Santa Clara County Office of Education

RESOLUTION APPROVING WITH CONDITIONS FOR A TERM OF JULY 1, 2027, THROUGH JUNE 30, 2032, THE CHARTER RENEWAL FOR SUMMIT PUBLIC SCHOOL: TAHOMA CHARTER SCHOOL, AND, ALTERNATIVELY, MAKING WRITTEN FACTUAL FINDINGS SUPPORTING DENIAL AND DENYING THE SUMMIT PUBLIC SCHOOL: TAHOMA CHARTER SCHOOL CHARTER RENEWAL IF THE CONDITIONS ARE NOT MET

SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION No. 2694-1

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

WHEREAS, Summit Public School: Tahoma Charter School is a Santa Clara County Board of Education ("County Board") authorized district appeal charter school governed and operated by Summit Public Schools, a California non-profit public benefit corporation, operating within the boundaries of the East Side Union High School District ("ESUHSD"). The Summit Public School: Tahoma Charter School serves students in grades 9-12 and its current charter term runs through and including June 30, 2027. Summit Public School: Tahoma Charter School and Summit Public Schools are referred to herein individually, collectively, and interchangeably as "Charter School" and/or "Tahoma," and, for purposes of convenience, Summit Public Schools may be referred to herein as "SPS," and all references to one herein apply with full force and effect to both the school and the corporate entity; and

WHEREAS, on August 31, 2026, petitioners for the Charter School submitted to the Santa Clara County Office of Education a petition requesting renewal of its charter ("Charter"). For purposes of convenience, the County Board, the Santa Clara County Superintendent of Schools, and the Santa Clara County Office of Education may be collectively or separately referred to herein as "SCCOE"; and

WHEREAS, as specified in Education Code Section 47607(b), charter school renewals are governed by the standards and criteria in Education Code Section 47605. Pursuant to Education Code Section 47607(c), a charter school's performance on state and local indicators is an "additional criterion for determining whether to grant a charter renewal." For this purpose, charter schools are divided into high, middle, and low performance categories, plus Dashboard alternative status schools, based on criteria set forth in Education Code Sections 47607(c) and 47607.2(a) & (b). The pertinent renewal standards and the available length of the renewal term are dependent on this categorization. (Ed. Code §§ 47607 and 47607.2.); 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 September 16, 2026, at which time the County Board considered the level of support for the Charter by teachers employed by ESUHSD, other employees of ESUHSD, and parents/guardians; and

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

WHEREAS, the SCCOE and Charter School entered into a Memorandum of Understanding in 2021 ("2021 MOU"), and an addendum thereto, outlining agreements among the parties and governing their respective fiscal, operational, and administrative responsibilities and their legal relationship. By its

terms, this 2021 MOU, including the addendum thereto, remains in full force and effect during the period of any renewal granted by the SCCBOE unless and until such time as the Parties enter into a replacement MOU or specifically agree in writing that this MOU is terminated; and

WHEREAS, the SCCOE provided the Charter School an updated memorandum of understanding ("2026 MOU") that is consistent with changes to law since entering into the 2021 MOU and the addendum thereto, and reflects SCCOE's current best practices and standards; and

WHEREAS, the Charter School has expressed its desire to enter into the 2026 MOU but has not done so as of the posting of the Staff Analysis and Findings of Fact on October 20, 2026; 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 charter 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 one of these bases, 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), including submission by the charter school of a corrective action plan. Thereafter, the chartering authority 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 that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable; and

WHEREAS, SCCOE identified concerns and violations that support a determination that the Charter School is not serving all students who wish to attend. On April 27, 2026, 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 attached as Exhibit "1" to and incorporated by reference into the written Staff Analysis, Recommendations, and Proposed Findings of Fact Regarding Review of Summit Public School: Tahoma Charter School Renewal, dated November 4, 2026, and published October 20, 2026, (hereinafter "Staff Report, Analysis & Findings," attached hereto as Exhibit "A" and incorporated herein by this reference) and is further incorporated into this Resolution No. 2694-1 by this reference]; and

WHEREAS, Charter School submitted its response to the Notice, including its corrective action plan ("Response") on July 10, 2026, (the Response is incorporated by reference into the Staff Report, Analysis & Findings and is attached thereto as Exhibit "2" and is further incorporated into this Resolution No. 2694-1 by this reference); and

WHEREAS, Staff have reviewed and analyzed the renewal Charter pursuant to the renewal standards and requirements in the Charter Schools Act. Staff's analysis, recommendations, and recommended findings regarding the request for renewal, based on Staff's review and analysis are set forth in the written Staff Report, Analysis & Findings); and

