

**RESOLUTION CONDITIONALLY APPROVING THE CHARTER RENEWAL FOR
SUMMIT PUBLIC SCHOOLS: TAHOMA CHARTER SCHOOL, AND,
ALTERNATIVELY, MAKING WRITTEN FACTUAL FINDINGS SUPPORTING
DENIAL AND DENYING THE SUMMIT PUBLIC SCHOOLS: TAHOMA CHARTER
SCHOOL CHARTER RENEWAL IF THE CONDITIONS ARE NOT MET**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. 2274-6**

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

WHEREAS, pursuant to the procedures set forth in Education Code Sections 47605, 47607, and 47607.2, on October 1, 2020, petitioners for the Summit Public Schools: Tahoma Charter School (“SPS: Tahoma” or “Charter School”) presented to the Santa Clara County Office of Education (hereinafter “County Office of Education” or “SCCOE”) a charter (“Charter”) to renew a Santa Clara County Board of Education (“County Board”) authorized, district appeal charter school, to be governed by Summit Public Schools, Inc. (“SPS”). SPS: Tahoma and SPS are referred to herein collectively and interchangeably as “Charter School”; and

WHEREAS, in accordance with Education Code Sections 47605, 47607, and 47607.2, the County Board held a public hearing on the provisions of the renewal Charter on October 21, 2020, at which time the County Board considered the level of support for the Charter by teachers, parents or guardians, and the school district where the Charter School facilities are located; and

WHEREAS, SCCOE and Charter School agreed to an extension through and including January 13, 2021, for County Board action on the renewal request; and

WHEREAS, pursuant to the California Department of Education’s (“CDE”) list of Charter School Performance Categories, determined in accordance with Education Code Sections 47607(c) and 47607.2(a) and (b), the Charter School is a “middle” performance level charter school and shall be considered for renewal in accordance with Education Code Section 47607.2(b); and

WHEREAS, the County Board has considered the Charter School’s Dashboard, measurable increases in academic achievement, and postsecondary outcomes in accordance with Education Code Section 47607.2(b); and

WHEREAS, with the addition of and in compliance with the conditions specified herein, giving greater weight to academic achievement measures for all groups of pupils and considering increases in academic achievement and post-secondary outcomes, the Charter School’s achievement data is consistent with renewal; and

WHEREAS, in accordance with Education Code Section 47607(d), SCCOE requested, received from CDE, and reviewed aggregate data reflecting pupil enrollment patterns at Charter School; and

WHEREAS, the County Office of Education, SPS: Tahoma, and SPS have developed a Memorandum of Understanding (MOU), which was signed by SPS/SPS: Tahoma on December 27, 2020, outlining agreements among the SCCOE, SPS and SPS: Tahoma and governing their respective fiscal, operational, and administrative responsibilities, their legal relationship, and other matters not otherwise addressed or resolved by the terms of the renewal Charter; and

WHEREAS, Education Code Section 47607(e) authorizes a chartering authority, in addition to the other bases for denial of a charter renewal set forth under Education Code Sections 47605, 47607, and 47607.2, to deny a renewal upon a finding that the charter school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend. To deny on this basis, a chartering authority must first provide the charter school with at least 30 days' notice of the violation(s) and a reasonable opportunity to cure the violation(s), and may only deny renewal on this basis by making either a finding that the corrective action plan proposed by the charter school has been unsuccessful, or the violations are sufficiently severe and pervasive as to render a corrective action plan unviable; and

WHEREAS, the SCCOE Staff ("Staff"), in reviewing the renewal Charter, identified concerns and violations that support a determination that the Charter School is demonstrably unlikely to successfully implement the program set forth in the renewal Petition due to substantial governance factors. On November 19, 2020, SCCOE issued the Charter School a "Notice in Accordance with Education Code Section 47607(e)" ("Notice"), informing Charter School of these concerns and of the reasonable opportunity afforded by Education Code Section 47607(e) for Charter School to correct the concerns, including the submission and implementation of a corrective action plan [the Notice is Exhibit 1 to the written Staff Analysis and Proposed Findings of Fact, dated December 29, 2020, (hereafter collectively "Staff Report, Analysis & Findings," attached hereto as Exhibit "A")]; and

