

DRAFT RESOLUTION # 2022-05

**A RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF EDUCATION
DENYING PETITION TO FORM THE SAMOA BEACH ACADEMY**

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

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;

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;

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

WHEREAS, a governing board may deny a petition to form a charter school if it makes written findings to support any of the eight criteria found in subdivision (c) of Education Code § 47605(c);

WHEREAS, on October 13, 2021, the Humboldt County Board of Education received a Petition to form the Samoa Beach Academy (“Charter School”) via an appeal of the decision of the Northern Humboldt Union High School District to deny the Charter School’s petition;

WHEREAS, the Charter School agreed to a 30-day extension of required timelines, which the Board of Education approved on November 10, 2021;

WHEREAS, in compliance with Education Code § 47605(b), the Board of Education held a public hearing on December 14, 2021, to determine the level of support for the Petition; and

WHEREAS, in compliance with Education Code § 47605(b), the Board of Education is obligated to take action to grant or deny the Petition within 120 days of its submission.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Humboldt County Board of Education that the Petition to form the Samoa Beach Academy is hereby DENIED on the following grounds:

1. The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School (Educ. Code § 47605(c)(1));
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition (Educ. Code § 47605(c)(2)); and

3. The petition does not contain the number of required signatures (Educ. Code § 47605(c)(3)).

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Humboldt County Board of Education that the Board hereby adopts in support of its denial the January 24, 2022, "Findings and Recommendations Regarding Samoa Beach Academy, a Petition for a Charter School," provided by District staff to the Charter School on January 24, 2022, and provided to the Board at its February 9, 2022, Board Meeting.

PASSED AND ADOPTED on February 9, 2022, by the Humboldt County Board of Education by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENCES:

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

Thom McMahon, President

HUMBOLDT COUNTY BOARD OF EDUCATION