

RESOLUTION CONDITIONALLY APPROVING THE REQUEST FOR MATERIAL REVISIONS TO THE CHARTER FOR DOWNTOWN COLLEGE PREP ALUM ROCK CHARTER SCHOOL

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. _____**

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

WHEREAS, the Santa Clara County Board of Education (“County Board” or “SCCBOE”) initially authorized the charter for the Downtown College Prep Alum Rock Charter School (“DCP Alum Rock”) which is governed by Across the Bridge Foundation (“ABF”), on November 18, 2009, to serve students in grades 6-12. The County Board renewed the Charter School’s charter (“Charter”) on March 2, 2016, and December 16, 2020, and, as provided by Education Code section 47607.4, its current term expires on June 30, 2027. DCP Alum Rock and ABF are referred to herein collectively and interchangeably as “Charter School”; and

WHEREAS, pursuant to the procedures set forth in Education Code Sections 47605, and 47607, on April 11, 2024, petitioners submitted to the Santa Clara County Office of Education (hereinafter “County Office of Education” or “SCCOE”) a request for material revisions to the DCP Alum Rock Charter; and

WHEREAS, SCCOE, DCP Alum Rock, and ABF currently have in place a Memorandum of Understanding, including an Addendum to the Memorandum of Understanding (collectively “MOU”), that governs the respective fiscal, operational, and administrative responsibilities, legal relationships, and other matters not otherwise addressed or resolved by the terms of the Charter, which MOU will remain in full force and effect whether the SCCBOE grants or denies DCP Alum Rock’s request for material revisions; and

WHEREAS, in submitting the request for material revisions, the Charter School specifically affirmed its compliance with the MOU; and

WHEREAS, in accordance with Education Code Sections 47605 and 47607, the County Board held a public hearing on the provisions of the requested material revisions to the Charter on April 17, 2024, at which time the County Board considered the level of support for the material revisions to the Charter by teachers, other employees, and parents or guardians, and there were no public comments on this matter; and

WHEREAS, the Charter School is requesting approval of material revisions to the Charter for the purpose of aligning the description in the Charter with ABF’s action on March 4, 2024, to close the high school campus and not to offer grades 9-12, effective June 30, 2024; and

WHEREAS, the County Board has considered the Charter School’s material revision request; and

WHEREAS, with the addition of and Charter School’s compliance with the conditions specified herein, it is consistent with sound educational practice and with the interests of the community in which the Charter School operates and the academic needs of the approximately 250 middle school students currently enrolled at the Charter School and projected future students to conditionally approve the material

revision aligning the description in the Charter with the Charter School's current offerings such that, while DCP Alum Rock was established as a 6-12 grade charter school, should the Charter School desire to again offer any of grades 9-12 and/or operate at more than one site, it would be required to obtain approval of a material revision to the Charter that fully describes its program, operations, and financial plans to offer such grade(s) and/or operate at such additional site(s); and

WHEREAS, the SCCOE Charter Schools Department Staff ("Staff"), in reviewing the requested material revisions to the Charter, identified concerns and omissions, including the need to augment the requirements in the Charter and the MOU concerning cash flow, reserves, and fiscal monitoring and reporting given the Charter School's recent financial concerns that led to the Charter School choosing to stop offering high school and close a site and the projected ongoing cash flow concerns; and

WHEREAS, Staff has reviewed and analyzed the information received with respect to the materially revised Charter and information related to the operation and potential effects of the proposed material revisions, and based on that review, has made a recommendation to the County Board of Education that it approve the material revisions to the Charter with the conditions set forth below. Staff prepared a written Staff Analysis, dated April 30, 2024 (hereafter collectively "Staff Report, Analysis & Findings," attached hereto as Exhibit "A") setting forth Staff's recommendations and recommended findings of fact and conditions; and

WHEREAS, in accordance with the requirements of Education Code Section 47605(b), the SCCOE published its Staff Report, Analysis & Findings, setting forth Staff's recommendations, including the recommended findings regarding the materially revised Charter, and including the proposed resolution of conditional approval by posting these items to the SCCOE's website and providing copies to the Charter School on April 30, 2024; and

WHEREAS, the issues and concerns noted in the Staff Report, Analysis & Findings must be remediated in order for the requested material revisions to the Charter and the Charter School's plan to offer only a middle school program at a single site at this time to present a sound educational program and plan for ongoing fiscal and operational viability that is consistent with sound educational practice; and

WHEREAS, the County Board has taken into consideration the information and documents submitted, including the materially revised Charter, statements and information presented at the public hearing, and the Staff Report, Analysis & Findings; and

WHEREAS, the County Board reviewed and deliberated on the materially revised Charter, pursuant to the standards and procedures set forth in California Education Code Sections 47605 and 47607; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the County Board 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 County Board of Education hereby adopts and incorporates herein by this reference as though set forth in full herein, the Staff Report, Analysis & Findings, including the written factual findings and specific facts supporting those findings as contained in the Staff Report, Analysis & Findings.

