

SPECIAL BOARD MEETING
September 26, 2018
4:30 p.m.
Board Room

ORANGE COUNTY BOARD OF EDUCATION
Special Board Meeting / Public Hearing
California Healthy Youth Act
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

INTRODUCTIONS

CHARTER SCHOOLS

- 4:30 p.m. 1. Adopt the OCDE charter petition review team's recommendation regarding the National University Academy Homeschool/ Independent Study Orange County charter school petition:

OPTION ONE: Grant the appeal and approve the charter petition. This action would result in the charter petition being approved as written;

OPTION TWO: Grant the appeal with conditions by approving the charter petition with conditions. This action would result in the charter petition being approved and requiring petitioners to address the areas of concern noted in the findings of fact and addressing the operational relationship of the parties in an Agreement prior to initiating operations; or

OPTION THREE: Deny the appeal and deny the charter petition

Break

CHYA FORUM FORMAT

- 6:30 p.m. Reconvene board meeting

SPECIAL STATEMENT OF PRESIDING OFFICER

INVOCATION

Pastor Gale Oliver
Greater Light Family Church
1600 W. 3rd Street
Santa Ana, Calif. 92703

PLEDGE OF ALLEGIANCE

SPECIAL MEETING WELCOME-WILLIAMS

Public Comments (2 minutes per speaker, total of 14 drawn independently)

Board President Hands Meeting to Meeting Facilitator - Maggie Chidester

Moderator provides overview of meeting format

Introductions of panel (Chidester)

Opening Remarks (6 minutes per panelist)

Board begins first Round-robin questions to panelist (5 minutes per Trustee)

Break

Board begins second Round-robin questions to panelist (5 minutes per Trustee)

Closing Remarks (5 minutes per panelist)

Moderator thanks panel & hands back meeting to Board President

Board President closes meeting

ADJOURNMENT



Nina Boyd
Assistant Secretary, Board of Education

Next Regular Board Meeting: Wednesday, October 3, 2018 at 10:00 a.m. The meeting will be in the Board Room at 200 Kalmus Drive, Costa Mesa, CA.

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

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 19, 2018

TO: Nina Boyd, Associate Superintendent

FROM: Teresa Johnson, Coordinator, Charter Schools Unit

SUBJECT: National University Academy Home School/Independent Study
Orange County charter petition on appeal

BACKGROUND:

The Orange County Board of Education has three options for action regarding the National University Academy Homeschool/Independent Study Orange County charter petition:

1. **OPTION ONE:** Grant the appeal and approve the charter petition as written.
2. **OPTION TWO:** Grant the appeal and approve the charter petition with conditions. This action would result in approval of the charter petition and require the execution of an Agreement/MOU to address the issues outlined in the Staff Report and Findings of Fact and establish appropriate timelines for the petitioners to meet the conditions as specified.
3. **OPTION THREE:** Deny the appeal and deny the charter petition.

RECOMMENDATION:

The Orange County Department of Education Charter Schools Unit staff recommends that the Orange County Board of Education deny (Option Three) the National University Academy Homeschool/Independent Study Orange County charter petition.

September 20, 2018

To: Members, Orange County Board of Education
From: Orange County Department of Education Charter Schools Unit
Re: Staff Report - Findings of Fact and Recommendation, National University Academy-Home School/ Independent Study OC

This report is a summary of the findings of fact developed by the Orange County Department of Education staff after a comprehensive review and analysis of the Petition for National University Academy Home School/Independent Study Orange County Charter School (NUA HS/IS OC) on appeal to the Orange County Board of Education. This report reflects only the most serious areas of concern and does not include findings deemed less significant or items that are technically inaccurate in the Charter Petition. Should the Board take action to deny the Charter Petition, the Board may adopt this report as the written factual findings required to support a denial of the Petition.

