

**STAFF ANALYSIS, RECOMMENDATIONS, AND PROPOSED FINDINGS OF FACT REGARDING REVIEW OF
DISCOVERY CHARTER II (FALCON) CHARTER SCHOOL RENEWAL**

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Discovery Charter II (Falcon) Charter School seeks approval of the renewal of its Santa Clara County independent, direct funded, district appeal charter school serving students in grades TK-8. Falcon was initially approved on appeal from San Jose Unified School District (SJUSD) in March 2013, for a three-year term to serve grades K-8 and opened in August of 2014. Falcon was materially revised in March 2015 to pilot a blended home-school program and again in April 2016 to fully add the blended home school program to the school and update its lottery preferences. Falcon was renewed in 2018. Falcon's current term expires June 30, 2026, as its term was extended by operation of law by two years in 2021 and an additional year in 2023. Falcon has requested renewal for a term of five years from July 2026 through June 2031. Falcon, located within the SJUSD boundaries, currently serves approximately 450 students.

PROCEDURAL STATUS

The Charter Schools Department of the Santa Clara County Office of Education (County Office of Education or SCCOE) received a renewal charter petition (Renewal Petition or Charter), from Falcon on November 7, 2025. Falcon is operated and governed by Discovery Charter Schools (DCS).¹ Renewals of district appeal charters are governed by the standards and criteria set forth in *EC* Sections 47605, 47607 and 47607.2. *Education Code (EC)* Sections 47607 and 47607.2 determine the length of charter renewal based on a charter school's placement in the high, middle, or low performance categories established by *AB* 1505. The California Department of Education (CDE) annually creates a list of all charter schools and ranks their academic performance indicators from the California School Dashboard, specifying whether each school is in the high, middle, or low performing category, or is a DASS program school, pursuant to the requirements of *EC* 47607 and 47607.2. This list was intended to relieve the burden on chartering authorities and provide a starting place for the renewal process. At the time Falcon submitted its Renewal Petition the CDE has designated Falcon as a "middle" performing charter school for purposes of renewal. On January 8, 2026, CDE issued the updated list of charter performance categories for future charter renewals. On that list, CDE designated Falcon as a "high" performing charter school, reflecting improvement on the California Dashboard indicators over time, and specifically including during the 2024-25 school year. SCCOE applauds Falcon and its students on this improvement and strong academic outcomes.

SCCOE notes that Falcon chose to submit its Renewal Petition in advance of the public availability of Dashboard results for 2024-25 and prior to CDE releasing its updated list of charter school performance categories. Falcon submitted its Renewal Petition and requested renewal as a middle performance tier charter school. At the time CDE published the updated list, SCCOE staff had almost completed its process for considering, analyzing, and developing its recommendations on the Falcon request for renewal of its Charter, as a middle performing charter school, as submitted, requested, and anticipated by Falcon. SCCOE further notes that its recommendation that

¹ Throughout this document, Discovery Charter Schools may be referred to for purposes of convenience as "DCS," but the Discovery Charter II (Falcon) charter school and Discovery Charter Schools may be referred to collectively, separately, or interchangeably as "Falcon" or "Charter School" or "school."

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the Santa Clara County Board of Education (SCCBOE or County Board of Education²) renew with conditions the Falcon Charter for a term of five years, through June 30, 2031, would be the same were Falcon being considered for renewal as a high performance tier charter school.

On November 19, 2025, the SCCBOE held a public hearing on the Falcon Renewal Petition in accordance with the requirement to do so within 60 days of receipt of submission of the Renewal Petition. On December 2, 2025, SCCOE conducted a renewal site visit and held renewal interviews with Falcon parents, students, staff, board members, and representatives of DCS leadership as the charter management organization or network.

Pursuant to EC Sections 47607, 47607.2 and 47605, the County Board of Education has 90 days from receipt of the renewal application to act, which may be extended by an additional 30 days by mutual agreement. SCCBOE will hold the decision hearing February 6, 2026, to act on the Falcon request for renewal.

In accordance with Board Policy 0420.4, SCCOE, Falcon, and DCS, developed a Memorandum of Understanding in 2018 (2018 MOU). By its terms, this 2018 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 the Parties enter into a replacement MOU or specifically agree in writing that the MOU is terminated.” The 2018 MOU governs the respective fiscal, operational, administrative responsibilities, legal relationships, and other matters not otherwise fully addressed or resolved by the terms of the current charter or the Renewal Petition, pending any further direction or recommendations by the SCCBOE, including SCCBOE’s adoption of the SCCOE’s recommendations and recommended findings and entry into a replacement or supplementing MOU and/or addendum. By its terms, the 2018 MOU is incorporated into the Renewal Petition by reference, therefore, its terms supplement the Renewal Petition submitted by Falcon and were considered as part of SCCOE’s analysis of the Renewal Petition and informed this analysis, including the assessment of whether the Renewal Petition includes reasonably comprehensive descriptions of each of the required Charter elements, whether or not any specific provision of the 2018 MOU is referenced in this analysis, and it continues to bind the Parties unless and until revised or replaced by mutual agreement of the Parties, and if the parties enter into a new MOU and/or addendum, as recommended herein, provisions from the 2018 MOU may need to be incorporated therein or the 2018 MOU remain in effect.

SCCOE has provided Falcon an updated memorandum of understanding (2025 MOU) that is consistent with changes to law since entering into the 2018 MOU and reflects SCCOE’s current best practices. On December 3, 2025, Falcon signed/executed the 2025 MOU. As detailed herein, SCCOE recommends that the renewal of the Falcon Charter include the condition that Falcon and SCCOE enter into an addendum to the 2025 MOU.

The complete Renewal Petition on which the SCCBOE is acting is attached to the agenda item in BoardDocs and is also available for review at the following location: https://www.sccoe.org/supoffice/charter-schools-office/Documents/petitions_renewal/2025_Discovery_Falcon_Renewal_Petition.pdf

CRITERIA FOR RENEWAL OF A CHARTER PETITION

Effective July 1, 2020, the legal standards for determining whether a charter petition should be renewed were updated. EC Section 47607(b) specifies that charter renewals “are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.”

² Throughout this document, references to “SCCBOE” or the “County Board of Education” are specifically to the Santa Clara County Board of Education. However, for purposes of convenience, the Santa Clara County Board of Education, 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.”

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Pursuant to EC Section 47605, a renewal charter petition may be denied on the basis of written factual findings that support one or more of the following:

1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain an affirmation of each of the conditions required by statute.
4. The petition does not contain a reasonably comprehensive description of all the required elements.
5. The petition does not contain a declaration of whether the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act (EERA).

There are additional bases on which a material revision may be denied, which are not pertinent to the current Charter.

As an “additional criterion” for determining whether a charter should be renewed, the chartering authority is required to consider the charter school’s performance on the state and local indicators included in the California School Dashboard. For this purpose, charter schools are now divided into high, middle, and low performance categories, plus Dashboard Alternative Status Schools (“DASS”), based on their performance during the two consecutive years immediately preceding the renewal decision. The pertinent renewal standards and the available length of the renewal term are dependent on this categorization. (EC Section 47607 and 47607.2.)

As defined in EC Section 47607.2, “middle” performing charter schools are any charter school not deemed as “high” or “low” performing and are eligible to be considered for a five-year renewal term.

In determining whether to renew a middle performing charter, the chartering authority is to consider the following (note, the standards for renewal of middle performance tier charter schools were modified by operation of law effective January 1, 2026):

The schoolwide and subgroup performance on the state and local indicators on the Dashboard, giving greater weight to measurements of academic performance.

The chartering authority may deny a “middle” performing school on these bases only by making written factual findings, setting forth specific facts to support the findings, that the school:

- i. *Failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school;*
- ii. *Closure of the school is in the best interest of pupils; AND*
- iii. *If applicable, that the decision provided greater weight to performance on measurements of academic performance.*

High performing charter schools are only required to update their petitions “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 as necessary to reflect the current program offered by the charter.” (EC Section 47607(c)(7).) The chartering authority may renew a high performing charter for a term of five to seven years. The chartering authority “shall not deny” a high performing charter school *pursuant to the Dashboard performance criterion.*

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Also, a chartering authority may deny renewal of a charter school in any of the performance categories if it finds the school is demonstrably unlikely to successfully implement the program due to any of the following:

- a. *Substantial fiscal factors,*
- b. *Substantial governance factors, or*
- c. *The charter school is not serving all pupils who wish to attend.*

In such cases, the chartering authority must provide the charter school at least 30 days' notice of the alleged violation(s) and provide the charter school with a reasonable opportunity to cure the violation(s), including a corrective action plan proposed by the charter school. Pursuant to EC Section 47607(e), the County Board of Education may then deny renewal on these bases only if it makes either of the following findings:

- a. *The corrective action proposed by the charter school has been unsuccessful*
- b. *The violations are sufficiently severe and pervasive as to render a corrective action plan unviable*

As discussed in detail below, on October 3, 2025, SCCOE issued Falcon a notice ("Notice" attached as Exhibit 1) pursuant to EC 47607(e) as notice of SCCOE's determination that Falcon is not serving all pupils who wish to attend. The Notice provided Falcon a reasonable opportunity to cure the violations. The Notice and all the information and evidence contained therein are incorporated herein by this reference as if set forth in full herein.

DETERMINATION CRITERIA FOR RENEWAL OF FALCON

In its Renewal Petition, Falcon states it meets the minimum required academic performance standards, and its academic performance supports Charter renewal. To assess its academic performance against the criteria for middle-performing charter schools, Falcon submitted its data from the California Assessment of Student Performance and Progress ("CAASPP") as well as comparison data for the local district and local district schools Falcon students would otherwise have attended. Falcon states the data submitted on pages 9 through 21 of the Renewal Petition establishes Falcon as a school in the middle performing category, meeting the criteria for charter renewal. Staff has not reproduced all the information provided by Falcon in this Staff Analysis and Proposed Findings of Fact but incorporates it and the CAASPP data herein by this reference.

The SCCBOE requested from Falcon additional data and information in response to questions asked during the November 19, 2025, public hearing on the Charter renewal. On December 5, 2025, Falcon submitted its responses.

The data below represents key data provided by Falcon and/or available for consideration of Falcon's academic performance.

School Academics

California School Dashboard Data

In 2017, the State of California instituted the California School Dashboard (<https://www.caschooldashboard.org/>) to help parents and educators identify strengths and areas for improvement. The Dashboard reports how districts, schools (including charter and DASS schools), and student groups are performing across state and local measures. For state measures, performance is based on two factors: (1) current year results, or Status; and (2) whether results improved or declined from the prior year, or Change. Performance on state measures, using comparable statewide data, is represented by one of five colors with Red being lowest and Blue being highest (see Object 1 below). A performance level, or color is not provided on the Dashboard when a student group has fewer than 30 students. However, the Status and Change data will be displayed. Further, when a student group has fewer than 11 students, the group does not receive a performance level (color) and the group's Status and Change are not

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displayed to protect the anonymity of the students. This information is represented by using a grey color gauge with the words “No Performance Color.”

Object 1: California Dashboard Performance Color Chart



The following data is based on 2024 and 2025 Dashboard data, which became available during the review of the Falcon Renewal Petition, which shows the performance level colors, or the Status from 2024-25, and the Change, or the difference (growth or decline), from 2023-24.

Object 2: Falcon Performance on 2025 California School Dashboard

	2025 CALIFORNIA SCHOOL DASHBOARD									
	ELA		Math		ELPI		Chronic Absenteeism		Suspension	
	DFS	Level	DFS	Level	Rate	Level	Rate	Level	Rate	Level
All Students	8.9	GREEN	9.6	GREEN	53.8%	NPC	15.8%	YELLOW	2.7%	ORANGE
Hispanic/Latino	-46.0	YELLOW	-58.5	YELLOW			31.7%	ORANGE	3.1%	YELLOW
English Learners (EL)	-18.4	YELLOW	-1.4	GREEN	53.8%	NPC	21.4%	ORANGE	9.3%	RED
Long-Term EL (LTEL)	NPC	NPC	NPC	NPC	NPC	NPC	NPC	NPC	NPC	NPC
Students with Disabilities (SWD)	-68.6	ORANGE	-74.7	YELLOW			28.9%	ORANGE	5.2%	YELLOW
Socioeconomically Disadvantaged (SED)	-26.2	YELLOW	-36.6	ORANGE			29.2%	RED	5.6%	ORANGE

*No performance color (NPC) given for groups of less than 30 students. Status rates are not given for groups of less than 11 students.

Data retrieved from: <https://www.caschooldashboard.org>

In 2024-25, Falcon received a Distance from Standard (DFS) score of 8.9 in ELA and increased 4.1 points from the prior year, making the performance level for all students Green. Falcon received a DFS score of 9.6 in Math and increased 12.1 points from the prior year, making the performance level for all students Green. Falcon maintained 1.1 percentage points from the prior year and received No Performance Color on the English Learner Progress Indicator (ELPI) due to them limited number of English Learners in 2024-25 at Falcon.

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Object 3: 2024 and 2025 California School Dashboard Student Group Report for Falcon

	Suspension Rate		Chronic Absenteeism		English Language Arts		Mathematics		English Learner Progress	
	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025
All	ORANGE 1.6%	ORANGE 2.7%	YELLOW 20.9%	YELLOW 15.8%	GREEN 4.8 DFS	GREEN 8.9 DFS	GREEN -2.4 DFS	GREEN 9.6 DFS	ORANGE 52.8%	NPC 53.8%
EL	GREEN 1.4%	RED 9.3%	RED 36.8%	ORANGE 21.4%	NPC -70.6	YELLOW -18.4	NPC -60.2 DFS	GREEN -1.4 DFS	ORANGE 52.8%	NPC
LTELs	NPC	NPC	NPC	NPC	NPC	NPC	NPC	NPC	NPC	NPC
SED	GREEN 1.0%	ORANGE 5.6%	ORANGE 25.8%	RED 29.2%	YELLOW -32.7 DFS	YELLOW -26.2 DFS	YELLOW -36.4 DFS	ORANGE -36.6 DFS		
SWD	ORANGE 6.0%	YELLOW 5.2%	ORANGE 33.8%	ORANGE 28.9%	ORANGE -70.3 DFS	ORANGE -68.4 DFS	YELLOW -92.4 DFS	YELLOW -74.7 DFS		
Asian	GREEN 0.8%	ORANGE 3.0%	YELLOW 15.5%	GREEN 9.2%	BLUE 46.2 DFS	BLUE 54.9 DFS	BLUE 53.4 DFS	BLUE 68.0 DFS		
Hispanic/ Latino	ORANGE 4.5%	YELLOW 3.1%	RED 38.5%	ORANGE 31.7%	YELLOW -55.4 DFS	YELLOW -46.0 DFS	YELLOW -68.3 DFS	YELLOW -58.5 DFS		
White	GREEN 1.2%	ORANGE 2.8%	YELLOW 17.2%	YELLOW 12.0%	BLUE 12.3 DFS	GREEN 11.0 DFS	GREEN -3.2 DFS	BLUE 13.0 DFS		
African American	NPC 0%	ORANGE 3.2%	NPC 9.7%	GREEN 3.3%	NPC -17.5 DFS	NPC -35.8 DFS	NPC 6.1 DFS	NPC 53.6 DFS		
Filipino	NPC 0%	NPC 0%	NPC 23.1%	NPC 9.1%	NPC	NPC	NPC	NPC		
Homeless	NPC	NPC	NPC	NPC	NPC	NPC	NPC	NPC		
Two or More Races	BLUE 0%	ORANGE 1.4%	YELLOW 11.5%	ORANGE 11.3%	GREEN 20.8 DFS	GREEN 19.4 DFS	GREEN 11.1 DFS	GREEN 16.1 DFS		

*No performance color (NPC) given for groups of less than 30 students. Status rates are not given for groups of less than 11 students.

Data retrieved from: <https://www.caschooldashboard.org>

Many areas of the Falcon Dashboard have no performance color ("NPC") due to the small size of the student group. Object 3 above shows Falcon's status for both the 2024 and 2025 Dashboard indicators for all students and all numerically significant student groups.

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Object 4 below shows the Status and Change information from the 2024 and 2025 Dashboard indicators. For most of the Dashboard measures, the desired outcome is a high number or percent in the current year as well as an increase from the prior year. A distinguishing feature of the suspension and chronic absenteeism measures is the desired outcome for low suspension and chronic absenteeism rates, which means a low percent in the current year and a decline from the prior year rate. At Falcon, suspensions increased for all students and most numerically significant student groups. Only SWD suspension rate declined. Most chronic absenteeism rates declined or maintained for all students and for all numerically significant student groups, only SED absenteeism rates increased.

Object 4: 2025 California School Dashboard Student Status and Change Report for Falcon

	Suspension Rate	Chronic Absenteeism	English Language Arts	Mathematics	English Learner Progress
All	Increased 1.0%	Declined 5.1%	Increased 4.1 points	Increased 12.1 points	Maintained 1.1%
EL	Increased 7.9%	Declined 15.3%	Increased 52.1 points	Increased 58.8 points	Maintained 1.1%
LTELs	NPC	NPC	NPC	NPC	NPC
SED	Increased 5.6%	Increased 3.4%	Increased 6.5 points	Maintained -0.2 points	
SWD	Decreased 0.8%	Declined 4.8%	Maintained 1.7 points	Increased 17.7 points	
Asian	Increased 2.2%	Declined 6.3%	Increased 8.7 points	Increased 14.6 points	
Hispanic/ Latino	Increased 3.7%	Declined 6.7%	Increased 9.4 points	Increased 9.9 points	
African American	Increased 3.2%	Declined 6.3%	NPC	NPC	
Filipino	NPC	NPC	NPC	NPC	
White	Increased 1.6%	Declined 5.2%	Maintained -1.2 points	Increased 16.2 points	
Homeless	NPC	NPC	NPC	NPC	
Two or More Races	Increased 1.4%	Maintained -0.3%	Maintained -1.4 points	Increased 5.1 points	

*No performance color (NPC) given for groups of less than 30 students. Status rates are not given for groups of less than 11 students.

