

**RESOLUTION CONDITIONALLY APPROVING
FOR THE PERIOD OF JULY 1, 2025 – JUNE 30, 2030,
THE CHARTER RENEWAL FOR BULLIS CHARTER SCHOOL, AND,
ALTERNATIVELY, MAKING WRITTEN FACTUAL FINDINGS SUPPORTING
DENIAL AND DENYING THE BULLIS CHARTER SCHOOL CHARTER RENEWAL
IF THE CONDITIONS ARE NOT MET**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. [REDACTED]**

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

WHEREAS, Bullis Charter School is a Santa Clara County Board of Education (“County Board”) authorized, district appeal charter school, to be governed by The Bullis-Purissima Elementary School, a California non-profit public benefit corporation. The Bullis Charter School’s current charter term runs through and including June 30, 2025. Bullis Charter School and The Bullis-Purissima Elementary School are referred to herein collectively and interchangeably as “Charter School” and/or “Bullis,” and all references to one herein apply with full force and effect to both the school and the corporate entity; and

WHEREAS, on June 3, 2024, petitioners for Bullis 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 criterial 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, the California Department of Education (“CDE”), on its list of Charter School Performance Categories, has designated the Charter School as a “high” performance level charter school for purposes of this renewal request. As such, Bullis’ request for renewal was considered and is being acted on in accordance with the standards and requirements in Education Code Section 47607(c)(2) applicable to high performance level charter schools; 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 July 17, 2024, at which

time the County Board considered the level of support for the Charter by teachers employed by LASD, other employees of LASD, and parents; 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 reviewed other data from CDE; and

WHEREAS, the County Office of Education and the Charter School have entered into a First Amended Memorandum of Understanding (First Amended MOU), which became effective on December 24, 2019. This First Amended MOU is incorporated by reference into the Charter School's Charter and governs SCCOE and Charter School's, respective fiscal, operational, and administrative responsibilities, their legal relationship, and terms of the Charter School's operations. This First Amended MOU 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 memorandum of understanding or specifically agree in writing that the First Amended MOU is terminated; 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 May 21, 2021, 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, along with related correspondences, is Exhibit 1 to the written Staff Analysis and Proposed Findings of Fact, dated August 26, 2024, and published August 9, 2024, (hereinafter "Staff Report, Analysis & Findings," attached hereto as Exhibit "A" and incorporated herein by this reference)]; and

WHEREAS, Charter School submitted its response to the Notice ("Response") on August 25, 2021, (the Response, along with related correspondences, is Exhibit 2 to the Staff Report, Analysis & Findings); and

WHEREAS, on August 4, 2023, the SCCOE issued the Charter School a "Reaffirmation Notice" in accordance with Education Code Section 47607(e) ("Reaffirmation"), reaffirming the Notice and informing Charter School of the continued concerns and the ongoing reasonable

opportunity afforded by Education Code Section 47607(e) for Charter School to correct the concerns, including the submission, improvement, and implementation of a corrective action plan (the Reaffirmation, along with related correspondences, is Exhibit 3 to the Staff Report, Analysis & Findings); and

WHEREAS, Charter School submitted its response to the Reaffirmation (“Response to Reaffirmation”) on October 10, 2023, (the Response to Reaffirmation, along with related correspondences, is Exhibit 4 to the Staff Report, Analysis & Findings); and

WHEREAS, SCCOE Staff (“Staff”) has reviewed and analyzed the renewal Charter pursuant to the standards and requirements of Education Code Section 47605 and 47607, including whether the Charter School’s corrective action plan has been successful, in accordance with Education Code Section 47607(e). Staff’s analysis, recommendations, and recommended findings, including regarding the issue of the Charter School not serving all students and the Education Code Section 47607(e) findings, based on that review and analysis are set forth in the Staff Report, Analysis & Findings; and

WHEREAS, for the reasons detailed in the Staff Report, Analysis & Findings, Staff has recommended that the County Board of Education conditionally approve the request for renewal of the Charter for a term of five years (July 1, 2025-June 30, 2030) on the condition that Bullis Charter School, The Bullis-Purissima Elementary School, and SCCOE enter into a memorandum of understanding and/or addendum thereto on or before December 6, 2024, or such later deadline as may be agreed to by the County Superintendent or designee, that includes all the provisions specified in the Staff Report, Analysis & Findings, as well as any additional conditions or requirements identified by the County Board, and that the County Board adopt alternative written findings of denial because Staff believes that renewal is consistent with sound educational practice only *provided* the Charter School commits to and is required to comply with the obligation to continue improving and implementing its corrective action plan, including by complying with each of the conditions and requirements listed in the Staff Report, Analysis & Findings, to help address this issue so that Bullis serves all students who wish to attend; and

WHEREAS, all the issues and concerns noted in the Staff Report, Analysis & Findings as “requiring” remediation/correction/updating and/or identified as conditions of renewal, as well as the specific list of conditions therein must be remediated in order for the Charter to comply with the standards for renewal and 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, performance data, data provided by CDE, the Notice, the Response, the Reaffirmation Notice, the Response to Reaffirmation, Charter School’s corrective action plan and the results thereof, and the Staff Report, Analysis & Findings; and

