

1 RESOLUTION NO. 19/20-1218

2 BOARD OF TRUSTEES

3 ORANGE COUNTY SCHOOL OF THE ARTS

4 SANTA ANA, CALIFORNIA

5
6 **Directing OCSA Petitioners to Decline to Prepare and Submit a “Material Revision”**
7 **to the Renewal Petition and to Appeal SAUSD’s Denial to**
8 **the Orange County Board of Education**
9

10 **WHEREAS**, the Orange County School of the Arts was invited by Santa Ana city officials in
11 the year 2000 to move from the campus of Los Alamitos Unified School District and encouraged to
12 open its own comprehensive charter school under the sponsorship of the Santa Ana Unified School
13 District (“SAUSD”);

14
15 **WHEREAS**, OCSA has been honored locally, regionally, and nationally for innovation and
16 excellence in both arts and academic education, preparing students to reach their highest potential and
17 thrive in the 21st century;

18
19 **WHEREAS**, OCSA has a 100% graduation rate, and 98% of students are accepted into
20 institutions of higher education, including some of the nation’s top universities;

21
22 **WHEREAS**, OCSA’s performance on CAASPP not only exceeds that of comparable schools,
23 but it also shows a general increase in pupil academic performance from year to year;

24
25 **WHEREAS**, OCSA has invested more than \$70 million in purchasing and renovating nine
26 buildings along Main Street to create 350,000 square feet of instructional space, including the largest
27 high school instructional dance facility in the nation.
28

1 **WHEREAS**, OCSA’s campus, its students and families have been instrumental in helping to
2 revitalize the midtown area into a creative and vibrant community;

3
4 **WHEREAS**, OCSA has grown from serving 800 students to serving more than 2,200 students
5 from over 100 cities throughout Southern California, and has created 550 new jobs for the local
6 economy;

7
8 **WHEREAS**, beyond its full-time program, OCSA provides many additional benefits to local
9 students, their families, and the Santa Ana community, including extracurricular arts classes for
10 children, free community performances, student-led service projects, low-cost facility rentals, and much
11 more:

- 12 • Camp OCSA is a series of after-school arts workshops available free of charge to
13 Santa Ana elementary school students. Over the past 20 years, this program has
14 served 5,000 children.
- 15 • The Dragon Kim Foundation Music Program provides free, after-school vocal and
16 instrumental music instruction to nearly 200 economically disadvantaged youth from
17 Santa Ana each year.
- 18 • The Gluck Community Service Arts Fellowship Program provides free artistic
19 performances and activities to underserved children and adults in non-traditional
20 community venues. Over the past 20 years, this program has served 500,000
21 community members.
- 22 • The CSArts Academy provides arts and academic enrichment classes for children
23 from the community in the fall, spring, and summer. Over the past 20 years, the
24 CSArts Academy has served nearly 12,000 children and has provided over \$50,000
25 in annual financial assistance.
- 26 • For almost 20 years, OCSA has provided free and low-cost facility rental to the
27 award-winning Relámpago del Cielo Grupo Folklórico, allowing 200 Santa Ana
28 dancers a quality place to rehearse and perform each Saturday.

1 **WHEREAS**, OCSA serves the children of more than 200 Santa Ana families, of whom over
2 90% have economic challenges;

3
4 **WHEREAS**, OCSA has touched the lives of tens of thousands of students from five counties
5 across Southern California with its pioneering tuition-free education programs and unparalleled learning
6 environment;

7
8 **WHEREAS**, since OCSA’s initial charter petition effective in the year 2000, the Board of
9 Education of SAUSD has unconditionally approved multiple OCSA charter renewal petitions;

10
11 **WHEREAS**, in October, 2019, OCSA submitted a renewal petition to SAUSD for the term of
12 July 1, 2020 through June 30, 2025;

13
14 **WHEREAS**, OCSA’s October 2019 charter renewal petition is extensively updated since the
15 2015 renewal in order to implement recent statutory changes including those which will become
16 operative on July 1, 2020.