Suspension Rate and Chronic Absenteeism are reverse metrics, therefore increasing in score is not desired.

Data retrieved from: <https://www.caschooldashboard.org>

Objects 5 and 6, below, show data comparing the Dashboard indicators for all students and by student group for Falcon and the State in 2024 (2023-24) and 2025 (2024-25) Dashboards. On the 2024 (2023-24) Dashboard, Falcon outperforms the State in Suspension Rate for All Students, EL, and SED; in ELA for All Students, SED and SWD; in Math for All Students, EL, SED, SWD, and Hispanic populations; and on the ELPI for All and EL indicators (as indicated by the content data in Bold). On the 2025 (2024-25) Dashboard, Falcon outperforms the State in Suspension Rate for All Students; in Chronic Absenteeism for All Students; in ELA for All Students, EL, SED, and SWD; in Math for All Students, EL, SED, SWD, and Hispanic populations; and on the ELPI for All and EL indicators (as indicated by the content data in Bold). Notably, Falcon students outperform the State in multiple areas on

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both the 2024 and 2025 Dashboards in multiple indicators, causing Falcon to be in the middle performance category.

Object 5: 2024 California School Dashboard Student Group Data for Falcon and the State

	Suspension Rate		Chronic Absenteeism		English Language Arts		Mathematics		English Learner Progress	
	Falcon	State	Falcon	State	Falcon	State	Falcon	State	Falcon	State
All	ORANGE 1.6%	GREEN 3.2%	YELLOW 20.9%	YELLOW 18.6%	GREEN 4.8 DFS	ORANGE -13.2 DFS	GREEN 2.4 DFS	ORANGE -47.6 DFS	ORANGE 52.8%	ORANGE 45.7%
EL	GREEN 1.4%	GREEN 3.4%	RED 36.8%	YELLOW 20.1%	NPC -70.6 DFS	ORANGE -67.6 DFS	NPC -60.2 DFS	ORANGE -93.4 DFS	ORANGE 52.8%	ORANGE 45.7%
LTELs	NPC	ORANGE 8.1%	NPC	YELLOW 23.9%	NPC	RED -109.6 DFS	NPC	RED -163.5 DFS	NPC	ORANGE 45.8%
SED	GREEN 1%	GREEN 4%	ORANGE 25.8%	YELLOW 23.4%	YELLOW -26.2 DFS	ORANGE -40.9 DFS	YELLOW -36.4 DFS	ORANGE -78.2 DFS		
SWD	ORANGE 6%	YELLOW 5.4%	ORANGE 33.8%	YELLOW 26.3%	ORANGE -70.3 DFS	RED -95.6 DFS	YELLOW -92.4 DFS	RED -124.3 DFS		
Hispanic/ Latino	ORANGE 4.5%	GREEN 3.4%	RED 38.5%	YELLOW 21.7%	YELLOW -55.4 DFS	ORANGE -39.3 DFS	YELLOW -68.3 DFS	ORANGE -79.2 DFS		

*No performance color (NPC) given for groups of less than 30 students. Status rates are not given for groups of less than 11 students.

Data retrieved from: <https://www.caschooldashboard.org>

Object 6: 2025 California School Dashboard Student Group Data for Falcon and the State

	Suspension Rate		Chronic Absenteeism		English Language Arts		Mathematics		English Learner Progress	
	Falcon	State	Falcon	State	Falcon	State	Falcon	State	Falcon	State
All	ORANGE 2.7%	GREEN 2.9%	YELLOW 15.8%	YELLOW 17.1%	GREEN 8.9 DFS	YELLOW -8.1 DFS	GREEN 9.6 DFS	YELLOW -42.4 DFS	NPC 53.8%	YELLOW 46.4%
EL	RED 9.3%	YELLOW 3.2%	ORANGE 21.4%	YELLOW 18.1%	YELLOW -18.4 DFS	YELLOW -59.9 DFS	GREEN -1.4 DFS	YELLOW -86.1 DFS	NPC 53.8%	YELLOW 46.4%
LTELs	NPC	YELLOW 7%	NPC	ORANGE 22.5%	NPC	ORANGE -104.5	NPC	ORANGE -158.9	NPC	GREEN 49.1%
SED	ORANGE 5.6%	GREEN 3.6%	RED 29.2%	ORANGE 21.7%	YELLOW -26.2 DFS	ORANGE -35.3 DFS	ORANGE -36.6 DFS	YELLOW -72.9 DFS		
SWD	YELLOW 5.2%	YELLOW 5.0%	ORANGE 28.9%	ORANGE 24.9%	ORANGE -68.6 DFS	ORANGE -89.4 DFS	YELLOW -74.7 DFS	ORANGE -120.7 DFS		
Hispanic/ Latino	YELLOW 3.1%	GREEN 3.0%	ORANGE 31.7%	ORANGE 20.1%	YELLOW -46.0 DFS	YELLOW -33.7 DFS	YELLOW -58.5 DFS	YELLOW -73.6 DFS		

*No performance color (NPC) given for groups of less than 30 students. Status rates are not given for groups of less than 11 students.

Data retrieved from: <https://www.caschooldashboard.org>

CAASPP Data

The tables below reflect the CAASPP data (<https://caaspp-elpac.cde.ca.gov/>) verified by SCCOE staff while determining Falcon's schoolwide student performance and progress relative to the district and schools with the

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largest student populations enrolled at Falcon. The tables below constitute the most recent academic data available for review.

Object 7: Percentage of ALL STUDENTS At or Above Standard on CAASPP in ELA and Math at Falcon, SJUSD, and Statewide for 2023-24

2023-24 CAASPP (ELA)			
Grade	Falcon	SJUSD	State
3	62.07	44.37	42.80
4	55.93	45.95	43.90
5	53.57	50.63	47.37
6	31.58	46.88	45.82
7	51.16	50.48	47.20
8	57.57	48.65	45.96
All	52.96	49.53	47.04

2023-24 CAASPP (Math)			
Grade	Falcon	SJUSD	State
3	58.62	48.49	45.63
4	64.41	46.85	41.20
5	35.09	40.44	35.02
6	31.58	41.91	34.32
7	44.19	41.31	33.83
8	60.61	36.34	31.56
All	49.65	40.86	35.54

Data retrieved from: <https://caaspp-elpac.ets.org/caaspp/Default>

Object 7a: Percentage of ALL STUDENTS At or Above Standard on CAASPP in ELA and Math at Falcon, SJUSD, and Statewide for 2024-25

2024-25 CAASPP (ELA)			
Grade	Falcon	SJUSD	State
3	52.00	44.18	44.21
4	53.45	46.82	45.70
5	59.65	52.25	48.80
6	54.35	48.62	48.06
7	56.52	50.87	49.65
8	52.94	49.40	49.65
All	54.85	49.81	48.82

2024-25 CAASPP (Math)			
Grade	Falcon	SJUSD	State
3	66.00	47.75	46.30
4	53.45	45.48	42.25
5	57.89	41.62	36.03
6	54.35	42.32	36.60
7	52.17	42.26	36.08
8	52.94	38.98	36.08
All	56.72	41.97	37.30

Data retrieved from: <https://caaspp-elpac.ets.org/caaspp/Default>

Objects 7 and 7a, above, reflects the 2023-24 and 2024-25 CAASPP results in English Language Arts (ELA) and Math for Falcon, SJUSD, and the State. In both ELA and Math, Falcon outperforms both SJUSD and the State for both years.

Object 8: Four-Year Trend of the Percentage for ALL STUDENTS At or Above Standard on CAASPP ELA and Math at Falcon, SJUSD, and Statewide

Four-Year Trend CAASPP (ELA)				
	21-22	22-23	23-24	24-25
Falcon	54.75	52.96	52.96	54.85
SJUSD	51.53	50.42	49.53	49.81
State	47.06	46.61	47.04	48.82

Four-Year Trend CAASPP (Math)				
	21-22	22-23	23-24	24-25
Falcon	55.43	50.59	49.65	56.72
SJUSD	38.57	39.57	40.86	41.97
State	33.38	34.62	35.54	37.30

Data retrieved from: <https://caaspp-elpac.ets.org/caaspp/Default>

Object 8, above, reflects schoolwide student achievement in ELA and Math across the last four years of CAASPP for Falcon, SJUSD, and the State. While the results reflect a rate of progress for Falcon students above their peers in SJUSD, Falcon's scores declined slightly in ELA and Math for both 2022-23 and 2023-24 from the prior year but increased in both ELA and Math for 2024-25. Falcon's scores exceed both SJUSD and the State for all years, however the State and SJUSD scores include grade 11, preventing one-to-one comparisons.

Object 9: Four-Year Trend of the Percentage of Numerically Significant Student Groups At or Above Standard on CAASPP in ELA and Math for Falcon Grades 3-8

ELA				
	21-22	22-23	23-24	24-25
ALL	54.75	52.96	52.96	54.85
SWD	20.45	25.58	19.61	14.90
Hispanic/ Latino	32.83	23.64	33.34	25.39
SED	12.50	34.09	35.85	42.55
EL	19.05	26.31	0.00	15.38

Math				
	21-22	22-23	23-24	24-25
ALL	55.43	50.59	49.65	56.72
SWD	33.33	34.88	19.60	25.53
Hispanic/ Latino	33.83	20.37	22.95	25.40
SED	12.50	32.56	37.73	29.79
EL	33.34	26.31	11.11	0.00

* Data retrieved from: <https://caaspp-elpac.ets.org/caaspp/Default>

Object 9, above, reflects the CAASPP results for numerically significant student groups at Falcon over the last four years. In ELA, the data shows mixed results in the percentages of all students, Hispanic/Latino, SWD and ELs performing at or above standard over the four years. SED, however, showed increases each year. In Math, there were mixed results for all students, SWD, Hispanic/Latino, and SED. EL's showed declines across the years.

Object 10: Comparison of the Percentage of Students At or Above Standard on 2024 CAASPP ELA Results for Falcon, SJUSD, State, and SJUSD Schools Near Falcon

2023-24 CAASPP (ELA)						
Group	Falcon	SJUSD	Allen at Steinbeck	Simonds	Bret Harte Middle	State
ALL	52.96	49.53	21.14	76.61	73.85	47.04
SED	35.85	27.04	17.02	58.82	22.23	36.81
Hispanic/ Latino	33.34	30.42	17.02	60.60	41.67	36.78
EL	0.00	6.18	2.08	16.66	10.64	10.48
SWD	19.61	17.00	5.77	37.50	22.23	15.83

* Data retrieved from: <https://caaspp-elpac.ets.org/caaspp/Default>

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Object 10a: Comparison of the Percentage of Students At or Above Standard on 2025 CAASPP ELA Results for Falcon, SJUSD, State, and SJUSD Schools Near Falcon

2024-25 CAASPP (ELA)						
Group	Falcon	SJUSD	Allen at Steinbeck	Simonds	Bret Harte Middle	State
ALL	54.85	49.81	26.80	71.80	75.24	48.82
SED	42.55	26.45	21.27	54.54	45.92	38.23
Hispanic/ Latino	25.39	30.52	22.80	57.14	47.06	38.84
EL	15.38	6.87	10.17	17.64	8.57	10.59
SWD	14.90	17.68	4.08	38.10	27.54	16.95

* Data retrieved from: <https://caaspp-elpac.ets.org/caaspp/Default>

Object 11: Comparison of the Percentage of Students At or Above Standard on 2024 CAASPP Math Results for Falcon, SJUSD, State, and SJUSD Schools Near Falcon

2023-24 CAASPP (Math)						
Group	Falcon	SJUSD	Allen at Steinbeck	Simonds	Bret Harte Middle	State
ALL	49.65	40.86	22.39	79.10	78.85	35.54
SED	37.73	16.70	19.73	52.94	20.07	24.98
Hispanic/ Latino	22.95	18.62	18.37	57.57	45.53	23.73
EL	11.11	7.92	10.41	33.33	35.42	10.36
SWD	19.61	13.42	11.54	38.10	20.27	12.54

* Data retrieved from: <https://caaspp-elpac.ets.org/caaspp/Default>

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Object 11a: Comparison of the Percentage of Students At or Above Standard on 2025 CAASPP Math Results for Falcon, SJUSD, State, and SJUSD Schools Near Falcon

2024-25 CAASPP (Math)						
Group	Falcon	SJUSD	Allen at Steinbeck	Simonds	Bret Harte Middle	State
ALL	56.72	41.97	24.10	76.10	80.05	37.30
SED	29.79	17.01	18.44	36.36	47.52	38.23
Hispanic/ Latino	25.40	19.66	19.12	57.14	50.98	25.74
EL	0.00	7.90	10.16	29.41	39.54	10.97
SWD	25.53	13.67	6.12	50.00	22.39	13.10

* Data retrieved from: <https://caaspp-elpac.ets.org/caaspp/Default>

Objects 10, 10a, 11, and 11a above, reflect the 2023-24 and the 2024-25 CAASPP data as compared to the State, SJUSD and the SJUSD schools Falcon students would otherwise have attended as well as schools in proximity to Falcon: Allen at Steinbeck, Simonds, and Bret Harte Middle. Overall, Falcon's ELA and Math scores outperform the District and Allen at Steinbeck for all students and all student groups 2023-24, and for most student groups in 2025. For both ELA and Math, Simonds and Bret Harte Middle outperform Falcon in both ELA and Math for 2024 and 2025. Scores are mixed in comparison to the State in both ELA and Math for 2024 and 2025. The objects are color coded – green shows the areas where Falcon outperforms the entity and dark pink where the entity outperforms Falcon.

ELPI/ELPAC Data

Object 12 below (from <https://caaspp-elpac.cde.ca.gov/>), reflects the 2024-25 English Learner Proficiency Indicator (ELPI) data as evidenced on English Language Proficiency Assessment of California (ELPAC) data. This is compared across Falcon, the State, SJUSD, and the schools in SJUSD that Falcon students otherwise would have attended: Allen at Steinbeck, Simonds, and Bret Harte Middle. Of the comparison schools, Falcon outperformed SJUSD, the State, Allen at Steinbeck, and Simonds for students who went up one or more English Language Progress Indicator (ELPI) levels and for the total percent making progress, but underperformed Bret Harte Middle. Falcon performed the same as Allen at Steinbeck, Simonds, and Bret Harte Middle, but was outperformed by SJUSD and the State regarding students maintaining level 4 on the ELPAC. The object is color coded – green shows the areas where Falcon outperforms the comparison entity and dark pink where the comparison entity outperforms Falcon.

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Object 12: 2025 Comparison of EL Progress Measured by ELPAC

	Falcon	SJUSD	Allen at Steinbeck	Simonds	Bret Harte Middle	State
<i>Increased one or more ELPI levels</i>	53.8%	43.9%	50.0%	40.0%	71.4%	45.2%
<i>Maintained level 4</i>	0.0%	0.4%	0.0%	0.0%	0.0%	1.3%
<i>Total % making progress</i>	53.8%	44.3%	38.0%	43.8%	71.4%	46.4%
<i>Performance Level</i>	NPC	Yellow	Green	NPC	Blue	Yellow
<i>Number of Students</i>	26	4,035	92	16	35	777,537

Data retrieved from: <https://www.caschooldashboard.org>

Renewal Site Visit

On December 2, 2025, CSD staff conducted a Renewal Site Visit to the Falcon campus. CSD staff visited classrooms, met with site and network leadership, and conducted focus group interviews with educational partners such as current students, parents, DCS Board Members, and teachers. During the visit, CSD staff observed instructional practices and routines consistent with the academic model outlined in the petition.

Finances

Object 13, below, provides an eight-year historical financial summary for Falcon from Fiscal Year (FY) 2017-18 through FY 2024-25. The financial data for FY 2024-25 is based on unaudited actuals, while prior years are supported by audited financial reports. Over these years, Falcon's financial performance has transitioned from fiscal challenges associated with its startup years to a more stable, sustainable operating position. Since FY 2020-21, Falcon has successfully met and exceeded the 4% reserve requirement in its Memorandum of Understanding with the SCOE.

During its early years, Falcon experienced operating deficits as expenses consistently exceeded revenues. From FY 2017-18 through FY 2019-20, total revenues ranged from \$5.2 million to \$5.6 million; however, expenses outpaced revenues, resulting in operating deficits of \$(203,946) in FY 2017-18 and \$(177,768) in FY 2019-20. These deficits contributed to negative ending fund balances. These negative balances are driven by the school's efforts to build enrollment, expand academic programs, and absorb substantial fixed facility costs associated with leasing the school site from SJUSD, with annual payments exceeding \$1 million. To support the school's operations during the initial phase, Falcon received approximately \$1 million in intercompany loans from its sister school, Discovery Phoenix, which it plans to repay by June 2028.

