

**RESOLUTION CONDITIONALLY APPROVING THE CHARTER RENEWAL FOR  
ROCKETSHIP DISCOVERY PREP 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 DISCOVERY PREP  
ACADEMY CHARTER SCHOOL CHARTER RENEWAL IF THE REQUIREMENTS  
ARE NOT MET**

**SANTA CLARA COUNTY BOARD OF EDUCATION  
RESOLUTION NO. 2272-3**

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 47607.2, on August 24, 2020, petitioners for the Rocketship Discovery Prep Academy (“Rocketship Discovery Prep” or “Charter School”) presented to the Santa Clara County Office of Education (hereinafter “County Office of Education” or “SCCOE”) a charter (“Charter”) to renew a Santa Clara County Board of Education (“County Board”) authorized countywide charter school; and

WHEREAS, in accordance with Education Code Sections 47605.6, 47607, and 47607.2, the County Board held a public hearing on the provisions of the renewal Charter on September 16, 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, pursuant to the California Department of Education’s (“CDE”) list of Charter School Performance Categories, determined in accordance with Education Code Sections 47607(c) and 47607.2(a) and (b), the Charter School is a “middle” performance level charter school and shall be considered for renewal in accordance with Education Code Section 47607.2(b); and

WHEREAS, the County Board has considered the Charter School’s Dashboard and measurable increases in academic achievement in accordance with Education Code Section 47607.2(b); and

WHEREAS, with the addition of and in compliance with the requirements specified herein, giving greater weight to academic achievement measures for all groups of pupils and considering increases in academic achievement, the Charter School’s achievement data supports renewal because the performance indicates the Charter School has made progress that provides a benefit to its pupils, and closure is not in the best interest of pupils; and

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

WHEREAS, the County Board finds renewal of the Charter is consistent with sound educational practice and justified if Rocketship Discovery Prep 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 Office of Education, Rocketship Discovery Prep, and RPS have developed a Memorandum of Understanding (MOU), which was signed by RPS/Rocketship Discovery Prep on October 19, 2020, outlining agreements among the SCCOE, RPS and Rocketship Discovery Prep and 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, based on that review, has made a recommendation to the County Board of Education to be renew the Charter with the addition of the requirements set forth below, and Staff prepared a written Staff Analysis and Proposed Findings of Fact, dated November 3, 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, because the Charter School is 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 Discovery Prep, including but not limited to a requirement that RPS/Rocketship Discovery Prep execute an Addendum to the October 19, 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, statements and information presented at the public hearing, academic performance data, 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 California Education Code Sections 47605.6, 47607, and 47607.2; and

WHEREAS, the County Board specifically notes that this Resolution No. 2273-3 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 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 Discovery Prep Charter School, for a period of five years of school operation, commencing on July 1, 2021, and continuing through and including June 30, 2026, and as specifically provided for in Education Code Section 47605.6(b), the County Board of Education imposes the following requirements on RPS/Rocketship Discovery Prep:

1. On or before March 1, 2021, or such later deadline as agreed to in writing by the County Superintendent or designee, RPS, Rocketship Discovery Prep, 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 Discovery Prep and clarify and provide greater specificity regarding Rocketship Discovery Prep's 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, 2026, 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 Discovery Prep 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, 2021, Rocketship Discovery Prep shall go through the statutory process to update its 2021-22 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 Charter, the MOU and the Addendum to the MOU, and provide a copy of the revised bylaws to SCCOE.
4. Within 90 days of execution of the Addendum to the MOU, Charter School shall revise its Student/Parent Handbook, any employee handbook, and any other policies and procedures to ensure consistency with the terms of the renewal, including the Charter, MOU, the Addendum to the MOU, and the law. RPS is encouraged to update these documents Network-wide, and should ensure that such documents for all of its SCCBOE-approved charters are consistent with the law, the terms of their respective charters, memoranda of understanding, and any addenda thereto.

BE IT FURTHER RESOLVED AND ORDERED that the Rocketship Discovery Prep 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 Discovery Prep, hereby finds that it is necessary to impose the requirements specified above on RPS/Rocketship Discovery Prep for the sound operation of Rocketship Discovery Prep, 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 Discovery Prep comply with each of those requirements. If RPS and Rocketship Discovery Prep do not comply with the requirements to the satisfaction of the County Superintendent or designee, 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 petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. [Education Code Section 47605.6(b)(2)]
3. The Charter does not contain reasonably comprehensive descriptions of all 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. 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 Discovery Prep renewal Charter, as specified in the Staff Report, Analysis & Findings. The County Board considers requiring RPS/Rocketship Discovery Prep 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 Discovery Prep with those requirements, necessary for the sound operation of Rocketship Discovery Prep. Moreover, the County Board finds that any failure by RPS/Rocketship Discovery Prep to comply with those requirements to the County Superintendent or designee's sole satisfaction justifies denial of the renewal Charter.

**2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.**

Staff have noted a number of issues and concerns with the Rocketship Discovery Prep renewal Charter, as specified in the Staff Report, Analysis & Findings. These concerns include, but are not limited to, inconsistencies between the renewal Charter and/or its implementing documents and the law and/or best practices for operating charter schools and the need to take further steps to remediate and address past academic declines, including for multiple student groups. Without compliance with the requirements specified herein, Charter School would be demonstrably unlikely to successfully implement the program set forth in the renewal Charter as it would be operating in violation of law, best practices, and/or would put at risk the academic achievement of its pupils, including student groups.

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

The concerns and deficiencies set forth in the adopted and incorporated Staff Report, Analysis & Findings related to the need to provide clarifications and corrections via the Addendum to establish reasonably comprehensive descriptions of each of the required charter elements unless RPS/Rocketship Discovery Prep 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 does not include reasonably comprehensive descriptions of other elements, including but not limited to, its governance structure; suspension and expulsion procedures, and admissions policies and procedures as set forth in the adopted and incorporated Staff Report, Analysis & Findings.

BE IT FURTHER RESOLVED AND ORDERED that Rocketship Discovery Prep 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 Discovery Prep to respond to and/or remediate any particular issue(s) regarding the renewal Charter.

BE IT FURTHER RESOLVED AND ORDERED that should Rocketship Discovery Prep 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 Discovery Prep 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 Discovery Prep's compliance with the requirements imposed by the County Board pursuant to this Resolution, and should it be determined that this 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.

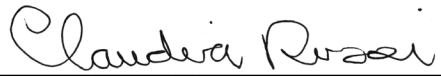
Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 18th day of November 2020 by the following vote:

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

NO: President Rossi

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 DISCOVERY PREP CHARTER**

**LINK: [ROCKETSHIP DISCOVERY PREP CHARTER](#)**