

**RESOLUTION APPROVING THE CHARTER PETITION RENEWAL
OF UNIVERSITY PREPARATORY ACADEMY CHARTER SCHOOL
WITH THE ADDITION OF REQUIREMENTS PURSUANT TO
EDUCATION CODE SECTION 47605.6(b)**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. 2252-1**

RESOLVED by the Santa Clara County Board of Education (hereinafter "SCCBOE" or "County Board of Education"), County of Santa Clara, State of California, that:

WHEREAS, pursuant to the procedures set forth in Education Code Sections 47605.6 47607, and their implementing regulations, petitioners for the University Preparatory Academy Charter School (hereinafter "UPA" or "Charter School") presented their Petition to renew an SCCBOE-authorized, countywide charter school to the Santa Clara County Office of Education (hereinafter "County Office of Education" or "SCCOE") on September 9, 2019.

WHEREAS, in accordance with the provisions of Education Code Section 47605.6 and 47607, the County Board of Education held a public hearing on the provisions of the renewal Charter on October 2, 2019, at which time the County Board of Education considered the level of support for the renewal Charter by teachers and other employees and parents/guardians; and

WHEREAS, UPA has shown "increases in pupil academic achievement for all groups of pupils schoolwide and among significant student groups" consistent with the criteria for renewal as set forth in Education Code Sections 47607(b) and 52052(f).

WHEREAS, the County Board of Education considered increases in pupil academic achievement for all groups of pupils served by UPA as the most important factor in determining whether to grant the requested renewal; and

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

WHEREAS, the County Office of Education and UPA, have developed a Memorandum of Understanding (MOU), which was signed by Petitioner on September 26, 2019, which outlines the SCCOE and UPA's agreements governing their respective fiscal, operational, and administrative responsibilities, their legal relationship, and other matters not otherwise addressed or resolved by the terms of the Charter; and

WHEREAS, the County Office of Education staff has reviewed and analyzed all information received with respect to the 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 UPA enter into an Addendum to the MOU to address Staff's concerns, based on that review and prepared a written analysis – the Staff Analysis and Proposed Findings of Fact Regarding Renewal of UPA Charter School Countywide Renewal Petition dated November 6, 2019 – setting forth that recommendation and proposed findings of fact specific to the Petition [“Staff Analysis,” attached as Exhibit A and incorporated by this reference]; 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 UPA, including a requirement that UPA execute an Addendum to the September 26, 2019 MOU to incorporate input from the Staff Analysis; and

WHEREAS, the County Board of Education reviewed the renewal Charter taking into consideration the testimony and documents submitted, including the UPA renewal Charter Petition to the County Board of Education; the testimony presented at the public hearing from petitioners, local school districts and the public; and the review of County Office of Education staff set forth in the Staff Analysis; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the County Board of Education 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 Analysis.

BE IT FURTHER RESOLVED AND ORDER that in accordance with the authority granted to the County Board pursuant to Education Code Section 47605.6(e)(2)(B), the County Board declines to approve the admission preferences as set forth in the submitted renewal Charter, and instead approves the admissions preferences as set forth in the Staff Analysis.

BE IT FURTHER RESOLVED AND ORDERED that the County Board of Education does hereby approve the Charter for the renewal of University Preparatory Academy Charter School, and as specifically provided for in Education Code Section 47605.6(b), the County Board of Education imposes the requirement that on or before March 31, 2020, or such later deadline as agreed to in writing by the County Superintendent or designee, University Preparatory Academy 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 UPA and clarify and provide greater specificity regarding UPA's operations pursuant to the renewal Charter, and that will address all of SCCOE Staff's concerns with the renewal Charter, including but not limited to those specified in the Staff Analysis. 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 UPA 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. The Charter is renewed for a period of five years of school operation, commencing on July 1, 2020, and continuing through and including June 30, 2025.

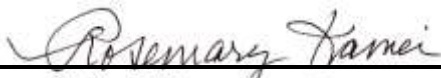
Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 6th day of November, 2019, by the following vote:

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

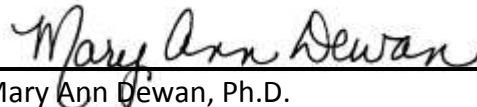
NO: Trustee Rossi

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