Beginning with FY 2020-21, driven by one-time funding and prudent fiscal management, Falcon generated consistent annual surpluses through FY 2024-25. A major turning point occurred in FY 2022-23 under the leadership of the new Executive Director, who successfully renegotiated the school's facility lease with SJUSD. This renegotiation resulted in substantial lease relief by reducing annual rent obligations and significantly easing ongoing financial pressure. Overall, these operating surpluses have strengthened Falcon's financial position, growing the fund balance from \$56,096 in FY 2019-20 to approximately \$2.8 million by FY 2024-25, thereby improving long-term sustainability.

As of June 30, 2024, Falcon reported an audited reserve balance of \$2.3 million, representing 32% of its total expenses. The Independent Auditor's Report for the Year Ending June 30, 2024, issued an Unmodified Opinion on Discovery's financial statements and its State and Federal compliance. Additionally, the audit identified no

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deficiencies or material weaknesses in internal controls over financial statements and compliance for fiscal year 2023-24. Falcon has consistently fulfilled its obligations to submit all fiscal reports required by law and SCCOE in a timely manner.

The Charter Schools Department Fiscal Staff is not aware of any significant financial concerns for Falcon. CSD staff recommend that the Discovery audit include a site-level cash flow statement, along with a site-level statement of position and a Statement of Activities, which are already included in the audit.

Object 13: Falcon Historical Financial Summary1								
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
[A]	Total Revenues	5,214,543	6,436,582	5,640,081	6,788,368	6,458,178	7,005,941	8,056,094
[B]	Total Expenses	5,418,489	5,572,346	5,817,849	5,509,224	5,929,313	6,559,641	7,876,171
[C] = [A - B]	Net Income (Loss)	(203,946)	864,236	(177,768)	1,279,144	528,865	446,300	179,923
[D]	Beginning Fund Balance	(369,233)	(630,372)	233,864	56,096	1,335,240	1,864,105	2,310,405
[E]	Adjustment to Beg. Fund Balance	(57,193)	-	-	-	-	-	-
[F] = [(C+D) + E]	Total Net Assets, End of Year	\$ (630,372)	\$ 233,864	\$ 56,096	\$ 1,335,240	\$ 1,864,105	\$ 2,310,405	\$ 2,490,328
[G] = [F/B]	Fund Balance %	-12%	4%	1%	24%	31%	35%	32%
								36%

1. Source of Data: Audited Financial Reports for FY 2016-17 - 2023-24. FY 2024-25 is based on Unaudited Actuals

Demographic Data

In accordance with Education Code Section 47607(d)(1), SCCOE requested, received from CDE, and reviewed aggregate data reflecting pupil enrollment patterns and test score patterns at Falcon, as well as other demographic data from CDE through the CDE and California Schools Dashboard websites.

In Objects 14 and 15, a comparison of the average Distance from Standard (DFS) academic assessment scores is made between students who left Falcon and DFS for the students remaining at Falcon. Object 19 reviews the average DFS for students who left after Census Day and Object 20 reviews the data for the students who left Falcon at the end of the year and did not return but could have for the following school year. This does not include students who would age out of the school. Based on the aggregate data from CDE, students who leave Falcon are not students who appear to have been counseled out based on lower academic performance, as the average DFS in academic assessments for students leaving Falcon or not returning to Falcon are higher than or comparable to the students remaining at Falcon. Further, the student enrollment numbers for the students who left Falcon are for all grades, whereas the number of students tested only includes grades 3-8, as those are the grade levels tested at Falcon. Further, there was no Dashboard data in 2020-21 or 2021-22 due to the cancellation of statewide testing as a result of COVID-19.

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Object 14: Comparison of Average DFS for Students Who Left Falcon After Census Day and Falcon DFS

Academic Year	Subject	Enrolled Beginning of Year but Not Enrolled Conclusion	Cumulative Enrollment	Percent Enrolled Beginning Not Enrolled Conclusion	Number of Students Tested who left Falcon	DFS Average for Students who left Falcon	DFS Average for Students Remaining at Falcon
2018-19	ELA	105	621	16.91	44	36.34	20.5
2018-19	Math	105	621	16.91	43	30.91	16.5
2019-20	ELA	64	568	11.27	27	12.04	19.8
2019-20	Math	64	568	11.27	27	-6.7	0.1
2022-23	ELA	81	519	15.61	19	-6.47	-8.2
2022-23	Math	81	519	15.61	19	20.63	-16.7
2023-24	ELA	98	553	17.72	35	5	4.8
2023-24	Math	98	553	17.72	35	-5	-2.4

Object 15: Comparison of Average DFS for Students Attended Falcon for at Least 90 days and Did Not Return the Following Year and Falcon DFS

Academic Year	Subject	Enrolled for 90 days in Prior Year but Not on Census Day of Current Year	Prior Year Cumulative Enrollment	Percent Enrolled for 90 days Prior Year but Not on Census Day	Number of Students Tested who left Falcon	DFS Average for Students who left Falcon	DFS Average for Students Remaining at Falcon
2018-19	ELA	127	604	21.03	51	27.53	20.5
2018-19	Math	127	604	21.03	50	31.02	16.5
2019-20	ELA	132	621	21.26	55	27.4	19.8
2019-20	Math	132	621	21.26	54	21.46	0.1
2022-23	ELA	120	555	21.62	67	18.45	-8.2
2022-23	Math	120	555	21.62	67	29.37	-16.7
2023-24	ELA	107	519	20.62	45	11.11	4.8
2023-24	Math	107	519	20.62	44	-7.86	-2.4

REVIEW OF THE CHARTER PETITION

SCCOE Staff reviewed the Renewal Petition using the criteria established in California Education Code Sections 47605(c), 47607, and 47607.2, consistent with County Board Policy 0420.4 (c) and found the following:

1. Sound Education Program

Falcon states that its instructional approach is centered on developmental, student-centered learning, with an emphasis on project-based instruction, looping classrooms, and differentiated teaching strategies.

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The Charter explains that the school provides a flexible learning environment where students engage in hands-on activities, interdisciplinary thematic instruction, and cooperative learning. Teachers are expected to design curriculum aligned with state standards while incorporating student ideas and brain-based research to guide instructional decisions. Assessment is described as an ongoing process, with students playing an active role in setting and monitoring their learning goals, which they share during student-led conferences.

Additionally, Falcon states it integrates technology, experiential learning, and enrichment opportunities to support student engagement and comprehension. The school emphasizes the importance of community through family involvement, small group instruction, and cross-grade learning experiences. Enrichment activities, such as art, cooking, foreign language, and drama, are presented as an integral part of the curriculum rather than standalone extras. Teachers receive professional development and collaborative planning time to refine instruction, ensuring that lessons are responsive to student needs and developmental readiness.

Falcon's parent participation school program views each individual student as capable of driving their own learning, with teachers who are trained to recognize and implement emergent curriculum that grows from strong personal connections with each student and close attention to that student's ideas and many ways of expressing questions about the world. Falcon staff have incorporated Reggio Emilia into their school curriculum, which involves frequent use of project and problem-based learning, student choice regarding what and how they learn, and teachers who have the flexibility to adapt curricula to the interests and needs of their class. Parents are actively involved in the school and are a vital partner in the education of the students. They are provided with training that enables them to be effective classroom assistants and provide guidance in how to assist their students at home. This "non-traditional" approach was observed during formal and informal visits, and staff, parents and students approach their learning environment/culture with passion and joy.

While Falcon uses a parent participation model that trains and involves parents in the educational program, as required by law, the Renewal Petition is explicit that parent involvement is not a requirement for acceptance or continued enrollment at Falcon. Falcon has acknowledged to SCCOE its understanding that parent participation is not and cannot be required in order for students to attend and participate fully in all aspects of Falcon's program.

Students Performing Below Grade Level:

In addition to providing internal benchmark assessments with results, Falcon shared examples of portfolios maintained on each student that are used to show growth towards individual student's goals. The school uses a Multi-Tiered System of Support (MTSS) to support its students through academic, behavioral, and social-emotional support based on their individual needs. Falcon utilizes i-Ready universal screeners and consistent "What I Need" or WIN time to reteach, enrich, and target foundational skills. According to Falcon, MTSS is not another program, "it is how we do school." Every child is provided with what they need to succeed.

Further, Falcon uses an early intervention program for students struggling with foundational skills in math and reading. Using the MTSS model of identification and remediation, they assess students who score below expected age and grade level norms or who have been identified as struggling by their parents or teachers. Struggling readers are given the Comprehensive Test of Phonological Processing (CTOPP) to assess their phonemic awareness skills.

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Identified students are given intensive 1:1 tutoring with trained parents and community volunteers using the Barton Reading and Spelling System. In math, a similar system of early identification and remediation is provided in small groups and if necessary, with 1:1 tutors under the MTSS model. They also have an online tutoring program that supports students in the upper grades who are struggling with foundational math concepts.

Special Education:

Falcon has 13% of its students identified as eligible for special education services. Most of these students are eligible under the mild-moderate range, as follows:

Object 16: 2025-26 Types of Disabilities Served by Falcon

Type of Disability	Percentage
Intellectual Disability	5.19%
Hard of Hearing (H/H)	1.29%
Speech or Language Impairment (SLI)	16.88%
Emotional Disturbance	3.89%
Other Health Impairment (OHI)	18.18%
Specific Learning Disability (SLD)	27.27%
Autism	27.27%

The students are fully included in the general education environment and allowed the opportunity to be guided by adults in their learning. Special education students are provided with sufficient adult support in both individualized and inclusive environments, and it is a constant enterprise to finesse the educational environments to meet IEP goals and objectives, especially as the student ages and matures developmentally. The theoretical advantage of a full-inclusion model of services is operational at Falcon, and staff are aware of practical limitations that not all students can learn in a less structured environment. Falcon functions as a school of SCCOE for special education purposes.

Object 17: 2024-25 Special Education Enrollment by Program Setting for Falcon and Comparison Schools and District and State

	Falcon	SJUSD	Allen at Steinbeck	Simonds	Bret Harte Middle	State
Special Education Enrollment	62	3,435	107	63	78	865,213
Regular Class 80% or More of the Day	91.9%	62.6%	42.1%	60.3%	60.3%	60.1%
Regular Class 40-79% of the Day	1.6%	12.1%	13.1%	1.6%	25.6%	14.3%
Regular Class 39% or Less of the Day	1.6%	17.6%	23.4%	33.3%	14.1%	16.8%
Separate School & Other Settings	1.6%	2.8%	0.0%	0.0%	0.0%	2.6%
Preschool Setting	3.2%	4.9%	21.5%	4.8%	0.0%	6.3%
Missing/Unknown	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Data gathered from Dataquest: <https://data1.cde.ca.gov>

English Learners (EL):

Falcon has about 8% of the total school population that are English Language Learners. The Renewal Petition contains a description of a compliant English Language Learner (ELL) plan. It describes the Falcon program for English Learners (EL) as “immersion in language-based classrooms and individual and small group sessions with trained parent tutors.” The charter states that the instructional strategies used require the use of language as opposed to workbooks and worksheets. It provides a description of how language proficiency is developed and measured such as through “vocabulary development” with Specially Designed Academic Instruction in English (SDAIE), Guided Language Acquisition Design (GLAD), and measurement through the annual state English Language Proficiency Assessments.

Educational Leadership

The Director is the educational and instructional leader at Falcon and is explicitly the leader of educational programming and leads development of educational program improvement, in addition to being responsible for teacher supervision, evaluation, and providing input and approval of each faculty and staff member’s Goals. The Falcon Director position states that this individual must meet all the following minimum requirements: “California Administrative and Teaching Credential (desirable); Teach or Experience in Related Field (desirable).” The job duties assigned to this administrative position are consistent with the need for at least a valid California teaching credential, if not an administrative credential. This is particularly true considering the mandate that all charter school teachers now hold the Commission on Teacher Credentialing certificate, permit, or other documents required for the teacher’s certificated assignment. Falcon’s Director should also meet this requirement applicable to the teachers they train, supervise, and evaluate. The lack of a California teaching credential for a person holding the Director position could negatively impact the quality of educational services provided to Falcon students, and requiring teaching credentials is consistent with the County Board of Education’s expressed expectations for charter schools under its oversight to help ensure a sound educational program. Additionally, if Falcon administrators “cover” classes for teachers when a substitute is not available, they are required to hold a teaching credential, or at least a substitute credential. While the Falcon Director does hold a valid California Teaching Credential, the language regarding Director minimum requirements in the Renewal Petition should be addressed as part of an addendum to MOU.

The Charter Schools Department Staff concluded that Falcon does provide sufficient information in the Renewal Petition to substantiate all the required elements for a sound educational program, so long as the Director job qualifications are adjusted to require (rather than only “prefer”) a valid California teaching credential as part of an addendum to the 2025 MOU.

2. Ability to successfully implement the program set forth in the Petition

Staff found facts demonstrating that the Petitioners are likely to successfully implement the program only if Falcon resolves the other identified concerns and conditions through the 2025 MOU or an addendum to the 2025 MOU, as described more fully throughout this Staff Analysis and Findings of Fact.

3. Affirmation of each of the conditions required by statute

SCCOE Staff found the Renewal Petition contains the required affirmations.

4. Reasonably comprehensive description of the required elements

For the description of each element to be considered “reasonably comprehensive,” it is not enough for the Renewal Petition to include a description, but, rather, the description should be acceptable to SCCOE and be consistent with and not contrary to SCCOE’s standards and expectations for charter schools under its oversight. SCCOE’s indication that the description of an element is “reasonably comprehensive” should not be interpreted to mean SCCOE does not believe additional or different terms relating to an element would need to be agreed to by the Petitioner through the MOU and addendum process. Further, while SCCOE may make recommendations for remediation in an area or specify issues or terms that have been or will need to be clarified or resolved through the MOU or an addendum to the MOU, this does not mean other areas may not need additional correction to be included in the MOU or in an addendum to the MOU. Further, Staff’s determination that an element is reasonably comprehensive may be premised on noted issues being remediated through the MOU and addendum process.

The Charter Schools Department Staff found, as detailed below, that additional specificity and requirements governing Falcon’s educational program, governance, and operations, including its compliance with the required charter elements, will need to be addressed through the 2025 MOU and/or an addendum thereto among Falcon and the SCCOE.

In preparing the Renewal Petition, Falcon appears to have overlooked some updates. For example, failing to fully update the Renewal Petition to designate the County as the authorizer. This Staff Analysis will not detail each of these omissions and concerns, but SCCOE Staff recommends the SCCBOE, as a condition of renewal, require Falcon to address these oversights and omissions as part of the MOU/addendum to the MOU.

A. Element One: Description of the Educational Program/Plan for Student Academic Achievement

The above discussion of whether the educational program is sound is incorporated herein by this reference. Falcon attracts families who are seeking an alternative to their current educational system and who share the vision of Discovery Charter School. Falcon’s mission is to create lifelong learners by educating the whole child through family involvement, project-based learning, and respect for individual learning styles and developmental readiness. Falcon provides an educational environment that develops and involves families and communities in the educational plan. Falcon aspires to create a unique and individualized learning environment to promote the development of each child. Falcon was developed in response to family demand to replicate the original program at Discovery I (Phoenix) in the Moreland School District.

Falcon has a current student population of 450 students in grades Transitional Kindergarten (TK) through eighth grade. Falcon is situated on the Randol School Site in the San Jose Unified School District and is negotiating an additional five-year facilities use agreement with SJUSD that will be valid through June 30, 2031. Falcon’s curriculum is designed to reflect students’ interests and relies on teacher selection of the materials used. Falcon currently has 13% identified as special education eligible, with three teachers providing specialized academic instruction across various locations including classroom and individual small group pull-out environments. About 8% of the student population was identified as English Learners (EL). Both student groups fully participate in the project-based learning model, with additional support provided through 1-on-1 tutoring and small group interventions.

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The Charter Schools Department Staff believe that this section of the Renewal Petition includes a reasonably comprehensive description.

B. Element Two: Measurable Student Outcomes

Falcon student outcomes are tied to both state and school-specific priorities, with a focus on core academic and lifelong learning skills. Key outcomes include meeting or exceeding CAASPP standards in English Language Arts, mathematics, and science, as well as goals for student growth in reading and English Language proficiency. These outcomes align with the Eight State Priorities required by California's Local Control and Accountability Plan (LCAP), ensuring that the school addresses core areas like academic achievement, student engagement, and school climate. Some outcomes, such as CAASPP performance and growth metrics in reading, are associated with specific years and must be updated annually to reflect new targets.

Falcon's Renewal Petition affirms that these outcomes cover a broad range of student skills, from academic performance to social-emotional well-being. In the Renewal Petition, Falcon commits to continually updating its goals and performance expectations to reflect the evolving needs of students as well as state requirements.

The Charter Schools Department Staff believe this section includes a reasonably comprehensive description.

C. Element Three: Method by Which Pupil Progress in Meeting Outcomes will be Measured

To measure the student outcomes listed in Element B, Falcon utilizes several standardized assessments. These include the Smarter Balanced Assessments for English Language Arts, Mathematics, and Science, and the California Standards Test for Science for fifth graders. English Learners are assessed annually through the English Language Proficiency Assessments for California (ELPAC). Additionally, Falcon administers the i-Ready interim assessments to track student progress in both reading and math.