I. EXECUTIVE SUMMARY

The Orange County Department of Education staff recommends that the Petition be denied for the following reasons:

- NUA's HS/IS OC Petition is invalid because it identifies a Riverside County location in its initial petition for the establishment a charter school which violates Education Code section 47605(a)(1).
 - An initial petition to establish a charter school shall only identify a site or sites within the geographic boundaries of the school district that is considering authorization. A charter petition on appeal to a county office of education is subject to the same geographic limitations to which it would be subject if it received approval from the school district to which it originally submitted the petition.
 - This violation cannot be cured by removing the Riverside County location from the Petition because the entire Independent Study program identified in the NUA HS/IS OC Petition operates only from the Riverside County location. Such a change is beyond allowable technical amendments because it would change almost every element of the petition.
- NUA HS/IS OC presents an unsound and insufficient educational program for those enrolled for the following reasons:

- NUA HS/IS OC fails to present a legally compliant special education plan because it contracts out all special education services to a for-profit vendor and does not provide any oversight to its vendor.
- NUA HS/IS OC student achievement and success outcomes as measured by the Smarter Balance Assessment Consortium (SBAC) achievement data have consistently declined at NUA HS/IS OC over the past three years and are significantly lower than those of Saddleback Valley Unified and Orange County.
- For the 2016-17 school year, graduation rates for Saddleback Valley Unified is 93%, Orange County is 89.5%, and NUA HS/IS OC is 50%.
- NUA HS/IS OC Petitioners are demonstrably unlikely to successfully implement the program because they have not developed a governance structure for this particular charter school, are unable to explain how they will avoid violating conflict of interest laws under Government Code section 1090 et seq., and have overstated their enrollment and revenues. NUA HS/IS OC must be evaluated and determined to be educationally and fiscally sound independent of any affiliated charter schools.
- NUA HS/IS OC Petition does not contain reasonably comprehensive descriptions of their education program, measurable pupil outcomes or governance structure as required under Education Code section 47605(b)(5)(A), (B) and (D).

For the 2018-19 school year, NUA HS/IS OC is operating as resource centers under a charter petition authorized by Lakeside Union School District. On September 18, 2018, Lead Petitioner confirmed that the NUA's Lakeside Charter School has not been given any notice or indication that Lakeside Union School District intends to revoke the charter petition. Consequently, a denial of the NUA HS/IS OC petition will provide Petitioners an opportunity to cure the deficiencies in this particular charter petition while it continues to operate before seeking approval for the 2019-20 or future school years.

II. BACKGROUND

National University Academy Home School/Independent Study Orange County Charter School (NUA HS/IS OC) is a combination of two existing programs that operated out of resource centers as part of the National University Academy Lakeside Charter, which was originally authorized by the Lakeside Union School District in 2008. The two resource centers that are being combined to create NUA HS/IS OC are: (1) the Mission Viejo Resource center in Orange County, which operates the transitional Kindergarten through 8th grade home school program and (2) the Murrieta Resource Center in Riverside County, which operates the sixth through 12th grade independent student program. In order to come into compliance with the 2016 Anderson Union High School District v. Shasta Secondary Home School decision, National University Academy applied to the Saddleback Valley Unified School District to authorize its charter petition for NUA HS/IS OC. On July 12, 2018 the governing board of Saddleback Unified School District (SVUSD) denied the charter petition application.

On August 7, 2018, National University Academy submitted the NUA HS/IS OC charter petition and supporting documents on appeal to the Orange County Board of Education seeking approval to open and operate a charter school that would serve 340 students in grades TK-12 in its first year of operation and up to 434 students in grades Tk-12 by the end of a five-year charter term.

In addition to an analysis of the written petition and information provided at the public hearing, an in-person clarification meeting was held on September 13, 2018 with representatives from NUA HS/IS OC

and staff from OCDE to address specific questions. After the clarification meeting, Petitioners were granted the opportunity to share additional information regarding the charter school petition.

III. STANDARD OF REVIEW

In accordance with the Charter Schools Act, in reviewing petitions for the establishment of a charter school, the Orange County Board of Education shall be guided by the intent of the legislature that charter schools are and should become an integral part of the California education system and that the establishment of charter schools should be encouraged.

