

**SAN JOSÉ UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
RESOLUTION NO. 2026-03-12-01**

**REGARDING REQUEST TO RENEW THE CHARTER OF
ACE INSPIRE ACADEMY CHARTER SCHOOL**

WHEREAS, by enacting the Charter Schools Act (Ed. Code §§ 47600, *et seq.*), the Legislature has declared its intent to provide opportunities to teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein; and

WHEREAS, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged, and that charter schools are part of and under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools; and

WHEREAS, Assembly Bill 1505 (AB 1505) was signed into law by Governor Gavin Newsom on October 3, 2019, adding a number of new provisions to the petition review and evaluation criteria, most of which took effect on July 1, 2020; and

WHEREAS, AB 1505 amended Education Code §47605(c) to state that an authorizer “shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve”; and

WHEREAS, although charter schools are exempt from many of the laws governing school districts, in return for that flexibility, they are accountable for complying with the terms of their charters and applicable law; and

WHEREAS, Education Code §47605(c) charges school district governing boards and county boards of education with the responsibility of reviewing charter petitions to determine whether they meet the legal requirements for a successful charter petition; and

WHEREAS, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in Education Code § 47605(c)(5)(A)-(O), as well as the affirmations and other requirements set forth in Education Code §47605; and

WHEREAS, if a governing board denies a petition to form or renew a charter school, it must make written findings to support any of the following grounds under Education Code § 47605(c): (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 the required number of signatures [not applicable to renewals]; (4) the petition does not contain an affirmation of each of the conditions described in Education Code §§47605(e); (5) the petition does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code §§47605(c)(5)(A)-(O); and (6) the petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the

charter school for purposes of Government Code § 3540 (the Rodda Act, the State’s collective bargaining law for school employees), in addition to the two new grounds added as set forth below; and

WHEREAS, AB 1505 added the following grounds for denial of a petition to establish a new charter school, effective July 1, 2020:

(7) “The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors: (A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings. (B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate,” and

(8) “The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.”

WHEREAS, the above two new grounds do not apply to a request to renew a charter but do apply to the impact of a proposed material revision of a charter under Education Code section 47607(a)(4).

Procedural History

WHEREAS, ACE Inspire Academy Charter School (“ACE Inspire” or “Charter School”), has been operating in the District as a charter school since 2013; and

WHEREAS, in or around December 12, 2025, the Charter School submitted a request to renew its charter for term of July 1, 2026 through June 30, 2031; and

WHEREAS, in compliance with Education Code §47605(b), the Board held a public hearing on January 15, 2026, to determine the level of support for the Renewal; and

WHEREAS, the Board, under Education Code §47605(b), is obligated to take action to grant or deny the Renewal within 90 days of its submission, unless the parties mutually agree to an extension of up to thirty (30) days; and

WHEREAS, the Charter School has agreed that the Board will take action to grant or deny the renewal at its March 12, 2026, meeting.

Evaluation of Mid-Performing Charter School

WHEREAS, AB 1505 created 3 categories of charter schools for renewal: “high-performing,” “mid-performing,” and “low-performing”; and

WHEREAS, ACE Inspire is a “mid-performing” school per CDE designation; and

WHEREAS, under Education Code §47607.2(b), for “mid-performing charters,” the chartering authority, on renewal, “shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school in the state and local indicators”; and

WHEREAS, under Education Code §47607.2(b), for mid-performing charters, “[t]he chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal”; and

WHEREAS, under Education Code §47607.2(b), for mid-performing charters, the authorizer shall consider clear and convincing evidence that either:

- (1) The Charter School has achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school, or
- (2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers [if applicable]; and

WHEREAS, under Education Code §47607.2(b), for mid-performing charters, the chartering authority may deny a renewal only upon making written findings, with sufficient facts to support the findings, that: (1) the charter school has failed to meet or make sufficient progress towards meeting standards that provide a benefit to the pupils of the school, (2) that closure of the charter school is in the best interest of pupils, and, (3) if applicable, its decision provided greater weight to performance of measurements of academic performance; and

WHEREAS, under Education Code §47607.2(b), for mid-performing charters, a charter granted under this subdivision shall be granted for a term of five (5) years.

The Board’s Options

WHEREAS, the Education Code does not require that the Board make findings if it elects to grant a renewal of a mid-performing charter school; and

WHEREAS, if a governing board denies a petition to renew a charter school, it must make written findings to support any of the grounds listed under Education Code § 47605(c).

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the San José Unified School District Board of Education that [select one option below]:

- Option No. 1:** The Board grant the renewal of the ACE Inspire Charter for a term of July 1, 2026 through June 30, 2031, as the Charter School has demonstrated that it has met the requirements for renewal, including “measurable increases in academic achievement, as defined by at least one year’s progress for each year in school,” through the performance on Statewide tests submitted with the Renewal. (Ed. Code 47607.2(b))

- Option No. 2:** The Board hereby denies the request to renew the charter of ACE Inspire on the following grounds:
 1. Petitioners are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition (Education Code § 47605(c)(2)).

 2. Under Education Code §47607.2(b), the Board finds that: (1) the charter school has failed to meet or make sufficient progress towards meeting standards that provide a benefit to the pupils of the school, (2) that closure of the charter school is in the best interest of pupils, and, (3) if applicable, its decision provided greater weight to performance of measurements of academic performance.

The Board of Education’s decision is based on the factual findings contained in the Staff Report.

PASSED AND ADOPTED by the Board of Education of the San José Unified School District, San José, California this 12th day of March 2026 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Nancy Albarrán
Superintendent and Secretary
Governing Board of Education

José Magaña
President
Governing Board of Education