Assessment data is integral to driving instruction at Falcon. Teachers frequently analyze individual and class-level performance to identify patterns, areas of strength, and students in need of additional support. Data dashboards, through OTIS, help streamline this process by providing real-time insights, allowing teachers and school leaders to make informed decisions that enhance student achievement. This data is shared with educational partners, including parents, through progress reports and conferences, and with chartering authority and other relevant entities through formal reports.

The Charter Schools Department Staff believe this section includes a reasonably comprehensive description.

D. Element Four: Governance Structure

In accordance with Education Code Section 47604, all Discovery Charter School campuses will be operated by Discovery Charter Schools (DCS), a California non-profit public benefit corporation with 501(c)(3) status. DCS is governed by a Board of Directors ("the Board") pursuant to its corporate bylaws as adopted and subsequently amended from time-to-time, which shall be consistent with the Charter. Board meetings are held in accordance with the Brown Act. The

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Charter specifies, “Board members shall include parent and community leader representatives designated by the Board in accordance with the Bylaws.”

Interviews with the parents, as part of the annual visit, confirm their active participation and their willingness to lend their voice regarding the uniqueness of their school. DCS has established the Program Site Council (PSC), which is run by parents. The PSC meets several times throughout the year for both DCS campuses, and reports to the Director, and the PSC officers are voted on by the school community. In addition, there are a variety of ways that allow more informal opportunities for parents to interact and engage with Falcon staff, i.e., classroom volunteers, school committees and task forces, annual school survey, etc.

The Renewal Petition specifies Falcon shall comply with the Brown Act, the Political Reform Act of 1974, and Government Code Section 1090 et seq., and provide annual training on these topics. No interested persons may serve on the Board.

The Renewal Petition states the Board will comply with all federal, state, and local laws applicable to independent public charter schools and has adopted a Conflict of Interest (COI) Code (included in the appendix section) that has been approved by the County Board of Supervisors. The COI Code was approved on July 17, 2023.

In accordance with the Political Reform Act and the Conflict of Interest (COI) Code, all Board members and DCS leadership are required to file a “Form 700” Statement of Economic Interests annually disclosing specified interests. During the charter term, SCCOE staff have reviewed Forms 700 filed on behalf of DCS reporters and it appears that directors or staff have identified reportable interests as required.

Falcon has both a School Site Council and an English Learner Advisory Committee that encourage parents to advocate and participate in their children’s education combined across Falcon and Phoenix (Discovery I) campuses.

The appendices included a draft (awaiting Board approval) of updated corporate Bylaws. Staff noted that the Bylaws were not entirely consistent with the requirements of the 2025 MOU and will need to be updated to be compliant therewith before July 1, 2026.

This element of the Renewal Petition is further supplemented with SCCOE’s best practices and expectations regarding governance as set forth in the 2025 MOU, and Falcon has also incorporated some of these provisions from the 2018 MOU directly into the Renewal Petition.

The Charter Schools Department Staff believe this section, as supplemented by the 2025 MOU, includes a reasonably comprehensive description.

E. Element Five: Employee Qualifications

Falcon states it recruits qualified personnel for all administrative, instructional, instructional support, and non-instructional support capacities. Falcon further asserts the staff recruited believe in the instructional philosophy outlined in its vision statement. In accordance with Education Code 47605(c)(5)(e), Falcon shall be nonsectarian in its employment practices and all other operations. Falcon shall not discriminate against any individual (employee or student) on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability,

gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics).

As stated previously, the Falcon Director position states that the minimum qualifications for this position include, among other requirements: “California Administrative and Teaching Credential (desirable); Teach or Experience in Related Field (desirable).” The job duties assigned to this administrative position – including supervision of teachers, management of the day-to-day functions of Falcon, serving as the instructional leader at Falcon, and responsibility for helping the students achieve the outcomes outlined in the Falcon educational program – are consistent with the need for at least a valid California teaching credential, if not an administrative credential. This is particularly true considering the mandate that all charter school teachers now hold the Commission on Teacher Credentialing certificate, permit, or other documents required for the teacher’s certificated assignment. Falcon’s Director should also meet this requirement applicable to the teachers they train, supervise, and evaluate and for the Director’s role as the leader in the development, improvement, and implementation of a sound educational program that complies with California standards and requirements. The current Falcon Director has a valid California teaching credential, thus this qualification is consistent with Falcon’s current program. The lack of a California teaching credential for a person holding this position could negatively impact the quality of educational services provided to Falcon students, and requiring a California teaching credential is consistent with the County Board of Education’s expressed expectations for charter schools under its oversight to help ensure a sound educational program.

Additionally, the Renewal Petition specifies, after listing the “minimum requirements” for the Director position, “The Board reserves the right to consider candidates based upon a combination of education and experience.” To the extent this final sentence is intended to provide the Falcon Board with authority to hire a Director who does not meet the minimum specified qualifications, it is impermissible and inconsistent with the requirement that the Renewal Petition include a reasonably comprehensive description of the employee qualifications. Fundamentally, a reasonably comprehensive description of this charter element specifies the minimum qualifications for the employment positions, and any effort to include language that would permit Falcon to circumvent the qualifications as identified in the Renewal Petition and hire a person who does not comply with those qualifications effectively eliminates or undermines the description in the Charter thus making that description not reasonably comprehensive.

The Charter Schools Department Staff believes this section includes a reasonably comprehensive description on the condition that the minimum qualifications for the Director are updated through an addendum to the 2025 MOU to remediate the issues described herein.

F. Element Six: Health and Safety

The legal requirements in the Charter Schools Act governing the adoption of a school safety plan per this element were revised, effective September 20, 2025, specifically relative to the requirements related to a school safety plan and the addition of Education Code Section 47606.3 governing annual review and update of that plan, but Falcon’s Renewal Petition did not include revisions specifically to acknowledge that change. This change should be memorialized pursuant to the MOU and/or an addendum thereto.

The Renewal Petition specifies that Discovery maintains and regularly reviews and updates Board-approved policies and procedures to ensure the health and safety of students and staff. Falcon provided an overview of Health and Safety Policies and Procedures and the process for employee fingerprinting and background checks. All staff are expected to comply with Ed. Code 47605(c)(5)(f), Education Code Section 44691, and all other legal requirements, and Falcon states it is committed to providing a safe, compliant working environment.

As part of the annual document submissions, Falcon submitted its 2024-25 Comprehensive School Safety Plan and declared Discovery will review and update the plan by March 1 of every year and that the plan shall include the required safety topics. The Renewal Petition specifies that its Employee Handbook, School Safety Plan, and Student/Parent Handbook are all reviewed, updated, and presented to the DCS Board annually for approval to ensure ongoing compliance with state and federal laws and regulations. Falcon has updated its description of health and safety policies and procedures to address some changes and new requirements of law that have gone into effect since its Charter was last renewed.

The Charter Schools Department Staff notes the 2025 MOU provided to and executed by Falcon includes supplemental information on compliance with additional health and safety requirements. Staff notes that this element of the Renewal Petition does not specifically refer to adoption and compliance with a Uniform Complaint Procedures policy and/or Title IX, though Falcon has specified in the dispute resolution element as well as through the 2025 MOU its commitment to comply with those requirements.

The Charter Schools Department Staff believe this section, as supplemented by the 2025 MOU, includes a reasonably comprehensive description.

G. Element Seven: Racial, Ethnic, English Learner, and Special Education Balance

On July 1, 2020, AB 1505 took effect, updating Element G to require schools to provide a reasonably comprehensive description of how the school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, reflective of the general population residing within the territorial jurisdiction of the district to which the Falcon charter was initially submitted, which, as previously established, is SJUSD. Falcon's Renewal Petition has been updated to comply.

Object 18, below, demonstrates that Falcon's student demographic distribution is not largely reflective of the surrounding San Jose Unified School District (SJUSD), but is closely aligned with the neighborhood school: Simonds. The Hispanic or Latino population at Falcon is 26.1%, significantly less than SJUSD at 55.1%, but more comparable to Simonds with 13.8%. The Asian population is somewhat higher at Falcon (20.6%) compared to SJUSD (13.8%).

Object 19, below, highlights differences in student group populations between Falcon and SJUSD, and the schools Falcon students would otherwise have attended. Notably, Falcon has a significantly lower percentage of SEDs at 17.4% compared to 45.2% in SJUSD and a lower percentage of ELs at 8.4% compared to 23.1% as SJUSD. However, Falcon's population of SWDs is relatively the same as SJUSD (13%). In comparison to the neighborhood schools, Falcon again is more comparable to Simonds and Bret Harte Middle in all student groups.

Object 18: Comparison of 2024-25 Demographic Data Among Falcon, SJUSD, and Schools Falcon Students Would Otherwise Have Attended

	Hispanic or Latino	Asian	Filipino	White	African American	Two or More Races
Falcon	26.1%	20.6%	2.3%	29.6%	6.3%	14.5%
SJUSD	55.1%	13.8%	1.8%	19.7%	2.1%	7.0%
Allen at Steinbeck	69.5%	7.1%	2.5%	12.3%	1.5%	4.7%
Simonds	13.8%	36.0%	2.3%	29.6%	1.5%	16.3%
Brett Harte Middle	13.6%	50.9%	1.9%	23.4%	1.5%	8.6%

Data gathered from Dataquest: <https://data1.cde.ca.gov>

Object 19: Comparison of 2024-25 Student Group Data Among Falcon, SJUSD, and Schools Falcon Students Would Otherwise Have Attended

	Total Number of Students	SED	EL	SWD
Falcon	476	17.4%	8.4%	13.0%
SJUSD	25,409	45.2%	23.1%	13.9%
Allen at Steinbeck	406	69.2%	26.6%	21.7%
Simonds	480	9.17%	11.25%	13.13%
Brett Harte Middle	862	11.94%	9.4%	9.05%

Data gathered from Dataquest: <https://data1.cde.ca.gov>

Falcon, in its Renewal Petition, commits to a targeted, multi-year recruitment plan to “broaden its reach” to historically underserved students who are underrepresented at Falcon as compared to SJUSD, including a plan that is “grounded in transparency, community partnership, and ongoing data analysis to ensure that all families, particularly those from historically underserved communities, are aware of, welcomed to, and supported through the enrollment process.” The Renewal Petition states the school strives through recruitment and outreach practices, to achieve a balance of racial and ethnic pupils, special education pupils, English learner pupils, and socioeconomically disadvantaged pupils that is reflective of the general population residing within SJUSD. Falcon’s recruitment and outreach objectives are:

1. *Increase Representation:* Increase enrollment of Hispanic, English Learner, and Socioeconomically Disadvantaged students by 10% by Fall 2031.
2. *Broaden Awareness:* Conduct targeted, multilingual outreach to ensure families across South and Central San Jose are informed of the school’s programs and admissions process.
3. *Remove Barriers:* Ensure that application and enrollment procedures are accessible, simple, and equitable for all families.
4. *Build Trust:* Strengthen community partnerships and family engagement to create authentic connections with underrepresented communities.

Falcon’s outreach strategies include:

1. Community Partnerships

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- Partner with community-based organizations (e.g., Las Madres, Rocketship, SIREN, local churches, and neighborhood associations) to co-host information sessions and distribute application materials.
- Engage trusted community leaders and parent ambassadors to help disseminate information in Spanish and English.

2. Accessible and Multilingual Materials

- Ensure all application and informational materials are available in English and Spanish, with translated documents posted online and distributed in print at community events.
- Provide clear, culturally responsive messaging that emphasizes equity, open enrollment, and that volunteering is not required for admission or continued enrollment.

3. Community-Based Events

- Host quarterly “Discover Discovery Nights” at local community centers and libraries, with interpretation, childcare, and enrollment assistance provided.
- Offer bilingual campus tours and family information sessions at flexible times, including evenings and weekends, to accommodate working families.
- Set up information tables at local fairs, farmers’ markets, cultural events, and early childhood education centers.

4. Application Assistance and Access

- Provide in-person application support at school sites and off-site locations, including community centers and libraries.
- Offer extended office hours (evenings and Saturdays) for working families.
- Simplify and clarify application and enrollment processes, with step-by-step guidance in multiple languages.

Falcon commits to at least annually review and audit the outcomes of its efforts to achieve this student balance and increase the number of students from historically underserved groups who are recruited and admitted to and enrolled at Falcon – including a fact- and data-based analysis of which strategies are and are not effective – and to continue to make changes and improvements in an effort to reach these goals by providing a report to SCOE annually by May 31 detailing metrics, analysis, and adjustments to the recruitment plan.

Object 20: Falcon Demographic Data from 2017-18 to 2024-25

	Total Number of Students	Hispanic or Latino %	Asian %	Filipino %	White %	African American %	Two or More Races %
2017-18	550	19.6	16.7	0.5	43.6	4.0	13.8
2018-19	584	20.5	18.2	1.0	41.4	3.4	14.7
2019-20	535	26.0	16.1	0.6	40.2	3.4	13.3
2020-21	574	22.6	19.2	1.6	37.8	3.8	14.5
2021-22	541	24.0	20.9	1.8	34.4	4.3	14.2
2022-23	488	22.3	22.3	1.8	33.2	4.9	13.7
2023-24	526	23.0	20.9	2.7	32.1	5.9	14.4
2024-25	476	26.1	20.6	2.3	29.6	6.3	14.5

Data gathered from Dataquest: <https://data1.cde.ca.gov>

Object 21: Falcon Student Group Data from 2017-18 to 2024-25

	Total Number of Students	Percentage of SED	Percentage of EL	Percentage of SWD
2017-18	550	9.6%	6.7%	14.4%
2018-19	584	8.2%	6.3%	12.0%
2019-20	535	10.1%	8.8%	16.3%
2020-21	574	11.0%	8.0%	13.8%
2021-22	541	10.2%	7.6%	12.4%
2022-23	488	13.7%	9.4%	13.1%
2023-24	526	13.7%	11.8%	13.5%
2024-25	476	17.4%	8.4%	13.0%

Data gathered from Dataquest: <https://data1.cde.ca.gov>

Object 20, above, shows that Falcon's racial and ethnic demographic composition has shifted slightly from 2017-18 to 2024-25, particularly for the Hispanic or Latino population which grew from 19.6% to 26.1% and the Asian population which grew from 16.7% to 20.6%. The White population decreased from 43.6% to 29.6%. All other populations remained relatively the same.

Object 21, above, indicates that the EL population at Falcon has stayed relatively the same over the years, rising from 6.7% in 2017-18 to 8.4% in 2024-25. The percentage of SWD fluctuated from 14.4% to 16.3%, then shrank to 13.0% in 2024-25. The percentage of SED students has steadily grown from 9.6% to 17.4%. The increase in SED is likely due to the lottery preference change enacted during the last renewal to provide a preference for students who qualify for free and reduced meals.

As noted above and detailed below, SCCOE issued Falcon a Notice and opportunity to cure pursuant to EC 47607(e) based on concerns that Falcon was not serving all students who wish to attend, which are related to the school's demographics. Falcon submitted a corrective action plan, consistent with and working in conjunction with the plan described in this Charter element. The Charter Schools Department Staff took account of Falcon's corrective action plan submitted in response to the EC 47607(e) notice and the recommendation that as a condition of renewal Falcon be required to implement that corrective action plan in its assessment of this element of the Charter and believe this section includes a reasonably comprehensive description.

H. Element Eight: Admissions Policies and Procedures

Falcon says it has articulated student admission policies and procedures. The school is nonsectarian, tuition free, and does not discriminate against any pupil on the basis of protected characteristics.

With the changes to the Charter Schools Act since Falcon's most recent renewal, the actual policies and procedures for admission – including how Falcon implements the admission preferences, conducts the admission public random drawing (lottery) procedures, adds students to the waitlist, and offers them admission from the waitlist – must also be included in the Renewal Petition. Falcon has updated the Renewal Petition to include these items.

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The Renewal Petition requests County Board approval of revised admission preferences in cases in which there are more applicants than spaces at a particular grade level. Falcon is seeking approval of the following preferences in the following order:

1. Siblings of currently enrolled students at Discovery Charter – Falcon including siblings of students from the Home School classes.
2. Children of Discovery Charter School employees
3. Home School families who desire to attend the classroom-based program at the Falcon campus, providing their most recent previous enrollment was at Discovery Falcon
4. Residents of San Jose Unified School District who are eligible to receive free or reduced-price meals as determined by federal guidelines
5. Students who reside outside the San Jose Unified School District who are eligible to receive free or reduced-price meals as determined by federal guidelines
6. Residents of San Jose Unified School District
7. All other California residents

Preference Group for Falcon, Hybrid Homeschool, Grades K-8

1. Currently enrolled students of Discovery Charter School I or Discovery Charter - Falcon
2. Siblings of currently enrolled students at Discovery Charter School I or Discovery Charter - Falcon
3. Children of Discovery Employees
4. All other residents of San Jose Unified School District
5. All other California residents

Whether to approve any or all the requested preferences, other than the preference for residents of SJUSD, is within the discretion of the SCCBOE, per EC Section 47605(e)(2)(B). If the County Board does not approve all the preferences, Falcon would be required to revise this provision of the Charter and its admission policies and procedures accordingly. The CSD Staff recommends that the SCCBOE approve the preferences as proposed by Falcon as they are aimed at providing increased opportunities for socioeconomically disadvantaged students, keeping families together, and providing opportunities for DSC families to transition between DSC programs.

