petitioner to satisfy the conditions, and delineate the operational relationship between the school, the County Board, and OCDE, no later than the County Board's regularly scheduled meeting in June 2025. (Emphasis added).

The Staff Report concluded that the County Board had three (3) options:

- (1) Option One: Approve the charter petition as written.
- (2) Option Two: Approve the charter petition with conditions.
This action would result in the charter petition being approved and require the execution of an Agreement to address the findings outlined in the Staff Report.
- (3) Option Three: Deny the charter petition.

C. April 2, 2025, Public Hearing

On April 2, 2025, in accordance with Education Code section 47605(b), the County Board held a public hearing, in which the Petitioner had equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. (*See* Attachments D and E.)

1. OCDE Staff Presentation and Recommendation

During the public hearing, OCDE provided a brief history of the review process and then summarized the May 18, 2025, Staff Report, which had been provided to the County Board as part of the Agenda.

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 10

OCDE Staff described the four (4) significant areas of concern: support ELL; special education compliance; meeting the needs of students achieving below grade level expectations; and, curriculum for core subject mastery and language acquisition. The Staff Report stated that the Petition lacks a comprehensive plan for reclassifying and supporting English learners, fails to adequately explain how students with disabilities will be accommodated, does not distinguish between low-achieving and special education students, and contains inconsistencies regarding the curriculum related to language for delivery of instruction and whether curriculum materials will be purchased or teacher-developed. Although the Staff Report found a number of serious deficiencies, OCDE Staff stated:

We put forward to the Board that the deficiencies in the charter petition can be adequately addressed via the execution of an agreement to remedy the findings in the staff report and establish appropriate timelines for the petitioners to meet the conditions as specified.

Following OCDE Staff's presentation, Petitioner was provided an equal opportunity to respond or ten (10) minutes, whichever was longer. OCDE Staff's presentation was approximately four (4) minutes long (time marker at 3:20 to 3:24).

2. Petitioner's Presentation and Response to Staff Report

Petitioner thanked the County Board and OCDE staff for their work and expressed their intent to address all concerns raised in the Staff Report: "We will make sure we meet all the requirements to get the County Board's approval."

Dr. Jennifer Reiter-Cook ("Dr. Reiter-Cook"), a consultant, spoke on behalf of the Petitioner to address findings in the Staff Report. She emphasized that "many of the teaching strategies designed for students with or having difficulty with academic progress . . . closely resemble those used for language learners," making the dual-language setting appropriate for students with varied learning needs. Dr. Reiter-Cook explained that the Petitioner will use an inclusive model with tiered supports through a Multi-Tiered System of Supports ("MTSS") framework and collaborate with special education experts to ensure services are delivered in the least restrictive environment.

Regarding English Learners, she stated that the Petitioner is forming partnerships with "leading Mandarin immersion schools, including Yu Ming Charter School and Barnard Elementary School," and will establish an advisory committee of national experts to align the instructional model with California's ELA and ELD Framework. This includes "clearly scheduled designated ELD time, strategic use of integrated ELD across content areas, and consistent support from

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 11

credentialed staff during the instructional day.” She also noted that, although Petitioner is not currently a member of the California Charter Schools Association (“CCSA”) due to CCSA policy changes, the school would be eligible to join and receive support upon approval.

Ms. Tabitha Obligation (“Ms. Obligation”), a licensed educational psychologist, spoke in support of the Petition. Representing a certified non-public agency, she explained that her multidisciplinary team includes psychologists, speech therapists, occupational therapists, and behavioral interventionists, all prepared to support students with and without IEPs. She stated that her organization also helps families understand their educational rights. Ms. Obligation emphasized her agency’s readiness to support both general and special education services at the charter school and praised Mr. Chuang’s dedication to “putting the students’ needs first.”

Mr. Joe Liu (“Mr. Liu”), a member of the charter school’s governing board, addressed concerns about facilities. He stated that if the Petition is approved, the school plans to pursue a Proposition 39 facility but acknowledged potential challenges with that route. As a contingency, he explained *that* the school may lease property at the Tustin Marine Base but more information would only be available if the charter school is approved. Mr. Liu also noted that he has been a realtor for several years and is working with a commercial team prepared to assist in securing alternative locations.

The Petitioner thanked parents and community members for their support, stating that the school would be “a gift to the community.” Mr. Chuang closed the presentation by indicating that, as a public servant, his role was to ensure the school “will belong to parents” and be successfully opened. He concluded by thanking the County Board for its consideration. The Petitioner’s presentation was approximately seven (7) minutes long (time marker at 3:24 to 3:31).

3. Public Comment

Following staff’s summary of findings and recommendation and a presentation by the Petitioners, a total of nine (9) individuals provided public comment, all of whom expressed support for the Petition. Speakers included parents, community advocates and professionals, many of whom shared personal stories underscoring the importance of bilingual education and Mandarin immersion opportunities. No speakers expressed opposition to the Petition.

4. Trustee Questions and Deliberation

During County Board discussion, trustees expressed serious reservations about Petitioner’s readiness to implement the proposed educational program.

Trustee Shaw expressed feeling “pretty torn” about the Petition, acknowledging support for multilingual education and school choice, but also noting the deficiencies found in the Petition,

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 12

including support for English learners, special education, low-achieving students, curriculum clarity, and facility challenges, stating, "there's a lot there."

Trustee Barke expressed initial concerns about the Petition, particularly discrepancies related to "the most vulnerable students," but noted that some of those concerns were clarified during the hearing. She said, "we are concerned about the most vulnerable students," and praised Dr. Reiter-Cook's expertise, asking about her role. Dr. Reiter-Cook responded that she is currently a consultant but may play a larger role during the planning year to help ensure proper implementation. Trustee Barke also inquired about charter school partnerships, to which Mr. Chuang responded that Petitioner plans to partner with established Mandarin immersion schools through an advisory committee to "duplicate their successful model."

Trustee Sparks asked how struggling learners would be supported. Mr. Chuang explained that students would be immersed in both languages daily through a 50/50 model and that "small group instruction for at least 45 to 60 minutes" would be used to support learners at different proficiency levels. He stated that teachers would track progress through daily assessments and data entered in a Google spreadsheet to identify support needs. Additional help would be provided through morning and after-school programs. Regarding students with disabilities, Mr. Chuang clarified his understanding of IEP procedures and noted that the proposed charter school would join the LA County SELPA to ensure access to appropriate funding and services. He acknowledged his prior misstatements and affirmed that they would meet all required standards. Trustee Sparks emphasized the County Board's commitment to school choice, while stressing the importance of ensuring schools are "educationally viable," "organizationally viable," and "financially viable." Trustee Sparks asked a representative from the California Charter Schools Association for CCSA's overall assessment of the Petition. CCSA responded that his team has provided guidance and support, but must remain neutral because the Petitioner is not currently a member of the organization.

Trustee Valdes questioned Dr. Reiter-Cook about her role with the Petitioner, current employment, and qualifications. Dr. Reiter-Cook explained that she is a salaried employee of Comp Therapy, an organization that primarily provides staffing, though she independently supports charter schools through consulting. She noted that she is currently working with about nine (9) charter schools in various stages of development, and has an extensive background in charter schools and special education. Her credentials include experience as a special day class and general education teacher, charter school principal, university instructor, and an 11-year tenure with the CCSA, where she supported new school development. Trustee Valdes acknowledged community support for a Mandarin immersion charter but expressed "deep concern about the leadership structure at this school." He stated that without someone like Dr. Reiter-Cook "on-site every day," he anticipated significant problems with the school's future viability, and concluded by saying, "I will very likely be voting no."

