

**RESOLUTION AUTHORIZING AND DELEGATING AUTHORITY TO THE SUPERINTENDENT OR DESIGNEE
TO ISSUE TO BULLIS CHARTER SCHOOL/THE BULLIS-PURISSIMA ELEMENTARY SCHOOL A
REAFFIRMATION(S) OF THE MAY 21, 2021, NOTICE IN ACCORDANCE WITH
EDUCATION CODE SECTION 47607(e)**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. 2323-3**

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”) initially authorized the charter (“Charter”) for the Bullis Charter School (“BCS”) to be governed by The Bullis-Purissima Elementary School (“Bullis-Purissima”), a nonprofit public benefit corporation, in November 2023, and its current term runs through June 30, 2025. BCS and Bullis-Purissima are referred to herein collectively and interchangeably as “Charter School”; and

WHEREAS, pursuant to Education Code Section 47607(a)(2), a chartering authority may grant one or more subsequent renewals to a charter school’s charter; and

WHEREAS, pursuant to the most recent renewal of the Charter, the Charter School’s term was originally set to run through and including June 30, 2022, but that term has twice been extended by operation of law, through June 30, 2025; and

WHEREAS, pursuant to Education Code Section 47607(e):

Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school upon a finding that the 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, as documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 days’ notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The chartering authority may deny renewal only by making either of the following findings:

- (1) The corrective action proposed by the charter school has been unsuccessful.
- (2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable; and

WHEREAS, Education Code Section 47607(e) thus provides additional specific bases to deny a request to renew a charter school’s charter, including for the charter school’s failure to serve all students who wish to attend the charter school. At the same time, this provision mandates that a chartering authority follow specific procedural requirements prior to denying renewal of a charter on the bases therein; and

WHEREAS, on May 5, 2021, at a regular Board meeting, the County Board took action to authorize and delegate authority to the Superintendent or designee to issue a notice(s) to Bullis Charter School pursuant to Education Code Section 47607(e); and

WHEREAS, on May 21, 2021, the County Superintendent issued to the Charter School a notice in accordance with Education Code Section 47607(e) and notice of concern (“Notice”) that complied with the statutory requirements of Education 47607(e) and notified the Charter School that its Charter might not be renewed on the basis that the Charter School was not serving all students who wished to attend, provided evidence supporting that notice and a reasonable opportunity for the Charter School to cure the violations, including submittal and implementation of a corrective action plan; and

WHEREAS, the Charter School and the Santa Clara County Office of Education (“SCCOE”) have been engaged in the exchange and review of responses to the Notice, with the Charter School submitting a corrective action plan, which it called an “Enrollment Action Plan” (“EAP”), obtaining County Board approval to add two new admissions preferences, and SCCOE providing feedback on the EAP and monitoring the Charter School’s implementation and the results thereof; and

WHEREAS, the extensions of the Charter School’s Charter term by operation of law have afforded and continue to afford the Charter School substantial additional time to implement and/or modify and implement the EAP and cure the violations; and

WHEREAS, SCCOE staff that specializes in statistical analysis has analyzed the Charter School’s demographic data, including in comparison to the demographics of the Los Altos School District (“LASD”), the district in which the Charter School is located, including statistical analyses of the 2021-22 and 2022-23 school years (the two years for which Charter School has provided data since the issuance of the Notice). The demographic data analysis on which SCCOE concentrated was for the following four student groups: students who are Hispanic/Latino; students who are English learners; students who are socioeconomically disadvantaged; and students with disabilities. SCCOE’s analysis included consideration of the demographics of Charter School and LASD as a whole, when excluding any students at either school who do not reside within LASD’s boundaries, and an analysis comparing Charter School’s entire enrollment to LASD’s enrollment excluding students who attend LASD pursuant to interdistrict attendance permits.

WHEREAS, the key takeaways of this statistical analysis are summarized below:

- As of the 2022-23 academic year, the proportions of LASD’s student body who are Hispanic/Latino, English learners, socioeconomically disadvantaged, and have disabilities are statistically significantly higher than those of BCS.
- From 2017-18 to 2022-23, BCS observed a significant **decrease** in the proportion of its student body who are English learners.
- From 2017-18 to 2022-23, no meaningful differences were observed in the proportion of BCS’s student with disabilities, students who are Hispanic/Latino, or students who are socioeconomically disadvantaged.

- From 2017-18 to 2022-23, LASD observed a statistically significant **increase** in the proportion of Hispanic/Latino students and students who are socioeconomically disadvantaged, and a significant **decrease** in the proportion of students who are English learners.
- Excluding LASD students with interdistrict transfer agreements, the proportion of students who are Hispanic/Latino, English learners, and socioeconomically disadvantaged enrolled at LASD is statistically significantly higher than the proportion of these student groups enrolled at BCS in 2022-23.
- Excluding LASD students with interdistrict transfer agreements, there is not a statistically significant difference between the proportion of students with disabilities enrolled at LASD and the proportion of students with disabilities enrolled at BCS in 2022-23.

TK/kindergarten are reportedly the only grade levels at which the Charter School experienced any meaningful new enrollment due to the limited number of openings at other grade levels. As such, SCCOE looked specifically at the TK/kindergarten and first grade demographics at Charter School and LASD in the 2021-22 and 2022-23 school years. Key takeaways from that analysis are:

- The small data set makes strong conclusions difficult to draw;
- Charter School's efforts appear to have made some impact at kindergarten;
- Change will take time to impact other grade levels.

A review and analysis of the demographic data for the impending 2023-24 school year will be necessary to assess Charter School's progress further. This must specifically include the data for new incoming TK and kindergarten students, as well as the current cohorts moving into kindergarten, first grade, and second grade, since those are the grade levels at which Charter School has had the greatest ability to implement changes since receiving the Notice.

WHEREAS, while not required by law, the County Board finds it is appropriate to issue a reaffirmation(s) of the Notice ("Reaffirmation") as a courtesy to Charter School and to help ensure Charter School serves all students who wish to attend Charter School. Such a Reaffirmation is not a new notice pursuant to Education Code Section 47607(e) or a new general notice of concern, and the information, concerns, and evidence provided with the Notice remain in full force and effect. However, given the time that has passed as well as the extended time remaining in the Charter School's current term, and recognizing Charter School has submitted its corrective action plan and implemented at least some components of its plan, the County Board desires to ensure Charter School remains on notice of these concerns and the necessity for remediating them or risking denial of its renewal Charter; and

WHEREAS, neither the Notice nor a Reaffirmation are a decision to deny Charter School's anticipated request for renewal of its Charter. Rather, these actions provide clear notice to Charter School of issues of serious concern that Charter School is expected to rectify. Both the Notice and the Reaffirmation are for Charter School's benefit by providing Charter School additional information and protections and an opportunity to resolve matters that could negatively impact its future Charter renewal; and

WHEREAS, the County Board encourages Charter School to understand and accept the Reaffirmation as the continuation of Charter School's opportunity to correct the violations set forth in the Notice and supplemented by the Reaffirmation in order to serve all students who wish to attend Charter School; 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; and

BE IT FURTHER RESOLVED AND ORDERED that the County Board hereby authorizes and delegates authority to the Superintendent or designee to issue a Reaffirmation(s) of the Notice.

PASSED AND ADOPTED by the Santa Clara County Board of Education at a meeting held on this 2nd day of August 2023 by the following vote:

AYES: President Chon, Vice President Sreekrishnan, and Trustees Berta, Di Salvo, Lari, Mah, and Rocha

NOES: none

ABSTAIN: none

ABSENT: none



Victoria Chon, President
Santa Clara County Board of Education



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