Falcon has also requested to update the name of the school from Discovery Charter II to Discovery Charter- Falcon. Per the MOU, such a change requires written approval of SCCOE. CSD Staff recommends that the County Board approve this name change as it is consistent with the name by which the school is commonly referred and more clearly distinguishes between the schools operated by DCS.

This element of the Renewal Petition is further supplemented with SCCOE's best practices and expectations regarding admissions policies and procedures, including but not limited to the contents of admissions applications, announcement of openings, and implementation of the lottery procedures and waitlist. The Renewal Petition specifies Falcon may adopt a policy to supplement the admission and enrollment procedures set forth in the Renewal Petition, and SCCOE notes any such supplemental policy must be consistent with the law, Charter, MOU and

addendum thereto, including not requiring parents/guardians to attend a tour or meeting as a condition or requirement of admission or enrollment.

The Charter Schools Department Staff believes this section, as supplemented by the MOU, includes a reasonably comprehensive description, with the lottery procedure clarification included in an addendum to the MOU. CSD Staff further recommends that the requested name change be approved.

I. Element Nine: Financial Audit

Falcon states in the Renewal Petition that the audit will be conducted in accordance with Education Code Sections 47605(b)(5)(I) and 47605(m), generally accepted accounting procedures, and with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controller's K-12 Audit Guide. The Renewal Petition describes Falcon financial audit procedures, which include how the independent auditor will be selected and retained, the qualifications the independent auditor needs to possess, the timing of the audit, how any deficiencies will be resolved, and how this will be communicated to the necessary outside parties. Falcon has a finance committee that selects the independent auditor. This element of the Charter is also supplemented by the 2025 MOU, which Falcon has approved and executed.

The Renewal Petition incorrectly states, "Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process described in the Charter." The Charter Schools Act specifies that audit exceptions and deficiencies must "be resolved to the satisfaction of the chartering authority." As such, Falcon is required to resolve exceptions and deficiencies to SCCOE's satisfaction and any disputes over such resolution would only be submitted to the dispute resolution procedure in SCCOE's sole discretion.

The Charter Schools Department Staff believe that this section includes a reasonably comprehensive description with the clarification through the MOU and/or an addendum thereto regarding the mandate that audit exception and deficiencies must be resolved to SCCOE's satisfaction and disputes are not subject to the dispute resolution procedures unless SCCOE so chooses in its discretion.

J. Element Ten: Student Suspension/Expulsion Procedures

Falcon's Renewal Petition includes its comprehensive suspension and expulsion policies and procedures that have generally been updated to reflect current law. The Charter Schools Act requires the Charter to provide a reasonably comprehensive description of the procedures for suspension and expulsion from Falcon. As such, these are the causes for suspension and expulsion and the procedures to be followed by Falcon as set forth in the Renewal Petition govern these procedures at Falcon and Falcon may not substantively revise the causes and/or procedures, except to comport with requirements of law or to track revisions to the causes and procedures applicable to non-charter California public schools, without Falcon first obtaining a determination from the County Superintendent or designee whether the proposed revision(s) is a material revision to the Charter. The statement in the Renewal Petition to the contrary, claiming authority for Falcon unilaterally to amend these policies and procedures is incorrect and Falcon should be required, as a condition of approval to acknowledge through the MOU

and/or an amendment thereto the need to obtain a determination from the County Superintendent or designee whether any proposed revision(s) are a material.

These policies and procedures are generally consistent with SCCOE's expectations and the procedures required in noncharter California public schools. SCCOE does note a few concerns that should be remediated through the addendum to the MOU in order to ensure due process is afforded and that Falcon implements appropriate procedures:

- While the Renewal Petition provides that the Falcon Board may appoint an Administrative Hearing Panel to conduct expulsion hearings, it may be impractical for the Board to make that appointment in a timely fashion. SCCOE recommends Falcon consider providing in the addendum to the MOU for such a Panel to be appointed by the Executive Director rather than the Falcon Board.
- Additionally, SCCOE is concerned that the Renewal Petition provides that notice of the expulsion hearing and a student's/parent's rights at such hearing is considered effective upon depositing it in the mail. This creates the potential of depriving a student/parent of adequate notice and opportunity to prepare for the hearing, so this period should be adjusted.
- In setting forth the special procedures applicable to expulsion hearings involving sexual assault or battery offenses, the Renewal Petition provides, "If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School." This should actually provide for the presentation of evidence that the support person's presence is both desired by the complaining witness and will be helpful to the complaining witness, not to the Charter School.

SCCOE also notes that this element of the Renewal Petition addresses involuntary removal for truancy and for independent study students who are identified as disengaged from their program by reference to the adopted Board Policies governing those topics, which current policies afford students due process. By so doing, those adopted policies are incorporated by reference into the Charter and may not be substantively revised without Falcon first obtaining a determination from the County Superintendent or designee whether the proposed revision(s) is a material revision to the Charter.

The Charter Schools Department Staff believe this section includes a reasonably comprehensive description only if the above issues are clarified and corrected through the MOU/addendum process.

K. Element Eleven: Employee Retirement System

The Falcon Renewal Petition states all certificated employees of Falcon shall participate in the State Teachers Retirement System (STRS), and all other employees will participate in the federal social security system, Public Employee Retirement System (PERS) and have access to other school sponsored retirement plans according to the policies adopted by the Discovery Board of Directors. However, per communication with DCS, PERS is not offered at DCS. Therefore, this issue will need to be addressed/clarified in the MOU/addendum process. Falcon's Office Manager or Business Services Manager, ensures that appropriate arrangements for each employee have been made available.

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The Charter Schools Department Staff believe this section includes a reasonably comprehensive description only if the above issue is clarified and corrected through the MOU/addendum process.

L. Element Twelve: Public School Attendance Alternatives

SJUSD resident students who choose not to attend Falcon may attend other SJUSD schools or pursue an intra- or inter-district transfer in accordance with existing district enrollment and transfer policies. Parents and guardians of each student enrolled in Falcon will be informed their students have no right to admission to a particular school or program of any local education agency as a consequence of enrollment in Falcon, except to the extent such a right is extended by the local education agency.

The Charter Schools Department Staff believe this section includes a reasonably comprehensive description.

M. Element Thirteen: Description of the Rights of An Employee of the County Superintendent of Schools, Upon Leaving the Employment of the County Superintendent of Schools, to be Employed by the Charter School

Upon appeal to the County Board of Education, Falcon should have updated this element of the Charter to address the rights of employees of the County Superintendent of Schools who choose to leave the employment of the County Superintendent to work at the Charter School, and any rights of return to the County Superintendent's employment after employment at the Charter School. Falcon did not update this element of the Charter at that time or in the subsequent renewal petitions. Consequently, all references in the Charter continue to refer to employment by the "District."

Therefore, this entire element must be updated to reflect the County Board as the authorizer and the County Superintendent of Schools as the employer of all employees at SCCOE. This update can be accomplished through an addendum to the 2025 MOU. Overall, the discussion in this element is complete if it is updated to reflect the correct entity and employer as it specifies no such employees have any rights of return other than as granted by the prior employer.

The Charter Schools Department Staff believe this section includes a reasonably comprehensive description only if it is updated through an addendum to the MOU to refer to the correct entity and employer.

N. Element Fourteen: Dispute Resolution

The Renewal Petition includes the dispute resolution language from the 2018 MOU, which is reasonably comprehensive, with the provisions regarding internal disputes that relate to violations of the Charter applying equally to violations of any MOU/addendum that is made a part of the Charter, including the 2018 MOU, and/or any MOU/addendum entered into pursuant to the SCCBOE's action on the Renewal Petition. The 2025 MOU also includes SCCOE's updated dispute resolution procedures to which Falcon has agreed.

The Charter Schools Department Staff believe this section, as supplemented by the 2025 MOU, includes a reasonably comprehensive description.

O. Element Fifteen: Closure Protocol

Falcon outlines a process to be used if the charter school closes and CSD staff notes and appreciates that Falcon incorporated directly into the Renewal Petition the closure protocol language from the 2018 MOU. The 2025 MOU also includes SSCOE's updated closure procedures to which Falcon has agreed.

The Charter Schools Department Staff believe this section, as supplemented by the 2025 MOU, includes a reasonably comprehensive description.

Required Supplemental Information

CSD Staff reviewed the Falcon Renewal Petition, which includes the budget narrative, projected budget, and cash flow for Fiscal Years (FY) 2025-26 through 2030-31. CSD Staff also reviewed supplemental documents and the public hearing information to assess and provide clarification on Falcon's financial position. The supplemental documents include, but are not limited to, financial audits, monthly financial statements, state-required financial reports, annual visit documents, and the Fiscal Crisis Management Assessment Team (FCMAT) Local Control Funding Formula (LCFF) Calculator, which CSD Staff recreated to recalculate the LCFF Revenue sources reported in the Renewal Petition for accuracy.

Enrollment & Average Daily Attendance (ADA)

Object 22 below shows Falcon's historical and projected enrollment and Average Daily Attendance (ADA) data. Historical enrollment data indicates that Falcon experienced enrollment growth followed by a decline. Enrollment increased from 550 students in FY 2017-18 to 584 in 2018-19, then declined in multiple subsequent years. While Falcon experienced occasional enrollment increases, by FY 2024-25, Falcon's total enrollment decreased to 476 students, representing an overall decline of 108 students, or approximately 18.5%, from FY 2018-19. Falcon enrollment trends reflect variability across grade levels, especially in the upper grades, where cohort sizes did not remain consistent from year to year. The overall pattern reflects a recurring cycle of enrollment gains followed by a larger enrollment drop.

Similarly, Falcon's ADA has followed the enrollment trends. Historical ADA increased from 529.96 in FY 2017-18 to 556.06 in FY 2018-19, before declining to 439.78 in FY 2024-25 due to enrollment fluctuations and ongoing post-pandemic attendance challenges. Despite fluctuations in absolute ADA numbers, Falcon's ADA percentage, which measures the proportion of enrolled students attending daily, remained relatively strong over time, averaging 90%-96%. Falcon has consistently achieved an ADA rate above 90%. The renewal petition projects an ADA percentage of 93% which is consistent with Falcon's recent ADA trend.

Furthermore, Object 23 indicates that the Falcon's renewal petition enrollment projections anticipate moderate growth over the next charter term. Enrollment is projected to increase from 460 students in 2025-26 to 485 students by FY 2030-31. The five-year projection reflects a net increase of 25 students, or an average annual growth of approximately five students, supporting a conservative approach that assumes minimal year-over-year growth and steady cohort sizes.

Overall, Falcon's projected enrollment and ADA levels appear reasonable and conservative. However, the projected enrollment stabilization contrasts with historical enrollment trends. CSD

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staff recommends that Falcon closely monitor enrollment and ADA. In the event Falcon's enrollment declines by 8% or more, the school should provide SCCOE with a written plan outlining its response to such a decline, ensuring Falcon can maintain a fiscally viable program consistent with the terms of the Renewal Petition and any and all MOUs/addenda.

	Object 22: Falcon Historical and Projected Enrollment and ADA1												
	Historical Data								Enrollment Projection				
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Grade TK	N/A	N/A	N/A	N/A	N/A	23	28	28	28	28	28	28	28
Grade K	94	102	82	96	86	78	69	45	52	55	55	55	55
Grade 1	74	80	70	78	72	58	64	68	43	55	55	55	55
Grade 2	75	71	68	72	71	68	66	49	56	50	50	50	50
Grade 3	66	70	61	72	67	69	62	56	48	55	55	55	55
Grade 4	65	72	66	62	61	58	62	58	49	54	54	54	54
Grade 5	63	60	70	68	53	50	61	59	53	45	45	45	45
Grade 6	50	55	51	53	48	44	41	54	66	43	50	50	50
Grade 7	41	32	35	47	41	31	44	24	42	50	50	50	50
Grade 8	22	42	32	26	42	32	34	35	23	45	43	43	43
A. Actual Enrollment	550	584	535	574	541	488	526	476					
B. Projected Enrollment									460	480	485	485	485
C. Incr/(Decr) in Enrollment ²	10	34	(49)	39	(33)	(53)	38	(50)	(16)	20	5	0	0
D. Enrollment Variance ³	2%	6%	-8%	7%	-6%	-10%	8%	-10%	-3%	4%	1%	0%	0%
E. Incr/(Decr) in Enrollment Variance ⁴			4%	-15%	16%	-13%	-4%	18%	-17%	6%	8%	-3%	-1%
F. ADA	529.96	556.06	513.11	537.80	486.76	445.95	488.04	439.78	428	446	451	451	451
G. ADA % ⁵	96%	95%	96%	94%	90%	91%	93%	92%	93%	93%	93%	93%	93%

¹ Historical enrollment data is based on Census Day enrollment and historical ADA is based on P2 ADA.

² FY 2025-26 through FY 2030-31 is based on Petition Renewal Projections.

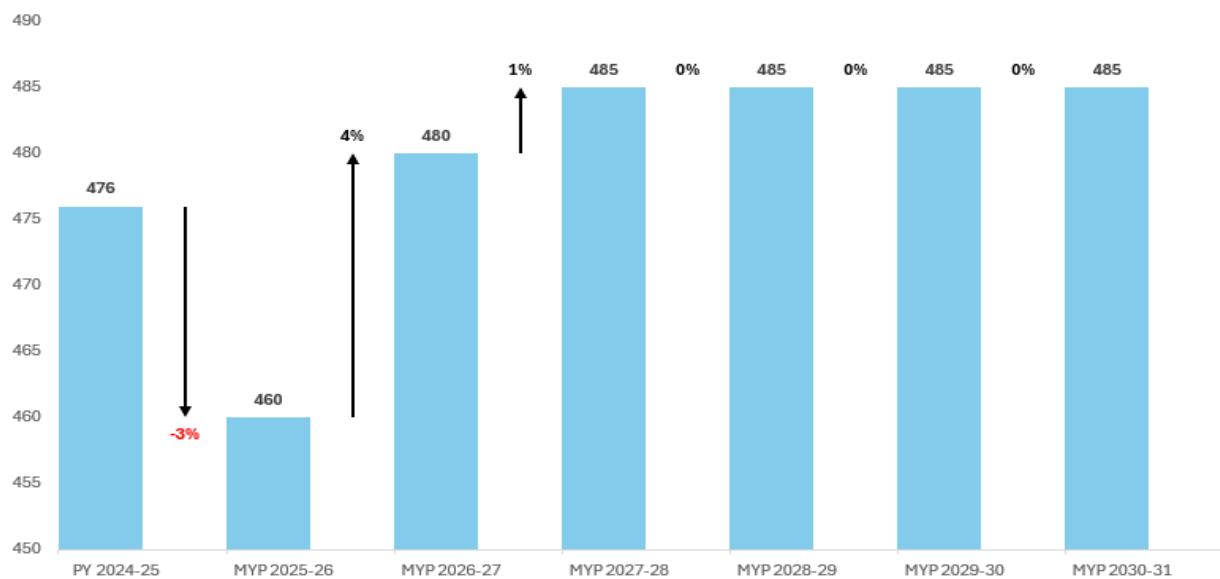
³ Current Year Enrollment minus Prior Year Enrollment

⁴ Row C/Prior Year Enrollment

⁵ Current Year Enrollment Variance - Prior Year Enrollment Variance (Row D)

⁵ Row F/Row A or Row B

Object 23: Falcon Renewal Petition Enrollment Projections



Revenues & Expenses

Object 24, below, presents multi-year financial projections for Falcon over the next five fiscal years (FY 2026-27 through 2030-31). During this period, Falcon projects a positive net income of approximately \$1,454 to \$122,696 annually. These steady surpluses result in consistent growth of its

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net assets, which are projected to increase from \$2.8 million in FY 2025-26 to \$3.1 million by FY 2030-31.

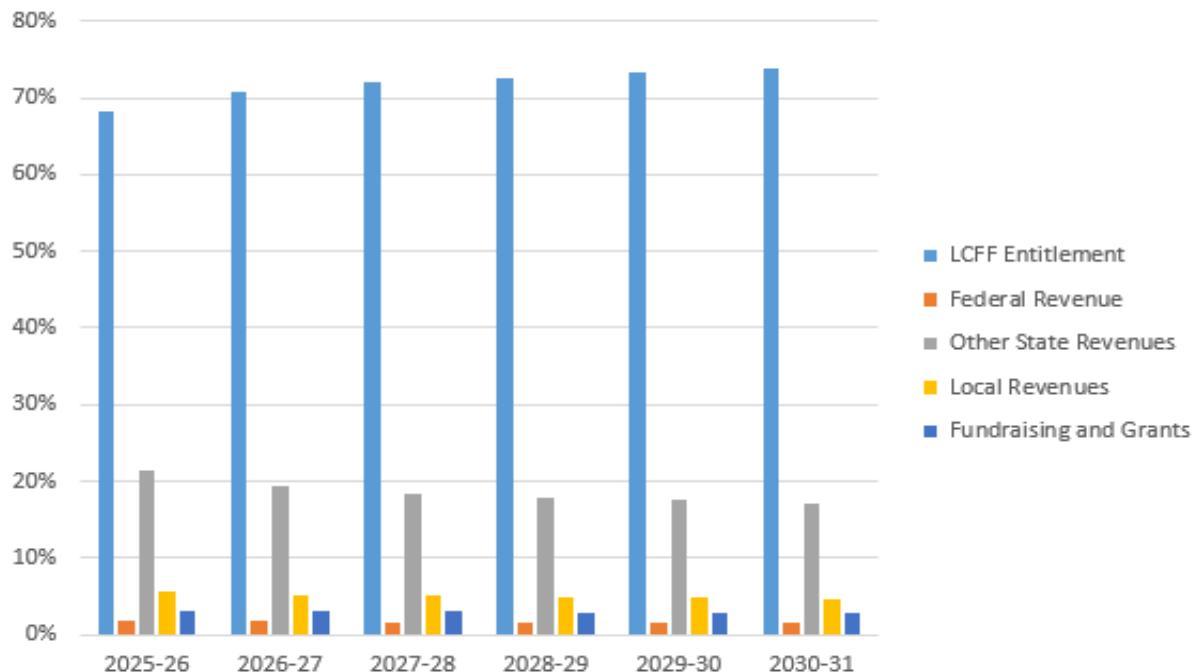
Falcon projects maintain a healthy reserve percentage above 30% throughout their renewal term, which is reasonable compared to the historical average percentage referenced in object 13 above.