WHEREAS, for all of the reasons set forth in the Staff Report, Analysis & Findings, Staff have recommended that the County Board approve the request for renewal of the Charter for a term of five years (July 1, 2027 – June 30, 2032) on the condition that the Charter School and SCCOE enter into the 2026 MOU and/or an addendum to the 2026 MOU on or before January 31, 2027, or such later deadline

as may be agreed to by the County Superintendent or designee, that addresses each of Staff's concerns and recommended conditions as identified in the Staff Report, Analysis & Findings, including those as specifically reviewed in the Staff Report, Analysis & Findings, as well as any additional conditions identified by the SCCBOE, and has further recommended that the County Board adopt alternative written findings of denial because Staff believe that 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 the interests of the community in which the Charter School is located and to comport with renewal pursuant to Education Code Section 47607(e) through implementation of the Charter School's corrective action plan submitted with the Response; 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 and Response including the Charter School's corrective action plan, 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 the Charter Schools Act; and

WHEREAS, the County Board specifically notes that this Resolution No. 2694-1 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 herein by reference from the Staff Report, Analysis & Findings, on which the denial of renewal 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 with this reference.

BE IT FURTHER RESOLVED AND ORDERED, that the County Board 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 renewal Charter, and the application to the Charter of the Charter Schools Act's standards and criteria for renewal, hereby finds that compliance with each of the conditions set forth below is necessary to the sound operation of the Charter School and for the renewal Charter to comply with the standards for renewal, and renewal of the Charter is consistent with sound educational practice and with the interests of the community in which the Charter School is located and comports with renewal pursuant to Education Code Section 47607(e) through implementation of the Charter School's corrective action plan submitted with the Response only if the Charter School complies fully with each of these conditions.

BE IT FURTHER RESOLVED AND ORDERED, that the County Board hereby approves with conditions the Charter for the renewal of Summit Public School: Tahoma Charter School for a period of five years, commencing on July 1, 2027, and continuing through and including June 30, 2032. The renewal Charter that the Governing Board is hereby approving with conditions is attached hereto as Exhibit "B." This approval is conditional on the Charter School complying with all the following conditions:

1. On or before January 31, 2027, or such later deadline as agreed to in writing by the County Superintendent or designee, the Charter School and the SCCOE shall enter into and execute the 2026 MOU and/or an addendum to the 2026 MOU in the form and including the terms satisfactory to the County Superintendent or designee, in their sole discretion, that will address all of Staff's concerns with and recommended conditions for the renewal Charter, including but not limited to those specified in the Staff Report, Analysis & Findings and any additional conditions as noted by the County Board. The 2026 MOU and any addenda thereto shall be coextensive with and remain in full force and effect throughout the term of the Charter School's Charter and during the pendency of any appeal of a denial of a renewal request or a revocation of the Charter. Further, the term of the 2026 MOU and any addendum thereto shall continue in full force and effect beyond the current Charter term during any period when the County Board is the Charter School's chartering authority (whether approved directly or if the County Board is designated by the State Board of Education to serve as the chartering authority) including 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) the Parties agree that a replacement MOU/addendum shall supersede and replace the MOU/addendum and that replacement MOU/addendum becomes effective; (b) the parties agree in writing that the MOU/addendum is terminated; or (c) the Charter School ceases operating and relinquishes/loses its Charter for any reason and complies with all applicable closure procedures and any ongoing requirements of the Charter, the 2026 MOU/addendum, and/or the 2021 MOU and its addendum should that agreement be in effect. The 2026 MOU and addendum 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 for material violations. In the event of a conflict between the law and the terms of the MOU and/or addendum, 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 2026 MOU, the addendum to the 2026 MOU, the 2021 MOU and/or the addendum to the 2021 MOU (to the extent the 2021 MOU and/or its addendum is in effect), and the approved renewal Charter, the order of precedence shall be as follows: (1) addendum to the 2026 MOU; (2) 2026 MOU, (3) addendum to the 2021 MOU, (4) 2021 MOU, (5) renewal Charter, and the terms shall control and prevail in this precedence order, and the terms of the addendum to the 2026 MOU, 2026 MOU, addendum to 2021 MOU, and 2021 MOU, shall be interpreted and deemed to be updates and clarifications to the Charter.