Education Code section 47605, subdivision (b) states that a local educational agency shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The chartering authority 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 findings:

- The charter school presents an unsound educational program.
- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- The petition does not contain the required number of signatures.
- The petition does not contain an affirmation of each of the conditions described in EC Section 47605(d).
- The petition does not contain reasonably comprehensive descriptions of all of the fifteen required elements under EC 47605(b).
- The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive employer of the employees of the charter school.

IV. THRESHOLD REQUIREMENT FOR REVIEW

An initial petition to establish a charter school may not include sites outside of the geographic boundaries of the school district that is considering authorization. When a petitioner submits a petition on appeal, it is expected that the county board will conduct an independent review of the petition to ensure that the substance of the petition meets the requirements of the Charter School Act. As a result, a charter school that seeks approval of its petition from a county board of education on appeal is required to meet all petition requirements including identification of the proposed site or sites where the charter school will operate. Additionally, the site or sites are still subject to the same geographic limitations to which it would be subject if it received approval from the school district to which it originally submitted its petition.¹

A petition for the establishment of a charter school within a school district shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition.²

¹ EC 47605(j)(1)

² EC 47605(a)(1).

“The charter school may add additional locations later.”³ Additional sites must comply with the general geographic requirement of section 47605, which limits a charter school to operating within the boundaries of the authorizing school district, unless an exception applies.⁴ An enumerated exception to that general requirement is identified in Education Code section 47605.1: A charter school may establish a resource center, meeting space, or other satellite facility located in a county adjacent to that in which the charter school is authorized if the following conditions are met: (1) the facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school, and (2) the charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter is authorized.⁵

Consequently, the NUA HS/IS OC Charter Petition fails to comply with the threshold requirement for review and consideration by a chartering authority because, at the outset, the NUA HS/IS OC Petition seeks an initial authorization for sites located in Orange County and Riverside County.

Additionally, such a violation may not be cured on appeal despite Petitioners’ verbal offers to remove the Riverside County location from the Petition. Petitioners’ verbal offers to remove the Riverside County location from the Petition cannot be considered because (1) such a material revision is impermissible on appeal of an initial petition to establish a charter school and (2) Petitioners were unable to answer clarification questions about the impact of the education program if the Riverside County location was removed from the Petition. As stated above, the Orange County location operates the transitional Kindergarten through 8th grade home school program and Riverside County location operates the sixth through 12th grade independent study program. Petitioners could not explain whether the independent study program would move to operate within the boundaries of Saddleback Valley Unified School District or whether the independent study program would end. In either situation, almost every element required under Education Code section 47605(b)(5) would need to be revised before the Petition is resubmitted to Saddleback Unified School District.

V. FACTUAL FINDINGS

Pursuant to Education Code Section 47605, this report is a summary of findings of fact that reflect only the most serious areas of concern and does not include items deemed less significant or technically inaccurate items in the petition.

Information in the petition and supporting documents are inconsistent, deficient and confusing. During the clarification meeting, in response to concerns regarding the charter petition, Petitioners repeatedly asked staff to disregard the written descriptions in the charter petition for required elements because the information was inaccurate. After careful review and discussion with Petitioners, OCDE staff determined, and Petitioners acknowledged, that the following required elements were deficient or inaccurate:

- Educational Program
- Measurable Student Outcomes

³ Anderson Union High Sch. Dist. v. Shasta Secondary Home Sch., 4 Cal. App. 5th 262, 276, (Ct. App. 2016), as modified on denial of reh'g (Nov. 16, 2016), review denied (Jan. 18, 2017)

⁴ Anderson at p. 208.

⁵ EC 47605.1(c).