		Object 24: Falcon Renewal Petition Multi-Year Projection Summary ¹					
		2025-26*	2026-27	2027-28	2028-29	2029-30	2030-31
[A]	Total Revenues	7,377,699	7,650,877	7,852,908	8,046,535	8,238,851	8,437,173
[B]	Total Expenses	7,376,245	7,595,617	7,809,115	7,923,839	8,189,348	8,415,126
[C] = [A - B]	Net Income (Loss)	1,454	55,260	43,793	122,696	49,503	22,047
[D]	Beginning Fund Balance	2,829,695	2,815,187	2,870,447	2,914,240	3,036,936	3,086,439
[E]	Adj. to Beg. Fund Balance	(15,961)					
[F] = [(D+E) + C]	Total Net Assets, End of Year	\$ 2,815,187	\$ 2,870,447	\$ 2,914,240	\$ 3,036,936	\$ 3,086,439	\$ 3,108,486
[G] = [F/B]	Reserve Percentage	38%	38%	37%	38%	38%	37%

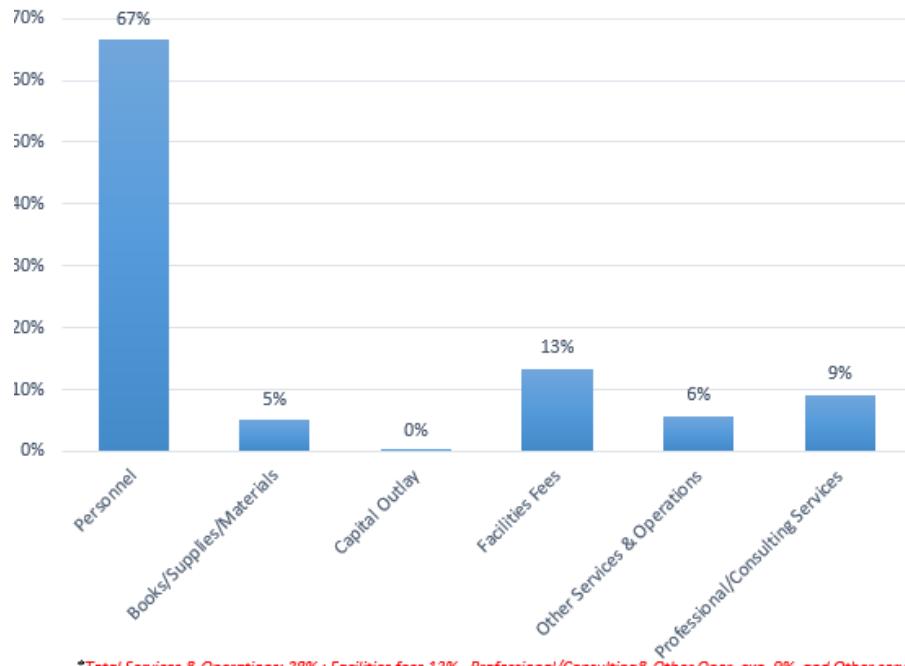
1. Source of Data for *FY 2025-26 (Current Year) and FY 2026-27 - FY 2030-31 Renewal Petition projections.

Object 25, below, shows the Falcon renewal petition projected revenues by category, with primary funding anticipated from state and federal sources. The Local Control Funding Formula (LCFF) remains the largest revenue source. Falcon projects an average of 72% of total revenue from LCFF entitlement, 19% from other state funding, 3% from fundraising and grants, 5% other local revenue, and approximately 2% from federal revenue sources.

Object 25: Falcon Renewal Petition Projected Revenue by Category



Object 26: Falcon Renewal Petition Projected Average Expenses by Category



*Total Services & Operations: 28% : Facilities fees 13%, Professional/Consulting& Other Oper. exp. 9% and Other services and opertions 6%.

Object 26, above, presents Falcon's projected average distribution expenditure over the next five years. Falcon projects that personnel costs will account for an average of 67% of the total expenditures, representing the largest share of the school's operational spending. The remaining 33% include, but are not limited to, expenses for facilities, materials and supplies, and other services and operations.

Specifically, facilities expenditures average 13%, reflecting Falcon's ongoing facilities lease commitments and related costs; other services & operations average 6%; professional and consulting services average 9%; and 5% for books, supplies, and other materials.

These projected expenditures allocations are generally consistent with Falcon's historical spending patterns and appear reasonable based on past data.

The SCOE Staff finds that the multi-year budget projections presented in the Renewal Petition include a reasonably comprehensive description of anticipated revenue and expenses and satisfactorily demonstrate Falcon's ability to meet its financial obligations.

Cash Flow

The Falcon Renewal Petition includes cash flow projections for FY 2025-26 through FY 2030-31, which incorporate reasonable assumptions regarding the timing of cash inflows from major revenue sources. Based on projections, Falcon anticipates maintaining a positive ending cash balance and

Discovery Charter II (Falcon) Charter School

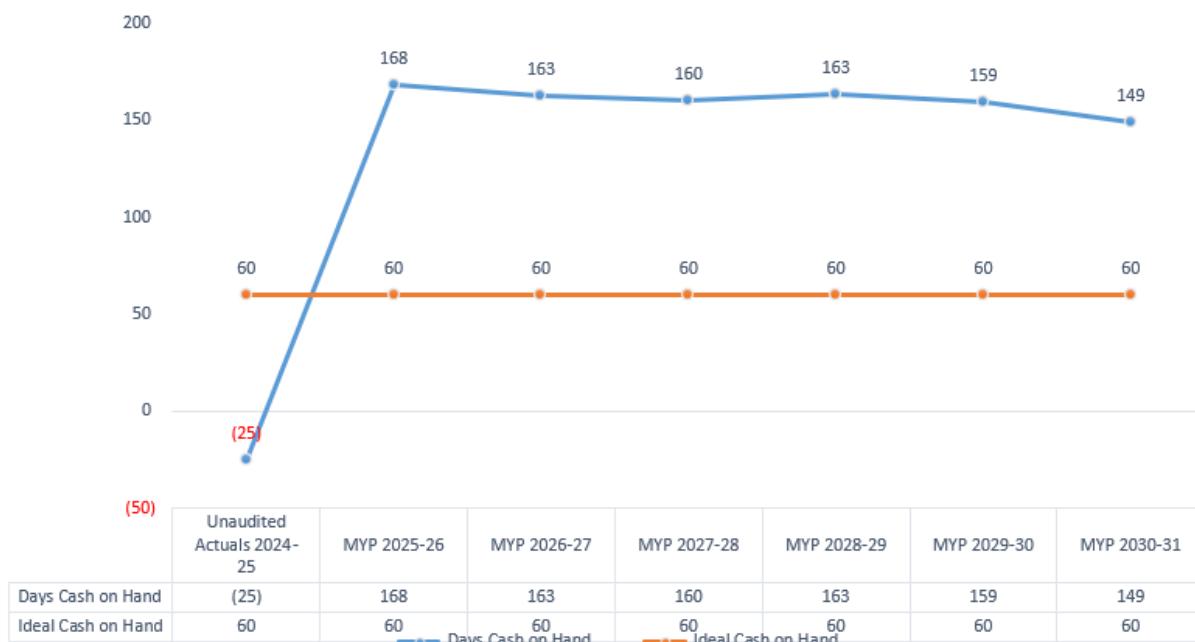
sufficient cash reserves to meet all its financial obligations throughout this period. As reflected in Object 27, Falcon's Days of Cash on Hand (DCOH) is projected to exceed the best practice and SCCOE expectation benchmark of 60 days, with DCOH ranging from 149 to 168 days through 2030-31.

Falcon reported a negative ending cash of \$(542,374) in FY 2024-25, primarily due to uncollected LCFF In-Lieu of Property Taxes (ILPT) revenue from SJUSD. The delay was attributed to staffing turnover at SJUSD, which slowed processing of more than \$2.0 million in ILPT receivables. Following communication with the district, Falcon has since recovered the outstanding ILPT funds.

Historically, Falcon's cash position has improved considerably. From 2016-17 and FY 2017-18, Falcon's DCOH remained below the 60-day benchmark, reflecting early operational constraints. However, beginning in FY 2018-19, Falcon experienced sustained improvement, reporting cash on hand of 98 to 160 days through FY 2023-24.

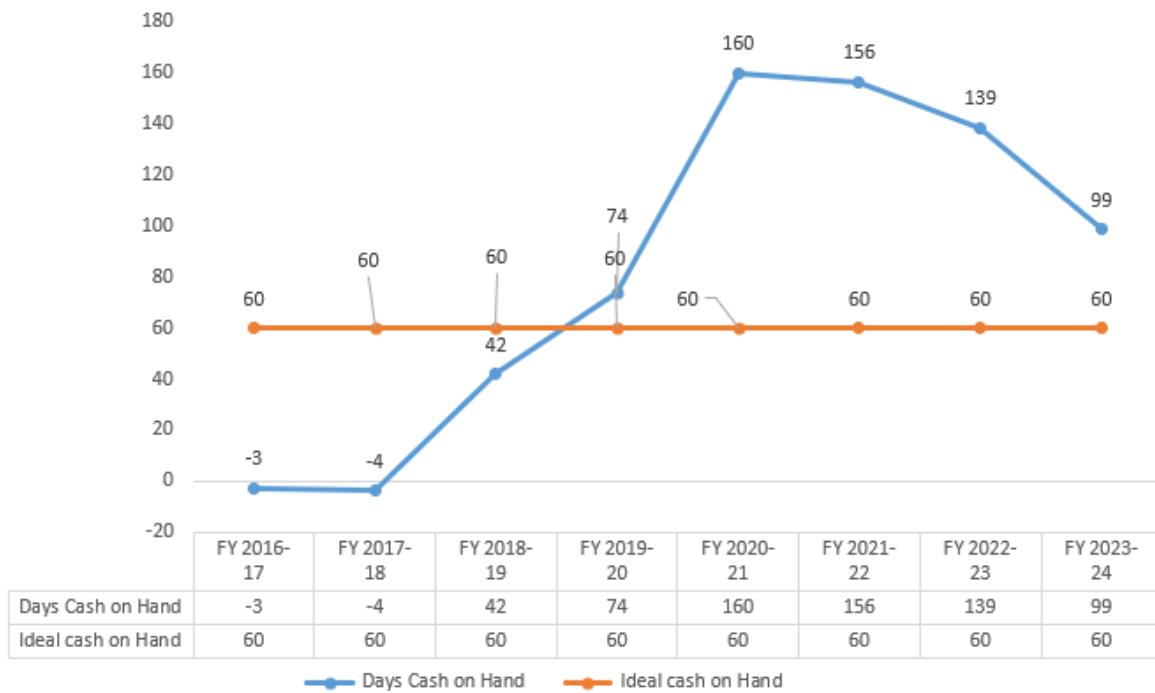
The Renewal Petition continues this positive trajectory, with a projected average cash on hand of approximately 160 days across the renewal term.

Object 27: Falcon Renewal Petition Days of Cash on Hand (DCOH)¹



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Object 28: Falcon Historical Days of Cash on Hand¹



¹Days of Cash On Hand: Cash and Cash Equivalents/ (Total Expenditures-Depreciation]/365)

Potential Civil Liability Effects on the School and County Office

Falcon is in compliance with its current MOU, including the insurance and indemnification, defense, and hold harmless provisions. This 2018 MOU will remain in effect unless and until a new MOU or addendum to the MOU replacing it in whole or part is entered into, which will address any new provisions as required by SCCOE's risk management team. The 2025 MOU, which Falcon has already agreed to and executed, includes the SCCOE's updated requirements regarding insurance as well as Falcon's obligations to indemnify, defend, and hold SCCOE harmless relative to the operation of Falcon. There is no reason to believe Falcon will not continue to abide by SCCOE's requirements and the agreed upon MOU and any addendum thereto.

5. Exclusive Public Employer

As required by the Charter Schools Act, the Charter specifies Discovery Charter School shall be deemed the exclusive public employer of the employees of the Charter School for the purposes of Educational Employment Relations Act ("EERA").

6. Requirements for Grade-Levels Served, Facility Location, and Students Served

Falcon currently serves TK-8. It is located within the boundaries of the SJUSD in a facility leased from SJUSD for Falcon's specific needs, and Falcon plans to remain at that location throughout the renewal term. Falcon is located at 762 Sunset Glen Drive, San Jose, CA 95123.

The Charter Schools Department Staff found Falcon is able to meet the requirements for grade levels served, facility location, and students served.

7. Any Other Criteria Set Forth in the Statute

Since Falcon's Charter was last renewed, several new laws have gone into effect, including but not limited to AB 1505, AB 1507, AB 1219, SB 126, SB 820, and SB 98, which enacted broad changes to the Charter Schools Act. Falcon will need to comply with the changes to the law.

8. Miscellaneous

The Renewal Petition provides, "Discovery Falcon and the Santa Clara County Office of Education agree to work together to accomplish all tasks necessary to fully implement this charter, including, but not limited to, the submission of any necessary and duly prepared waiver requests to the State Board of Education." Falcon cannot, through the terms of its Renewal Petition, purport to commit SCCOE to agree to submit waiver requests on Falcon's behalf. Whether to submit a waiver request on behalf of Falcon will be determined by SCCOE on a case-by-case basis if and when it receives a request from Falcon.

The Charter states that Falcon may submit a request for renewal of the Charter "at any time." To be clear, and as consistent with the renewal standards of the Charter Schools Act, the 2025 MOU specifies, "The Charter School may submit its request for renewal on or after July 1 of the final year of its term," and pursuant to the terms of the 2025 MOU, this provision limiting a request for renewal to the final year of the renewal term controls.

ADDITIONAL CRITERIA FOR DENYING A CHARTER RENEWAL

Background

As noted above, any charter may be denied renewal pursuant to the standards and procedures in *EC* Section 47607(e), including upon a finding that the school is not serving all pupils who wish to attend. The chartering authority must provide at least 30 days' notice to the charter school of the alleged violation and provide the school a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The chartering authority may then only deny renewal if it finds either (1) "The corrective action proposed by the charter school has been unsuccessful" or (2) "The violations are sufficiently severe and pervasive as to render a corrective action plan unviable." (*EC* Section 47607(e).)

On October 3, 2025, in response to direction from SCCBOE, in accordance with the requirements of *EC* Section 47607(e) related to potential nonrenewal of a charter because the charter school is not serving all pupils who wish to attend, SCCOE issued Falcon the 47607(e) Notice and provided Falcon a reasonable opportunity to cure the violations. The Notice and evidence contained therein, attached hereto as Exhibit 1, are incorporated herein by this reference as if set forth in full herein and will not be repeated in detail in this Staff Analysis and Proposed Findings of Fact. Thus, SCCBOE has complied fully with the procedural requirements for charter denial pursuant to *EC* Section 47607(e), including providing over 30 days as Falcon's reasonable opportunity to cure the violation described in the Notice.

This section of the Staff Analysis analyzes this violation, whether Falcon's corrective action plan has been successful, and whether the Charter should be denied renewal on this basis.

On November 3, 2025, Falcon provided a response to the Notice including a comprehensive corrective action plan to address the violations identified in the Notice, which response and corrective action plan is attached hereto as "Exhibit 2" is also incorporated herein by this reference and will not be repeated in full herein. Falcon's response and its corrective action plan indicated a commitment to continue its work in addressing these concerns and a

Discovery Charter II (Falcon) Charter School

desire and commitment to work in partnership with SCCOE to address the issues identified in the Notice. This corrective action plan includes annual reviews of Falcon's efforts to:

1. *Increase Representation:* Increase enrollment of Hispanic, English Learner, and Socioeconomically Disadvantaged students by 10% by Fall 2031.
2. *Broaden Awareness:* Conduct targeted, multilingual outreach to ensure families across South and Central San Jose are informed of the school's programs and admissions process.
3. *Remove Barriers:* Ensure that application and enrollment procedures are accessible, simple, and equitable for all families.
4. *Build Trust:* Strengthen community partnerships and family engagement to create authentic connections with underrepresented communities.

On November 7, 2025, CSD Staff provided a response to Falcon's response and corrective action plan, attached hereto as "Exhibit 3", and incorporated herein by this reference and will not be repeated in full herein.