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 13

President Williams expressed strong support for charter schools and parental choice, but also voiced significant concerns about the Petition. He noted that even a "perfect" petition can fail due to obstacles such as facilities, budget and execution, citing past experience with a charter school that was approved but ultimately failed due to facility issues. President Williams questioned whether the County Board could approve the Petition for fewer than five (5) years and received clarification from OCDE staff that a shorter term would limit the County Board's ability to evaluate academic performance and financial stability before renewal, possibly resulting in a de facto seven (7) year term.

President Williams raised specific concerns about discrepancies in the Petition, including conflicting statements regarding the language of instruction for mathematics and a perceived misunderstanding of special education procedures. Staff clarified that such issues would be addressed through conditions imposed during the planning year, including submission of a special education plan and evidence of qualified personnel. Trustee Valdes emphasized that leadership gaps, particularly the Executive Director's reliance on consultants was troubling. President Williams had similar concerns, referencing the prior experience at IIA, and concluded by questioning the team's readiness to successfully implement the proposed program. Petitioner acknowledged these challenges but expressed confidence that they could be addressed during the planning year.

5. Final Action and Vote

After full deliberation, a motion to approve the Petition with conditions failed by a 1–4 vote. Trustee Barke was the sole vote in favor. Subsequently, a motion to deny the Petition was made by Trustee Valdes and seconded by President Williams. That motion passed by a 4–1 vote, with Trustees Valdes, Shaw, Williams, and Sparks voting in favor of denial, and Trustee Barke dissenting.

The Resolution and Written Findings of the County Board to deny the establishment of TICS states that the County Board adopted the findings and recommendations set forth in the OCDE Staff Report and that based on the written factual findings, the County Board finds that the Petition is not consistent with sound educational practice and fails to contain reasonably comprehensive descriptions of the required elements of Education Code section 47605(c). (*See Attachment F.*)

V. RESPONSE TO PETITIONER'S CLAIMS ON APPEAL

Petitioner failed to demonstrate, with required citations to the documentary record, any cognizable claim of abuse of discretion by the County Board. Each of Petitioner's claims is conclusory, inaccurate, and requests the State Board to impermissibly approve the Petition as

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 14

opposed to finding an abuse of discretion. Petitioner has not, and cannot, meet its burden to establish an abuse of discretion occurred.

A. Denial was Based on Substantial Evidence and Consistent with Legal Standards

Petitioner asserts that the County Board's denial was arbitrary, capricious and unsupported by the documentary record, in violation of Education Code section 47605. Specifically, Petitioner alleged that certain trustees – particularly Trustee Valdes and President Williams – relied on mischaracterizations of Mr. Chuang's past history of involvement at a different charter school. There is no evidence to support this assertion.

The appeal contends that County Board members “engaged in a pattern of behavior that deviated from the objective evidence based analysis required” under Education Code section 47605. In support of this claim, Petitioner references the March 5, 2025, public hearing, where Trustee Valdes allegedly “falsely attributed management failures” at IIA to Mr. Chuang. The only example provided was that Trustee Valdes claimed that Mr. Chuang had evaded OCDE's charter oversight during IIA's annual review. However, during that same meeting, Mr. Chuang was provided an opportunity to immediately respond, and he explicitly clarified that the allegation was incorrect and that he had handled all aspects of IIA's annual oversight process.

Similarly, the appeal states that during the April 2, 2025, public hearing, President Williams “echoed these unfounded narratives” when President Williams “stated publicly that Mr. Chuang's leadership at IIA ‘left a bad taste,’ despite no factual or documented basis.” This comment occurred after OCDE staff presented examples of what the recommended conditions for approval would be. President Williams expressed concern as to whether Mr. Chuang would be able to meet such conditions:

The Irvine International Academy when you were there still has a bad taste in our mouth. It still leaves a memory that is one that makes it difficult to support you because you're supposed to be the leader and you're supposed to know these things, and I just don't see your leadership being effective enough to overcome the obstacles that are ahead of you.

Mr. Chuang clarified that his role at IIA was limited to start-up operations, including launching the school from scratch, but that he did not hold ultimate authority – stating that IIA's former Executive Director, Michael Scott, was in charge of the school during the period of concern. He also indicated that he was responsible for audits to make sure the school met all requirements.

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 15

1. The County Board Properly Considered Petitioner's Past Performance.

Although the regulatory framework that implemented the State Board of Education's review of charter petitions on appeal after denial are no longer controlling post-AB 1505, the regulations, specifically California Code of Regulations ("CCR"), Title 5, section 11967.5.1, remains instructive in illustrating the kinds of considerations that are relevant to assessing the bases for denial under Education Code section 47605.

In regards to whether Petitioner is "demonstrably unlikely to successfully implement the program" set forth in the Petition, 5 CCR 11967.5.1 advised consideration of the Petitioner's prior involvement in charter schools or other educational institutions, including whether such history reflected successful outcomes. It also recommended reviewing whether the Petitioner possessed, or planned to obtain, expertise in key operational areas, such as curriculum, instruction, assessment, and business and fiscal management. These remain reasonable and relevant factors under the current statutory framework, particularly when determining whether denial is warranted under Section 47605(c)(2).

The County Board exercised its discretion responsibly by asking targeted questions and seeking clarification regarding Mr. Chuang's prior role at other charter schools. These inquiries went directly to the leadership team's capacity to implement the program successfully – an evaluation expressly permitted by statute – and the decision to deny was supported by specific, written factual findings in compliance with Education Code section 47605(c). Without more, the County Board's inquiries into the qualifications and past performance of Mr. Chuang cannot be construed as an abuse of discretion. On the contrary, such questioning reflects the County Board's obligation to exercise due diligence in determining whether the Petitioner is "demonstrably unlikely to successfully implement the program" under Education Code section 47605(c)(2).

Consequently, despite Petitioner's claims, the record demonstrates that trustees asked questions about prior performance as part of their statutory obligation under Education Code section 47605(c)(2) to assess whether Petitioner is demonstrably unlikely to successfully implement the proposed program. While Petitioner may disagree with the concerns raised or the conclusions ultimately drawn, such disagreement does not transform the County Board's evaluation into an abuse of discretion.

B. Petitioners were Afforded a Fair Process in Accordance with Law

Petitioner asserts that the County Board engaged in procedurally unfair conduct, pointing specifically to remarks made by President Williams during the March 5, 2025, County Board meeting that characterized Mr. Chuang's leadership as "dictatorial" and attributed IIA's challenges solely to him. The appeal claims these statements were offered without findings,

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 16

rebuttal opportunity, or connection to the formal record. It further alleges that the County Board improperly relied on defamatory materials allegedly circulated by former IIA Executive Director Michael Scott, which were protected by a confidentiality agreement. Petitioner argues that these comments and actions violated norms of board conduct and resulted in prejudicial reliance on extraneous, unverified accusations.

The Petitioner identifies no procedural flaw nor documentary evidence of any procedural flaw. The statement at issue may refer to a comment made by President Williams during the March 5, 2025, hearing, which emphasized the importance of leadership and accountability:

So, leadership is key and Mr. Chuang, your leadership is in question. It's been brought up. We've had a bad experience at Irvine International. I'm concerned about that also. Having staff that works for you. I'm giving you some insight that I learned from our good superintendent. Leadership requires that you're a servant, that you have a servant heart, that you serve your staff, you serve the teachers, you serve the families, and no one can be *dictating* to them what they do because you are a servant if you are the executive director and leader. So hopefully I'm not telling you anything new, but if you go to the next month and we approve you, there's going to be some high expectations. I told you about this and it's not just me. It's more than one person on this board who's very concerned about your leadership ability. So, leadership is key. (Emphasis added.)