- Governance Structure
- Special Education
- Budget/Finances

Despite operating other charter schools, Petitioners failed to provide substantive information regarding key elements for this particular charter school in order to allow OCDE staff to conduct a comprehensive analysis. Petitioners attempted to assure OCDE staff that they would take action to correct deficiencies *after* the petition is approved, however such a process is contrary to the Charter Schools Act because (1) there was no meaningful effort to satisfy the requirements for Education Code section 47605(b)(5)(A)-(O), (2) it would void any student or teacher signatures based on their interest to attend or work for the charter school described in the petition as required under Education Code section 47605(a)(1)(B)(3), and (3) the charter authorizer would effectively be asked to approve a charter school without a charter petition. Additionally, to allow Petitioners to re-write the charter petition on appeal exposes the charter school and County Office of Education to litigation for failing to comply with the Charter Schools Act by not first submitting the newly rewritten petition to the school district for consideration.

A. Unsound Educational Program

In accordance with Title 5 of the California Code of Regulations, Section 11967.5.1, subdivision (b), the following factors are taken into consideration in determining whether a charter petition presents an unsound educational program for the pupils to be enrolled in the charter school:

- A program that involves activities that the charter authorizing agency determines would present the likelihood of physical, educational, or psychological harm to the affected students.
- A program that the charter authorizing agency determines not to be likely to be of educational benefit to the pupils who attend.

1. Student Achievement and Success Outcomes have declined at NUA HS/IS OC over the past three years.

According to Smarter Balance Assessment Consortium (SBAC) achievement data cited in the charter petition on pages 52-56, students at NUA HS/IC OC are not showing growth over time. The average graduation rate of 50% as identified on page 93, and declining SBAC scores over the past three years, place NUA HS/IS OC below similar district schools and Orange County schools as a whole. The charts below show average graduation rates and SBAC data for the past three years.

Student Achievement Data*

Average Graduation Percentage

	2014-15	2015-16	2016-17
Orange County	90%	91%	89.5%
Saddleback Unified	95%	95.7%	93%
NUA HS/IS OC	50%	50%	50%

SBAC Data

Percentage of Students Proficient or Advanced in English Language Arts

	2014-15	2015-16	2016-17
Orange County	53%	57%	57%
Saddleback Unified	61%	65%	65%
NUA HS/IS OC	47%	46%	35%

SBAC Data

Percentage of Students Proficient or Advanced in Math

	2014-15	2015-16	2016-17
Orange County	45%	48%	48%
Saddleback Unified	48%	51%	65%
NUA HS/IS OC	27%	29%	26%

*Data obtained from California Department of Education at www.cde.ca.gov/dataquest & Ed Data at: <http://www.ed-data.org/>

The Performance of NUA HS/IS OC students on SBAC is trending downward whereas district scores in both English Language Arts and Math are moving upward. Scores for Orange County as a whole are also moving upward in English Language Arts and Math. Additionally, NUA HS/IS OC's graduation rate is much lower than district and county graduation rates. NUA HS/IS OC indicated in their response to the denial from Saddleback Unified School District that although they were disappointed with the scores, they have instituted measures to improve outcomes and have implemented "aggressive accountability." However, neither the petition nor the LCAP presented in the petition detail specific action items or benchmarks to improve student outcomes or provide an explanation of aggressive accountability.

During the clarification meeting, school leaders cited early turmoil within the NUA organization and a change in school staffing as reasons for the low student performance. Nonetheless, this does not explain three years of poor student outcomes. Furthermore, it is a concern that school leaders from NUA HS/IS OC have not instituted a plan to address low student outcomes for over three years.

2. Special Education Plan is Incomplete

The Special Education (SPED) plan presented in the Petition is not comprehensive and lacks specificity for this charter school. In the 2017-18 school year, there were 43 students with disabilities representing 12.72% of NUA HS/IS OC's population (p. 104). As a significant subgroup, a charter is required to maintain a comprehensive SPED plan that is reviewed yearly, and that special education services be provided by the school in accordance with a students' Individualized Education Plan (IEP). There is significant concern that the school leadership lacks a comprehensive understanding of special education, Individuals with Disabilities Education Improvement Act (IDEIA), Section 504 and ADA requirements.