While Staff notes that there have been areas of improvement and incremental progress in Falcon's service of students from historically underserved student groups across the current charter term, there continues to be concerns with Falcon not serving all students who wish to attend, as detailed in the Notice. SCCOE understands it takes time and implementation of the corrective action plan elements, including ongoing review and modification to plan elements as needed, in order successfully to address and alleviate these issues. The corrective action plan proposed by Falcon is a step in the right direction and must be implemented with fidelity. CSD Staff also recognizes that Falcon provides a valuable, high-quality educational program to its students who benefit therefrom. As such, CSD Staff believes that, on balance, it is not in the best interest of students to nonrenew Falcon's Charter and for the school to close, provided that Falcon commits to and is required as a condition of renewal to comply with the obligation to continue improving and implementing, reviewing, and updating as necessary its corrective action plan. CSD Staff believes that approval of the renewal for a term of five years, subject to the conditions described herein and in the proposed resolution – specifically including a condition requiring Falcon to implement its corrective action plan on an ongoing basis – is consistent with sound educational practice.

CONCLUSION

The Charter Schools Department Staff reviewed Falcon's Renewal Petition utilizing the criteria for charter renewal set forth in Education Code Sections 47605, 47607, and 47607.2.

Staff recommend the Falcon Charter be renewed for a term of five years (July 1, 2026 – June 30, 2031) with the condition that Falcon and DCS enter into the 2025 MOU and an addendum to the 2025 MOU on or before March 31, 2026, or such later deadline as agreed to by the County Superintendent or designee, that addresses each of Staff's concerns and recommended conditions identified above, including as specifically reviewed in this Staff Analysis, Recommendations, and Proposed Findings of Fact, as well as any additional conditions identified by the SCCBOE. Staff further recommend that the County Board adopt alternative written findings of denial because Staff believes that all of the issues and concerns noted herein 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, including remediation of the items specified in the Notice.

Staff also recommends the SCCBOE approve the request to change the name of Discovery Charter II to Discovery Charter - Falcon.

Staff further recommends that the SCCBOE effectuate these actions by adopting the proposed resolution entitled: Resolution Approving with Conditions for a term of July 1, 2026, through June 30, 2031, the Charter Renewal for

Discovery Charter II (Falcon) Charter School

Discovery Charter II (Falcon) Charter School, and, Alternatively, Making Written Factual Findings Supporting Denial & Denying the Discovery Charter II (Falcon) Charter School Charter Renewal if the Conditions Are Not Met.

Student Impact

The Charter School Department provides oversight and monitoring for 20 County Board of Education authorized charter schools. Falcon was authorized in 2013 and currently serves approximately 400 students.

EXHIBIT 1: 47607(e) NOTICE



Santa Clara County Office of Education

Dr. David M. Toston, Sr.
County Superintendent of Schools

October 3, 2025

SENT VIA EMAIL

Discovery Charter School II
c/o Lety Villa Gascon
762 Sunset Glen Drive
San Jose, CA 95123

Re: Notice in Accordance with *Education Code Section 47607(e)* and Notice of Concern

Dear Members of the Board and Lety Villa-Gascon:

The Santa Clara County Board of Education¹ initially authorized Discovery Charter School II on March 6, 2013, and its current term runs through June 30, 2026. Discovery Charter School II is governed by Discovery Charter Schools, a nonprofit public benefit corporation. In this notice ("Notice"), for all purposes, a reference to "Discovery Charter School II" or "Falcon" or "DII" or "School" or "Charter School" shall constitute a reference to Discovery Charter School II, Discovery Charter Schools, and its Board of Directors, and a reference to "Discovery" or "Discovery Charter Schools" or "DCS" shall constitute a reference to Charter School. Without regard to the terminology used, throughout this Notice, all references are intended to and do apply to the nonprofit corporation, its Board of Directors, and the School and, to the extent the School and corporation are separate entities, SCCOE holds both responsible for all matters. The School, the corporation, and the corporate Board will be referred to herein collectively and/or individually and interchangeably primarily as "Falcon" but may be referred to herein by any and all of these terms.

SCCOE is sending this Notice pursuant to *Education Code (EC) Section 47607(e)*² as notice of SCCOE's determination that Falcon is demonstrably unlikely to successfully implement the program set forth in its expected charter renewal petition ("Charter") because it is not serving all pupils who wish to attend. The SCCOE is hereby providing Falcon a reasonable opportunity to resolve the violations. If Falcon fails to resolve the violations set forth in this Notice, including providing and implementing a corrective action plan, SCCOE may deny Falcon's renewal Charter in accordance with *Section 47607(e)*. This Notice also serves as a general notice of concern consistent with SCCOE's general oversight obligations whereby SCCOE is

¹ The Santa Clara County Board of Education, the Santa Clara County Superintendent of Schools, and the Santa Clara County Office of Education are collectively referred to herein as "SCCOE."

² All further statutory references are to the Education Code unless otherwise indicated.

notifying Falcon of the concerns described herein and SCCOE's expectation and requirement that Falcon will take all necessary and appropriate steps to remediate these concerns.

I. BACKGROUND

Falcon is expected to submit its renewal Charter on November 6, 2025, during the 2025-26 school year. In addition to the other bases for denial of a charter renewal, a chartering authority may deny a renewal upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or because the charter school is not serving all pupils who wish to attend. In this context, "not serving all pupils who wish to attend" means a charter school is not serving all demographic groups, including but not limited to, historically underserved student groups and/or students based on their academic performance. To deny on this basis, SCCOE must first provide Falcon with at least 30 days' notice of the violation(s) and a reasonable opportunity to cure the violation(s). (*Section 47607(e).*)

The Charter Schools Act ("CSA") includes a finding that the charter school is demonstrably unlikely to successfully implement the program set forth in its charter because it is not serving all students who wish to attend as a separate cause for denying renewal of any charter school. This finding is implicated by the substantial discrepancy in Falcon's enrollment of historically underserved pupil groups in comparison San Jose Unified School District's ("SJUSD") population. Thus, this Notice, and the corresponding opportunity to resolve and correct these concerns, are clearly and explicitly for Falcon's benefit and provide Falcon added protections and opportunity to resolve matters that could negatively impact Falcon's upcoming request to have its Charter renewed.

Numerous changes to the CSA have been made over time that focus on ensuring that charter school admissions are fair, open, equal, and non-discriminatory; that no students are discouraged from enrolling in any charter school for any reason; and that charter school admissions do not result in limiting charter school enrollment on the basis of protected characteristics. These revisions to the law governing charter schools have been far-reaching, impacting enrollment preferences and practices, mandating that charter schools define the means by which they will work towards student enrollment reflective of the racial and ethnic, special education, and English learner populations of their local community, and including consideration of whether a charter school is serving all pupils who wish to attend when determining whether to renew a charter. In light of these changes, there can be no doubt that the Legislature and Governor, as well as the public education advocates who provided input into these statutory changes – including advocates from the charter school community – perceived unequal access to all charter schools to be a substantial concern requiring remediation by charter schools and authorizers.

In 2016, the Falcon Charter was materially revised. The approved revisions included a modification to Falcon's admission preferences to add preferences for SJUSD residents who qualified for free or reduced-price meals as well as a preference for other students who

qualified for free or reduced-price meals. This change to the admission preferences was part of an effort to increase the opportunity for socio-economically disadvantaged students to enroll in Falcon.

During Falcon's 2017-18 renewal process, the Staff Analysis and Findings of Fact stated, "Discovery II's current student demographics do not currently reflect that of San Jose Unified School District. While continuing to not meet the intent of charter law, the Petition does describe Discovery II's intent to expand its outreach to other demographic groups to provide additional choice to San Jose families."

Falcon was also reminded in both the 2023-24 and 2024-25 SCCOE Annual Oversight Reports, "[i]n preparation for renewal of the Discovery II charter, [to] update the plan outlined in *EC Section 47605(c)(5)(G)* to include special needs pupils and English learner pupils, including redesignated English learners, reflective of the general population residing in the district."

SCCOE's goal is for Falcon and SCCOE to work cooperatively with an emphasis on serving student needs and ensuring equal access. SCCOE desires to assist Falcon in creating and implementing an effective plan whereby Falcon can increase its efforts and successes in enrolling a more diverse student population consistent with the letter and spirit of the law.

Falcon should develop a results-oriented corrective action plan, including, but is not limited to, concrete means of increasing outreach efforts including assurances that Falcon welcomes and serves all students, irrespective of whether a family chooses to volunteer at the school as part of Falcon's parent involvement and community engagement model, and that volunteering is not a requirement to enroll at or attend Falcon. SCCOE stands ready to support Falcon in the development and implementation of this plan. SCCOE anticipates that Falcon acknowledges this Notice as an opportunity to move forward in a strong, productive, and collaborative fashion to implement the mission of educating and serving all students and to alleviate any and all real or perceived disparities in the educational opportunities and services afforded by Falcon. SCCOE believes our mutual focus should be educating students, and SCCOE looks forward to collaborating with Falcon in furthering the statewide mandate to expand access to charter schools.

Issuing notice pursuant to *Section 47607(e)* is a formal legal procedure mandated by law that relates directly to renewal or nonrenewal of Falcon's Charter. This Notice is not a decision to deny Falcon's Charter renewal. Rather, it is a clear statement and notice to Falcon that this is an issue of serious concern that Falcon is expected to address. SCCOE hopes Falcon takes these matters seriously and recognizes this Notice as an opportunity for Falcon to take significant steps to implement our shared priorities and the mandates of the CSA in collaboration with SCCOE.

II. FINDINGS

SCCOE hereby notifies Falcon of evidence that Falcon is not serving all students who wish to attend. This evidence constitutes a possible cause for denying Falcon's renewal if not remedied and this Notice affords Falcon a reasonable opportunity to address these concerns. The CSA requires that charters include a description of the means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils and English Learner pupils reflective of the general population of the school district in which they are located. Moreover, the CSA includes a variety of other requirements and prohibitions mandating equal access and nondiscrimination in access to and ongoing enrollment at charter schools. *Section 47607(d) and (e)* establish that equity in access and a charter school's success in ensuring this equity is fundamental and necessary to a determination whether to renew a charter school petition. Consistent with these requirements of the CSA, SCCOE monitors Falcon's enrollment and demographic data.

A. Falcon's Enrollment and Demographic Data.

At the commencement of the 2025-26 school year, SCCOE reviewed Falcon's publicly available dashboard enrollment data from the California Department of Education ("CDE") for 2024-25. SCCOE then compared that data to the corresponding CDE dashboard data for SJUSD, the local district in which the charter school is located. (This dashboard data can be located at the following links: Discovery II Falcon <https://www.caschooldashboard.org/reports/43104390127969/2024> and SJUSD <https://www.caschooldashboard.org/reports/43104390127969/2024>) SCCOE reviewed the following demographic groups as specified in the dashboard data: African American, Asian, Filipino, Hispanic, Two or More Races, and White. SCCOE also reviewed the following numerically significant student groups: English Learners, Socioeconomically Disadvantaged (SED), and Students with Disabilities. SCCOE found from this review that Falcon's enrollment was significantly disproportionately low compared to SJUSD among the following historically underserved pupil groups areas: Hispanic, English Learners, and Socioeconomically Disadvantaged (see chart below). However, Falcon is serving a higher percentage of African American students than SJUSD.

2024-25 Demographics	Discovery II Falcon		San Jose Unified School District		DIFFERENCE
	Total	Percentage	Total	Percentage	
All Students	526		25,059		
African American	31	5.9%	543	2.2%	3.7
Asian	110	20.9%	3,495	13.9%	7
Filipino	14	2.7%	476	1.9%	0.8
Hispanic	121	23%	13,468	53.7%	-30.7
Two or More Races	76	14.4%	1,711	6.8%	7.6
White	169	32.1%	5,265	21%	11.1
English Learners	62	11.8%	5,693	22.7%	-10.9
Socioeconomically Disadvantaged	72	13.7%	10,987	43.8%	-30.1
Students w Disabilities	71	13.5%	3,377	13.5%	0

Source <https://www.caschooldashboard.org/>

SCCOE then reviewed the same data from Falcon's last renewal in 2017-18 (see chart below). Falcon had a disproportionately low enrollment compared to SJUSD of the same historically underserved pupil groups (Hispanic, English Learners, and Socioeconomically Disadvantaged) at the time of renewal. The disproportionality has been reduced for both English Learners (from 14.4 to 10.9) and Socioeconomically Disadvantaged pupils (from 36.2 to 30.1) since the last renewal, however, both remain significantly disproportionate. (This dashboard data can be found at the following links: Discovery II Falcon

<https://www.caschooldashboard.org/reports/43104390127969/2018> and SJUSD

<https://www.caschooldashboard.org/reports/43696660000000/2018>)

2017-18 Demographics	Discovery II Falcon		San Jose Unified School District		DIFFERENCE
	Total	Percentage	Total	Percentage	
All Students	550		29,738		
African American	22	4%	744	2.5%	1.5
Asian	92	16.7%	4,200	14.1%	2.6
Filipino	3	0.5%	570	1.9%	1.4
Hispanic	108	19.6%	15,020	50.5%	-30.9
Two or More Races	76	13.8%	1,393	4.7%	9.1
White	240	43.6%	7,514	25.3%	18.3
English Learners	37	6.7%	6,263	21.1%	-14.4
Socioeconomically Disadvantaged	53	9.6%	13,609	45.8%	-36.2
Students w Disabilities	79	14.4%	3,135	10.5%	3.9

Source <https://www.caschooldashboard.org/>

III. REMEDIAL/CORRECTIVE ACTION

Based on the disproportionality in enrollment of these historically underserved pupil groups as described above, SCCOE is issuing this Notice supporting a determination that Falcon is demonstrably unlikely to successfully implement its program due to not serving all pupils who wish to attend. This Notice also serves as a general notice of concern about the work to address the disproportionate under-enrollment of the Hispanic, English learner, and socioeconomically disadvantaged student groups at Falcon. Consistent with *Section 47607(e)*, by this Notice Falcon is being provided a reasonable opportunity to resolve the concerns identified herein, including providing a corrective action plan.

Falcon must determine how it will resolve the concerns identified in this Notice, including the development, submission, and implementation of a corrective action plan, which should also include details and explanations of how the proposal(s) will address the concern(s). SCCOE is committed to collaborating and supporting Falcon in these efforts, and anticipates that the plan and Falcon's response will include, at a minimum, the following, including consideration of the various concepts below to determine if they would be effective components of Falcon's plan:

1. Potentially engaging the services of a professional expert(s) to assist in the development of Falcon's corrective action plan, based on Falcon's specific facts and circumstances, which may significantly affect the impact and likelihood of success of Falcon's corrective plan.
2. Updates to Falcon's outreach and recruitment plans, including but not limited to updates and modifications to the plans as described in the Pupil Balance element of the Charter pursuant to *Section 47605(c)(5)(G)*. The updated plans should include, but not be limited to, at least annually, following the completion of Falcon's open enrollment period and any required public random drawing, Falcon shall audit, assess, and review the results of its outreach and recruitment plan in order to determine the effectiveness of its efforts to achieve the pupil balance provided for in the CSA, and modify/update its plan, including recruitment and outreach efforts, to improve the effectiveness of its plan as necessary. The annual review and analysis shall include metrics for assessing the effectiveness of the various components of the plan, and shall not simply assume that the plan (or any component thereof) is or is not working as a whole based on who enrolled, but shall include a more specific analysis of facts and factors indicating effectiveness and identifying plans to increase effectiveness as necessary. Falcon should commit to providing SCCOE a written report of this analysis and any changes/updates to its plan by May 31 each year.
3. Determine whether modification of existing admissions preferences is appropriate.
4. Commit Falcon to all of the following requirements regarding admissions: Falcon shall announce the number of openings at each grade level prior to commencing the

open enrollment period each year, to its best estimation. If the number of openings will result in an overall decrease in enrollment from the prior year, Falcon shall explain in writing to SCCOE the reason for the enrollment reduction. After that announcement, Falcon 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. Falcon 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. Falcon shall admit students for each of the announced open seats (in accordance with the lottery procedures and order) until all such openings have been filled or there are no more applicants or waitlisted students for the seat(s).

5. Simplify and provide assistance in understanding and completing the application process, including through information and application assistance meetings at times and locations convenient to the underrepresented communities and in multiple languages. Assist families to complete applications and paperwork required for enrollment after admission.
6. Make hardcopies of applications and informational materials available at Falcon, at each informational meeting, and at other locations throughout the community.
7. Consider the word choice in FAQ and advertisements to ensure it is accessible, clear, understandable, and welcoming.
8. Implement school and community programs that celebrate diversity.
9. Clearly state in all materials about the program and application and admission to Falcon, including all materials that refer to Falcon's "unique model, grounded in parental involvement and community engagement" (or similar references) that volunteering or other donations are not required and have any impact on a student's initial or continued enrollment or participation at Falcon. All such statements should be in font of at least the same size and quality as the font referring to the parent involvement model.
10. Train staff members, volunteers, and parents who organize activities, seek donations, etc., on the requirements and prohibitions of the free schools guarantee and *Education Code Section 49010 et seq.* and prohibit any communications implying that donations or volunteerism are required or have any impact on a student's initial or continued enrollment or participation at Falcon.

This is not intended to be a comprehensive list of actions that Falcon should consider or implement but is provided as a resource to assist and support Falcon in this process.

IV. CONCLUSION

In compliance with SCCOE's expectations in issuing this Notice, and in accordance with *Section 47607(e)*, please submit Falcon's response, including its corrective action plan on or before **November 1, 2025**. This affords Falcon a reasonable opportunity to resolve and commence implementation of the corrective action plan prior to the open enrollment period for the next school year and provides SCCOE an opportunity to evaluate and, if necessary, collaborate with Falcon's on its corrective action plan prior to any action on Falcon's renewal Charter.