2. Create and implement a plan to address the special education file process and SELPA reporting requirements.

3. Create and implement a financial stabilization plan and formal written commitment from Summit Public Schools that it will support Summit Tahoma if the school is in fiscal distress throughout the charter renewal term.

BE IT FURTHER RESOLVED AND ORDERED, that the County Board finds that if the conditions described above are not timely complied with to the satisfaction of the County Superintendent or designee, approval of the renewal Charter is not consistent with sound educational practice and the interests of the community in which the Charter School is located and does not comport with renewal pursuant to Education Code Section 47607(e) if there is not specific agreement to implement the Charter School's corrective action plan submitted with the Response, and the Charter renewal can and shall be denied, 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 [Ed. Code Section 47605(c)(1)].

2. The Charter School failed to update its Charter to include a reasonably comprehensive description of all new requirements of charter schools enacted into law since the Charter was last renewed and/or the renewal Charter does not contain a reasonably comprehensive description of all of the required charter elements [Ed. Code §§ 47605(c)(5) and 47607(b)].

3. The Charter School is demonstrably unlikely to successfully implement the program as set forth in the petition [Ed. Code Section 47605(c)(2)].

4. The Charter School is not serving all students who wish to attend, and the corrective action plan proposed by the Charter School will have been unsuccessful [Education Code Section 47607(e)].

BE IT FURTHER RESOLVED AND ORDERED, that the County Board hereby determines, if the conditions described above are not satisfied to the satisfaction of the County Superintendent or designee, that the foregoing findings are supported by specific facts, including the following facts and findings:

1. **The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.**

   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, specifically the issues regarding special education file management and SELPA reporting requirements which constitute sound educational practices.

2. **The Charter School failed to update its Charter to include a reasonably comprehensive description of all new requirements of charter schools enacted into law since the Charter was last renewed and/or the renewal Charter does not contain a reasonably comprehensive description of all of the required charter elements.**

   As detailed in the Staff Report, Analysis & Findings, multiple required charter elements in the renewal Charter were not properly updated to include a reasonably comprehensive description, including to comply with all new requirements of law. These elements include, but are not limited to, the required description of the educational program; governance; employee qualifications; and admission policies and procedures, as detailed in the adopted and incorporated Staff Report, Analysis & Findings.

3. **The Charter School is demonstrably unlikely to successfully implement the program as 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, specifically the need to update and remediate provisions of the Charter as described in the Staff Report, Analysis & Findings in order for the program described in the Charter to be complete and legally compliant such that implementation is consistent with law and Charter School's obligations pursuant to the 2021 MOU and any

addenda thereto, sound educational practice, and the interests of the community in which it is located.

4. **The Charter School is not serving all students who wish to attend, and the corrective action plan proposed by the Charter School will have been unsuccessful.**

   SCCOE has complied fully with all procedural requirements of Education Code Section 47607(e) prior to denying renewal on this basis. This included the timely issuance of the Notice in April 2026 and providing the Charter School with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the Charter School. The issues and the evidence that the Charter School continues not to serve all pupils who wish to attend are described and demonstrated in detail in the Notice, which is incorporated by reference herein and into the Staff Report, Analysis & Findings. As explained in the Staff Report, Analysis & Findings, and incorporated Notice, if the Charter School does not enter into the 2026 MOU, or an addendum thereto, whereby the Charter School specifically commits to continue its efforts in accordance with its corrective action plan to address the issue of serving all students who wish to attend, as the corrective action plan may be updated from time to time, to ensure equitable access to attendance at the Charter School and to continues its efforts to serve historically underserved student groups who are underrepresented at Charter School as compared to ESUHSD, the evidence establishes that notwithstanding the provision of notice and a reasonable opportunity to cure, Charter School has not sufficiently addressed and corrected the concerns outlined in the Notice, and thus the corrective action plan will have been unsuccessful.

BE IT FURTHER RESOLVED AND ORDERED, that the Charter School shall comply with the conditions by the dates and times specified above. The County Board hereby delegates to the County Superintendent or designee authority to extend 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 should the Charter School 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 approval with conditions of the 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 approval with conditions 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 of the Charter renewal.

BE IT FURTHER RESOLVED AND ORDERED, that approval of the renewal Charter is explicitly and necessarily based on the Charter School'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 County Board of Education at a meeting held on November 4, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____	_____
Victoria Chon, President	Dr. David M, Toston, Sr.
Santa Clara County Board of Education	County Superintendent of Schools

EXHIBIT A

INSERT STAFF REPORT, ANALYSIS & FINDINGS

EXHIBIT B

INSERT CHARTER