During the clarification meeting, Petitioners stated that all services for special education are contracted from a "for profit" vendor. The contracted vendor then subcontracts with "Non Public Agencies" to find other vendors to provide needed services for the school. The subcontractors are not employees of the vendor nor are they employees of the school. NUA HS/IS OC administrators do not attend IEP meetings and are not a part of the IEP team, a violation of Education Code 56341. Petitioners indicated NUA HS/IS OC administration does not provide oversight of the vendor or subcontractors with regards to ensuring services are delivered and needs of students are met and the school does not maintain or examine special education records.

B. Petitioners are demonstrably unlikely to implement successfully the program presented in the petition.

In accordance with Title 5 of the California Code of Regulations, Section 11967.5.1, subdivision (c), the following factors are taken into consideration in determining whether a charter petition is demonstrably unlikely to successfully implement the education program set forth in the proposed charter:

- Petitioners have a past history of involvement in charter schools or other education agencies which the charter authorizing agency regards as unsuccessful. For example, the petitioner have been associated with a charter school of which the charter has been revoked.
- Petitioners are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school.
- Petitioners have presented an unrealistic financial operational plan.
- Petitioners personally lack the necessary background critical to the charter school's success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

1. NUA HS/IS OC does not have a governance structure

Although National University Academy resolved to seek approval of the NUA HS/IS OC, the written petition indicates that the particular charter school would be operated by and have an independent board that would be developed after the petition is approved. During the clarification meeting, Petitioners indicated that, **after approval**, Petitioners would then seek a non-profit status for the new board, incorporation documents, and develop bylaws at that time.

Inconsistently, the charter petition describes the original National University Academy Board for the Lakeside charter school, its current board members, and provides the incorporation document and bylaws for the National University Academy Board. Yet, Petitioners asserted that the National University Academy Board will be dissolved and not have any relationship with the NUA HS/IS OC Charter School. Despite providing resumes for the current NUA Board Members, Petitions indicated that the current members will not be members of the NUA HS/IS OC because they want the board members to be local residents to the area where the charter school is located. Another inconsistency is that the petition indicated that there would be a separate and independent local board not only for the Mission Viejo site but that there would also be a separate and independent local board for the Murrieta site as well.

Despite operating other charter schools and having just gone through the petition process with other authorizers, Petitioners rely on having the opportunity to rewrite their charter petition for this particular charter school upon approval. It is impossible to conduct a comprehensive review of the proposed governance structure based on non-binding verbal representations made by the Petitioners during the clarification meeting. However, a statement made by Petitioners at the clarification meeting is particularly concerning. As with other National University Academy charter schools, one consistent element is that the charter schools require one or more seats are reserved for representatives of the National University Systems, which is an affiliated organization that provides administrative, business, and educational services to the charter school through an agreement. Petitioners were not able to explain how such a governance structure would comply with Section 1090 of the Government Code's conflict of interest laws prohibiting the entire board from making contracts in which there is a conflicted member due to his/her financial interest. Again, without adequate information about the actual governance structure and makeup of the governing board, the only conclusion that staff may draw is that the petition does not contain a reasonably comprehensive description of the charter school's governance structure.

2. Enrollment and revenues are inaccurate and potentially overstated

Based on historical data shown in the petition, NUA HS/IS OC has experienced a consistent decline in enrollment from 376 students in 2014-15 to 330 students in 2017-18. The current enrollment for NUA HS/IS OC is unclear. The Petition states, "NUA HS/IS OC currently has 330 students enrolled in total, 224 students are enrolled in the Homeschool program and 106 students are enrolled in the Independent Study Program" (p. 43). The Petition also states that it intends to serve 340 students in grades TK-12 in its first year of operation and up to 434 students in grades TK-12 by the end of a five-year charter term. However, Petitioners did not explain how they will increase enrollment by 140 students during the same school year if only operating in Orange County. At the Public Hearing and the clarification meeting, the Petitioners indicated

there are approximately 200 homeschooled students at the Mission Viejo site and 50-75 students in Independent Study at the Murrieta site.

