

RESOLUTION CONDITIONALLY APPROVING THE CHARTER RENEWAL FOR VOICES COLLEGE-BOUND LANGUAGE ACADEMY AT MOUNT PLEASANT AND, ALTERNATIVELY, MAKING WRITTEN FACTUAL FINDINGS SUPPORTING DENIAL & DENYING THE VOICES COLLEGE-BOUND LANGUAGE ACADEMY AT MOUNT PLEASANT CHARTER SCHOOL CHARTER RENEWAL IF THE CONDITIONS ARE NOT MET

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. 2249-2**

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, 47607, and their implementing regulations, on July 23, 2019, petitioners for the Voices College-Bound Language Academy at Mount Pleasant (“Voices Mount Pleasant” 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, district appeal charter school; and

WHEREAS, in accordance with Education Code Sections 47605 and 47607 the County Board held a public hearing on the provisions of the renewal Charter on August 7, 2019, at which time the County Board considered the level of support for the Petition by teachers, other employees, and parents or guardians; and

WHEREAS, the County Board finds that Voices Mount Pleasant 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 Voices Mount Pleasant as the most important factor in determining whether to grant the requested renewal. While the academic performance data, particularly statewide standardized data, available for Voices Mount Pleasant was limited and mixed, there are a variety of data and other factors related to academic performance that indicate to the County Board that Voices Mount Pleasant’s pupils overall and its numerically significant subgroups have already achieved some academic improvements and are likely to continue improving further if Voices Mount Pleasant and its governing entity, Voices College-Bound Language Academies (VCBLA), comply with the conditions of this Resolution, including those specifically aimed at addressing academic performance. Considering academic improvements as the most important factor in deciding whether to renew Voices Mount Pleasant’s Charter, the County Board determines that renewal is justified if Voices Mount Pleasant and VCBLA comply with the conditions of this Resolution; and

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WHEREAS, the County Board of Education considered the past performance of Voices Mount Pleasant's academics, finances, and operation, and future plans for improvement, in evaluating the likelihood of future success by Voices Mount Pleasant; and

WHEREAS, the Santa Clara County Office of Education ("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 prepared a written Staff Analysis and Proposed Findings of Fact, dated September 18, 2019, (hereafter collectively "Staff Report, Analysis & Findings," attached hereto as Exhibit "A") setting forth proposed findings of fact supporting denial or in need of remediation; 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 Office of Education and Voices Mount Pleasant, have developed a Memorandum of Understanding (MOU), which was signed by VCBLA/Voices Mount Pleasant on September 12, 2019, which outlines agreements among the SCCOE, VCBLA and Voices Mount Pleasant, 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 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, 47607, and the implementing regulations; and

WHEREAS, the County Board specifically notes that this Resolution No. 2249-2 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 conditions for 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 Santa Clara County Board of Education, having fully considered and evaluated the Charter for the renewal of Voices Mount Pleasant, hereby finds granting the Charter to be consistent with sound educational practice only if certain conditions, based on the Staff Report, Analysis & Findings and specified in this Resolution No. 2249-2 are met. If the conditions are not satisfied to the satisfaction of the

SCCBOE, 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 presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code Section 47605(b)(1)]
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. [Education Code Section 47605(b)(2)]
3. The Charter does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(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. **The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School:**

The concerns and deficiencies regarding the Voices Mount Pleasant educational program set forth in the adopted and incorporated Staff Report, Analysis & Findings establish that the Charter School presents an unsound educational program. 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 Voices Mount Pleasant students.

3. **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 for the current fifth grade cohort, serve to establish that the petitioners are demonstrably unlikely to successfully implement the program set forth in the renewal Charter.

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

The renewal Charter does not include a reasonably comprehensive description of the method by which pupil progress in meeting outcomes will be measured insofar as it

fails to include evidence of norm-referenced or peer-reviewed assessments commencing in kindergarten and continuing through all grades served. The renewal Charter also does not include reasonably comprehensive descriptions of its educational program, measurable student outcomes; governance structure; or financial audit; or dispute resolution procedures, as set forth in the adopted and incorporated Staff Report, Analysis & Findings, which discussions are not repeated in full here.

BE IT FURTHER RESOLVED AND ORDERED that the County Board, having fully considered and evaluated the Voices Mount Pleasant renewal Charter, hereby finds that compliance with each of the conditions set forth below is necessary to the sound operation of Voices Mount Pleasant and that approval of the Voices Mount Pleasant renewal Charter is consistent with sound educational practice only if Voices Mount Pleasant complies fully with each of these conditions.

BE IT FURTHER RESOLVED AND ORDERED that the County Board hereby conditionally approves the renewal Charter for a term from July 1, 2020, through June 30, 2025. The Voices Mount Pleasant renewal Charter that the Governing Board is hereby conditionally approving is attached hereto as Exhibit “B.” This approval is conditional on Voice Mount Pleasant complying with all of the following requirements:

1. On or before January 31, 2020, Voices Mount Pleasant, VCBLA, 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 VCBLA and clarify and provide greater specificity regarding Voices Mount Pleasant’s operations pursuant to the renewal Charter, and that will address all of SCCOE Staff’s concerns with the renewal Charter. The 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 Addendum to the MOU shall continue in full force and effect during the period of any renewal granted by the SCCBOE or during the pendency of an appeal of a denial of a renewal request unless and until such time as SCCOE and VCBLA 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 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 December 30, 2019, Voices Mount Pleasant shall go through the statutory process to amend its 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, VCBLA 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 Voices Mount Pleasant shall comply with these 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 Voices Mount Pleasant to respond to and/or remediate any particular issue(s) regarding the renewal Charter.

BE IT FURTHER RESOLVED AND ORDERED that in accordance with the authority granted to the County Board pursuant to Education Code Section 47605(d)(2)(B), the County Board declines to approve the admission preferences and “exemptions” as set forth in the submitted renewal Charter, and instead approves the admissions preferences as set forth in the Staff Report, Analysis & Findings and Findings of Fact.

BE IT FURTHER RESOLVED AND ORDERED that should Voices Mount Pleasant not 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 as agreed to in writing by the County Superintendent or designee, the conditional approval of the Voices Mount Pleasant 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 condition 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 Voices Mount Pleasant’s compliance with the conditions imposed by 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

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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.

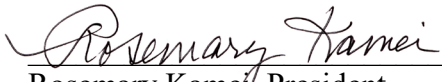
Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 18th day of September 2019 by the following vote:

AYE: President Kamei, Trustees Ortiz, Mah, King and Di Salvo

NO: Vice President Song and Trustee Rossi

ABSTENTION: none

ABSENT: none


Rosemary Kamei, President
Santa Clara County Board of Education

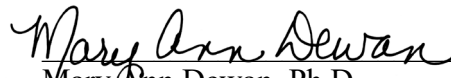

Mary Ann Dewan, Ph.D.
County Superintendent of Schools
Santa Clara County Office of Education

EXHIBIT A

STAFF REPORT, ANALYSIS & FINDINGS

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

EXHIBIT B

VOICES MOUNT PLEASANT CHARTER

LINK: [VOICES MOUNT PLEASANT CHARTER](#)