This statement, while candid, was neither “defamatory” nor “prejudicial.” It reflects a trustee's perspective on the importance of leadership in evaluating the Petition. Following President Williams’ remarks, Mr. Chuang was given two (2) separate opportunities to respond and did so without objecting to the use of the term “dictating” or otherwise challenging the characterization at that time, when represented by competent counsel.

Moreover, Petitioner’s claim that the County Board failed to provide a fair process is unsubstantiated. The public hearings held on March 5 and April 2, 2025, afforded Petitioner not only equal time to present its case, but in fact more time than OCDE staff. Petitioner was also given multiple opportunities to respond to questions and clarify key aspects of the Petition.

Petitioner further alleges that the County Board improperly relied on “defamatory material circulated by Michael Scott, who signed [a] confidentiality agreement (Attachment: 2023 Settlement Agreement),” and that the County Board’s purported endorsement of those claims constitutes procedural impropriety. However, Petitioner did not include the referenced 2023 Settlement Agreement in its Appeal, and—more critically—fails to provide any specific citations

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 17

to the documentary record to substantiate this claim to enable the County Board to meaningfully respond.

C. No Evidence of Racial Bias

Petitioner alleges "possible racial bias," pointing to a comment by Trustee Valdes during the April 2, 2025, public hearing in which he compared the qualifications of Mr. Chuang, a Taiwanese-American with 24 years of experience, including as principal of a Mandarin immersion school, to those of Dr. Reiter-Cook, a white part-time consultant supporting the Petition. Petitioner contends that this comparison was inappropriate given Mr. Chuang's background and the school's Mandarin-English bilingual focus, and suggests it contributed to procedural unfairness and may reflect implicit racial or cultural bias.

The County Board categorically denies any inference that its decision was motivated by racial bias. During the April 2, 2025, public hearing, OCDE Staff reported four (4) primary areas of concern regarding the Petition: (1) support for English Language Learners; (2) special education compliance; (3) meeting the needs of students achieving below grade level expectations; and, (4) curriculum for core subject mastery and language acquisition. In response, Petitioner presented testimony from Mr. Chuang and his team, including Dr. Reiter-Cook, whose role was positioned as a remedy to several of the identified deficiencies. As detailed in Section IV-C of this response, Dr. Reiter-Cook reviewed her extensive background in charter school development, special education, and ELL support.

Following this presentation, Trustee Valdes asked Dr. Reiter-Cook a series of questions regarding her professional background, current role, and availability to support the school. He then stated:

Okay, thank you. So, I guess the rest of my time I'm going to spend on some comments. Dr. Williams said to the parents here, I appreciate you coming down. You don't need to sell this trustee on the need for a Mandarin charter. I think that that need is well established, and I know a lot of you spent a lot of time trying to convince this board and myself that another Mandarin charter is a good idea. I'm already of that opinion. The problem to lay my cards out here, I am deeply concerned about the leadership structure at this school. It does not have a good prior track record and without someone like Dr. Cook on site every day, I just see a lot of problems in this school's future. I will very likely be voting no.

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 18

Trustee Valdes' questions and comment were directed at evaluating whether the Petitioner's proposed leadership and Dr. Reiter-Cook's part-time, off-site role were sufficient to overcome documented deficiencies. This type of inquiry is well within the County Board's evaluative authority under Education Code section 47605(c), which allows denial where Petitioners are "demonstrably unlikely to successfully implement the program." The comment, viewed in context, does not constitute an abuse of discretion.

Consequently, there is no evidence in the record – explicit or implicit – of racial or cultural bias in Trustee Valdes's comments or the County Board's deliberations. At most, Petitioner takes issue with the tone or phrasing of certain remarks. However, speculative claims of cultural invalidation, unsupported by the record, cannot substitute for the burden of demonstrating that the County Board's decision failed to meet the legal standards under Education Code section 47605. The County Board's findings were grounded in statute, informed by staff analysis, and rendered following a complete and procedurally fair public process.

VI. CONCLUSION

Education Code section 47605(k)(2) strictly limits the State Board's authority on appeal to determining whether the County Board's denial of the charter petition constituted an abuse of discretion. This highly deferential standard does not permit reversal merely because the reviewing body would have reached a different conclusion. As the California Supreme Court held in *Manjares v. Newton* (1966) 64 Cal.2d 365, 370–371, "if reasonable minds may disagree as to the wisdom of the agency's action, its determination must be upheld." Similarly, in *Napa Valley Unified School District v. State Bd. of Education* (2025) 110 Cal.App.5th 609, the Court of Appeal reaffirmed that a reviewing court may not substitute its own judgment for that of the local agency and must uphold a decision that has a reasonable basis in law and a substantial basis in fact.

Here, Petitioner's claims of arbitrary conduct, procedural unfairness, and bias are not supported by the record. The County Board followed the procedural and substantive requirements of Education Code section 47605, held two (2) public hearings, and rendered a decision based on specific, written factual findings. Those findings were supported by a comprehensive staff report and addressed deficiencies in English learner support, special education, services for low-achieving students, and curriculum implementation. Mere disagreement with how trustees expressed concerns or evaluated leadership does not rise to the level of abuse of discretion.

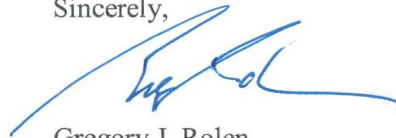
Accordingly, because the County Board's determination falls well within the bounds of legal discretion and is supported by the record, the State Board must uphold the County Board's denial of the Tustin International Charter School Petition.

Susan Park, Director
Charter Schools Division
California Department of Education
Re: OCBE's Opposition to Tustin International's Appeal
May 30, 2025
Page 19

VII. ATTACHMENTS

- **Attachment A:** Agenda for March 5, 2025, Orange County Board of Education meeting.
- **Attachment B:** Minutes for March 5, 2025, Orange County Board of Education meeting.
- **Attachment C:** Orange County Department of Education Staff Report Findings of Fact and Recommendation, dated March 18, 2025.
- **Attachment D:** Agenda for April 2, 2025, Orange County Board of Education meeting.
- **Attachment E:** Minutes for April 2, 2025, Orange County Board of Education meeting.
- **Attachment F:** Orange County Board of Education Resolution and Written Findings to Deny the Petition for a Charter School for Tustin International Charter School, adopted on April 2, 2025.

Sincerely,



Gregory J. Rolan
General Counsel

GJR:bjf

ATTACHMENT A

Written Opposition from Orange
County Board of Education

accs-aug25item02
Attachment 8
Page 21 of 51

Item: Agenda - March 5, 2025

REGULAR MEETING
March 5, 2025
3:00 p.m.

[X] Mailed [] Distributed at meeting



Location: The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream <https://www.youtube.com/live/Xur7053MQgo>.

ORANGE COUNTY BOARD OF EDUCATION
AGENDA

WELCOME

CALL TO ORDER

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

ROLL CALL

(*) AGENDA

Regular Meeting of March 5, 2025 – Adoption

(*) MINUTES

Regular Meeting of February 3, 2025 – Approval

PUBLIC COMMENTS (related to Closed Session)

TIME CERTAIN

1. Inter-district Appeal Hearing (Closed) – Student #03052025001I - Huntington Beach Union High School District to Newport Mesa Unified School District.
2. Inter-district Appeal Hearing (Closed) – Student #03052025002I - Laguna Beach Unified School District to Newport Mesa Unified School District.