As always, SCCOE is committed to providing support and assistance to Falcon's efforts to increase equity and access in its applicant pool and enrollment.

SCCOE looks forward to Falcon's response to this Notice. Should you have any questions regarding the foregoing, please do not hesitate to contact me or Director Dr. Johnson.

In collaboration,


Signed by:
AEFF8FA0C5E741B...

David M. Toston, Sr., Ed.D.
County Superintendent of Schools

Attachments

cc: Santa Clara County Board of Education
Michelle Johnson, Ed.D, Director
Karla Lund, Discovery II Falcon Director
Davina Harden, Esq.

EXHIBIT 2: FALCON RESPONSE TO SCCOE 47607(e) NOTICE



October 31, 2025

Via Email
dtoston@sccoe.org

David M. Toston, Sr., Superintendent
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 95131

Re: Response to Notice in Accordance with Education Code Section 47607(e) and Notice of Concern

Dear Dr. Toston,

Discovery Charter School II (“Discovery II” or the “Charter School”) is in receipt of the Santa Clara County Office of Education’s (“SCCOE”) Notice in Accordance with Education Code Section 47607(e) and Notice of Concern (the “Notice”), dated October 3, 2025. We write to address the legal requirements applicable to, and our planned actions in response to, the Notice.

I wish to express Discovery II’s sincere desire to collaborate with you and the SCCOE staff on the issues identified in the Notice. The Charter School deeply appreciates SCCOE’s partnership and desire to serve student needs and ensure equal access. We appreciate your communication and acknowledge the demographic data SCCOE has provided highlighting the disproportionate enrollment for Hispanic, English Learners, and Socioeconomically Disadvantaged students.

The Data SCCOE Relies Upon Does Not Comply with the Requirements of Section 47607(d)

Education Code Section 47607(e)¹, upon which SCCOE based its Notice, contains a very specific structure for a chartering authority to follow, in alleging that a charter school is not serving all students who wish to attend. While remaining amenable to implementing a robust recruitment plan, we also wish to highlight that the Notice does not meet applicable legal requirements, and is therefore an impermissible basis for denial of Discovery II’s charter renewal petition.

Section 47607(e) states: “...the chartering authority may deny renewal of a charter school upon a finding that the school ... is not serving all pupils who wish to attend, as documented pursuant to subdivision (d).” (Emphasis added.) The clear legislative intent, from the construction of that sentence, as well as the plain meaning of the words in it, is that a chartering authority may only find that a charter school is not serving all students who wish to attend if it first follows the procedures and requirements of Section 47607(d). That is, “not serving all pupils who wish to attend” carries a very specific and distinct legal threshold, which, here, SCCOE did not meet.

¹ All statutory references herein are to Education Code, unless otherwise indicated.



Section 47607(d) enumerates the aggregate data that the chartering authority must request from the California Department of Education (“CDE”) in order to analyze the pupil enrollment patterns at the charter school, toward the end of making a finding that the charter school is not serving all pupils who wish to attend. The specific data is:

- (A) The **cumulative enrollment for each school year of the charter school's term**. For purposes of this chapter, cumulative enrollment is defined as the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time during the school year.
- (B) For each school year of the charter school's term, the **percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year**, and the average results of the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils who were enrolled in the charter school the prior school year.
- (C) For each school year of the charter school's term, the **percentage of pupils enrolled in the prior school year who were not enrolled as of census day for the school year**, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils.

(Emphasis added.)

SCCOE stated that it reviewed only “publicly available dashboard enrollment data from the CDE.” The Notice included no mention of the Section 47607(d) requirements – no mention of cumulative enrollment, no mention of students disenrolling after census day, no mention of students no longer enrolled at the subsequent census day. SCCOE’s reliance on California School Dashboard data, and its measurement of student subgroups, simply does not meet the threshold requirements for Section 47607(d). Furthermore, SCCOE only provided the Dashboard data for the 2017-18 school year (from the last renewal cycle) and the 2024-25 data. Even if SCCOE had provided the kind of data required by Section 47607(d), it also failed to provide data for each school year of the Charter School’s term, as that Section requires.

SCCOE appears to have interpreted the legal standard for “not serving all pupils who wish to attend” to mean “not serving all demographic groups, including but not limited to, historically underserved student groups, and/or students based on their academic performance.” However, because Section 47607(e) sets its own definition of the term, there is no need to supply a new interpretation. Moreover, SCCOE’s interpretation cannot lawfully be relied upon to deny Discovery II’s charter renewal petition.

Again, the Charter School assures SCCOE that its team is actively engaged in short-term and long-term planning to broaden the reach of its admission process and to address both the immediate concerns and the sustained compliance and adherence to the concerns SCCOE has presented. As



requested in the Notice, please find the Charter School's response and a clear and detailed Corrective Action Plan ("CAP") for resolving SCCOE's concerns.

Understanding the Root Causes of Enrollment Disparities

Discovery Charter School II recognizes that meaningful change requires understanding the underlying factors that have contributed to enrollment disparities among Hispanic, English Learner, and Socioeconomically Disadvantaged students. In reviewing historical enrollment data, outreach methods, and community feedback, Discovery II identified several contributing conditions that inform its corrective actions.

- 1. Geographic and Awareness Barriers:** Falcon's location and transportation patterns limit exposure to families in the highest-need neighborhoods of San Jose Unified School District (SJUSD). Many potential applicant families in central and east San Jose are unfamiliar with Falcon's program or perceive the distance as a logistical challenge.
- 2. Communication and Language Accessibility:** Past outreach and enrollment materials were primarily distributed in English, which limited accessibility for Spanish-speaking households and families with limited digital literacy.
- 3. Misperceptions About Parent Participation:** The school's strong parent-involvement culture, while a hallmark of Discovery's success, has occasionally been misinterpreted as an enrollment requirement. Families with limited time or multiple jobs may have assumed participation was mandatory.
- 4. Limited Historical Community Partnerships:** Prior outreach efforts relied heavily on word-of-mouth within existing networks, which did not sufficiently reach families outside the current demographic profile.
- 5. Complexity of the Enrollment Process:** Some families reported that the online lottery and enrollment process felt complex or unfamiliar.
- 6. Need for Continuous Data Review:** While the school monitored enrollment annually, it did not maintain a year-to-year comparative analysis to evaluate the effectiveness of recruitment strategies previous to 2022.

By identifying these underlying causes, Discovery II ensures that its Corrective Action Plan directly addresses the specific conditions that have contributed to under-representation. The Charter School views this process as a long-term commitment to equity, transparency, and continuous improvement.

Discovery II's Corrective Action Plan

I. Accountability and Monitoring



The Charter School recognizes the value of transparency and communication as it works to ensure equity and access to all students. Discovery II is committed to creating a strong pipeline of communication to collaborate with SCCOE as it endeavors to change its student demographics over time. While the Charter School will be consistently communicating with SCCOE, the following highlights the key submissions and dates:

1. **Corrective Action Plan:** Enclosed in this letter is the CAP which encompasses the requests and suggestions from SCCOE contained in the Notice. The Charter School is committed to incorporating feedback from the SCCOE to ensure alignment.
2. **Identification of Responsible Parties:** The Charter School has identified the following individuals to be the responsible parties when implementing the CAP:
 - a. Lety Villa-Gascon, Executive Director: Oversight and SCCOE liaison
 - b. Melanie Felix, Operations Manager: Data tracking and monitoring
 - c. Karla Lund, Site Director: Implementation
 - d. Gemma Mio, Family Liaison: Outreach and family engagement
3. **Mid-year progress review:** The Charter School will meet with the Director of SCCOE's Charter Schools Department regarding outreach and open enrollment by March 2026.
4. **Comprehensive report on outreach effectiveness and updated action steps:** The Charter School will prepare an annual review and analysis of the effectiveness of its outreach efforts, which shall include metrics for assessing the effectiveness of the various components of the plan, and shall not simply assume that the plan (or any component thereof) is or is not working as a whole based on who enrolled, but shall include a more specific analysis of facts and factors indicating effectiveness and identifying plans to increase effectiveness as necessary. Discovery II commits to providing SCCOE a written report of this analysis and any changes/updates to its plan by May 31, annually, for review and to collaborate on next steps.
5. Should Discovery II's efforts not produce immediate results on their own, Discovery II shall seek professional experts in year 2 and/or 3 in areas noted lacking progress.

II. Broaden Access and Outreach to Historically Underserved Families

The Charter School understands SCCOE's concern regarding the student population enrolled in the Charter School. Discovery II is committed to broaden outreach and access to families to increase Hispanic, English Learner, and Socioeconomically Disadvantaged enrollment by 10% by Fall 2031.

1. Discovery II's Family Liaison will partner with community-based organizations to conduct targeted outreach events in South San Jose and Central San Jose.
 - Las Madres Preschool Education Fair - Opportunity for schools to showcase their program



- Rocketship Middle School Expo - Opportunity for Middle schools to showcase their program
- SIREN - Services, Immigrant Rights and Education Network

2. Host quarterly “Discover Discovery Nights” onsite and at local community centers and libraries with interpretation and childcare provided, such as;
 - Edenvale Branch Library
 - Santa Teresa Branch Library
 - Pearl Avenue Branch Library
 - South Valley Family YMCA
3. Ensure all application and informational materials are available in English and Spanish. Make hard copies of applications and informational materials available at the Charter School, at each informational meeting, and at other locations throughout the community.
4. Revise website and FAQ sections to ensure that they are accessible, clear, understandable, and welcoming, and to state clearly that parent volunteering is not a requirement for admission or continued enrollment and will not have any impact on a student’s initial or continued enrollment or participation at the Charter School.
5. Host Bilingual Tours at the Charter School to increase access to all families.
6. Simplify and provide assistance in understanding and completing the application process, including through information and application assistance meetings at times and locations convenient to the underrepresented communities and in multiple languages. Assist families to complete applications and paperwork required for enrollment after admission. Provide on-site application assistance and office hours at times convenient to working families (evenings and Saturdays).
7. Improved diversity of application pool by demographic tracking report. An optional question on the 2026-27 application will support tracking demographics (baseline to be set in 2026).

III. Strengthen Admission and Transparency Practices

The Charter School is committed to ensuring full compliance with Education Code Section 47605(c)(5)(G) through public reporting and annual review. Discovery II will engage in the following transparency practices:

1. Determine whether modification of existing admission preferences is appropriate.
2. Announce the number of available openings by grade level prior to the open enrollment period each year, to its best estimation, and publish on the Charter School’s website for public access.



3. If the number of openings will result in an overall decrease in enrollment from the prior year, the Charter School shall document and explain any enrollment adjustments to SCCOE with written rationale. After this announcement, Discovery II 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. Discovery II shall inform SCCOE in the event that it increases the number of openings after the original announcement, including a written explanation as to the basis for the increase.
4. Audit the admission process and random drawing procedures to verify fair access by 2026.
5. Provide training for staff, volunteers, and parents who organize activities, seek donations, etc. on the requirements and prohibitions of the free schools guarantee, pupil fees (Section 49010, *et seq.*), and prohibit any communications implying that donations or volunteerism are required or have any impact on a student's initial or continued enrollment or participation at the Charter School.

IV. Enhance School Culture and Community Engagement

The Charter School is committed to fostering an inclusive school culture that celebrates diversity and affirms belonging for all students and families. It will enhance school culture and community engagement through the following activities:

1. Include a new monthly section in the School Site Family Newsletters highlighting a diverse range of student and family stories on, "Why Discovery?"
2. Integrate heritage celebrations, bilingual communications, and multicultural events into the school calendar, to celebrate diversity. The anti-bias task force meets monthly to research and gather resources, and materials for in class and school wide celebrations. A resource guide book is available for staff in the electronic folder.
3. The Family Liaison will actively recruit families from underserved and underrepresented groups to participate in the Parent Site Council and English Learner Advisory Committee (ELAC), ensuring inclusive representation and meaningful feedback.
4. Implement a family survey that indicates an increased sense of belonging. Trajectory growth of a sense of belonging +15% over the renewal term.
5. Yearly reports to SCCOE's Charter Schools Department documenting progress and community engagement outcomes.

Discovery II's detailed and actionable corrective action plan clearly demonstrates its capability and commitment to resolving SCCOE's identified issues and continuing to successfully implement its educational program. Discovery II respectfully requests that SCCOE recognize the sufficiency of the changes provided in this Corrective Action Plan. While its charter petition cannot lawfully be denied



pursuant to the Notice, the Charter School remains committed to its active partnership with SCCOE, toward the end of serving all students who wish to attend.

Discovery II looks forward to working collaboratively with SCCOE to resolve these matters and to maintain our focus on the success of our students and community. Please do not hesitate to contact me if you have any questions or additional concerns about the contents of this letter or the CAP.

Sincerely,

Lety Villa-Gascon, Executive Director

EXHIBIT 3: SCCOE RESPONSE TO FALCON RESPONSE ON 47607(e) NOTICE



Santa Clara County Office of Education

Dr. David M. Toston, Sr.
County Superintendent of Schools

November 7, 2025

VIA EMAIL

Discovery Charter School II Board of Directors
c/o Lety Villa Gascon
762 Sunset Glen Drive
San Jose, CA 95123

Re: Discovery II's Response to Notice in Accordance with Education Code Section 47607(e) and Notice of Concern

Dear Members of the Board and Ms. Villa-Gascon:

The Santa Clara County Office of Education¹ is in receipt of Discovery Charter School II's² November 3, 2025, Response ("Response") to the Notice in Accordance with Education Code Section 47607(e) and Notice of Concern issued by SCCOE on October 3, 2025 ("Notice"). SCCOE appreciates the spirit of cooperation and collaboration and commitment to ensuring equitable access to Discovery as explicitly set forth in the Response, including the submission of a corrective action plan ("CAP").

It is necessary, however, for SCCOE to respond to Discovery's assertions about the standards for issuing a notice in accordance with Education Code Section 47607(e)³ and/or denying charter renewal on the basis that the charter school is not serving all students who wish to attend as set forth in that provision of the Charter Schools Act. Discovery is correct that Section 47607(e) provides that a charter may be denied renewal because it "is not serving all pupils who wish to attend, as documented pursuant to subdivision (d)." Discovery is mistaken in its application of the documentation provided for in Section 47607(d) that may properly form the basis for such a finding. The Response quotes and relies upon only subdivision (1) of subdivision (d) of Section 47607, but subdivision (d) includes three subdivisions, all of which are pertinent to this analysis. Section 47607(d) provides in its entirety (emphasis added):

(d) (1) At the conclusion of the year immediately preceding the final year of the charter school's term, the charter school authorizer may request, and the

¹ The Santa Clara County Board of Education, the Santa Clara County Superintendent of Schools, and the Santa Clara County Office of Education are collectively and interchangeably referred to herein as "SCCOE."

² Discovery Charter School II and the Discovery Charter Schools nonprofit public benefit corporation that governs it are collectively and interchangeably referred to herein as "Discovery."

³ All further statutory references are to the Education Code.

department shall provide, the following aggregate data reflecting pupil enrollment patterns at the charter school:

(A) The cumulative enrollment for each school year of the charter school's term. For purposes of this chapter, cumulative enrollment is defined as the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time during the school year.

(B) For each school year of the charter school's term, the percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils who were enrolled in the charter school the prior school year.

(C) For each school year of the charter school's term, the percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils.

(2) When determining whether to grant a charter renewal, the chartering authority shall review data provided pursuant to paragraph (1), any data that may be provided to chartering authorities by the department, and any substantiated complaints that the charter school has not complied with subparagraph (J) of paragraph (5) of subdivision (c) of Section 47605 or with subparagraph (J) of paragraph (5) of subdivision (b) of Section 47605.6.

(3) As part of its determination of whether to grant a charter renewal based on the criterion established pursuant to subdivision (c) and subdivisions (a) and (b) of Section 47607.2, **the chartering authority may make a finding that the charter school is not serving all pupils who wish to attend and, upon making such a finding, specifically identify the evidence supporting the finding.**

As such, Section 47607(d) explicitly does not limit the data on which a finding that a charter school is not serving all students may be based only to the data requested of

CDE pursuant to subdivision (d)(1). Rather, it specifically provides for that finding also to be based on substantiated complaints that the charter school violated Section 47605(c)(5)(J)/47605.6(c)(5)(J) or **any data that may be provided to chartering authorities be CDE**. As specified in the Notice, the demographic data on which the Notice relied is Dashboard data provided by CDE, and, as such, clearly comes within the definition set forth in Section 47607(e). Thus, the Notice was appropriately issued pursuant to Section 47607(e) and the concerns and evidence set forth therein would properly form a basis for denial of renewal in accordance with the provisions of the Charter Schools Act.

SCCOE will carefully review and analyze Discovery's CAP in accordance with Section 47607(e) and the consideration of and action on the request for renewal of Discovery Charter School II's request for charter renewal.

In collaboration,



Michelle Johnson, Ed.D.
Director, Charter Schools Department
Santa Clara County Office of Education

cc: Santa Clara County Board of Education
Dr. David M. Toston, Sr., Santa Clara County Superintendent of Schools
Karla Lund, Discovery II Falcon Director
Davina Harden, Esq.