17
18 **WHEREAS**, on December 10, 2019, the District’s Board of Education *conditionally approved*
19 the renewal of the charter, directing OCSA to submit “material revisions” consistent with the December
20 10, 2019 Staff Report;

21
22 **WHEREAS**, on March 8, 2019, contrary to the language in the OCSA charter renewal petitions
23 it previously approved, SAUSD demanded an unspecified amount of money for its special education
24 costs, and on March 20, 2019, demanded that OCSA pay SAUSD \$19,493,329.00, none of which is
25 owed;

26
27 **WHEREAS**, when OCSA notified SAUSD that none of this amount was owing due to charter
28 renewal petition language that the SAUSD Board of Education had publicly taken action to approve,

1 SAUSD embarked on a nine-month campaign to undermine and retaliate against OCSA including but
2 not limited to the following:

- 3 • Threatening to withhold OCSA’s annual in-lieu property tax funds in the amount of
4 \$500,000 per month;
- 5 • Attempting to cause OCSA’s annual \$ 2,000,000 SB 740 funding to be withheld without
6 a lawful basis to do so;
- 7 • Withholding a complaint about the admission process for 41 days, and failing to provide
8 OCSA a timely opportunity to reply to the complaint;
- 9 • Announcing, through their attorney, that SAUSD would not communicate during the
10 charter renewal process concerning questions and charter language as they had
11 consistently done in previous renewals;
- 12 • Utilizing outdated documents and removed postings as grounds for recommending
13 denial of renewal rather than using the language in the 2020-2025 renewal petition;
- 14 • Judging past events from the evolving admissions process by legislation which is not yet
15 operative and offering these as a basis for nonrenewal;
- 16 • Recommending, in the alternative, nonrenewal or *conditional approval*, disregarding the
17 multiple changes made to the 2020 renewal petition for the express purpose of updating
18 the petition to be consistent with new law, some of which is not yet operative.

19
20 **WHEREAS**, SAUSD’s findings neither suggest language nor clearly define conditions that
21 OCSA should adopt in order to achieve unconditional charter approval. Many are purposeful
22 misrepresentations and mischaracterizations of OCSA’s practices that SAUSD has reason to know are
23 false;

24
25 **WHEREAS**, SAUSD has now, after-the-fact, claimed to have interest in collaborating with
26 OCSA leadership to cure the conditional renewal by June 2020; it states in the conditional approval
27 resolution that should OCSA fail to satisfactorily meet their conditions, the conditional approval *reverts*
28 *to a charter denial effective on December 10, 2019.*

1 **WHEREAS**, should OCSA proceed with the intention of meeting conditions that have yet to be
2 made clear to us, and then learn that the District in June 2020 still does not approve the contents of the
3 conditionally renewed petition, OCSA would have no recourse to appeal the decision, since an OCBOE
4 appeal must be submitted within 30 days of the (December 10, 2019) denial on January 9, 2020; that
5 date would have long since passed.

6
7 **WHEREAS**, we can only assume that this was intentional, recommending a “conditional
8 approval” to ultimately deny OCSA the right to a due process appeal. It does not appear that SAUSD’s
9 intention was ever to collaborate, but rather to run out the 30-day appeal window (including over 2
10 weeks when most school agencies are closed for the winter holidays).

11
12 **WHEREAS**, these actions demonstrate SAUSD’s ongoing bad faith; they further evidence that
13 SAUSD is no longer interested in a productive, collaborative relationship with OCSA.

14
15 **WHEREAS**, OCSA cannot risk working with SAUSD in the brief days before the January 9,
16 2020 deadline to appeal to OCBOE passes. Doing so and trusting that SAUSD will unconditionally
17 approve would forfeit OCSA’s opportunity to appeal. Given the destructive and deceptive conduct of
18 SAUSD toward OCSA these past nine months, SAUSD has not demonstrated that they deserve the
19 OCSA community’s trust, nor that they are a reliable, well-meaning partner in supporting educational
20 excellence for OCSA students.

21
22 **WHEREAS**, the Board of Trustees and OCSA petitioners have fully considered the December
23 10th Resolution and Staff Report adopted by the Santa Ana Unified School District Board of Education;
24 and

25
26 **NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:**

- 27 1. That OCSA’s Board of Trustees finds the above-listed recitals to be true and correct and
28 incorporates them herein by this reference.

- 2. That OCSA has met statutory standards for renewal of a charter pursuant to Education Code Section 47607.
- 3. That OCSA does not agree to *conditional renewal* and thus will not submit a "material revision" of the 2020 charter renewal petition to the Santa Ana Unified School District. Therefore, pursuant to SAUSD Resolution #19/20-3323 page 3, section 4, lines 87-92, the Renewal Petition is deemed denied as of December 10, 2019.
- 4. That OCSA shall appeal immediately to the Orange County Board of Education to approve its 2020 charter renewal petition for the term July 1, 2020 through July 30, 2025.

The foregoing Resolution was considered, passed, and adopted by this Board at its regular meeting of December 18, 2019.

[Signature]
Orange County School of the Arts
President, Board of Trustees 12/19/19