CLOSED SESSION 1

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

CLOSED SESSION 2

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

INVOCATION

5:00 p.m.

Pastor Joseph Pedick
Calvary Chapel of the Harbour

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

PUBLIC COMMENTS

CONSENT CALENDAR

- (*) 3. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
- (*) 4. Adopt Resolution #03-25 to recognize April 5-11, 2025 as Week of the Young Child.
- (*) 5. Adopt Resolution #04-25 to recognize April 2025 as Public Schools Month.
- (*) 6. Approve invoice #10708 in the amount of \$1,878.30 for the Law Offices of Margaret A. Chidester & Associates.

CHARTER SCHOOLS

- 7. Charter submissions
- (*) 8. Charter School Public Hearing – Tustin International Charter School appeal
Aracely Chastain, Director, Charter Schools Unit, will facilitate the public hearing.
Discussion Format:
Tustin International Charter School
Tustin Unified School District
Public Comments
Board Questions
- (*) 9. Charter School Public Hearing – Magnolia Science Academy-Orange County
Material Revision
Aracely Chastain, Director, Charter Schools Unit, will facilitate the public hearing.
Discussion Format:
Magnolia Science Academy-Orange County
Public Comments
Board Questions
- (*) 10. Board Action on Unity Middle College High School

STAFF RECOMMENDATIONS

- 11. Budget Presentation – Dave Giordano, Associate Superintendent, Administrative Services.
- (*) 12. Approve the Second Interim Report that is certified Positive by the County Superintendent of Schools.
- 13. Presentation – Rancho Sonado Design

Written Opposition from Orange
County Board of Education

accs-aug25item02
Attachment 8
Page 23 of 51

- (*) 14. Adopt Resolution No. 05-25, implementing a process for Pre-qualification of Contractors in accordance with Public Contract Code Section 20111.6.
- (*) 15. Adopt Resolution No. 06-25, authorizing the Lease-Leaseback construction delivery method including construction agreement templates, the proposed Request for Proposals (RFP) that will be issued, and the required procedures and guidelines for evaluating the proposals that ensure the “best value” selection (a)(2) process is conducted in a fair and impartial manner in accordance with Education Code section Public Contract Code Section 20111.6, which is attached to, and a part of, this Board Item.

BOARD RECOMMENDATIONS

16. Board update on the President’s Executive Orders by General Counsel. (Valdes)
17. Board discussion on dissemination of Ethnic Studies program. (Valdes)
18. Board discussion on board member stipend. (Valdes)
- (*) 19. Discussion and review of OC Board of Supervisors County Investment Policy.

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION
- Memorial Day Essay Contest Discussion

ANNOUNCEMENTS
▪ Superintendent
▪ Deputy Superintendent

LEGISLATIVE UPDATES

COMMITTEE REPORT

BOARD MEMBER COMMENTS

CLOSED SESSION(S) PUBLIC REPORT OUT

ADJOURNMENT


Renee Hendrick
Assistant Secretary, Board of Education

The next Regular Board Meeting will be on Wednesday, April 2, 2025 at 5:00 p.m. The meeting will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream.

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

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

ATTACHMENT B

Written Opposition from Orange
County Board of Education

accs-aug25item02
Attachment 8
Page 25 of 51

MINUTES
Regular Meeting
March 5, 2025

Item: Meeting Minutes - April 2, 2025

[x] Mailed [] Distributed at meeting

RA

ORANGE COUNTY BOARD OF EDUCATION
MINUTES

WELCOME

CALL TO ORDER

The Regular Meeting of the Orange County Board of Education was called to order by Vice President Barke at 3:00 p.m., March 5, 2025, in the Board Room, 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream <https://www.youtube.com/live/Xur7053MQqo>.

ROLL CALL

Present:

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

Absent:

Ken L. Williams, D.O. (arrived at 4:16 p.m.)

AGENDA

Motion by Sparks, seconded by Valdes and carried by a vote of 4-0 (Williams Absent) to approve the agenda of the Regular meeting of March 5, 2025 with an amendment to move item #19 to a time certain of 5:10 p.m. to accommodate Supervisor Don Wagner.

MINUTES

Motion by Valdes, seconded by Sparks and carried by a vote of 4-0 (Williams Absent) to approve the minutes of the Regular meeting of February 3, 2025.

PUBLIC COMMENTS (related to Closed Session) - None

The Board took a recess from 3:02 p.m. to 5:04 p.m. to go into closed session.

TIME CERTAIN

1. Inter-district Appeal Hearing (Closed) – Student #030520250011 - Huntington Beach Union High School District to Newport Mesa Unified School District.

Motion by Barke, seconded by Valdes, and carried by a vote of 4-0 (Williams Absent) to approve the appeal and allow the student to attend the Newport-Mesa Unified School District for the period of one academic year (2025-2026).

2. Inter-district Appeal Hearing (Closed) – Student #030520250021 - Laguna Beach Unified School District to Newport Mesa Unified School District.

Written Opposition from Orange
County Board of Education

accs-aug25item02
Attachment 8
Page 26 of 51

Motion by Barke, seconded by Valdes, and carried by a vote of 4-0 (Williams Absent) to approve the appeal and allow the student to attend the Newport-Mesa Unified School District for the period of one academic year (2025-2026).

CLOSED SESSION 1

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

CLOSED SESSION 2

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

Report Out

CLOSED SESSION(S) PUBLIC REPORT OUT

Mr. Brenner reported, for closed session 1, the Board approved a settlement agreement by a vote of 5-0, with a news release to be read into record by Board President Williams. The Board also approved the Epstein, Becker, and Brown invoices, 1186937, 1186938, 1190322, and 1190323 by a vote of 4-0 (Barke Absent).

Mr. Rolen reported for closed session 2, the Board provided direction to legal counsel on a matter of potential litigation and approved Nielsen Merksamer invoices, 285923 and 280689.

INVOCATION

Pastor Joseph Pedick
Calvary Chapel of the Harbour

PLEDGE OF ALLEGIANCE

Sam Barke

BOARD RECOMMENDATIONS

19. Discussion and review of OC Board of Supervisors County Investment Policy.
 - Don Wagner, Chair, OC Board of Supervisors

INTRODUCTIONS

Kelly Delaney, Loyola Marymount University Student

PUBLIC COMMENTS

- Ariana
- Karen
- Shari

CONSENT CALENDAR

Motion by Barke, seconded by Sparks and carried by a vote of 5-0 to approve Consent Calendar items #3, #4, #5, and #6.

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

4. Adopt Resolution #03-25 to recognize April 5-11, 2025 as Week of the Young Child.
5. Adopt Resolution #04-25 to recognize April 2025 as Public Schools Month.
6. Approve invoice #10708 in the amount of \$1,878.30 for the Law Offices of Margaret A. Chidester & Associates.

CHARTER SCHOOLS

7. Charter submissions
 - Compass Charter School
8. Charter School Public Hearing – Tustin International Charter School appeal
Aracely Chastain, Director, Charter Schools Unit, facilitated the public hearing.
 - Steven Cheung, Tustin International Charter School
 - Josie Guo, Tustin International Charter School
9. Charter School Public Hearing – Magnolia Science Academy-Orange County
Material Revision
Aracely Chastain, Director, Charter Schools Unit, facilitated the public hearing.
 - Dr. Maria Rowell, Magnolia Science Academy-Orange County

PUBLIC COMMENTS (item #9)

- Rylan
- Vanessa

CHARTER SCHOOLS (continue)

10. Motion by Williams, seconded by Sparks, and carried by a vote of 5-0 to approve the agreement that was approved by the Unity Middle College High School board on 2/18/25.

