

RESOLUTION CONDITIONALLY APPROVING THE REQUEST FOR MATERIAL REVISIONS TO THE CHARTER FOR VOICES COLLEGE-BOUND LANGUAGE ACADEMY AT MORGAN HILL CHARTER SCHOOL, AND, ALTERNATIVELY, MAKING WRITTEN FACTUAL FINDINGS SUPPORTING DENIAL AND DENYING THE REQUEST FOR MATERIAL REVISIONS TO THE CHARTER FOR VOICES COLLEGE-BOUND LANGUAGE ACADEMY AT MORGAN HILL CHARTER SCHOOL IF THE CONDITIONS ARE NOT MET

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. _____**

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

WHEREAS, the Santa Clara County Board of Education (“County Board” or “SCCBOE”) initially authorized the charter for the Voices College-Bound Language Academy at Morgan Hill Charter School (“Voices Morgan Hill”) to be governed by Voices College-Bound Language Academies. (“Voices”) on November 19, 2014, to serve students in grades TK-8. The County Board renewed the Charter School’s charter (“Charter”) on December 13, 2017, and, as provided by Education Code section 47607.4, its current term expires on June 30, 2025. Voices Morgan Hill and Voices are referred to herein collectively and interchangeably as “Charter School”; and

WHEREAS, pursuant to the procedures set forth in Education Code Sections 47605, and 47607, on June 3, 2022, petitioners presented to the Santa Clara County Office of Education (hereinafter “County Office of Education” or “SCCOE”) a request for material revisions to the Voices Morgan Hill Charter; and

WHEREAS, SCCOE, Voices Morgan Hill and Voices currently have in place a Memorandum of Understanding (MOU), which governs the respective fiscal, operational, and administrative responsibilities, legal relationships, and other matters not otherwise addressed or resolved by the terms of the Charter, which MOU will remain in full force and effect whether the SCCBOE grants or denies VMH’s request for material revisions; and

WHEREAS, in accordance with Education Code Sections 47605 and 47607, the County Board held a public hearing on the provisions of the requested material revisions to the Charter on June 15, 2022, at which time the County Board considered the level of support for the material revisions to the Charter by teachers, parents or guardians, and the Morgan Hill Unified School District (where the Charter School facilities are located); and

WHEREAS, the Charter School is requesting approval of material revisions to the Charter for the purpose of temporarily expanding to three separate sites within the Morgan Hill Unified School District, commencing with the 2022-23 school year and continuing for up to a total of three

school years, through and including 2024-25, which corresponds to the end of the Charter School's current Charter term; and

WHEREAS, the County Board has considered the Charter School's material revisions request to relocate and expand to three sites in Morgan Hill until the Charter School's permanent facility construction is complete, including the temporary nature of the request; and

WHEREAS, with the addition of and Charter School's compliance with the conditions specified herein, the Charter School's expansion to three sites is in the best interests of the approximately 400 students currently enrolled at the Charter School; and

WHEREAS, the SCCOE Charter Schools Department Staff ("Staff"), in reviewing the requested material revisions to the Charter, identified concerns, omissions, and/or violations that support denial of the request for material revisions, including due to the Charter School's failure to include implementation plans for the expansion to three sites and the effects of such expansion; and

WHEREAS, Staff has reviewed and analyzed the information received with respect to the materially revised Charter and information related to the operation and potential effects of the proposed material revisions, and, based on that review, has made a recommendation to the County Board of Education that it approve the material revisions to the Charter only subject to satisfaction of the conditions set forth below. Staff prepared a written Staff Analysis and Proposed Findings of Fact, dated July 20, 2022, (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, in accordance with the requirements of Education Code Section 47605(b), the SCCOE published its Staff Report, Analysis & Findings, setting forth Staff's recommendations, including the recommended findings regarding the materially revised Charter, and including the proposed resolution of conditional renewal or, alternatively, denial, by posting these items to the SCCOE's website and providing copies to the Charter School on July 5, 2022; and

WHEREAS, all of the issues and concerns noted in the Staff Report, Analysis & Findings must be remediated in order for the requested material revisions 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 materially revised Charter, 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 standards and procedures set forth in California Education Code Sections 47605 and 47607; and

WHEREAS, the County Board specifically notes that this Resolution No. _____ does not necessarily include findings relative to every defect in the materially revised Charter submitted, and that the findings set forth herein are sufficient to support denial of the materially revised 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 Staff Report, Analysis & Findings, including 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 request for material revisions to the Voices Morgan Hill Charter, hereby finds that compliance with each and every one of the conditions set forth below is necessary to the sound operation of the Charter School and that approval of the request for material revisions to the Voices Morgan Hill Charter is consistent with sound educational practice only if the Charter School complies fully with each and every one of these conditions.

