

RESOLUTION NO. 96-13

RESOLUTION OF THE CITY OF RICHMOND CALIFORNIA IN SUPPORT OF THE GOVERNING BOARD OF THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT DENYING THE CHARTER PETITION FOR THE ESTABLISHMENT OF THE SUMMIT CHARTER SCHOOL

WHEREAS, the City of Richmond and the Governing Board of the West Contra Costa School District have a vested interest in the quality of schools afforded to the youth of Richmond; and

WHEREAS, the City of Richmond invested \$4.5 million between 2009 & 2012 to keep John F. Kennedy High School at 4300 Cutting Blvd. from closing; and

WHEREAS, in addition to the findings of the Governing Board of the West Contra Costa Unified School District (“Board”), the proposed location of Summit Charter School puts John F. Kennedy High School at risk of closing once again by potentially taking as many as 200 students away from that School. Current enrollment at John F. Kennedy High School is around 800 students, if that number were to decrease dramatically the WCCUSD could once again be forced to consider the closure of John F. Kennedy High School; and

WHEREAS, the Board passed and adopted Resolution No. 32-1314 on September 11, 2013 to deny the petition for the establishment of the Summit Charter School; and

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

WHEREAS, the West Contra Costa Unified School District (“District”) received the charter Petition (“Petition”) proposing the establishment of the Summit Charter School (“Charter School”);

WHEREAS, consistent with Education Code section 47605 subdivision (b), at a regular meeting, the District’s Governing Board held a public hearing on the Petition, at which time the Board considered the level of support for the Petition by teachers employed by the District, other employees of the District, and parents/guardians;

WHEREAS, the Board convened on August 12, 2013, to consider whether to grant or deny the Petition;

WHEREAS, approval of charter petitions is governed by the standards and criteria set forth in Education Code section 47605 and implementing Title 5 of the California Code of Regulations;

WHEREAS, Education Code section 47605 subdivision (b) prohibits the Board from denying a charter Petition unless it makes written factual findings, specific to the particular charter school, setting forth facts to support one or more findings, which include:

1. The petition does not contain the number of signatures required by Education Code section 47605 subdivision (a);
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
3. The charter school presents an unsound educational program for the students to be enrolled in the charter school;
4. The petition does not contain an affirmation of each of the conditions described in Education Code section 47605 subdivision (d); or
5. The petition does not contain reasonably comprehensive descriptions of all 16 elements required in Education Code section 47605 subdivision (b)(5).

WHEREAS, the Board made a motion on August 12, 2013 setting out the findings to deny the Petition and the Board voted to deny the Petition by a 4-1 vote;

WHEREAS, the Board ratified the denial and adopted the written Findings of Fact, attached hereto as Exhibit "A," and denied the Petition to establish the Summit Charter School.

NOW, THEREFORE BE IT RESOLVED, that the Richmond City Council supports the decision by the WCCUSD Board of Trustees to deny the petition for establishment of the Summit Charter School; and

BE IT FURTHER RESOLVED, that the City of Richmond request that the Contra Costa County Board of Education uphold said decision ratified through the adoption of Resolution No. 32-1314.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held October 1, 2013, by the following vote:

- AYES: Councilmembers Beckles, Myrick, Rogers, and Mayor McLaughlin.
- NOES: Councilmembers Bates, Butt, and Vice Mayor Boozé.
- ABSTENTIONS: None.
- ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 96-13**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on October 1, 2013.