

**RESOLUTION OF THE BOARD OF EDUCATION**

**ORANGE COUNTY, CALIFORNIA**

Resolution Requesting County Superintendent of Schools to Conduct an Independent Investigation into Orange County School the Arts under Authority Granted by the California Education Code

**FEBRUARY 17, 2023**

WHEREAS, on January 8, 2020, the Orange County Board of Education ("Board") accepted an appeal submission by the Orange County School of the Arts ("OCSA") for the denial of the school's renewal charter petition by the Santa Ana Unified School District for the charter term of July 1, 2020 to June 30, 2025.

WHEREAS, on March 4, 2020, the Board by a vote of 3-1-1 (Williams, Sparks, and Barke voted Yes; Gomez voted No; Bedell abstained) to approve the charter petition as written.

WHEREAS, Education Code §1241.5 (c) states: " At any time during a fiscal year, the county superintendent may review or audit the expenditures and internal controls of any charter school in his or her county if he or she has reason to believe that fraud, misappropriation of funds, or other illegal fiscal practices have occurred that merit examination. The review or audit conducted by the county superintendent shall be focused on the alleged fraud, misappropriation of funds, or other illegal fiscal practices and shall be conducted in a timely and efficient manner. The county superintendent shall report the findings and recommendations to the governing board of the charter school at a regularly scheduled meeting, and provide a copy of the information to the chartering authority of the charter school, within 45 days of completing the review, audit, or examination. The governing board of the charter school shall, no later than 15 calendar days after receipt of the report, notify the county superintendent and its chartering authority of its proposed response to the recommendations."

WHEREAS, Education Code §47604(c) states: "An authority that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation is not liable for the debts or obligations of the charter school, or for claims arising from the performance of acts, errors, or omissions by the charter school, if the authority has complied with all oversight responsibilities required by law, including, but not limited to those required by Section 47604.32 and subdivision (m) of Section 47605."

WHEREAS, Education Code §47604.3 states: "A charter school shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from its chartering authority, the county office of education that has jurisdiction over the school's chartering authority, or from the Superintendent of Public Instruction and shall consult with the chartering authority, the county office of education, or the Superintendent of Public Instruction regarding any inquiries."

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WHEREAS, Education Code §47604.4 states: "In addition to the authority granted by Sections 1241.5 and 47604.3, the county superintendent of schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within that county and conduct an investigation into the operations of the charter school. If a county superintendent of schools monitors or investigates a charter school pursuant to this section, the county office of education shall not incur any liability beyond the cost of the investigation."

WHEREAS, Education Code §47605(c) states in relevant part, "In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district 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 and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district 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:

- (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 all of the following ...
  - (F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:
    - (i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.
    - (ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.
    - (iii) That the school safety plan be reviewed and updated by March 1 of

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every year by the charter school.

WHEREAS, Education Code §47604.32 states: "(a) Each chartering authority, in addition to any other duties imposed by this part, shall do all of the following with respect to each charter school under its authority: (1) Identify at least one staff member as a contact person for the charter school; (2) Visit each charter school at least annually; (3) Ensure that each charter school under its authority complies with all reports required of charter schools by law, including the local control and accountability plan and annual update to the local control and accountability plan required pursuant to Section 47606.5; (4) Monitor the fiscal condition of each charter school under its authority; (5) Provide timely notification to the department if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:(A) A renewal of the charter is granted or denied; (B) The charter is revoked; (C) The charter school will cease operation for any reason.

WHEREAS, at the January 4, 2023 and February 1, 2023 Board meetings the Board received public comment alleging sexual misconduct at OCSA.

WHEREAS, the Board, and each and every member thereof, vehemently condemn predatory behavior, including, but not limited to, grooming, sexual harassment, sexual assault or sexual violence perpetrated against children, students, or staff.

WHEREAS, the Board intends to exercise its statutory authority in a manner to protect students and staff members from sexual violence of all form and fashion.

WHEREAS, on February 8, 2023, the Board requested the County Superintendent of Schools conduct an investigation of OCSA pursuant to authority granted by the California Education Code, including, but not limited to §§1241.5(c) and 47604.4. (See Attachment 1)

WHEREAS, on February 16, 2023, at 5:39 p.m., we received a response from Superintendent's counsel stating in relevant part: "the Superintendent notes some members of the public have provided information that would independently justify the Superintendent to review and monitor the current operations of OCSA under Ed. Code § 47604.4. To that end, the Superintendent has engaged in preliminary communication with OCSA regarding this matter.

THEREFORE, the Board hereby resolves to request to the Superintendent and Department (collectively "OCDE") act as follows:

1. Conduct an investigation of OCSA's hiring, supervision and safety procedures pursuant to the authority set forth above.
2. Report investigatory findings to the Board in accordance with policies and protocols established by the OCDE Charter School Unit.

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3. Continue cooperation with the Board to organize and present a public school safety forum to inform students, parents, faculty, school employees and members of the public as to best practices in recognizing, reporting, and preventing sexual violence on campus.

Adopted by the Orange County Board of Education on February 17, 2023.

Ayes: 5

No: 0

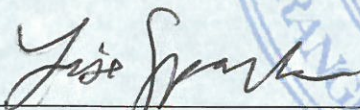
Absent: 0

State of California

County of Orange

I, Dr. Lisa Sparks, 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 special meeting thereof held on the seventeenth day of February 2023 and was passed by a vote of (5-0) of said members present.

IN WITNESS THEREOF, I have hereunto set my hand and seal on the seventeen day of February 2023.



Dr. Lisa Sparks, President  
Orange County Board Of Education