STAFF RECOMMENDATIONS

11. Budget Presentation – David Giordano, Associate Superintendent, Administrative Services.
12. Motion by Williams, seconded by Valdes, and carried by a vote of 5-0 to approve the Second Interim Report that is certified Positive by the County Superintendent of Schools.
13. Presentation – Rancho Sonado Design, David Giordano, Associate Superintendent, Administrative Services
14. Motion by Sparks, seconded by Barke, and carried by a vote of 5-0 to adopt Resolution No. 05-25, implementing a process for Pre-qualification of Contractors in accordance with Public Contract Code Section 20111.6.

15. Motion by Sparks, seconded by Barke, and carried by a vote of 5-0 to adopt Resolution No. 06-25, authorizing the Lease-Leaseback construction delivery method including construction agreement templates, the proposed Request for Proposals (RFP) that will be issued, and the required procedures and guidelines for evaluating the proposals that ensure the “best value” selection (a)(2) process is conducted in a fair and impartial manner in accordance with Education Code section Public Contract Code Section 20111.6, which is attached to, and a part of, this Board Item.

BOARD RECOMMENDATIONS

16. Board update on the President’s Executive Orders by General Counsel.
17. The Board discussed the dissemination of the Ethnic Studies program.
18. The Board discussed board member stipend.

PUBLIC COMMENTS (item #19)

- Francine
 - David
19. Discussion and review of OC Board of Supervisors County Investment Policy.
 - Dean West, Associate Superintendent, Business Services provided an update to the Board.

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- Memorial Day Essay Contest - discussed

ANNOUNCEMENTS

Superintendent

- Dr. Bean commended the Cabinet team for their leadership.

Deputy Superintendent

- Next board meeting is on Wednesday, April 2, 2025; submission deadline is March 19; packet delivery on March 28, 2025

LEGISLATIVE UPDATES

- DC Trip (Trustee Barke, Trustee Shaw, General Counsel Greg Rolen) - General Counsel Greg Rolen provided an update to the Board.

BOARD MEMBER COMMENTS

- Trustee Barke – Read Across America, Peterson Elementary in Huntington Beach
- Trustee Shaw – April board meeting via Zoom

NEWS RELEASE


The news release regarding closed session one was read into record by Dr. Williams, Board President.

ADJOURNMENT

On a motion duly made and seconded, the March 5, 2025, board meeting adjourned at 9:17 p.m.



Renee Hendrick
Assistant Secretary, Board of Education


Ken L. Williams, D.O.
President, Board of Education

The next Regular Board Meeting will be on Wednesday, April 2, 2025, at 5:00 p.m. All meetings will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream.

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

ATTACHMENT C

**ORANGE COUNTY DEPARTMENT OF EDUCATION****Staff Report Findings of Fact and Recommendations****Tustin International Charter School****March 18, 2025****I. INTRODUCTION**

The following is a summary of the review conducted by Orange County Department of Education staff of the Tustin International Charter School petition to establish a charter school presented on appeal following a denial by the governing board of the Tustin Unified School District. The information in this report has been condensed to the most significant issues and does not include all areas of concern. In addition, commendations or suggestions for improvement are not included, as the review process is intended to target deficits.

Based on information gathered throughout the review process, which included a clarification meeting held with petitioners on February 11, 2025, the staff recommends approval with conditions of the Tustin International Charter School petition. This action would result in the approval of the charter and require the execution of an Agreement to address the issues outlined in this Staff Report and establish appropriate timelines for the petitioners to meet the conditions as specified.

II. BACKGROUND

On January 8, 2025, Mandarin Immersion Schools, Inc., a California nonprofit public benefit corporation (Petitioner), submitted a charter petition to the Orange County Board of Education (the Board), appealing the Tustin Unified School District Board's December 19, 2024, denial of its request to operate Tustin International Charter School within the district's boundaries. Tustin International Charter School (Charter School) proposes to utilize year one of its charter term for planning purposes and to begin serving students in transitional kindergarten through grade five in the 2026-27 academic year.

On March 5, 2025, the Board held a public hearing on the provisions of the charter petition and to consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents.

The Board must take action to either grant or deny the charter within ninety (90) days of receipt of the petition unless this date is extended by up to an additional 30 days by agreement. Board action is scheduled to occur at the regular meeting of the Board on April 2, 2025.

III. LEGAL STANDARD

Education Code section 47605(k)(1)(A)(i) states: "If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education." The county board of education shall review the petition according to Education Code sections 47605(b) & (c).

Should the Board approve the petition, the Board would become the charter authorizer for the Charter School. Should the Board deny the petition, the petitioner may appeal that denial to the state board within 30 days of the denial.

Under Education Code section 47605(c), the Board shall not deny a petition for the establishment of a charter school unless it makes written factual findings specific to the particular petition, setting forth specific facts to support one or more of the following:

- 1) Charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- 2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- 3) The petition does not contain the number of signatures required by subdivision (e).
- 4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).
- 5) The petition does not contain reasonably comprehensive descriptions of the required elements under Education Code section 47605.
- 6) The petition does not contain a declaration of whether or not the school shall be deemed the exclusive employer of the employees of the charter school for purposes of the Educational Employment Relations Act Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
- 7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.
- 8) The school district is not positioned to absorb the fiscal impact of the proposed charter school.

If a school district's denial of the petition was made pursuant to Education Code section 47605(c)(8), the Board shall also review the school district's related findings.

IV. SUMMARY OF FINDINGS

The factual findings outlined in this report, which are condensed to the most significant areas, should be addressed either in an Agreement between the parties should the Board approve the charter petition or may be adopted as a basis for denial should the Board deny the appeal.

A. Charter school fails to provide a reasonably comprehensive description of the educational program of the school required by Education Code section 47605(c)(5)(A)

According to the charter petition, the proposed school will provide 50% of its instruction to students in English and the remaining 50% in Mandarin. With an educational program that includes second language immersion as a core component of the charter, in which some core subjects are taught entirely in Mandarin, OCDE determined that the most

significant areas of concern are (1) Support for English Language Learners, (2) Special Education Compliance, (3) How to meet the needs of students achieving below grade level expectations, and (4) Curriculum for core subject mastery and language acquisition.

1. Charter School lacks a comprehensive plan that includes clear metrics for reclassifying English language learners, support for reclassified learners for the required four years, strategies to address the needs of long-term English language learners and provisions for students learning Mandarin and English concurrently. The petition states that the school will deliver integrated and designated English Language Development (ELD) in the school's educational program. However, it is unclear when and how this will be done and what additional support will be provided to long-term English learners, reclassified students, and those attempting to master two languages.

Upon seeking further clarification of what interventions would exist for English learners (ELs) who struggle with both English and Mandarin, the lead petitioners, one of whom will serve as the principal/executive director, explained that students would have online access to a curriculum at home, may work with a reading specialist or in small groups, and may come before and after school for additional support. Working with students in small groups can assist with language acquisition, but ELs should have constant and targeted support throughout the instructional day. The English Language Arts/English Language Development (ELA/ELD) Framework for California Public Schools states, "All teachers should attend to the language learning needs of their ELs in strategic ways that promote the simultaneous development of content knowledge and advanced levels of English....Throughout the school day and across the disciplines, ELs learn to use English as they simultaneously learn content knowledge through English." This is done partly through Integrated ELD, which refers to ELD taught throughout the day across all content areas and designated ELD, a protected time during the regular school day when the teacher uses ELD standards as a focal point to build and develop English language knowledge and skills. Both of which are led by a credentialed teacher. Using an online curriculum or supporting this population before and after school only fails to comply with the English Language Arts/English Language Development (ELA/ELD) Framework for California Public Schools.

