

**RESOLUTION OF THE GOVERNING BOARD
OF THE OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 1718-0114

**DENYING CHARTER PETITION OF RIPPLE ACADEMY
AND WRITTEN FINDINGS OF SUPPORT THEREOF**

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, 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 Section 47605(b) charges school district governing boards 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 Section 47605(b)(5)(A)-(P), as well as the affirmations and other requirements set forth in Education Code Section 47605; and

WHEREAS, Title 5, Section 11967.5 of the California Code of Regulations (“Regulations”) contains the State Board of Education’s adopted criteria for the required elements for a charter petition as set forth in Education Code Section 47605(b) and although these criteria for the State Board of Education’s use in reviewing charter petitions are not binding on school districts they may provide instructive guidelines for school districts’ review of charter petitions; and

WHEREAS, a governing board may deny a petition for a charter school if it makes written findings to support any of the following under Education Code Section 47605(b):
(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 number of signatures required.*
- (4) *The petition does not contain reasonably comprehensive descriptions of the 15 required charter elements.*

WHEREAS, on or about September 27, 2017, the District received a petition submission for a charter for RIPPLE ACADEMY (“Petition”), a public charter school serving grades TK-8 with a proposed enrollment of 98 students in grades TK-6 in its initial year of operation (2018-2019); and

WHEREAS, on or about October 25, 2017, the Board held a public hearing on the new petition as required by Education Code Section 47605(b); and

WHEREAS, the Board of Education, under Education Code Section 47605(b), is obligated to take action to grant or deny the petition within 60 days of submission, unless Petitioner agrees to an extension of up to 30 days;

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Governing Board of the Oakland Unified School District that the charter petition be DENIED because as provided in Education Code Section 47605(b)(1) and (2), RIPPLE ACADEMY presents an unsound educational program for the pupils enrolled in the charter school, is demonstrably unlikely to successfully implement the program set forth in the petition, does not contain the number of signatures required, and does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q). The specific findings supporting the decision are enumerated in the Charter Petition Evaluation prepared by the District staff, with some key findings summarized below:

- 1) Lack of proven leadership capacity in the public school sector to implement the proposed program
- 2) Lack of evidence showing that the petitioners will meet the enrollment number targets as outlined in the petition
- 3) Lack of evidence, or reasonably comprehensive plan, that petitioners will achieve the racial and ethnic makeup of the target population described in the petition
- 4) Lack of an adequate master schedule and staffing plan needed for implementation of the education program as described
- 5) Insufficient description of delivery of ELD and on-going assessments to meet the instructional needs of English Learners
- 6) Inappropriate religious programming as part of the before school care options
- 7) State spending threshold was exceeded by 5% in proposed budget

THE BOARD HEREBY FINDS that RIPPLE ACADEMY has not met the requirements of Education Code Section 47605(b) in that:

- (1) The Petition presents an unsound educational program for the pupils to be enrolled in the Charter School; and
- (2) The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition;
- (3) The petition does not contain the number of signatures required;
- (5) The Petition does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(P).

The Board is therefore compelled to deny the Petition under the provisions of the Charter Schools Act. The Petition is hereby denied.

PASSED AND ADOPTED on December 13, 2017, by the Governing Board of the Oakland Unified School District by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENCES:

I declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.

Kyla Johnson Trammell
Secretary of the Governing Board
Oakland Unified School District



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TO: Board of Education

FROM: Kyla Johnson-Trammell, Superintendent
Silke Bradford, Director-Quality Diverse Providers

DATE: December 13, 2017

RE: Ripple Academy New Petition Request

Legislative File

File ID No.: 17-2095

Introduction Date: 09-27-17

Enactment No.: _____

Enactment Date: _____

By: _____

ACTION REQUESTED:

Recommendation:

Deny the petition and charter to establish Ripple Academy for a five-year term from July 1, 2018 through June 30, 2023. The petition presents an **unsound** educational program; the petitioners are demonstrably **unlikely** to successfully implement the program set forth in the petition; and the petition **does not contain** reasonably comprehensive descriptions of all of the 15 elements required by the California Charter Schools Act.