BE IT FURTHER RESOLVED AND ORDERED that the County Board of Education hereby conditionally approves the material revisions to Voices Morgan Hill's Charter. The materially revised Voices Morgan Hill Charter that the Governing Board is hereby conditionally approving is attached hereto as Exhibit "B." This approval is conditional on the Charter School complying with all of the following conditions:

1. On or before August 10, 2022, or such later deadline as agreed to in writing by the County Superintendent or Designee, Voices, Voices Morgan Hill, 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 and/or Designee, in their sole discretion, that will govern the SCCOE's oversight of the Charter School, and clarify and provide greater specificity regarding Charter School's operations pursuant to the materially revised Charter, and that will address all of Staff's concerns with the requested material revisions to the 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. As more fully described below, the specific plans for operation at multiple sites, as discussed in the Staff Report, Analysis & Findings, shall be included in the Addendum (including as attachments thereto) and shall govern the Charter School's operations on multiple sites. The MOU and Addendum to the MOU shall remain in full force and effect throughout the 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 MOU and Addendum to the MOU shall continue in full force and effect beyond the current term of the Charter, including

- during the period of any renewal granted by the County Board or during the pendency of any appeal of a denial of a renewal request, unless and until such time as (a) SCCOE, Voices, and Voices Morgan Hill agree that a replacement MOU shall supersede the MOU and Addendum to the MOU; (b) SCCOE, Voices, and Voices Morgan Hill specifically agree in writing that the MOU and/or Addendum to the MOU is terminated; or (c) Voices Morgan Hill ceases operating for any reason and relinquishes/loses its Charter. Upon termination of the MOU and/or Addendum to the MOU, any provisions of the MOU and/or Addendum to the MOU that specify that they shall survive the termination of the Charter, MOU, and/or Addendum and/or closure of the Charter School shall remain in full force and effect in accordance with their terms. 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 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 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 materially revised 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 prevail and shall be interpreted and deemed to be updates and clarifications to the Charter.
2. On or before August 1, 2022, or such later deadline as agreed to in writing by the County Superintendent or Designee, Charter School shall provide SCCOE the plans and information as noted in the Staff Report, Analysis & Findings as required in order to support the material revisions, including expansion to multiple sites. Examples of the required plans include, but are not limited to, staffing plans, grade level configurations, plans for providing services to students with disabilities, site leadership plans, and plans for responding to teacher vacancies and/or short-term absences, and shall include how the Charter School will address the impact of the expansion to multiple sites on the academic program and Charter School operations. Each such plan must be satisfactory to the County Superintendent and/or Designee and must then be included in the Addendum to the MOU. Charter School is encouraged to develop and submit such plans for County Superintendent and/or Designee review as soon as possible and on a rolling basis in order to support Charter School's ability to meet this deadline and comply with the conditions of approval.
 3. On or before August 1, 2022, or such later deadline as agreed to in writing by the County Superintendent or Designee, the Charter School shall provide SCCOE with the address of the third site as well as draft lease documents for all sites at which Voices Morgan Hill will operate commencing in the 2022-23 school year.
 4. On or before August 1, 2022, or such later deadline as agreed to in writing by the County Superintendent or Designee, Charter School shall provide SCCOE with evidence of enrollment for the 2022-23 school year based on the multi-site model, including the grade level configurations across the sites and proposed third location; a

45-day budget revision; and an alternative budget projection for Fiscal Year 2023-24 reflecting the financial impact if the 22% projected increase in enrollment does not materialize, to address the issues and concerns more fully described in the Staff Report, Analysis & Findings.