2. The petition lacks the necessary information regarding how the school will meet the needs of students with disabilities. Specifically, the petition fails to clearly explain how the school will differentiate instruction to accommodate students with special needs. During the clarification meeting on February 11, 2025, when petitioners were asked to elaborate on the school's plan for diverse learners, particularly regarding page 66 of the petition, the response indicated a misunderstanding of the special education process. The petitioners mentioned monthly IEP meetings and the process of first conducting an SST (Student Study Team) before moving to a resource specialist and scheduling an IEP meeting. This response conflates the process of supporting students with

disabilities and low-achieving students. IEP meetings are held annually, and a resource specialist only works with students receiving special education services, not automatically assigned to all low-achieving students. Furthermore, the petition fails to outline how the school will provide the necessary accommodations and support for students with special needs in accordance with legal requirements.

3. The petition lacks a clear plan for addressing the needs of low-achieving students who require additional support. While the petition outlines tier 1 interventions, including small group work and targeted skill-building activities for academically low-achieving students, it assumes these students will have IEPs (Pages 66-69 of the petition). This approach does not address the needs of all struggling students, as those who are low-achieving but do not have IEPs may not be included in these interventions. Low-achieving students may need different strategies to meet grade-level expectations, yet the petition does not present a framework to identify and support these students. Unlike students with special needs, these students do not receive automatic special education services but benefit from additional resources, such as tutoring or differentiated instruction, to improve their academic performance. There is no indication of how the school will differentiate instruction or provide targeted interventions for these students to meet grade-level expectations.
4. The petition presents inconsistencies regarding the curriculum, which raises questions about its implementation. For example, page 42 of the petition states, "Instruction in Mandarin Language Arts, Mathematics, and half of the Social Studies curriculum will be conducted in Mandarin." In contrast, pages 47 and 61 indicate that mathematics will be taught in English. When this discrepancy was raised, petitioners clarified that mathematics would be taught in Mandarin.

The review team also questioned information on page 42 of the petition: "To ensure pedagogical coherence and alignment with the Common Core State Standards, our Mandarin teaching staff will be responsible for curriculum development in the subjects instructed in Mandarin." The petition states that curriculum development will occur on Wednesdays during the minimum school day. In a multi-lingual school environment where 50% of instruction will be in Mandarin, all personnel must be prepared to support and address the diverse learning needs of its population using practical tools grounded in best practices and expertise in differentiating instruction that comes from appropriate professional development and the guidance of an instructional leader.

When asked when the Mandarin teaching staff would have time to plan, meet in professional learning communities, or participate in the professional development that the school specifies will take place on Wednesdays, the proposed principal/executive director stated that this was a mistake in the petition and the Mandarin teachers would not create the curriculum. Instead, the school would purchase the necessary curriculum.

Staff Report – Tustin International Charter School
Page 5 of 5

These discrepancies suggest the need for further clarification on how the school plans to deliver its educational program.

V. RECOMMENDATION

OCDE staff recommends that the Board approve with conditions the Tustin International Charter School charter petition for a term of five years from July 1, 2025, to June 30, 2030. To satisfy the conditions, the petitioner and the Board must fully execute an Agreement that addresses all of the findings in this report, establishes appropriate timelines for the petitioners to satisfy the conditions, and delineates the operational relationship between the school, the Board, and OCDE, no later than the Board's regularly scheduled meeting in June 2025.

VI. CONCLUSION

The Board has three options for action regarding a charter petition on appeal:

- Option One: Approve the charter petition as written.
- Option Two: Approve the charter petition with conditions. This action would result in the charter petition being approved and require the execution of an Agreement to address the findings outlined in the Staff Report.
- Option Three: Deny the charter petition.

ATTACHMENT D

Written Opposition from Orange
County Board of Education

accs-aug25item02
Attachment 8
Page 37 of 51

REGULAR MEETING
April 2, 2025
2:30 p.m.

Item: Agenda - April 2, 2025

RLW

[x] Mailed [] Distributed at meeting

Location: The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92626, an alternate location at the Sheraton Denver Downtown Hotel, 1500 Court Place, Denver, Colorado 80202, and via YouTube live stream <https://youtube.com/live/pCwWbwA9zeY>.

ORANGE COUNTY BOARD OF EDUCATION
AGENDA

WELCOME

CALL TO ORDER

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

ROLL CALL

(*) AGENDA

Regular Meeting of April 2, 2025 – Adoption

(*) MINUTES

Regular Meeting of March 5, 2025 – Approval

PUBLIC COMMENTS (related to Closed Session)

TIME CERTAIN

1. Inter-district Appeal Hearing (Closed) – Student #04022025002I – Irvine Unified School District to Newport Mesa Unified School District.
2. Expulsion Appeal Hearing (Closed) – Student #04022025003E – Huntington Beach Union High School District.

CLOSED SESSION 1

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

CLOSED SESSION 2

Government Code Section 54956.8
Conference regarding real property located at Argosy, 601 S. Lewis Street, Orange, CA 92868.

TIME CERTAIN (Continue)

- 4:00 p.m. 3. Budget Study Session- David Giordano, Associate Superintendent, Administrative Services will conduct the budget study session.

INVOCATION

5:00 p.m.

Rabbi Stephen J. Einstein, DHL, DD
Founding Rabbi Emeritus
Congregation B'nai Tzedek
Fountain Valley, CA

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS

4. Presentation of Certificate to Reagan, Civics Bee Winner (Sparks)

INTRODUCTIONS

PUBLIC COMMENTS

CONSENT CALENDAR

- (*) 5. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
- (*) 6. Adopt Resolution #07-25 to recognize May 18-24, 2025 as Classified School Employee Week.
- (*) 7. Adopt Resolution #08-25 to recognize May 14, 2025 as California Day of the Teacher.
- (*) 8. Accept the monetary donation of \$2,000.00 from the Council of Exceptional Children to the Special Education Programs – Connections.

CHARTER SCHOOLS

9. Charter submissions
- (*) 10. Charter School Public Hearing – Magnolia Science Academy - Orange County material revision.
Aracely Chastain, Executive Director, Charter Schools Unit, will facilitate the public hearing.
- Discussion Format:
Magnolia Science Academy - Orange County
Public Comments
Board Questions
- (*) 11. Board Action on Magnolia Science Academy - Orange County.
- (*) 12. Charter School Public Hearing – Tustin International Charter School
Aracely Chastain, Executive Director, Charter Schools Unit, will facilitate the public hearing.
- Discussion Format:
Tustin International Charter School
Public Comments
Board Questions

- (*) 13. Board Action on Tustin International Charter School.
- (*) 14. Charter School Public Hearing – Compass Charter Schools of Santa Ana Aracely Chastain, Executive Director, Charter Schools Unit, will facilitate the public hearing.

Discussion Format:
Compass Charter Schools of Santa Ana
Santa Ana Unified School District
Public Comments
Board Questions

STAFF RECOMMENDATIONS

- (*) 15. Adopt Resolution #09-25 in support of AB 1224.
- (*) 16. Adopt Resolution #10-25 in support of AB 927.
- (*) 17. Approve the appointment of Renee Hendrick, Deputy Superintendent as the Real Property Negotiator, acting on behalf of the Orange County Board of Education, for the acquisition of the property at Argosy, 601 S. Lewis Street, Orange, CA 92868. This site is currently leased by our ACCESS & Connections programs.

