

**RESOLUTION TO APPROVE CHARTER PETITION (OPTION 1)**

**RESOLUTION AND WRITTEN FINDINGS  
OF THE ORANGE COUNTY BOARD OF EDUCATION  
APPROVING THE PETITION FOR A PROPOSED CHARTER SCHOOL  
BY ORANGE COUNTY ACADEMY OF SCIENCES AND ARTS**

**WHEREAS**, the Legislature has enacted the Charter Schools Act of 1992, Education Code section 47600 et seq.;

**WHEREAS**, Education Code section 47605(j)(1) states that if the governing board of a school district denies a petition for charter school, a petitioner may elect to submit the petition to the county board of education;

**WHEREAS**, the county board of education is required to review the petition on appeal pursuant to Education Code section 47605(b);

**WHEREAS**, Section 47605(b) states that the county board is required to grant the charter if it is satisfied that granting the charter is consistent with sound educational practice;

**WHEREAS**, the county board of education cannot 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 stating the reasons for the denial of the charter petition;

**WHEREAS**, on December 16, 2015, the Orange County Board of Education (“Board”) received a petition from the Orange County Academy of Sciences and Arts (“Petition”), appealing the action of the Governing Board of Capistrano Unified School District regarding its Petition on December 9, 2015;

**WHEREAS**, charter schools, as part of the California public school system and subject to the laws governing public agencies generally, are subject to the provisions of the Ralph M. Brown Act (Government Code section 54950 et seq.), the requirements of conflict of interest laws, including, but not limited to, Government Code section 1090 et seq., 1126, and 87100 et seq., and the California Public Records Act (Government Code section 6250 et seq);

**WHEREAS**, charter schools are subject to the requirements of federal law, including, but not limited to, the Every Student Succeeds Act, 20 U.S.C. §6301 et seq. and the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.;

**WHEREAS**, the law requires that the County Board of Education obtain information regarding the operation and potential impacts of the proposed charter school;

**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 held a public hearing on the Petition on January 13, 2016, and received public comment thereon; and

**WHEREAS**, in 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**, the Board, at its regular meeting of February 10, 2016, reviewed and considered the petition and all appropriate information received with respect to the petition, including the petition submitted to the Capistrano Unified School District, the written findings of the Governing Board of the Capistrano Unified School District, a rebuttal to the District's written findings submitted by the lead petitioner, and a Staff Report prepared by members of the OCDE staff.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby approves the petition for a proposed charter school by Orange County Academy of Sciences and Arts.

**BE IT FURTHER RESOLVED** that the Board approves this petition with the understanding that the Orange County Academy of Sciences and Arts charter school will work with OCDE staff to enter into an Agreement that addresses the operational relationship between the School, the Board, and the OCDE, by April 6, 2016. The terms of this Resolution are severable.

STATE OF CALIFORNIA )  
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COUNTY OF ORANGE )  
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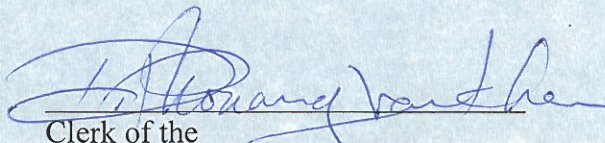
I, *Darou Phouangvanthiam*, Clerk of the Orange County Board of Education, do hereby certify that the foregoing Resolution was duly passed, approved, and adopted by the Orange County Board of Education at a regular meeting thereof held on the 10<sup>th</sup> day of February, 2016, and that it was so adopted by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN: 0

BY:   
Clerk of the  
Orange County Board of Education