School Overview:

Ripple Academy (“Ripple” or the “Charter School”) proposes to open in Fall 2018 and intends to locate at the former St. Jarlath Catholic School campus (Dimond District). The school proposes to serve approximately 98 TK-6thth grade students in Year 1 of operation; growing to serve 222 students grades TK-8th in 2022-2023.

Overview of Recommendation:

After a thorough review of the petition and assessment of petitioner capacity, Staff recommends that the OUSD Board of Education **deny** the petition for Ripple Academy. The petition presents an **unsound** educational program; the petitioners are demonstrably **unlikely** to successfully implement the program set forth in the petition; and the petition **does not contain** reasonably comprehensive descriptions of all of the 15 elements required by the California Charter Schools Act.

Rationale for Recommendation

Staff conducted an evaluation of the petition pursuant to the Charter Schools Act. During the review process, Staff also conducted a set of petitioner interviews in an effort to clarify aspects of the petition, as well as to evaluate the capacity of the petitioners to successfully implement the program as set forth in the petition. Based on these evaluations, Staff has determined that the petition presents an **unsound** educational program; the petitioners are demonstrably **unlikely** to

successfully implement the program set forth in the petition; and the petition **does not contain** reasonably comprehensive descriptions of all of the 15 elements required by the California Charter Schools Act.

The factual findings in this report demonstrate that the petition meets the following conditions for **denial** under Education Code § 47605:

- (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 number of signatures required;*
- (5) The petition does not contain reasonably comprehensive descriptions of the 15 required charter elements.*

CHARTER PETITION EVALUATION OVERVIEW

School Name: Ripple Academy	Submission Date: September 27, 2017
Lead Petitioner: Rodney Pierre-Antoine	Public Hearing Date: October 25, 2017
Petitioner Interview Date: October 26, 2017	Decision Date: December 13, 2017
Governing Board Interview Date: October 26, 2017	
Proposed location of school	Former St. Jarlath’s Catholic School campus (Dimond District)
Composition of petitioner group	Former Catholic school leader and ED78 Charter Partner
Grade levels to be served in year 1	TK-6
Anticipated enrollment in year 1	98
Grade levels to be served at full-capacity	TK-8
Anticipated enrollment at full capacity	222 in Year 5 (224 in Year 6)
Target student population	“The Charter School will actively recruit from the Fruitvale and Dimond neighborhoods to achieve a diverse student body, inclusive of students from a range of socioeconomic levels, racial and ethnic backgrounds, and ability levels. This includes but is not limited to students who are English Learners, students with special education needs, and students who are economically disadvantaged.” (p. 30)

Brief description of the kind of school to be chartered.

“The vision of Ripple Academy is to develop a rigorous TK-8 school that provides an engaging and challenging learning environment where students are empowered to thrive as responsive citizens and leaders in the local and global community.” (p. 31)

Brief explanation of the mission of proposed charter school.

“The mission of Ripple Academy is to develop strong, self-confident students who positively impact their families, neighborhoods and global community.” (p. 31)

Planning to work with a charter management organization (CMO)

Yes ___ No X If Yes, Name of CMO: N/A

SIGNATURE VERIFICATION

Signature Verification

EC 47605(a)(3) A petition shall include a **prominent statement that a signature on the petition means that the parent or guardian is meaningfully interested in having his or her child, or ward, attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school.** The proposed charter shall be attached to the petition.

	Y	N	PG #
Parents / Guardians			
○ # aligned with proposed opening enrollment		X	Appendix J
○ Prominent statement	X		

Grade	2018-19	# of Signatures Needed	# of Valid Signatures Provided	# of Missing Signatures
TK/K	12	6	9 Confirmed (+3 Unconfirmed)	0
1	12	6	1 confirmed (+1 Unconfirmed)	4
2	12	6	5 Confirmed (+3 Unconfirmed)	0
3	12	6	10 Confirmed (+6 Unconfirmed)	0
4	12	6	6 Confirmed (+3 Unconfirmed)	0
5	12	6	2 Confirmed (+3 Unconfirmed)	1
6	26	13	10 Confirmed (+4 Unconfirmed)	0

The petition is missing a total of five (5) meaningfully interested student/family signatures in order to meet the requirement of having half of the school's projected Year 1 enrollment. In addition, five (5) families reported that they were not interested in having their child attend Ripple Academy in 2018-19.

