



ORANGE COUNTY DEPARTMENT OF EDUCATION

Staff Recommendations and Findings

Orange County Academy of Sciences and Arts III

February 20, 2024

I. INTRODUCTION

The following is a summary of the review conducted by Orange County Department of Education (OCDE) staff of the countywide charter school petition submitted by Orange County Academy of Sciences and Arts Inc., proposing to establish Orange County Academy of Sciences and Arts III (OCASA III) as a countywide charter school, and recommendations for consideration by the Orange County Board of Education (the Board).

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 for the Board's regular meeting on March 6, 2024.

Based on information gathered throughout the review process, which included a clarification meeting held with petitioners on January 31, 2024, OCDE staff recommends approval of the OCASA III countywide petition.

II. BACKGROUND

On December 18, 2023, the Board received a petition proposing to establish OCASA III as a countywide charter school. OCASA III would be operated by Orange County Academy of Sciences and Arts Inc., a California nonprofit public benefit corporation that currently operates two charter schools in Orange County. The charter school proposes to utilize the 2024-25 academic year for planning purposes and to begin serving students in grades TK-12 in the 2025-26 academic year.

On February 7, 2024, the Board held a public hearing on the provisions of the charter petition to consider the level of support for the petition by teachers, parents or guardians, and the school districts where the petitioner proposes to open school facilities.

III. LEGAL STANDARD

The overall statutory scheme of the Charter Schools Act reflects a preference for charter schools that are locally authorized by the school district in which the charter school operates. As a result, to approve a countywide charter petition, a county board of education must be able to make specific threshold findings in addition to determining whether the petition satisfies the legal standards and criteria under Education Code section 47605.6(b)(1)-(5). Specifically:

“A county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.” Education Code §47605.6(a)(1)

Additionally, Education Code section 47605.6(b) states:

“A county board may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Education Code section 47605.”

Should the charter school petition meet the threshold requirement for a countywide charter school, the Board must then determine whether the petition satisfies the legal standards and criteria under Education Code section 47605.6(b)(1)-(5). The Board shall deny a petition for the establishment of a charter school if it finds one or more of the following:

- (1) The 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 (a).
- (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.
- (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school 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) Any other basis that the county board of education finds justifies the denial of the petition.

Should the Board approve the petition, the Board would become the charter authorizer for the charter school. Should the Board deny the petition, there is no right to appeal to the State Board of Education (5 CCR § 11966.5). However, the petitioners would have the option to submit charter petitions to the school districts in which they propose to operate under Education Code section 47605.

IV. SUMMARY OF FINDINGS

The Orange County Academy of Sciences and Arts III charter petition meets the standards outlined in Education Code 47605.6.

V. STAFF RECOMMENDATION

OCDE staff recommend that the Board approve the Orange County Academy of Sciences and Arts Inc. petition to establish Orange County Academy of Sciences and Arts III as a countywide charter school for a term of five years from July 1, 2024, to June 30, 2029, and require the execution of an Agreement that delineates the operational relationship between the parties.

VI. CONCLUSION

The Board has three options for action regarding a countywide charter school petition:

- Option One: Approve the charter petition as written.
- Option Two: Approve the charter petition with conditions. This action would result in the approval of the charter petition and require the execution of an Agreement to address concerns raised by the Board and establish appropriate timelines for the petitioners to meet the conditions as specified.
- Option Three: Deny the charter petition.

* * *