

**RESOLUTION TO CONDITIONALLY APPROVE CHARTER  
PETITION (OPTION 2)**

**RESOLUTION AND WRITTEN FINDINGS  
OF THE ORANGE COUNTY BOARD OF EDUCATION  
CONDITIONALLY APPROVING THE PETITION FOR A PROPOSED  
CHARTER SCHOOL  
BY SANTA ANA COLLEGE PREP**

**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 June 17, 2015, the Orange County Board of Education ("Board") received a petition from the Santa Ana College Prep ("Petition"), appealing the denial of its Petition on June 9, 2015, by the Governing Board of the Santa Ana Unified School District;

**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 No Child Left Behind 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 July 9, 2015, 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 August 20, 2015, reviewed and considered the petition and all appropriate information received with respect to the petition, including the petition submitted to the Santa Ana Unified School District, the written findings of the Governing Board of the Santa Ana 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 adopts the findings and recommendations, including issues, set forth in the attached Staff Report and Proposed Findings of Fact dated August 6, 2015, which is attached hereto and integrated herein by this reference, and the Board further finds as follows:

- (1) The Petition as written may not present a sound educational program for the students to be enrolled in the Santa Ana College Prep;
- (2) The Petitioners may be demonstrably unlikely to successfully implement the program set forth in the Petition;
- (3) The Petition as written may not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P).

**BE IT FURTHER RESOLVED** that the Board conditionally approves the Petition on the basis of the findings herein adopted, and subject to the conditions, as

noted in the Staff Report and Proposed Findings of Fact. To satisfy the conditions of approval, Petitioner and the Board must fully execute a Memorandum of Understanding that addresses all of the conditions, as well as addressing the operational relationship between the School, the Board, and the OCDE, no later than the Board's regularly scheduled meeting in January 2016. 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 conditional approval. If the conditions are not met, the Board shall rescind the conditional approval and the Petition will be deemed denied as of August 20, 2015, the date of the Board's action on the Petition.

STATE OF CALIFORNIA )  
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COUNTY OF ORANGE )  
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I, Darou Phouangvankh, 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 20<sup>th</sup> day of August, 2015, and that it was so adopted by the following vote:

AYES: Hammond, Lindholm, Bedell, Boyd  
NOES: 0  
ABSENT: Williams  
ABSTAIN: 0

BY: *Darou Phouangvankh*  
Clerk of the  
Orange County Board of Education