

**SCHOOL DISTRICT
BOARD OF TRUSTEES, _____ COUNTY
STATE OF CALIFORNIA**

**RESOLUTION REQUESTING AN IMMEDIATE TEMPORARY MORATORIUM ON
APPROVAL OF CHARTER SCHOOLS**

WHEREAS, the California Constitution, Article 9, section 1 recognizes that the general diffusion of knowledge and intelligence is essential for preservation of the rights and liberties of the people such that the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement; and

WHEREAS, the California Constitution Article 9, section 5 requires that the Legislature provide for a system of common schools by which a free school shall be kept up and supported in each district thus establishing access to a public education as a fundamental right fully guaranteed and protected by the California Constitution; and

WHEREAS, the California Constitution Article 9, section 8 states that no public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; and

WHEREAS, in 2013 Governor Edmund G. Brown Jr. signed historic school funding legislation establishing the Local Control Funding Formula intended to increase resources to the state's neediest students and restore local control over how money is spent on schools; and

WHEREAS, in 2015 with bi-partisan support Congress reauthorized the Elementary and Secondary Education Act through the Every Student Succeeds Act seeking, among other things, to increase both state and local control over public education which was in contrast to education policy and requirements established under No Child Left Behind; and

WHEREAS, In 1992, California passed the Charter Schools Act establishing Education Code Section 47600 et seq.; and

WHEREAS, the current provisions in the Education Code Section 47600 et seq. provides limited fiscal, facility, and educational program accountability and transparency; and

WHEREAS, Education Code Section 47605 vests in the local school board the authority for determining whether a charter school petition meets the legal requirement outlined in Education Code section 47605; and

WHEREAS, local school boards are most knowledgeable of education programs and needs within its jurisdiction invest significant time and resources reviewing proposed charter school petitions prior to accepting or rejecting a charter school petition as require by Education Code section 47605; and

WHEREAS, the recent practices of county offices of education and the State Board of Education in summarily overruling rigorous evaluations of charter applications by local school boards is undermining the practice of “local control,” wherein districts develop priorities and plans with input from all stakeholders including parents, students, teacher, and community members; and

WHEREAS, students with more significant needs such as students with disabilities, students with social-emotional needs and students who are English Learners are often disenrolled or removed by charter schools which undermine local communities; and,

WHEREAS, charter schools are not held to the same facility standards as public schools including preventing student exposure to asbestos and lead in paint and other hazardous materials; and,

WHEREAS, because charter school boards are not elected by their constituency but are often appointed by outside groups that often operate several charter schools across the county or state, charter school boards often do not have local meetings accessible to parents and other local groups; and,

WHEREAS, charter schools and parent organizations are not required to have adequate reserve funds as public school districts are; and,

WHEREAS, charter school organizations are not explicitly required to have open access to budgets and salaries, especially executive compensation; and,

WHEREAS, charter schools are not explicitly required to comply with Freedom of Information Act request or the California Public Records Act, and

WHEREAS, some charter schools are hiring foreign nationals to replace American teachers; and

WHEREAS, California taxpayers and citizens deserve to have transparency and accountability with respect to public school funding; and

WHEREAS, local school districts deserve the right to authorize locally controlled charter schools; and,

WHEREAS, the current charter laws regulating charter laws need to be updated to assure local control, transparency, and accountability to the taxpayers and parents;

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE
_____ DISTRICT DOES HEREBY RESOLVE, DETERMINE

AND ORDER AS FOLLOWS:

The _____ School District urges the Legislature of the State of California to adopt changes to the Education Code, Section 47605 et seq., restoring local control to Districts over charter schools and holding charter schools to the same level of accountability as all public schools;

The _____ School District urges the Legislature of the State of California to adopt changes to the Education Code, Section 47605 et seq., requiring a showing of local support within a District for charter school approval, from parents, teachers, and community members, and not allow signatures of existing charter school employees to support a charter petition;

The _____ School District urges the Legislature of the State of California to enact a moratorium on charter schools until these changes are adopted and enacted.

PASSED and ADOPTED this ___th day of _____, 2016 by the _____ District Board of Education, of the County of Orange, to wit:

	Ayes	Noes	Abstain	Absent
Name	_____	_____	_____	_____
Name	_____	_____	_____	_____
Name	_____	_____	_____	_____
Name	_____	_____	_____	_____
Name	_____	_____	_____	_____

 President
 _____ School District Board of Education
 State of California

Attest:

 Clerk
 Board of Education