

**RESOLUTION CONDITIONALLY APPROVING THE CHARTER RENEWAL FOR
ROCKETSHIP LOS SUEÑOS ACADEMY CHARTER SCHOOL WITH THE
ADDITION OF REQUIREMENTS PURSUANT TO EDUCATION CODE SECTION
47605.6(b), AND, ALTERNATIVELY, MAKING WRITTEN FACTUAL FINDINGS
SUPPORTING DENIAL & DENYING THE ROCKETSHIP LOS SUEÑOS ACADEMY
CHARTER SCHOOL CHARTER RENEWAL IF THE REQUIREMENTS ARE NOT
MET**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. 2260-2**

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 Section 47605.6, 47607, and their implementing regulations, on February 7, 2020, petitioners for the Rocketship Los Sueños Academy (“Rocketship Los Sueños” or “Charter School”) presented to the Santa Clara County Office of Education (hereinafter “County Office of Education” or “SCCOE”) a Charter to renew a Santa Clara County Board of Education (“County Board”) authorized, countywide benefit charter school; and

WHEREAS, in accordance with Education Code Sections 47605.6 and 47607 the County Board held a public hearing on the provisions of the renewal Charter on March 4, 2020, at which time the County Board considered the level of support for the Charter by teachers, parents or guardians, and the school districts where the Charter School facilities are located ; and

WHEREAS, the County Board finds that Rocketship Los Sueños has met the Education Code Sections 47607(b)(1)-(3) and 52052(f) alternative minimum academic performance criteria, “alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups;” and

WHEREAS, the County Board considered increases in pupil academic achievement for all groups of pupils served by Rocketship Los Sueños as the most important factor in determining whether to grant the requested renewal, including consideration of the academic declines as well as academic improvements experienced by Rocketship Los Sueños, and the County Board determined that renewal is justified if Rocketship Los Sueños and its governing entity, Rocketship Education, Inc., d/b/a Rocketship Public Schools (“RPS”), comply with the requirements set forth in this Resolution; and

WHEREAS, the County Board of Education considered the past performance of Rocketship Los Sueños’ academics, finances, and operation, and future plans for improvement, in evaluating the likelihood of future success by Rocketship Los Sueños; and

Santa Clara County  Office of Education

WHEREAS, the County Office of Education, Rocketship Los Sueños, and RPS have developed a Memorandum of Understanding (MOU), which was signed by RPS/Rocketship Los Sueños on March 26, 2020, which outlines agreements among the SCCOE, RPS and Rocketship Los Sueños, 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, the SCCOE Staff (“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, and made a recommendation to the County Board of Education that the Charter be renewed with the addition of the requirement that RPS/Rocketship Los Sueños enter into an Addendum to the MOU to address Staff’s concerns and any additional concerns and requirements noted by the County Board, based on that review and prepared a written Staff Analysis and Proposed Findings of Fact, dated April 1, 2020, (hereafter collectively “Staff Report, Analysis & Findings,” attached hereto as Exhibit “A”) setting forth that recommendation and proposed findings of fact addressing issues in need of remediation or supporting denial; and

WHEREAS, as a countywide charter, the County Board of Education is authorized to impose any additional requirements that it considers necessary for the sound operation of Rocketship Los Sueños, including a requirement that RPS/Rocketship Los Sueños execute an Addendum to the March 26, 2020, MOU to address Staff’s concerns, including by addressing the issues raised in the Staff Report, Analysis & Findings, as well as any additional concerns or requirements noted by the County Board; 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, the statements and information presented at the public hearing, and the Staff Report, Analysis & Findings; and

WHEREAS, the County Board reviewed and deliberated on the renewal Charter, pursuant to the procedures set forth in California Education Code Sections 47605.6, 47607, and the implementing regulations; and

WHEREAS, the County Board specifically notes that this Resolution No. 22690-2 does not 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 requirements on approval are not met and it is the findings set forth and adopted herein 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 of Education does hereby conditionally approve the Charter for the renewal of Rocketship Los Sueños Charter School, for a period of five years of school operation, commencing on July 1, 2020, and continuing through and including June 30, 2025, and as specifically provided for in Education Code Section 47605.6(b), the County Board of Education imposes the following requirements on RPS/Rocketship Los Sueños:

1. On or before May 31, 2020, or such later deadline as agreed to in writing by the County Superintendent or designee, RPS, Rocketship Los Sueños, 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 her sole discretion, that will govern the SCCOE's oversight of Rocketship Los Sueños and clarify and provide greater specificity regarding Rocketship Los Sueños' 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, 2025, 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 during the period of any renewal granted by the County Board or during the pendency of an appeal of a denial of a renewal request unless and until such time as SCCOE, RPS, and Rocketship Los Sueños enter into a replacement MOU that incorporates and replaces the Addendum to the MOU, revise the Addendum to the MOU, or 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. A violation of the Addendum to the MOU and/or the MOU shall constitute a violation of the Charter, 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 shall be interpreted and deemed to be updates and clarifications to the Charter.
2. On or before June 30, 2020, Rocketship Los Sueños shall go through the statutory process to update its 2020-21 Local Control and Accountability Plan to include how it will address its past declines in academic performance.

3. Within 45 days of execution of the Addendum to the MOU, RPS 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.

BE IT FURTHER RESOLVED AND ORDERED that the Rocketship Los Sueños renewal Charter that the Governing Board is hereby conditionally approving is attached hereto as Exhibit “B.”