WHEREAS, the County Board reviewed and deliberated on the renewal Charter, pursuant to the standards, procedures, and requirements set forth in California Education Code Sections 47605 and 47607; and

WHEREAS, the County Board specifically notes that this Resolution No. [REDACTED] 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 by reference from the Staff Report, Analysis & Findings, 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, having fully considered and evaluated the Bullis request for renewal as a high performance category charter school and its renewal Charter, hereby finds that compliance with each of the conditions set forth below is necessary to the sound operation of Bullis in order for the Charter to comply with the standards for renewal and for renewal of the Charter to be consistent with sound educational practice, and that approval of the Bullis renewal Charter is consistent with sound educational practice only if the Charter School complies fully with each of these conditions.

BE IT FURTHER RESOLVED AND ORDERED that the County Board of Education hereby conditionally approves the Charter for the renewal of Bullis for a period of five, commencing on July 1, 2025, and continuing through and including June 30, 2030. The Bullis renewal Charter that the Governing Board is hereby conditionally approving is attached hereto as Exhibit “B,” and remains subject to the terms of the First Amended MOU unless and until that First Amended MOU is repealed or replaced by mutual agreement of SCCOE and Bullis. This approval is conditional on Bullis complying with all of the following conditions:

- A. On or before December 6, 2024, or such later deadline as agreed to in writing by the County Superintendent or designee, The Bullis-Purissima Elementary School, Bullis Charter School, and the SCCOE shall enter into and execute a memorandum of understanding (“MOU”) or addendum thereto, in the form and including the terms satisfactory to the County Superintendent or designee, that will govern the SCCOE’s oversight of Bullis, and clarify and provide greater specificity regarding Bullis’ operations pursuant to the renewal Charter, and that will, at minimum, address all of Staff’s concerns with the renewal Charter identified in the Staff Report, Analysis & Findings as “requiring” remediation/correction/updating and/or identified as conditions of renewal, as well addressing all of the requirements listed below on terms acceptable to the County Superintendent, and any additional conditions or requirements as noted by the County Board. The MOU/addendum 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 MOU/addendum 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) Bullis 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 MOU/addendum, and/or the First Amended MOU. The MOU/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. In the event of a conflict between the law and the terms of the MOU/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 MOU/addendum, the First Amended MOU, and the approved renewal Charter, the order of precedence shall be as follows: (1) addendum; (2)MOU, (3) First Amended MOU; (4) renewal Charter, and the terms shall control and prevail in this precedence order, and the terms of the addendum, MOU, and First Amended MOU shall be interpreted and deemed to be updates and clarifications to the Charter.

The MOU and/or addendum thereto shall address all of the following requirements on terms acceptable to the County Superintendent:

1. Addresses/remediates each of the items identified as "requiring" remediation/correction/updating and/or identified as a condition of renewal in the Staff Report, Analysis & Findings.
2. Specifies that Bullis will continue its efforts in accordance with its Enrollment Action Plan/plan to address the issue of serving all students who wish to attend, as the same may be updated from time to time, to ensure equitable access to attendance at Bullis and to increase its enrollment of historically underserved student groups who are underrepresented at Bullis as compared to LASD.
3. Bullis shall announce the number of openings at each grade level *prior* to commencing the open enrollment period each year in order to avoid the possibility or perception that the number of openings is affected based on who applied (e.g. how many students are in each preference group and/or the number of in-District versus out-of-District applicants). If the number of openings would result in an overall decrease in enrollment spaces from the prior year, Bullis shall explain in writing to SCCOE the reason for the enrollment reduction. After that announcement, Bullis may increase the number of openings in any grade level but may not decrease the number of seats at any grade level for that open enrollment and lottery period. Bullis shall inform SCCOE should it increase the number of openings after the original announcement, including providing a written explanation as to the basis for the increase.

4. Bullis shall unequivocally commit to offer students each of the announced open seats at each grade level, in the order drawn in the lottery (in accordance with all requirements as described in the portion of the staff analysis addressing the Admissions Policies and Procedures element of the Charter) until all such openings have been filled and/or there are no more applicants for the seat(s).
5. Bullis' updated plan shall include metrics for measuring the success/effectiveness of the plan and its components. This section of the plan will include the following information, which may be summarized in a table:
 - a. Identified Metric – measures that will provide actionable data related to enrollment
(e.g., Students who are socioeconomically disadvantaged)
 - b. Methodology – how the metric will be measured to ensure valid and reliable results
(e.g., Number/Percent of students who are socioeconomically disadvantaged who enrolled in the last open enrollment period)
 - c. Data Source – the origin of the data (i.e., from where will the data come)
(e.g., School's student data system)
 - d. Baseline Calculation –the initial, or starting, enrollment data
(e.g., 3.71%)
 - e. Annual target(s) and plan for achieving the target – where do you want the metric to be after implementing the Enrollment Action Plan for the current year. (Consider past trend and comparable growth rates
(e.g., 4.91%)
 - f. Progress Monitoring – interim measures that will monitor progress toward annual target(s)
(e.g., number of applications received in advance of lottery that qualify for the FRPM preference)
6. At least annually, Bullis shall review and audit the results of its open enrollment process, including an assessment of the effectiveness of the various components of the Enrollment Action Plan/plan to address the issue of serving all students who wish to attend. The assessment shall not simply assume that the plan is or is not working as a whole based on who enrolled, but it shall include a more specific analysis of facts and factors indicating effectiveness. Bullis shall provide SCCOE a written report of this analysis and any changes/updates to its plan by April 1 each year.

