

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

**Community Home Education Program (CHEP)**

**Whereas**, the Orange County Department of Education (OCDE) is governed by two dutifully elected public offices, the Orange County Superintendent of Schools and the Orange County Board of Education (OCBE) with differing roles and responsibilities; and

**Whereas**, the OCDE Alternative, Community, and Correctional Education Schools and Services (ACCESS) programs includes numerous alternative academic learning environments for students in Orange County, as well as academic environments for high risk youth, adjudicated, incarcerated students; and

**Whereas**, the California County Boards of Education (CCBE) promotes the ideals and concepts that county community schools are *“established and maintained by county boards and operated by county superintendents; and*

**Whereas**, examples of ACCESS learning environments the OCBE is authorized by state Education Codes to provide for Orange County students, include the administration and operation of juvenile court schools (Education Code 48645.2), and community schools (Education codes 1983(e), 1983(g), 1984) ; and

**Whereas**, Community Home Education Program (CHEP) is a part of the OCDE ACCESS programs, and a county wide county community school that is a home schooling program serving the various needs of the county’s children and families; and

**Whereas**, Education Code 1983 (e) states, *“The course of study of a county community school shall be adopted by the county board of education and shall enable each pupil to continue academic work leading to the completion of a regular high school program.”*; and

**Whereas**, Education code 1983 (g) states, *“County boards of education operating county community schools shall ensure that appropriate services and programs designed to address the language needs of pupils identified as English learners are provided in compliance with all applicable state and federal laws and regulatory provisions.”*; and

**Whereas**, Education Code 1984 states: *“For the purposes of establishing and maintaining a county community school, a county board of education shall be deemed to be a school district;”* and

**Whereas**, the OCBE was not aware of specific plans of CHEP site closures until a May 8 memo written by Chief Academic Officer, Jeff Hittenberger, and a follow-up memo from the Orange County Superintendent of Schools, dated May 13, 2019; and

**Whereas**, the OCBE determines the board did not consent to, or place on its regular board agenda a vote or opportunity for board members, and the public to voice their concerns regarding CHEP school site closures; and

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**Whereas**, public confidence and trust is critical for any government agency or elected official. The Brown Act requires governmental agencies to be open and transparent in its actions. Transparency and openness in a public forum was not provided prior to the announcement of CHEP site closures; and

**Therefore**, the Orange County Board of Education affirms the constitutional, lawful and authorized authority of the board as expressed in state Education codes, and recognizes the dual governance structure with the Orange County Superintendent of Schools in the decision making process of all ACCESS schools; and

**Therefore**, the Orange County Board of Education regards as extraordinary, any unilateral decision to open or close ACCESS school sites, or other community schools without board input, discussion, and vote.

**AYES:** Williams, Barke, Sparks

**NOES:** Bedell

**ABSENT:** Gomez

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

**I, Dr. Ken L. Williams**, President of the Board of Education of Orange County, California, hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the seventeenth day of July 2019 and passed by a vote of 3-1.

**IN WITNESS THEREOF**, I have hereunto set my hand and seal this seventeenth day of July 2019.



*Mari Barke*

Mari Barke, Board President  
Orange County Board of Education