WHEREAS, Charter School submitted its response to the Notice ("Response") on December 21, 2020, (the Response is Exhibit 2 to the Staff Report, Analysis & Findings); and

WHEREAS, Staff's analysis of, response to, and recommendations regarding the Response are set forth in the Staff Report, Analysis & Findings; and

WHEREAS, Staff has reviewed and analyzed the information received with respect to the renewal Charter and information related to the operation and potential effects of the proposed Charter School renewal, and, based on that review, has made a recommendation to the County Board of Education to renew the Charter on the conditions set forth below, and Staff prepared the Staff Report, Analysis & Findings setting forth that recommendation and proposed findings of fact addressing issues in need of remediation or supporting denial; and

WHEREAS, all of the issues and concerns noted in the Staff Report, Analysis & Findings must be remediated in order for renewal of the Charter to be consistent with sound educational practice; and

WHEREAS, the County Board has taken into consideration the information and documents submitted, including the renewal Charter, statements and information presented at the public hearing, performance data, the Notice, the Response, and the Staff Report, Analysis & Findings; and

WHEREAS, the County Board reviewed and deliberated on the renewal Charter, pursuant to the standards and procedures set forth in California Education Code Sections 47605, 47607, and 47607.2; and

WHEREAS, the County Board specifically notes that this Resolution No. 2274-6 does not necessarily include findings relative to every defect in the renewal Charter submitted, and that the findings set forth herein are sufficient to support denial of the renewal Charter if the conditions for approval are not met, and it is the findings set forth and adopted herein, including all of those incorporated by reference from the Staff Report, Analysis & Findings, on which the denial findings are based.

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 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 SPS: Tahoma renewal Charter, including the performance information and data pursuant to Education Code Section 47607.2, hereby finds that compliance with each of the conditions set forth below is necessary to the sound operation of SPS: Tahoma and that approval of the SPS: Tahoma renewal Charter is consistent with sound educational practice only if the Charter School complies fully with each of these conditions.

BE IT FURTHER RESOLVED AND ORDERED that the County Board of Education hereby conditionally approves the Charter for the renewal of SPS: Tahoma for a period of five years of school operation, commencing on July 1, 2021, and continuing through and including June 30, 2026. The SPS: Tahoma renewal Charter that the Governing Board is hereby conditionally approving is attached hereto as Exhibit "B." This approval is conditional on SPS: Tahoma complying with all of the following conditions:

1. On or before May 1, 2021, or such later deadline as agreed to in writing by the County Superintendent or designee, SPS, SPS: Tahoma, and the SCCOE shall enter into and execute an Addendum to the MOU in the form and including the terms satisfactory to the County Superintendent or designee, in their sole discretion, that will govern the

SCCOE's oversight of SPS: Tahoma, and clarify and provide greater specificity regarding SPS: Tahoma's operations pursuant to the renewal Charter, and that will address all of Staff's concerns with the renewal Charter, including but not limited to those specified in the Staff Report, Analysis & Findings, and any additional concerns and requirements as noted by the County Board. The MOU and Addendum to the MOU shall remain in full force and effect throughout the renewal term of the Charter, which runs through June 30, 2026, unless revised by the parties in accordance with applicable law and provisions of the MOU. Further, the term of the MOU and Addendum to the MOU shall continue in full force and effect beyond June 30, 2026, including during the period of any renewal granted by the County Board or during the pendency of any appeal of a denial of a renewal request, unless and until such time as SCCOE, SPS, and SPS: Tahoma agree that a replacement MOU shall supersede the MOU and Addendum to the MOU or SCCOE, SPS, and SPS: Tahoma specifically agree in writing that the MOU and/or Addendum to the MOU is terminated. The MOU and Addendum to the MOU 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 the 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 the Addendum to the MOU, the MOU, and the approved Charter, the terms of the Addendum to the MOU shall take precedence over the MOU and the Addendum to the MOU and the MOU terms shall control and prevail and shall be interpreted and deemed to be updates and clarifications to the Charter.