5. On or before August 24, 2022, and prior to the on-site commencement of professional activities for staff (e.g. professional development and/or training) or allowing students to be present at any site, the Charter School shall provide SCCOE with executed leases for all sites, and certificates of occupancy and any other permits/authorizations required to operate a school at each site, and shall provide evidence of compliance with all fire-life safety requirements and systems testing, including any fire marshal authorization for use of each site at which Voices Morgan Hill will operate as a school.
6. Within 30 days of execution of the Addendum to the MOU, or such later deadline as agreed to in writing by the County Superintendent or Designee, Charter School shall revise its Student/Parent Handbook, employee handbook(s), and any other policies and procedures to ensure consistency with the terms of the material revisions, including the Charter, MOU, the Addendum to the MOU, and the law.
7. On or before October 31, 2022, or such later deadline as agreed to in writing by the County Superintendent or Designee, Charter School shall provide SCCOE evidence that Charter School will receive facilities reimbursement pursuant to SB 740, the Charter Facilities Grant Program, for each site for 2022-23, or will provide an updated budget and cash flow projections excluding such funding.

BE IT FURTHER RESOLVED AND ORDERED that the Santa Clara County Board of Education finds that if each and every one of the conditions described above is not fulfilled to the satisfaction of the County Superintendent and/or Designee in their sole discretion, and within the timelines specified or such extension as may be granted by the County Superintendent or Designee in their sole discretion, 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 as materially revised presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code Section 47605(c)(1)]
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the materially revised Charter. [Education Code Section 47605(c)(2)]
3. The materially revised Charter does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 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 each of the facts,

findings, and recommendations set forth in the Staff Report, Analysis & Findings, which has been incorporated herein in full by reference, and 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 the Charter School's educational program set forth in the adopted and incorporated Staff Report, Analysis & Findings establishing that the Charter School presents an unsound educational program unless it complies with all of the conditions imposed by the County Board are incorporated herein by this reference. These concerns and deficiencies include, but are not limited to, the lack of operational plans regarding the temporary expansion to operate at multiple sites, particularly the lack of grade level configurations and multi-site staffing plans to meet the needs of the students.

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

The concerns and deficiencies regarding the material revisions to the Charter set forth in the adopted and incorporated Staff Report, Analysis & Findings establishing that the Charter School petitioners are demonstrably unlikely to successfully implement the program set forth in the materially revised Charter unless it complies with all of the conditions imposed by the County Board are incorporated herein by this reference. These concerns include, but are not limited to, the failure to have developed and included in the materially revised Charter substantial plans for the temporary move to multiple sites, and how services will continue in accordance with the law and the Charter or how services and programs will change in order to be sound and effective while the school is operating at multiple separate sites. Without compliance with the conditions of approval specified herein, Charter School would be demonstrably unlikely to successfully implement the program set forth in the materially revised Charter request as it would be operating in violation of law, best practices, and/or would put at risk the academic achievement of its pupils, including specific 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 plans, clarifications, and corrections via the development and submission of plans and information and incorporation thereof into an Addendum to the MOU in order to establish reasonably comprehensive descriptions of each of the required charter elements are incorporated herein by this reference. Without compliance with each of the conditions of approval, the materially revised Charter does not include a reasonably comprehensive description of several the required charter elements, including, but not limited to, the educational program, the

governance structure, the employee qualifications, and the admissions policies and procedures. By way of example, the Charter does not include a reasonably comprehensive description of the educational program, including, but not limited to, insofar as it fails to provide a staffing plan for operation in a multi-site environment, it provides for “Interventions” instruction by non-credentialed personnel, and it fails to reasonably comprehensively describe how it will meet the needs of and comply with the rights of students with disabilities.

BE IT FURTHER RESOLVED AND ORDERED that Charter School shall comply with the 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.

BE IT FURTHER RESOLVED AND ORDERED that should 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(s) as agreed to in writing by the County Superintendent or Designee, the request for material revisions is denied based on the written factual findings set forth above and adopted hereby, and the conditional approval of the Charter School’s requested material revisions is terminated and withdrawn, 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 requested material revisions 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 requested material revisions to the Charter is explicitly and necessarily based on 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 material revisions to the Charter is not permissible pursuant to the Charter Schools Act of 1992, the material revisions to the Charter are denied based on the factual findings specific to the request for material revisions to the Charter set forth and adopted by the County Board herein, and the conditional approval is withdrawn.

Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 20th day of July 2022 by the following vote:

AYE:

NO:

ABSTENTION:

ABSENT:

Peter Ortiz, 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 PROPOSED MATERIALLY REVISED VOICES MORGAN HILL CHARTER