

**ANTIOCH UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2017-18-29**

**Resolution of the Board of Trustees
Denying the Petition to Establish the East Bay Tech Academy Antioch
Middle School Charter School**

WHEREAS, the establishment of charter schools is governed by the Charter Schools Act of 1992, as subsequently amended, Education Code section 47600 et seq., and implementing Title 5 California Code of Regulations;

WHEREAS, a petition was delivered to the Antioch Unified School District's ("District" office seeking District Board authorization to establish the East Bay Tech Academy Antioch Middle School Charter School ("Charter School") for a five-year term commencing July 1, 2019;

WHEREAS, at the March 14, 2018, meeting the District Board of Trustees received the petition to commence the Education Code charter petition process, and held a public hearing regarding the petition pursuant to Education Code section 47605 at which time the Board heard and considered the level of support for the petition;

WHEREAS, on May 9, 2018, the Board has convened to consider whether to grant or deny the petition to establish the Charter School;

WHEREAS, approval of charter petitions is governed by the standards and criteria set forth in Education Code section 47605 and applicable California Code of Regulations, and the District Board may not deny a charter petition unless it makes written factual findings, specific to the particular charter petition, setting forth facts to support one or more of the following findings:

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school;
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
3. The petition does not contain the number of signatures required by Education Code section 47605 subdivision (a);
4. The petition does not contain an affirmation of each of the conditions described in Education Code section 47605 subdivision (d);
5. The petition does not contain reasonably comprehensive descriptions of all 15 elements required in Education Code section 47605 subdivision (b)(5);
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act.

WHEREAS, the District’s staff, with assistance from legal counsel, reviewed and analyzed the petition and supporting documents for legal sufficiency, and analyzed public information regarding the petitioners’ regarding the petitioners’ history of involvement with charter schools, and have identified numerous deficiencies in, and concerns related to, the petition and the proposed Charter School’s operations, and therefore recommends that the Board adopt the Findings of Fact, attached hereto as Exhibit “A” and incorporated herein by this reference, and deny the petition to establish the Charter School.

THEREFORE BE IT RESOLVED, the Antioch Unified School District Board of Trustees hereby adopts the Findings of Fact, attached hereto as Exhibit “A,” and denies the petition to establish the East Bay Tech Academy Antioch Middle School Charter School.

PASSED AND ADOPTED this 9th day of May 2018, by the Board of Trustees of the Antioch Unified School District by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

Gary Hack, President
Board of Education

CERTIFICATION

State of California)
) ss.
County of Contra Costa)

I certify the above is a true copy of a Resolution adopted by the Board of Trustees of the Antioch Unified School District at its regularly scheduled meeting on Wednesday, May 9, 2018.

Dated: May 9, 2018

GOVERNING BOARD OF THE
ANTIOCH UNIFIED SCHOOL DISTRICT,
COUNTY OF CONTRA COSTA,
STATE OF CALIFORNIA

By: _____
Stephanie Anello
Superintenden