2. On or before May 1, 2021, SPS: Tahoma shall update its Executive Director and Assistant Director position job descriptions to include possession of a valid California teaching credential as a requirement for employment.
3. On or before June 30, 2021, SPS: Tahoma shall go through the statutory process to update its 2021-24 Local Control and Accountability Plan (or such other plan required by State law or CDE) to include how it will address the academic performance of Charter School students, as more fully described in the Staff Report, Analysis & Findings.
4. Within 45 days of execution of the Addendum to the MOU, SPS shall revise its corporate bylaws as necessary to make the bylaws consistent with the MOU and the Addendum to the MOU and provide a copy of the revised bylaws to SCCOE.
5. Within 90 days of execution of the Addendum to the MOU, Charter School shall revise its Student/Parent Handbook, any employee handbook, and any other policies and procedures to ensure consistency with the terms of the renewal, including the Charter, MOU, the Addendum to the MOU, and the law.

BE IT FURTHER RESOLVED AND ORDERED that the Santa Clara County Board of Education finds that if the conditions described above are not satisfied to the satisfaction of the

County Superintendent or designee, approval of the renewal Charter is not consistent with sound educational practice, based upon numerous grounds and factual findings including, but not limited to, the following:

1. The Charter School is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial governance factors, and the corrective action plan proposed by the Charter School has been unsuccessful. [Education Code Section 47607(e)]
2. The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code Section 47605(c)(1)]
3. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. [Education Code Section 47605(c)(2)]
4. The Charter does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(c)(5)]

BE IT FURTHER RESOLVED AND ORDERED that the County Board hereby determines that the foregoing findings are supported by specific facts, including the following facts and findings:

- 1. The Charter School is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial governance factors, and the corrective action plan proposed by the Charter School has been unsuccessful.**

The Notice set forth substantial governance factors that, without correction, establish that the Charter School is demonstrably unlikely to successfully implement the program set forth in the Charter, as detailed in the Notice and the Staff Report, Analysis & Findings. Charter School's Response, including any corrective action plan proposed by the Charter School in response to the Notice, did not sufficiently address and correct the concerns outlined in the Notice, and thus, has been unsuccessful, as set forth in the adopted and incorporated Staff Report, Analysis & Findings.

2. The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School.

The concerns and deficiencies regarding the SPS: Tahoma educational program set forth in the adopted and incorporated Staff Report, Analysis & Findings establishing that the Charter School presents an unsound educational program unless it complies with all of the conditions imposed by the County Board are incorporated herein by this reference. These concerns and deficiencies include, but are not necessarily limited to, the fact that implementation of the program to date has had declines in academic achievement in English Language Arts and Math, specifically including the 28.3 point decline in ELA for all students, the 44.7 point decline for students identified as socioeconomically disadvantaged, the 45.9 point decline for students with disabilities, and the 29 point decline for students identified as Hispanic on the 2019 Dashboard in ELA and the 4.9 point decline in Math for all students, and the 24.3 point decline for students with disabilities in Math for the same period and the need for the Charter School to develop and implement an updated plan on integrated and designated English Language Development (“ELD”) instruction as part of a comprehensive delivery plan designed to overcome language barriers and provide access to the core curriculum.

3. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

Staff have noted a number of issues and concerns with the SPS: Tahoma renewal Charter, as specified in the Staff Report, Analysis & Findings. These concerns include, but are not limited to, the low English Learner progress indicator on the SPS: Tahoma California Dashboard where only 35.4% of English Learners increased at least one level toward English Language Proficiency and to address the 9.6% of English Learners who decreased at least one language proficiency level during the 2018-19 school year; the need for the Charter School to develop and implement an updated plan on integrated and designated ELD instruction as part of a comprehensive delivery plan designed to overcome language barriers and provide access to the core curriculum; the declines in academic performance in both ELA and Math for multiple student groups; and inconsistencies between the renewal Charter and/or its implementing documents and the law and/or best practices for operating a charter school. Without compliance with the conditions specified herein, Charter School would be demonstrably unlikely to successfully implement the program set forth in the renewal Charter as it would be operating in violation of law, best practices, and/or would put at risk the academic achievement of its pupils, including specific student groups.