BE IT FURTHER RESOLVED AND ORDERED that the Santa Clara County Board of Education, having fully considered and evaluated the Charter for the renewal of Rocketship Los Sueños, hereby finds that it is necessary to impose the requirements specified above on RPS/Rocketship Los Sueños for the sound operation of Rocketship Los Sueños, as specifically provided for in Education Code Section 47605.6(b) and that granting the renewal Charter would be consistent with sound educational practice only if RPS and Rocketship Los Sueños comply with each of those requirements. If RPS and Rocketship Los Sueños do not comply with the requirements to the satisfaction of the County Board, 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. Any other basis that the County Board of Education finds justifies denial of the Charter [Education Code Section 47605.6(b)(7)]
2. The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code Section 47605.6(b)(1)]
3. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. [Education Code Section 47605.6(b)(2)]
4. The Charter does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605.6(b)(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 County Board hereby adopts and incorporates herein by this reference as though set forth in full herein the analysis and written factual findings and specific facts supporting those findings as contained in the Staff Report, Analysis & Findings.
2. **Any other basis that the County Board of Education finds justifies denial of the Charter:**

Education Code Section 47605.6 governing countywide charters grants substantial authority and discretion to the County Board to determine whether to approve a countywide charter, including both the authority to impose *any* additional requirements

on such a charter school beyond those specifically required by Education Code Section 47605.6 that the County Board considers necessary for the sound operation of the countywide charter school and the authority to deny the charter request on *any other basis* beyond those specifically set forth in Section 47605.6 that the County Board finds justifies the denial of the charter. Staff have noted a number of issues and concerns with the Rocketship Los Sueños renewal Charter, as specified in the Staff Report, Analysis & Findings. The County Board considers requiring RPS/Rocketship Los Sueños to remediate each of those concerns, as well as any additional concerns or requirements noted by the County Board, and using the MOU and an Addendum to the MOU as the means to obtain agreement and compliance from RPS/Rocketship Los Sueños with those requirements, necessary for the sound operation of Rocketship Los Sueños. Moreover, the County Board finds that any failure by RPS/Rocketship Los Sueños' to comply with those requirements to the County Superintendent or designee's sole satisfaction justifies denial of the renewal Charter.

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

The concerns and deficiencies regarding the Rocketship Los Sueños 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 requirements 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 mixed academic results for Rocketship Los Sueños students.

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

The concerns and deficiencies regarding implementation of the program set forth in the renewal Charter as described in the adopted and incorporated Staff Report, Analysis & Findings are incorporated herein by this reference. The mixed academic performance results to date, including the declines between the 2017-18 and 2018-19 SBAC results in English Language Arts for English Learners, socioeconomically disadvantaged students, and Hispanic students, serve to establish that the petitioners are demonstrably unlikely to successfully implement the program set forth in the renewal Charter unless they comply with all of the requirements imposed by the County Board.

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

The concerns and deficiencies set forth in the adopted and incorporated Staff Report, Analysis & Findings related to the reasonably comprehensive descriptions of each of the required charter elements unless RPS/Rocketship Los Sueños complies with all of

the requirements imposed by the County Board are incorporated herein by this reference. Without compliance with the requirements, the Charter does not include a reasonably comprehensive description of the measurable student outcomes insofar as it fails to address how the declines in academic performance in English Language Arts will be addressed. Additionally, without compliance with the requirements, the Charter also does not include reasonably comprehensive descriptions of other elements, including but not limited to, its educational program; governance structures; or employee qualifications, as set forth in the adopted and incorporated Staff Report, Analysis & Findings.

BE IT FURTHER RESOLVED AND ORDERED that Rocketship Los Sueños shall comply with the requirements 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 requirement or requirements 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 Rocketship Los Sueños to respond to and/or remediate any particular issue(s) regarding the renewal Charter.

BE IT FURTHER RESOLVED AND ORDERED that should Rocketship Los Sueños 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 Rocketship Los Sueños 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 requirements, 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 Rocketship Los Sueños' compliance with the requirements 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.

BE IT FURTHER RESOLVED AND ORDERED that the County Board has specifically considered the increases in pupil academic achievement for all groups of pupils served by

Rocketship Los Sueños, as well as the corresponding decreases in pupil academic achievement, as the most important factor in determining whether to grant Rocketship Los Sueños' renewal request. Despite the fact that Rocketship Los Sueños has had some increases in pupil academic achievement, and the County Board congratulates Rocketship Los Sueños and its students on those successes, the County Board has also determined that some of Rocketship Los Sueños' pupil subgroups have had decreases in pupil academic achievement. The County Board specifically finds that even when using increases in pupil academic achievement as the most important factor in determining whether to renew Rocketship Los Sueños' Charter, the increases are outweighed by the factual findings specified above supporting denial of the renewal request should RPS/ Rocketship Los Sueños fail to comply with the requirements imposed on Rocketship Los Sueños as specified herein.

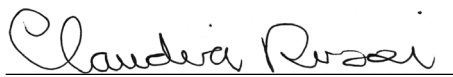
Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 1st day of April 2020 by the following vote:

AYE: Vice President King, Trustees Song, Mah, Di Salvo, and Kamei

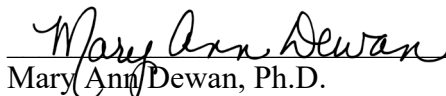
NO: President Rossi and Trustee Ortiz

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

ROCKETSHIP LOS SUEÑOS CHARTER

LINK: [ROCKETSHIP LOS SUEÑOS CHARTER](#)