7. Bullis shall annually provide SCCOE a report (including a data file setting forth the backup data) within 10 days of each public random drawing for admission (lottery) setting forth the results of the lottery, including at least the information below. Bullis shall provide an update to this report within 10 days following Census Day each year:
 - a. How many openings at each grade level were announced prior to commencement of the open enrollment period (and an update if Bullis subsequently increased that number).
 - b. How many applicants there were for each grade level, disaggregated by preference group.
 - c. How many applicants were initially offered admission from each preference group at each grade level based on the original lottery results.
 - d. How many applicants were subsequently offered admission from each preference group at each grade level based on their position on the waitlist because an applicant(s) before them declined enrollment.
 - e. How many applicants from each preference group on are the wait list for each grade level.
 - f. In the post-Census Day update, how many students from each preference group at each grade level enrolled at and are attending Bullis.

Bullis is also strongly encouraged to work cooperatively with SCCOE to address through the MOU or an addendum to the MOU, the other issues and recommendations noted by SCCOE Staff in the Staff Report, Analysis & Findings.

BE IT FURTHER RESOLVED AND ORDERED that the Santa Clara County Board of Education finds that if the conditions described above are not satisfied to the satisfaction of the County Superintendent or designee, approval of the renewal Charter is not consistent with sound educational practice and the Charter can and shall be denied, based upon numerous grounds and factual findings including, but not limited to, the following:

1. The Charter School is not serving all students who wish to attend, and the corrective action plan proposed by the Charter School has been unsuccessful. [Education Code Section 47607(e)]
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 after the charter was originally granted or last renewed and/or as necessary to reflect the current program offered by the charter, as required pursuant to Education Code Section 47607(b) and (c)(2)(F), and, as a result:
 - a. The Charter School presents an unsound educational program for the students to be enrolled in the Charter School [Ed. Code § 47605(c)(1)];

- b. The renewal petition does not contain a reasonably comprehensive description of all of the required charter elements [Ed. Code § 47605(c)(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, if the conditions described above are not satisfied to the satisfaction of the County Superintendent or designee:

1. **The Charter School is not serving all students who wish to attend, and the corrective action plan proposed by the Charter School has 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 issuance of the Notice in May 2021 and the Reaffirmation in August 2023, and providing the Charter School more than three years to implement its corrective action plan and serve all students who wish to attend. 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 Staff Report, Analysis & Findings and the exhibits thereto, including the statistical analyses conducted by SCCOE’s Integrated Data, Research, and Evaluation Department, the Notice, and the Reaffirmation. As explained in the Staff Report, Analysis & Findings, the evidence establishes that notwithstanding the provision of notice and a reasonable opportunity to cure, including Charter School’s efforts to implement its corrective action plan, Charter School has not sufficiently addressed and corrected the concerns outlined in the Notice and Reaffirmation and described in the Staff Report, Analysis & Findings, and thus, the corrective action plan has been unsuccessful, as set forth in the adopted and incorporated Staff Report, Analysis & Findings.

2. **The Charter School failed to update its Charter to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and/or as necessary to reflect the current program offered by the charter, as required pursuant to Education Code Section 47607(b) and (c)(2)(F), and as a result:**

- a. The Charter School presents an unsound educational program for the students to be enrolled in the Charter School [Ed. Code § 47605(c)(1)];

The Charter was not updated accurately to describe the means by which the Charter School complies with the Individuals with Disabilities Education Act, as detailed in the incorporated Staff Report, Analysis & Findings.

- b. The renewal petition does not contain a reasonably comprehensive description of all of the required charter elements [Ed. Code § 47605(c)(5)].

As detailed in the Staff Report, Analysis & Findings, regarding each of the items identified therein as “requiring” remediation/correction/updating and/or identified as a necessary condition of renewal, multiple required

charter elements in the renewal Charter were not properly updated to include a reasonably comprehensive description of new requirements of law and/or to reflect the program currently offered at the Charter School. These elements include, but are not limited to, the required description of admissions policies and procedures and the governance structure, as set forth in the adopted and incorporated Staff Report, Analysis & Findings.

BE IT FURTHER RESOLVED AND ORDERED that Bullis 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 in writing 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 Bullis not comply with all of the conditions to the County Superintendent or designee's 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 Bullis 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 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 Bullis' 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 Santa Clara County Board of Education at a meeting held on this 26th day of August 2024 by the following vote:

AYE:

NO:

ABSTENTION:

ABSENT:

Maimona Berta, President
Santa Clara County Board of Education

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

EXHIBIT A

INSERT STAFF REPORT, ANALYSIS & FINDINGS

EXHIBIT B

INSERT BULLIS CHARTER