BOARD RECOMMENDATIONS

- (*) 18. Adopt Resolution #11-25 Recognizing Kids Run the OC. (Barke)
19. Presentation – Legislative Update
- (*) 20. Adopt Resolution #12-25 Opposing Senate Bill ("SB") 249 Regarding County Board Elections. (Williams and Barke)
- (*) 21. Adopt Legislative Platform
22. Board discussion - Executive Liaison to the Orange County Board of Education. (Williams)

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- Ethnic Studies Curriculum Update
- Charter Schools Update

ANNOUNCEMENTS

- Superintendent
- Deputy Superintendent

LEGISLATIVE UPDATES

COMMITTEE REPORT

BOARD MEMBER COMMENTS

Written Opposition from Orange
County Board of Education

accs-aug25item02
Attachment 8
Page 40 of 51


LOCATION INFORMATION

Primary Location:
OCDE Board Room
200 Kalmus Drive
Costa Mesa, CA 92626

Alternate Location: Trustee Tim Shaw will participate from the alternate location.
Sheraton Denver Downtown Hotel
1500 Court Place
Denver, Colorado 80202

CLOSED SESSION(S) PUBLIC REPORT OUT

ADJOURNMENT


Renee Hendrick
Assistant Secretary, Board of Education

The next Regular Board Meeting will be on Wednesday, May 7, 2025 at 5:00 p.m. The meeting will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream.

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

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

ATTACHMENT E

Written Opposition from Orange
County Board of Education

accs-aug25item02
Attachment 8
Page 42 of 51

MINUTES
Regular Meeting
April 2, 2025

Item: Meeting Minutes - April 2, 2025

[X] Mailed [] Distributed at meeting

ORANGE COUNTY BOARD OF EDUCATION
MINUTES

WELCOME

Vice President Barke announced Trustee Tim Shaw is joining the meeting via zoom from the alternate location.

CALL TO ORDER

The Regular Meeting of the Orange County Board of Education was called to order by Vice President Barke at 2:31 p.m., April 2, 2025, in the Board Room, 200 Kalmus Drive, Costa Mesa, CA 92626, an alternate location at the Sheraton Denver Downtown Hotel, 1500 Court Place, Denver, Colorado 80202, and via YouTube live stream <https://youtube.com/live/pCwWbwA9zeY>.

ROLL CALL

Present:

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

Absent:

Ken L. Williams, D.O. (arrived at 2:54 p.m.)

AGENDA

Motion by Valdes, seconded by Sparks and carried by a roll call vote of 4-0 (Williams Absent) to approve the agenda of the Regular meeting of April 2, 2025.

MINUTES

Motion by Sparks, seconded by Valdes and carried by a roll call vote of 4-0 (Williams Absent) to approve the minutes of the Regular meeting of March 5, 2025.

PUBLIC COMMENTS (related to Closed Session) - None

The Board took a recess from 2:32 p.m. to 4:44 p.m. to go into closed session.

TIME CERTAIN

1. Inter-district Appeal Hearing (Closed) – Student #04022025002I - Irvine Unified School District to Newport Mesa Unified School District.

Motion by Barke, seconded by Valdes, and carried by a roll call vote of 4-0 (Williams Absent) to approve the appeal and allow the student to attend the Newport-Mesa Unified School District for the period of one academic year (2025-2026).

2. Expulsion Appeal Hearing (Closed) – Student #04022025003E – Huntington Beach Union High School District.

Written Opposition from Orange
County Board of Education

accs-aug25item02
Attachment 8
Page 43 of 51

Motion by Williams, seconded by Sparks, and carried by a roll call vote of 5-0 to deny the appeal and uphold the decision of the Huntington Beach Union High School District.

CLOSED SESSION 1

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

CLOSED SESSION 2

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

TIME CERTAIN (Continue)

3. Budget Study Session- David Giordano, Associate Superintendent, Administrative Services conducted the budget study session for approximately 10 minutes. The Board requested Mr. Giordano finish the presentation at the end of the meeting.

INVOCATION

Rabbi Stephen J. Einstein, DHL, DD
Founding Rabbi Emeritus
Congregation B'nai Tzedek
Fountain Valley, CA

PLEDGE OF ALLEGIANCE Chloe and Nova

SPECIAL PRESENTATIONS

4. Presentation of Certificate to Reagan, Civics Bee Winner (Sparks) – tabled to the May board meeting.

INTRODUCTIONS

None

PUBLIC COMMENTS

- Michelle
- Aaron
- Wayne
- Heidi
- Karissa
- Carlos
- Linda
- Cyndie

CONSENT CALENDAR

Motion by Barke, seconded by Valdes and carried by a roll call vote of 5-0 to approve Consent Calendar items #5, #6, #7, and #8.

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

April 2, 2025

Minutes

6. Adopt Resolution #07-25 to recognize May 18-24, 2025 as Classified School Employee Week.
7. Adopt Resolution #08-25 to recognize May 14, 2025 as California Day of the Teacher.
8. Accept the monetary donation of \$2,000.00 from the Council of Exceptional Children to the Special Education Programs – Connections.

CHARTER SCHOOLS

9. Charter submissions – None
10. Charter School Public Hearing – Magnolia Science Academy - Orange County material revision.
Aracely Chastain, Executive Director, Charter Schools Unit, facilitated the public hearing.
 - Dr. Maria Rowell, Magnolia Science Academy – Orange County

PUBLIC COMMENTS (#10 Magnolia Science Academy Only)

- Veronica
 - Laura
 - Aracely
 - Javier
11. Motion by Sparks, seconded by Barke, and carried by a roll call vote of 5-0 to approve Option I (approve the charter petition as written) for Magnolia Science Academy - Orange County.

The Board took a recess from 5:38 p.m. to 5:44 p.m.

12. Charter School Public Hearing – Tustin International Charter School
Aracely Chastain, Executive Director, Charter Schools Unit, facilitated the public hearing.
 - Steven Cheung, Tustin International Charter School
 - Jennifer Reiter-Cook, Tustin International Charter School
 - Tabitha Obligacion, Tustin International Charter School
 - Joe Liu, Tustin International Charter School
 - Delano Jones, Tustin International Charter School

PUBLIC COMMENTS (#12 Tustin International Only)

- Emily
- Deko
- Destiny
- Liping
- Dora

- Jason
- Karen
- Mei Chi
- Richard

13. Motion by Barke, seconded by Williams to approve Option II for Tustin International Charter School. The motion failed by a roll call vote of 1-4 (Barke voted Yes; Williams, Valdes, Shaw, and Sparks voted No).

Subsidiary motion by Valdes, seconded by Williams, and carried by a roll call vote of 4-1 (Valdes, Williams, Shaw, and Sparks voted Yes; Barke voted No) to deny the charter petition.

The Board took a recess from 7:04 p.m. to 7:20 p.m.

- (*) 14. Charter School Public Hearing – Compass Charter Schools of Santa Ana Aracely Chastain, Executive Director, Charter Schools Unit, facilitated the public hearing.
- Elizabeth Brenner, Superintendent, Compass Charter Schools

PUBLIC COMMENTS (#14 Compass Charter Only)

- Antonio
- Katie
- Linda
- Blaire
- Micah
- Lauren
- Truett
- Silas
- Oliver
- Dottie
- Anna
- Blake
- Emily
- Christine
- Janelle

STAFF RECOMMENDATIONS

15. Motion by Barke, seconded by Sparks, and carried by a roll call vote of 5-0 to adopt resolution #09-25 in support of AB 1224.
16. Motion by Barke, seconded by Sparks, and carried by a roll call vote of 5-0 to adopt resolution #10-25 in support of AB 927.
17. Motion by Barke, seconded by Valdes, and carried by a roll call vote of 4-0 (Barke, Valdes, Williams, and Sparks voted Yes; Shaw Abstained) to approve the

appointment of Renee Hendrick, Deputy Superintendent as the Real Property Negotiator, acting on behalf of the Orange County Board of Education, for the acquisition of the property at Argosy, 601 S. Lewis Street, Orange, CA 92868. This site is currently leased by our ACCESS & Connections programs.

