

**SAN DIEGO COUNTY BOARD OF EDUCATION
RESOLUTION #_____**

**DENYING THE CHARTER SCHOOL PETITION
TO ESTABLISH COLLEGE PREPARATORY MIDDLE SCHOOL**

WHEREAS, the Charter Schools Act of 1992, set forth at Education Code section ("Section") 47600 et seq., (the "Act") provides for the establishment and operation of publicly-funded charter schools in the State of California; and

WHEREAS, pursuant to Section 47605 of the Act, a school district governing board may approve a petition for the operation of a charter school that will operate at one or more sites within the geographical boundaries of the school district; and

WHEREAS, pursuant to Section 47605(j) of the Act, if a charter petition is denied by a school district governing board, the petition may be submitted on appeal to the county board of education, which board shall review the petition pursuant to the criteria and standards set forth in Section 47605(b) and take action to either grant or deny a petition; and

WHEREAS, on or about December 8, 2015, lead petitioner ("Petitioner") for the proposed College Preparatory Middle School ("Charter School") submitted a charter petition ("Petition") to the La Mesa-Spring Valley School District ("District") for the establishment of a new charter school; and

WHEREAS, pursuant to Education Code section 47605(b), the District governing board denied the Petition on January 12, 2016, and made findings of fact in support of that denial; and

WHEREAS, on or about February 17, 2016, the Petitioner submitted the Petition to the San Diego County Board of Education ("Board") on appeal from the District's denial; and

WHEREAS, administrative staff of the San Diego County Office of Education ("SDCOE") reviewed and analyzed the Petition and supporting documentation to determine, with the assistance of legal counsel, whether the Charter Petition satisfies the legal criteria and standards set forth in Section 47605(b); and

WHEREAS, the Board held a duly noticed public hearing on March 9, 2016, at which time the Board considered the level of support for the petition, and received information from the Petitioners and the La Mesa-Spring Valley School District; and

WHEREAS, the Board held a public meeting on April 13, 2016, to receive comments and analysis from San Diego County Office of Education staff, and to further consider the Petition and to grant or deny the Petition;

**NOW, THEREFORE, THE SAN DIEGO COUNTY BOARD OF EDUCATION
HEREBY FINDS AS FOLLOWS:**

Section 1. The recitals above are true and correct.

Section 2. The comments and discussion of the Board members and administrative staff at the meetings of March 9, 2016, and April 13, 2016, regarding the Petition are hereby incorporated by reference and serve to support the Board's action.

Section 3. The "Findings in Support of the Staff Recommendation to Deny the Petition to Establish College Preparatory Middle School," attached hereto as Exhibit "A" and incorporated by this reference, are expressly adopted by the Board as its own findings to support the Board's action.

Section 4. The Board generally concurs with the decision and findings of the District's governing board, and makes the following independent findings based on review and analysis by San Diego County Office of Education staff and legal counsel: (a) the Petition presents an unsound educational program for the pupils to be enrolled in the charter school; and (b) the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; and (c) the Petition fails to contain reasonably comprehensive descriptions of certain aspects of its programs and operations as required by the California Education Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE SAN DIEGO COUNTY BOARD
OF EDUCATION** that the Charter Petition is hereby DENIED based on the findings set forth in this Resolution.

PASSED AND ADOPTED by the San Diego County Board of Education this 13th day of April, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

I, Randolph E. Ward, Secretary of the Governing Board, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by said Board at a regularly called and conducted meeting held on said date.

Randolph E. Ward, Ed. D.
San Diego County Superintendent of Schools