

**RESOLUTION OF THE
BOARD OF EDUCATION OF THE CHICO UNIFIED SCHOOL DISTRICT
GRANTING REQUEST TO RENEW THE CHARTER OF
THE BLUE OAK SCHOOL**

WHEREAS, by enacting the Charter Schools Act (Ed. Code §§ 47600, *et seq.*), the Legislature has declared its intent to provide opportunities to teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein; and

WHEREAS, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged, and that charter schools are part of and under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools; and

WHEREAS, although charter schools are exempt from many of the laws governing school districts, in return for that flexibility, they are accountable for complying with the terms of their charters and applicable law; and

WHEREAS, Education Code §47605(b) charges school district and governing boards and county boards of education with the responsibility of reviewing charter petitions to determine whether they meet the legal requirements for a successful charter petition; and

WHEREAS, under Ed. Code §47607(a)(2), a school district evaluates a renewal petition under the same standards and criteria used to evaluate an initial petition to establish a charter school, and a renewal petition “shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed”; and

WHEREAS, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in Education Code § 47605(b)(5)(A)-(O), as well as the affirmations and other requirements set forth in Education Code §47605; and

WHEREAS, a governing board may deny a petition to form a charter school if it makes written findings to support any of the following under Education Code § 47605(b): “(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 [required] number of signatures; (4) The petition does not contain an affirmation of each of the conditions described in subdivision [Education Code §§47605](d); (5) The petition does not contain reasonably comprehensive descriptions of all of the [criteria set forth in Education Code §§47605(b)(5)(A)-(O).]; and (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of [Government Code § 3540 (the Rodda Act, the State’s collective bargaining law for school employees.).]”

WHEREAS, under Ed. Code § 47607(b)(4)(A), a charter school is eligible for renewal if “[t]he entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the

school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school”; and

WHEREAS, Education Code § 47607(a)(3)(A) requires that “[t]he authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal”; and

WHEREAS, the District has “consider[ed] increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal”; and

WHEREAS, 5 C.C.R. 11966.4(b)(1) also states that, “[w]hen considering a petition for renewal, the district governing board shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any”; and

WHEREAS, under Education Code § 47607(a)(1), if the Board grants a renewal petition, “[e]ach renewal shall be for a period of five years;” and

WHEREAS, on or about January 23, 2013, the Governing Board of the Chico Unified School District granted a Petition to form the Blue Oak School (“Charter School”), for a term starting July 1, 2013 and ending June 30, 2018; and

WHEREAS, on or about January 17, 2018, the District’s Board of Education received a petition to renew the Charter School’s charter for a term beginning July 1, 2018 through June 30, 2018; and

WHEREAS, in compliance with Education Code §47605(b), the Board of Education held a public hearing on February 21, 2018 to determine the level of support for the renewal request; and

WHEREAS, the Board, under Education Code §47605(b), is obligated to take action to grant or deny the Petition within 60 days of its submission; and

WHEREAS, under Education Code §47605(b), the District and Petitioners agreed that the Board may have an additional thirty (30) days to grant or deny the Petition, up to and including April 4, 2018; and

WHEREAS, the Board will take action to grant or deny the Petition at its April 4, 2018 meeting.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Board of Education of Chico Unified School District that the Petition to renew the Blue Oak School’s Charter is hereby GRANTED on the following grounds:

The Charter School shall meet the following conditions:

1. The Charter is renewed for a five-year term, starting July 1, 2018;
2. The Charter School must show growth overall and in all subgroups, in both English/Language Arts and Math, using the pupil performance during the 2017-2018 school year as a benchmark.

3. The Charter School must improve the financial condition of the Charter School by taking the following steps:
 - a. Submit an updated interim budget for the current year to the District no later than 30 days following Board action to renew the charter.
 - b. Submit monthly cash flow reports to the District.
 - c. Submit monthly accounts receivable and accounts payable reports to the District.
 - d. Maintain a positive ending fund balance each fiscal year of the renewal term.
 - e. Submit a report to the District within 30 days following Board action to renew the charter setting forth specifically how the Charter School will maintain a positive ending fund balance by the end of the current fiscal year.
 - f. Timely pay off all financial obligations.

In the event that the Charter School fails to meet any of the conditions enumerated in 3(a)-(f) above, it agrees to surrender the Charter upon demand by the District. Should the Charter School refuse to surrender the Charter, it agrees that it will waive all of the procedural requirements set forth in Education Code section 47607 and its implementing regulations with respect to revocation of the charter, and that the District shall be entitled to summarily revoke the Charter through Board action, with no right to appeal or judicial challenge by the Charter School.

The Charter School must enter into a Memorandum of Understanding containing the above terms no later than thirty (30) days following Board action to renew the charter; otherwise, the Board's granting of the Petition will be rescinded, and the Petition will be denied.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by Board of Education of the Chico Unified School District that the Board hereby adopts the conditions in this Resolution as terms for granting the Blue Oak School renewal Charter Petition.

PASSED AND ADOPTED on April 4, 2018, by Board of Education of the Chico Unified School District by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENCES:

I declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.

Secretary of the Board of Education
CHICO UNIFIED SCHOOL DISTRICT