BOARD RECOMMENDATIONS

18. Motion by Barke, seconded by Sparks, and carried by a roll call vote of 5-0 to adopt resolution #11-25, Recognizing Kids Run the OC.
19. Presentation – Legislative Update by Tom Sheehy, Sheehy Strategy Group
20. Motion by Williams, seconded by Barke, and carried by a roll call vote of 5-0 to adopt resolution #12-25, Opposing Senate Bill ("SB") 249 Regarding County Board Elections.
21. Motion by Barke, seconded by Sparks, and carried by a roll call vote of 5-0 to adopt the legislative platform as recommended (Support AB 600, SB 64, and SB 267; Oppose SB 249.)
22. Board discussion - Executive Liaison to the Orange County Board of Education.

CLOSED SESSION(S) PUBLIC REPORT OUT

For closed session I, Mr. Rolen, General Counsel, reported the Board voted 4-1 (Williams, Barke, Shaw, and Sparks voted Yes; Valdes voted No) to accept Superintendent Thurman's Code of Civil Procedure Section 998 offer of compromise to resolve the budget litigation with the state's superintendent of public instruction. Direction was given to legal counsel to sign and file a stipulated judgment, and a statement was read into the record by Board President Williams.

For closed session II, the Board provided direction to pursue a real property acquisition.

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- Ethnic Studies Curriculum Update – Jonathan Swanson and Trish Walsh
- Charter Schools Update – tabled to the May 7 meeting

TIME CERTAIN (Continue)

3. Budget Study Session- David Giordano, Associate Superintendent. Administrative Services presented the second half of the budget study session as requested.

ANNOUNCEMENTS

- Deputy Superintendent
 - The next board meeting is on Wednesday, May 7; the submission deadline is April 23; the board packet delivery is May 2.

- Darou will send out an email regarding Memorial Day Essay contest contributions.
- Polled the Board for a June board date change from June 4 to June 2. The Board will take action to change the date at the May meeting.
- Superintendent
 - Four students in the Connections program completed the DHH Academic at California School for the Deaf in Fremont, placed in the top four, will travel to the university in Washington, D.C., to compete in the national championship.
 - Connections wrestling team competed and did very well.
 - OC Pathways Showcase – over 600 students
 - Otter Fischer – Monthly Cribbage with Dr. Bean
 - Dr. Bean shared student letters with the Board.

BOARD MEMBER COMMENTS

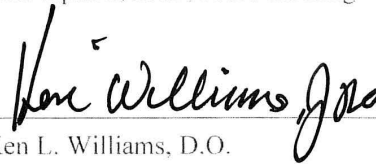
- Trustee Barke – OCSA Gala, GGUSD State of the District, Sarah Bach from Sycamore, Bill Essayli appointed to the United States Attorney for the Central District of California

ADJOURNMENT

On a motion duly made and seconded, the April 2, 2025, board meeting adjourned at 9:47 p.m.



Renee Hendrick
Assistant Secretary, Board of Education



Ken L. Williams, D.O.
President, Board of Education

The next Regular Board Meeting will be on Wednesday, May 7, 2025, at 5:00 p.m. All meetings will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream.

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

ATTACHMENT F

**RESOLUTION AND WRITTEN FINDINGS
OF THE ORANGE COUNTY BOARD OF EDUCATION TO
DENY THE PETITION FOR A CHARTER SCHOOL
FOR TUSTIN INTERNATIONAL CHARTER SCHOOL**

WHEREAS, the Charter Schools Act of 1992, set forth in Education Code section 47600 et seq. (the “Act”), provides for the establishment and operation of publicly funded charter schools that operate independently from the existing school district structures in the State of California; and

WHEREAS, Education Code section 47605(k) provides that if the governing board of a school district denies a petition for a charter school, a petitioner may elect to submit the petition to the county board of education on appeal;

WHEREAS, on December 19, 2024, the Governing Board of the Tustin Unified School District (“TUSD”) denied the Charter Petition for Establishment of the Tustin International Charter School (“Petition”) to operate as an independent charter school within the boundaries of TUSD; and

WHEREAS, on January 8, 2025, pursuant to California Education Code section 47605 and California Code of Regulations, Title 5, Section 11967, following denial by TUSD, Mandarin Immersion Schools, Inc., a nonprofit public benefit corporation, (“Petitioner”) submitted the Petition and supporting documents for the establishment of Tustin International Charter School (“TICS” or “Charter School”) to the Orange County Board of Education; and

WHEREAS, the Orange County Board of Education (“Board”) is required to review the petition on appeal pursuant to Education Code § 47605(b) and (c); and

WHEREAS, in accordance with Education Code section 47505(c), when reviewing charter school petitions, the Board is guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system, and that establishment of charter schools should be encouraged; and

WHEREAS, following review of the Petition and a public hearing, the Board may approve a petition if it is satisfied that granting the petition is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. In making its determination, the Board shall consider the academic needs of the pupils the school proposes to serve. The Board may deny a petition only if it makes written factual findings that the Petition does not meet the standards and criteria described in Education Code Section 47605(c); and

WHEREAS, on March 5, 2025, pursuant to Education Code section 47605(b), the Board held a public hearing on the Petition to consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents; and

WHEREAS, the Orange County Department of Education (“OCDE”) staff has reviewed and analyzed all information received with respect to the Charter and information related to the operation and potential effects of the proposed Charter School, including information shared during a clarification meeting on February 11, 2025.

WHEREAS, on March 18, 2025, in accordance with Education Code section 47605(b), the Board published a Staff Report, with recommended findings, prepared by members of the OCDE staff;

WHEREAS, on April 2, 2025, the Board, at its regular meeting held a public hearing, at which the Petitioners had equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings, to grant or deny the petition; and,

WHEREAS, the Board has obtained, reviewed, and analyzed all information received with respect to the petition, including information related to the operation and potential impacts of the proposed charter school.

WHEREAS, the Board specifically notes that this Resolution does not include findings relative to every defect in the Petition, but is limited to the most significant issues, which as set forth in the Staff Report and Findings of Fact are legally sufficient to support the Board’s denial of the charter petition.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the findings and recommendations set forth in the attached Staff Report and Findings of Fact dated March 18, 2025, which is attached hereto and integrated herein by this reference.

BE IT FURTHER RESOLVED that based on the written factual findings as specified in the Staff Report and adopted by the Board, the Board further finds that the Petition is not consistent with sound educational practice and fails to contain reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605(c).

BE IT FURTHER RESOLVED that the Board denies the Petition based on the findings herein adopted. The terms of this Resolution are severable. Should it be determined that one or more of the findings is invalid, the remaining findings and the board action shall remain in full force and effect. Each finding is, in and of itself, a sufficient basis for the denial.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
_____)

I, Jorge Valdes, Esq., Clerk of the Orange County Board of Education, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the Orange County Board of Education at a regular meeting thereof held on the 2nd day of April 2025, and that it was so adopted by the following vote:

AYES: 4

NOES: 1

ABSENT: 0

ABSTAIN: 0

BY:  _____
Jorge Valdes, Esq.
Clerk of the Orange County Board of Education

Resolution #13-25