BE IT FURTHER RESOLVED AND ORDERED that the County Board, having fully considered and evaluated the request for material revisions to the DCP Alum Rock Charter, hereby finds that compliance with the conditions set forth below is necessary to the sound operation of the Charter School and that approval of the request for material revisions to the DCP Alum Rock Charter is consistent with sound educational practice with the addition of the conditions and the Charter School's compliance therewith.

BE IT FURTHER RESOLVED AND ORDERED that the County Board of Education hereby conditionally approves the material revisions to DCP Alum Rock's Charter, with the revisions effective as of July 1, 2024. The materially revised DCP Alum Rock Charter that the Governing Board is hereby conditionally approving is attached hereto as Exhibit "B," and the Charter School is required to comply with the following conditions:

1. On or before July 15, 2024, or such later deadline as agreed to in writing by the County Superintendent or Designee, ABF, DCP Alum Rock, and the SCCOE shall enter into and execute a second addendum to the MOU in the form and including the terms satisfactory to the County Superintendent and/or Designee, in their sole discretion, that will govern the SCCOE's oversight of the Charter School, and clarify and provide greater specificity regarding Charter School's operations pursuant to the materially revised Charter, and that will address all of Staff's concerns with and recommended conditions for the requested material revisions to the Charter, including but not limited to those specified in the Staff Report, Analysis & Findings, any additional concerns and requirements as noted by the County Board, and any additional SCCOE best practices for SCCBOE-approved charter schools. The second addendum to the MOU shall be incorporated by reference into the MOU as if set forth therein in full. The MOU, including both addenda thereto, shall be coextensive with and remain in full force and effect throughout the current term of the Charter School's Charter. Further, the term of the MOU, including the addenda thereto, shall continue in full force and effect beyond the current term of the Charter, including during the period of any renewal of the Charter during which the SCCBOE is the chartering authority or during the pendency of any appeal of a denial of a renewal request or a revocation of the Charter, unless and until such time as (a) SCCOE, ABF, and DCP Alum Rock agree that a replacement MOU shall supersede the MOU, including the addenda; (b) SCCOE, ABF, and DCP Alum Rock specifically agree in writing that the MOU and/or an addendum thereto is terminated; or (c) DCP Alum Rock ceases operating and relinquishes/loses its Charter for any reason and complies with all Closure Protocols (as defined in the Charter and/or the MOU) and any ongoing requirements of the Charter or the MOU. Upon termination of the MOU and/or any addendum, any provisions of the MOU and/or any addendum thereto that specify that they shall survive the termination of the Charter, MOU, and/or the addendum and/or closure of the Charter School shall remain in full force and effect in accordance with their terms. The MOU and the addenda thereto shall be incorporated into the Charter and made a part thereof as if set forth in full in the Charter itself for all purposes, including for purposes of Education Code Section 47607 controlling charter revocation. In the event of a conflict between the law and the terms of the MOU or an addendum to the MOU, the law shall prevail, and any such conflicting terms shall be revised by mutual agreement of the parties. To the extent that there are any inconsistencies or conflicts between an addendum to the MOU, the MOU, and/or the approved materially revised Charter, the terms of the most recently approved addendum shall take precedence

over any prior addendum, the addenda to the MOU shall take precedence over the MOU, and the MOU, including the addenda thereto, shall control and prevail and shall be interpreted and deemed to be updates and clarifications to the Charter.

2. Within 30 days of execution of the second addendum to the MOU, or such later deadline as agreed to in writing by the County Superintendent or Designee, Charter School shall revise its Student/Parent Handbook, employee handbook(s), and any other policies and procedures to ensure consistency with the terms of the material revisions, including the Charter, MOU, the addenda to the MOU, and the law.

BE IT FURTHER RESOLVED AND ORDERED that Charter School shall comply with the conditions by the dates and times specified above. The County Board hereby delegates to the County Superintendent or her Designee authority to extend in writing the deadline for compliance with a condition(s) should the County Superintendent or Designee determine that an extension of the timelines is consistent with sound educational practice.

BE IT FURTHER RESOLVED AND ORDERED that Charter School's failure to comply with all of the conditions to the County Superintendent or Designee's sole satisfaction, on or before the dates and times specified above, or such later deadline(s) as agreed to in writing by the County Superintendent or Designee, SCCOE and/or SCCBOE may take action(s) as they deem appropriate.

PASSED AND ADOPTED by the Santa Clara County Board of Education at a meeting held on this 15th day of May 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Maimona Afzal Berta, President
Santa Clara County Board of Education

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

EXHIBIT A

INSERT STAFF REPORT, ANALYSIS & FINDINGS

EXHIBIT B

INSERT PROPOSED MATERIALLY REVISED DCP ALUM ROCK CHARTER