

**RESOLUTION DENYING THE APPROVAL OF
THE CHARTER FOR EUREKA! INCLUSIVE CHARTER SCHOOL**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. #2222-1**

RESOLVED by the Santa Clara County Board of Education, County of Santa Clara, State of California, that:

WHEREAS, on or about February 7, 2018, the Board of the San Jose Unified School District (“SJUSD”) denied the charter petition (“Petition” or “Charter”) for the proposed Eureka! Inclusive Charter School to operate as an independent charter school; and

WHEREAS, pursuant to California Education Code Section 47605 and California Code of Regulations, Title 5, Section 11967, on or about March 7, 2018, Eureka! Inclusive Charter School (“EICS” or “Charter School”) submitted the Petition and supporting documents on appeal to the County Board; and

WHEREAS, in accordance with Education Code Section 47605(b) the Santa Clara County Board of Education (hereinafter “County Board of Education”) held a public hearing on the provisions of the Petition on April 4, 2018, at which time the County Board of Education considered the level of support for the Petition by teachers and other employees and parents/guardians; and

WHEREAS, in reviewing the Petition, the County Board has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, the County Office of Education Staff has reviewed and analyzed all information received with respect to the Charter and information related to the operation and potential effects of the proposed Charter School, and made a recommendation to the County Board that the Charter be denied based on that review and prepared a written Staff Analysis and Proposed Findings of Fact, dated May 2, 2018, (hereafter collectively “Staff Report, Analysis & Findings”) setting forth that recommendation and proposed findings of fact supporting denial; and

WHEREAS, the County Board of Education has taken into consideration the information and documents submitted, including the Petition, the statements presented at the public hearing, the Staff Report, Analysis & Findings, including Staff’s recommendation; and

WHEREAS, the County Board of Education reviewed and deliberated on the Petition, pursuant to the procedures set forth in California Education Code Section 47605; and

WHEREAS, the County Board of Education specifically notes that this Resolution No. 2222-1 does not include findings relative to every defect in the Petition submitted, but is limited to some of the significant issues with the Petition, and that the findings set forth herein are sufficient to support the County Board of Education’s denial of the Petition.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the County Board of Education finds the above listed recitals to be true and correct and incorporates them herein by this reference.

BE IT FURTHER RESOLVED AND ORDERED that the Santa Clara County Board of Education, having fully considered and evaluated the Petition for the establishment of Eureka! Inclusive Charter School, hereby finds granting the Petition not to be consistent with sound educational practice, based upon numerous grounds and factual findings including, but not limited to, the following, and hereby denies the Petition pursuant to Education Code Section 47605:

1. The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code Section 47605(b)(1)]
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. [Education Code Section 47605(b)(2)]
3. The Charter does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(b)(5)]

BE IT FURTHER RESOLVED AND ORDERED that the County Board of Education hereby determines that the foregoing findings are supported by specific facts, including the following facts and findings:

1. The County Board of Education hereby adopts and incorporates herein by this reference as though set forth in full herein the written factual findings and specific facts supporting those findings as contained in the Staff Report, Analysis & Findings.
2. The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School:

The concerns and deficiencies regarding the EICS educational program set forth in the adopted and incorporated Staff Report, Analysis & Findings, which discussions are not repeated in full here, establish that the Charter School presents an unsound educational program. These concerns and deficiencies include, but are not limited to, lack of development of the educational program – particularly the scope and sequence for each of the grade levels – deficiencies in the plan for English Language Learners, and deficiencies in the plan for compliance with the Individuals with Disabilities Education Improvement Act (“IDEIA”).

3. The petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition:

The concerns and deficiencies regarding the educational program, legal compliance, failure to include reasonably comprehensive descriptions of each of the required charter elements, and budget issues set forth in the adopted and incorporated Staff Report, Analysis & Findings, which discussions are not repeated in full here, are incorporated herein by this reference, and each of those deficiencies in the Petition serves to establish that the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition because the program is either not properly established and described or the elements of the proposal would violate public policy, legal requirements, and/or SCCOE-approved practices for charter schools under its oversight.

4. The Petition does not contain reasonably comprehensive descriptions of all of the required charter elements:

A variety of required elements for which the Petition does not include a reasonably comprehensive description are described in the adopted and incorporated Staff Report, Analysis & Findings, which discussions are not repeated in full here.

One element for which the Petition does not include a reasonably comprehensive description is the educational program, which does not adequately describe the actual program to be used at EICS, does not describe a legally compliant plan for students with special needs under the IDEIA and/or Section 504, and does not set forth an adequate plan for English Language Learners.

BE IT FURTHER RESOLVED AND ORDERED by the County Board of Education that for the forgoing reasons and based on the forgoing findings, the Petition for the establishment of Eureka! Inclusive Charter School is hereby denied.

BE IT FURTHER RESOLVED AND ORDERED that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings is invalid, the remaining findings and/or factual determinations and the denial of the Charter shall remain in full force and effect. In this regard, the County Board of Education specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

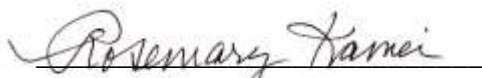
Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 2nd day of May 2018 by the following vote:

AYE: President Kamei, members Di Salvo, Song, Mah, Rossi, Green and King

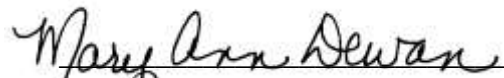
NO: --none--

ABSTENTION: --none--

ABSENT: --none--



Rosemary Kamei, President
Santa Clara County Board of Education



Mary Ann Dewan, Ph.D.
County Superintendent of Schools