The Petition budget is based on the projections in the written Petition and contradicts the steady decline in enrollment over the past four years. The proposed budget shows an increase in enrollment of 340 students for year 1 (3% growth), 355 students for year 2 (4% growth), and 376 students for year 3 (6% growth). The enrollment projections are unrealistic and overstated because they do not coincide with historical enrollment trends or current enrollment numbers. This proposed budget shows overstated revenues by approximately \$1.2 million, and misrepresents funding the school will receive. According to the Petition, the school received a \$450,000 interest-free loan from National University to balance the budget and show a positive cash flow every month. Without this loan, the cash flow is negative (expenses higher than revenues) each month, which means the school would operate at a deficit. A conflict of interest may prevent such loans from being legal depending on the governance structure which has not been adequately provided.

C. The Charter Petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition.

- In accordance with Title 5 of the California Code of Regulations, Section 11967.5.1, subdivision (c), the following factors are taken into consideration in determining whether a charter petition contains reasonably comprehensive descriptions of each of the specified elements as follows: The measurable pupil outcomes, as required by Education Code section 47605(b)(5)(B), at a minimum, must specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. The frequency of the objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students.
- The governance structure of the school, including but not limited to, the process to be followed by the school to ensure parental involvement in supporting the school's effort on behalf of the school's students as required by Education Code section 47605(b)(5)(D), at a minimum must include:
 - Evidence of the charter school's incorporation as a non-profit public benefit corporation.
 - Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that the charter school will become and remain a viable enterprise, there will be active and effective representation of interested parties, including but not limited to parents or guardians, and the educational program will be successful.

1. The petition does not contain a reasonably comprehensive description of Measurable Pupil Outcomes

Pursuant to Education Code Section 47605, "Charter school petitions must include annual goals and specific actions for all students and for each student subgroup that address the eight State priorities (as defined by Section 52060 of the Education Code)". Pages 118-153 of the petition for NUA HS/IS OC did not include annual goals or specific actions for a number of required priority areas. The following required priority areas are missing from the petition: Implementation of academic content standards (priority 2), efforts to engage parents of English learner, foster youth, low income, and special needs students (priority 3), students meeting CSU/UC entrance requirements, performance on advanced placement (AP) exams, and college preparedness (priority 4). In addition, programs/services specifically created and provided for English learner, foster youth, low income, and special needs students (priority 7) are not present in the petition. Therefore, the charter petition does not fulfill the requirements under 47605.

2. The Petition does not contain a reasonably comprehensive description of the Governance Structure

As described in more detail in Section IV(C)(1) above, the governance structure described in the Petition is inaccurate, inconsistent, and deficient. Due to the lack of information provided in the petition, staff were unable to appropriately evaluate the governance structure. Vague and broad descriptions verbally provided during the clarification meeting did not add clarity to what the charter school proposes and is contrary to the Charter Schools Act.

VI. CONCLUSION AND STAFF RECOMMENDATION

The Orange County Board of Education traditionally has had three options for action regarding a charter petition:

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

Pursuant to Title 5 of the California Code of Regulations, Section 11967, charter petitions on appeal from a school district are presented and evaluated by the County Office of Education in the form that they were denied with limited changes to reflect the county office as the authorizing body. Based on a comprehensive review of the Petition and other documentation submitted, information presented during the Public Hearing, and an in-person clarification meeting, staff determined the Petition does not meet the requirements of the Charter Schools Act for approval. Therefore, OCDE staff recommends OCBE deny the charter petition for National University Academy Home School/ Independent Study Orange County.

**RESOLUTION AND WRITTEN FINDINGS
OF THE ORANGE COUNTY BOARD OF EDUCATION
TO APPROVE THE PETITION FOR
NATIONAL UNIVERSITY ACADEMY
HOMESCHOOL/INDEPENDENT STUDY CHARTER SCHOOL**

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 August 7, 2018, the Orange County Board of Education (“Board”) received a petition from National University Academy Home School/Independent Study (“Petition”) appealing the action on its Petition by the Governing board of the Saddleback Valley Unified School District on July 12, 2018;

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 September 12, 2018, and received public comment thereon;

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 special meeting on September 26, 2018, reviewed and considered the petition and all appropriate information received with respect to the petition, including the petition submitted to the Saddleback Valley Unified School District, the written findings of the Governing Board of the Saddleback Valley Unified School District, a rebuttal to the District’s written findings submitted by the lead petitioner, and a Staff Report prepared by members of OCDE staff.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the petition for a charter school by National University Academy Homeschool/Independent Study.