4. The petition does not contain reasonably comprehensive descriptions of all the required charter elements:

The concerns and deficiencies set forth in the adopted and incorporated Staff Report, Analysis & Findings related to the need to provide clarifications and corrections via an Addendum to the MOU to establish reasonably comprehensive descriptions of each of the required charter elements are incorporated herein by this reference. Without compliance with the conditions, the Charter does not include a reasonably comprehensive description of the educational program and measurable student outcomes including but not limited to insofar as it fails to address how the progress concerns for English learners will be addressed. Additionally, without compliance with the conditions, the Charter does not include reasonably comprehensive descriptions of a number of other elements, including but not limited to, its measurable student outcomes; governance structure; employee qualifications, and admissions policies and procedures, as set forth in the adopted and incorporated Staff Report, Analysis & Findings.

BE IT FURTHER RESOLVED AND ORDERED that SPS: Tahoma 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 or conditions should the County Superintendent or designee determine that an extension of the timelines is consistent with sound educational practice. The County Superintendent or designee may also set shorter timelines within that overall time limit for SPS: Tahoma to respond to and/or remediate any particular issue(s) regarding the renewal Charter.

BE IT FURTHER RESOLVED AND ORDERED that should SPS: Tahoma not comply with all of the requirements to the County Superintendent or designee's sole satisfaction, on or before the dates and times specified above, or such later deadline as agreed to in writing by the County Superintendent or designee, the conditional approval of the SPS: Tahoma renewal Charter is terminated and withdrawn and the renewal Charter is denied based on the written factual findings set forth above and adopted hereby, unless the County Board, in its sole discretion, deletes the requirement or extends the deadline for compliance therewith.

BE IT FURTHER RESOLVED AND ORDERED that the terms of this Resolution, and incorporated Staff Report, Analysis & Findings, setting forth the factual findings supporting denial of the renewal are severable. Should it be determined that one or more of the findings is invalid, the remaining findings, and the conditional approval or denial for failure to comply with the conditions, shall remain in full force and effect. In this regard, the County Board specifically finds that each factual finding is, in and of itself, a sufficient basis for denial.

BE IT FURTHER RESOLVED AND ORDERED that approval of the renewal Charter is explicitly and necessarily based on SPS: Tahoma's compliance with the conditions imposed by the County Board pursuant to this Resolution, and should it be determined that a conditional approval of the renewal Charter is not permissible pursuant to the Charter Schools Act of 1992,

the approval is withdrawn and the renewal Charter is denied based on the factual findings specific to the renewal Charter set forth and adopted by the County Board herein.

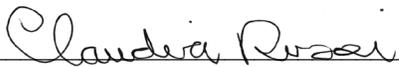
Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 13th day of January 2021 by the following vote:

AYES: Vice President King, Trustees Di Salvo, Kamei, and Mah

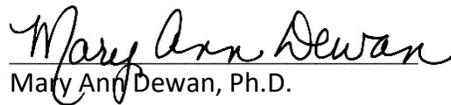
NOES: President Rossi, Trustees Ortiz and Chon

ABSTENTION: none

ABSENT: none



Claudia Rossi, President
Santa Clara County Board of Education



Mary Ann Dewan, Ph.D.
County Superintendent of Schools
Santa Clara County Office of Education

EXHIBIT A

STAFF REPORT, ANALYSIS & FINDINGS

LINK: [STAFF REPORT, ANALYSIS & FINDINGS](#)

EXHIBIT B

SPS: TAHOMA CHARTER

LINK: [SPS: TAHOMA CHARTER](#)