RESOLUTION OF THE BOARD OF EDUCATION

ORANGE COUNTY, CALIFORNIA

Resolution Establishing Fair and Equitable Facilities for All Public-School Students

OCTOBER 4, 2023

WHEREAS, all Public School Students deserve a high quality educational experience in both their instructional programs and the facilities where they attend school in California; and

WHEREAS, the Orange County Board of Education ("Board") oversees a variety of educational programming opportunities through the County's Alternative, Community, and Correctional Educational Schools and Services ("ACCESS") program; and

WHEREAS, the ACCESS program seeks to provide students with a caring, safe, and successful learning environment designed to develop lifelong skills, and instill a voice that leads to positive transformation. Incorporate a technology-rich environment that stimulates meaningful dialogue and offers the application of real-life skills, including CTE opportunities,

WHEREAS, the State Legislature and California voters have supported acquisition and improvement of public facilities for students through funding made available through statewide school bond measures and local bond measures, passage of Proposition 39 and through state facilities funding for charter schools; and

WHEREAS, the public school students served in the County through the ACCESS program and charter school programs do not always have full access to these traditional school facilities; and

WHEREAS, Proposition 39, approved by California voters in 2000, has had significant positive effects on the building and maintenance of school facilities in California. By approving Proposition 39, California voters committed to removing barriers to investing in education to prepare our children for the 21st Century. The State committed to ensuring our children have access to the learning tools of the 21st Century while also repairing and rebuilding our dilapidated schools to ensure that our children learn in a safe and secure environment; and

WHEREAS, Proposition 39 lowered the required threshold for school bond passage from two-thirds to 55%.[1] In the 12 years prior to the passage of Proposition 39, only 53% of school bonds were approved by voters. In the years since 2000, California school bond measures have

[1] See Section 18 of Article XVI of the Constitution of the State of California.

been approved in more than 80% of the elections, providing billions of additional dollars for California school districts to meet the facilities goals of Proposition 39;[2] and

WHEREAS, Proposition 39 also clearly expressed the intent of the people in amending the California Education Code to unequivocally state that public school facilities should be shared fairly among all public school pupils, including those in charter schools; and

WHEREAS, Proposition 39 required all school districts to make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter schools' in district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. It requires the school district to make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and not move the charter school unnecessarily;[3] and

WHEREAS, in the years following the passage of Proposition 39, many charter schools have accessed public school facilities via Proposition 39, but this access is inconsistent across the state, and California school districts do not always provide charter schools with what they believe to be reasonably equivalent school facilities. Other charter schools cannot meet the eligibility requirements for Proposition 39 facilities. As a result, charter school operators consistently cite access to quality school facilities as a major barrier to providing high-quality public school instruction to public school students. This challenge is particularly acute in regions of the state with expensive real estate markets such as Orange County; and

WHEREAS, the Board should pursue collaborative and innovative approaches to bridge the gap between traditional public facilities programs and the resources and educational technology necessary to meet the needs of all Orange County public school students,

THEREFORE, the Orange County Board of Education hereby resolves as follows:

1. The Board will continue to support all Orange County public schools and take policy actions to provide fair, equitable and transparent access to facilities consistent with California law to provide space for high quality instructional options for all public-school students.

2. The Board hereby commits to the following actions to ensure that all public schools and public school students in Orange County have access to quality school facilities:

- Allocate resources to support the development of facilities that will provide increased options for ACCESS and charter school programs.
- Develop a Board policy to educate and inform the community of the challenges and barriers that charter schools face working within the public education system to secure adequate facilities for their students.

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[2] https://www.ed-data.org/article/School-District-Bond-and-Tax-Elections

[3] See California Education Code Section 47614.

- Create *l*egal mechanisms and agreements to reduce barriers to the acquisition, lease, and use of facilities for charter schools within Orange County.
- Request the Orange County Superintendent of Schools, or designee, establish a school facilities workgroup with ACCESS and charter leaders to engage with local school district superintendents concerning the use of underutilized in/or access school district properties to support ACCESS and charter school facilities' needs.
- Establish a Board subcommittee to support the above referenced workgroup.
- Designate and/or appoint a Board subcommittee member to serve on the workgroup.

APPROVED AND ADOPTED *this 4th day of October 2023 at a regular meeting of the Orange County Board of Education.*

AYES: 5
NOES: 0
ABSENT: 0

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Tim Shaw, President of the Board of Education of Orange County, California, hereby certify the foregoing resolution was duly and regularly adopted by the said Board at a regular meeting thereof held the 4th day of October 2023 and was passed by a vote of (5 to 0) of said members present.

IN WITNESS THEREOF, I have hereunto set my hand and seal on the 4th day of October 2023.

Tim Shaw

Tim Shaw, President
Orange County Board of Education