BE IT FURTHER RESOLVED that the Board approves the Petition with the understanding that National University Academy Homeschool/Independent Study will work with OCDE staff to enter into an Agreement that addresses the operational relationship between the School, the Board and OCDE no later than the Board’s regularly scheduled meeting in November 2018. The terms of this Resolution are severable.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
_____)

I, Darouny Sisavath, 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 26th day of September, 2018, and that it was so adopted by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

BY:

Clerk of the Orange County Board of
Education

**RESOLUTION AND WRITTEN FINDINGS
OF THE ORANGE COUNTY BOARD OF EDUCATION
TO APPROVE WITH CONDITIONS
THE PETITION FOR NATIONAL UNIVERSITY ACADEMY
HOME SCHOOL/INDEPENDENT STUDY CHARTER SCHOOL**

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 August 7, 2018 the Orange County Board of Education (“Board”) received a petition from National University Academy Homeschool/Independent Study (“Petition”) appealing the action of the Governing Board of Saddleback Valley Unified School District regarding its Petition on July 12, 2018;

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 September 12, 2018, and received public comment thereon;

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 special meeting on September 26, 2018 reviewed and considered the petition and all appropriate information received with respect to the petition, including the petition submitted to the Saddleback Valley Unified School District, the written findings of the Governing Board of the Saddleback Valley 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 set forth in the attached Staff Report and Findings of Fact dated September 20, 2018, which is attached hereto and integrated herein by this reference.

BE IT FURTHER RESOLVED that the Board approves with conditions the Petition subject to conditions to address the findings as specified and adopted in the Staff Report and Findings of Fact. To satisfy the conditions, Petitioner and the Board must fully execute an Agreement that addresses all of the findings, as well as the operational relationship between the School, the Board, and OCDE, no later than the Board's regularly scheduled meeting in November 2018. 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.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
_____)

I, Darouny Sisavath, 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 26th day of September, 2018, and that it was so adopted by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

BY:

Clerk of the Orange County Board of
Education

**RESOLUTION AND WRITTEN FINDINGS
OF THE ORANGE COUNTY BOARD OF EDUCATION
TO DENY THE PETITION FOR
NATIONAL UNIVERSITY ACADEMY
HOME SCHOOL/INDEPENDENT STUDY CHARTER SCHOOL**

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 August 7, 2018, the Orange County Board of Education (“Board”) received a petition from National University Academy Home School/Independent Study Charter School (“Petition”), appealing the action of the Governing Board of Saddleback Valley Unified School District regarding its petition on July 12, 2018;

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., the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 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 September 12, 2018; and received public comment thereon;

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;

WHEREAS, the Board, at its special meeting on September 26, 2018, reviewed and considered the petition and all appropriate information received with respect to the petition, including the petition submitted to the Saddleback Valley Unified School District, the written findings of the Governing Board of the Saddleback Valley Unified School District, a rebuttal to the District's written findings submitted by the lead petitioner, and a Staff Report prepared by members of OCDE staff; and

WHEREAS, the Board specifically notes that this Resolution does not include findings relative to every defect in the Petition submitted, 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 conclusions set forth in the attached Staff Report and Findings of Fact dated September 20, 2018, which is attached hereto and incorporated herein by this reference, and the Board further finds as follows:

- (1) The charter school as currently submitted is invalid;
- (2) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school;
- (3) Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; and
- (4) The Petition does 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 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 denial of the Petition 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, Darouny Sisavath, 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 26th day of September, 2018, and that it was so adopted by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

BY:

 Clerk of the Orange County Board of
 Education