FIFTEEN ELEMENTS TABLE

Statutory Reference: E.C. §§ 47605(b) (5) (A) to (P).

The Charter Schools Act requires authorizers to evaluate whether the petitioners have presented a “reasonably comprehensive” description of the 15 elements related to a school’s operation.

Element	Evaluation Reference	Inadequate	Reasonably Comprehensive	Statutory Reference
Description of the educational program of the school, including what it means to be an “educated person” in the 21 st century and how learning best occurs.	<i>Section I, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<i>Section I, G</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<i>Section I, H</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(C)
Governance structure	<i>Section II, A</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section II, C</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section II, D</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(J)
Manner for covering STRS, PERS, or Social Security	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(K)
Attendance alternatives for pupils residing within the district	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(L)

Element	Evaluation Reference	Inadequate	Reasonably Comprehensive	Statutory Reference
Employee rights of return, if any	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(M)
Dispute resolution procedure for school-authorizer issues	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(N)
Procedures for school closure	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(P)
Facilities to be utilized by school	<i>Section II, E</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Manner in which administrative services are to be provided	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Potential civil liability effects	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Proposed first year operational budget	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(g)
Cash flow and financial projections for 3 years	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(g)

CHARTER PETITION EVALUATION FINDINGS: CAPACITY

Area(s) Lacking Capacity	Analysis	Inadequate Element(s)
Recruitment and Enrollment	<ul style="list-style-type: none"> - The petition lacks a clear and compelling student recruitment plan likely to attract the projected enrollment. - The petition is missing a total of five (5) meaningfully interested student/family signatures in order to meet the requirement of having half of the school’s projected Year 1 enrollment. - In addition, five (5) families reported that they were not interested in having their child attend Ripple Academy in 2018-19. 	Means for Achieving Racial and Ethnic Balance
Finances	<ul style="list-style-type: none"> - Petitioners have proposed using an average of over 60% of total projected funding from Year 1 through Year 5. The State requirement is to only use 55%, so the projected spending is over the threshold. <p>Petitioners claim there are private funding sources that are close to being secured, but none of these potential donors provided letters of commitment stating what they would donate to Ripple Academy if the petition is approved.</p>	Proposed First Year Operational Budget Cash Flow and Financial Projections for 3 Years
Leadership	<ul style="list-style-type: none"> - The petitioners lack the experience and capacity in the public school sector to establish and operate the proposed school. - The proposed leader/founder has only been a school leader in private Catholic schools, which ostensibly serves a very different student population than that of public schools. - The school leader/founder could not provide any publicly available assessment data (as opposed to self-reported data) showing positive academic outcomes/growth for students while under his leadership. - To propose to serve one of the more underserved student populations in the city of Oakland requires a proven track record of leading a school that has resulted in verifiable and increased outcomes for a similar student population. 	Qualifications to be Met by Individuals Employed at the School

Area(s) Lacking Capacity	Analysis	Inadequate Element(s)
	<p>- Lodestar: A Lighthouse Community Public Charter School is located in the exact building/neighborhood that Ripple Academy proposes to locate. When asked what sets Ripple apart from a well-established CMO that has had weak student outcomes (ELA/Math only 10-11% proficient) in the target neighborhood, the petitioner was unaware of their model/outcomes. Furthermore, the petitioner did not provide a compelling description of how his proposed school program would be able to produce better results than a CMO in the same neighborhood with experience in the public charter sector.</p>	<p>Description of the Education Program</p>

CHARTER PETITION EVALUATION FINDINGS: EDUCATION PROGRAM

Unsound Education Program	Analysis	Inadequate Element(s)
<p align="center">Target Population</p>	<ul style="list-style-type: none"> - A Catholic publication stated that “Ripple Academy might begin its school day at 9 a.m. St. Jarlath Parish would offer an optional hour of faith formation at 8 a.m. Every student would be invited to participate, but there would be no requirement to attend.” There are some issues with what was called “faith wrap-around” services that would be offered to Ripple Academy students. 1) Ripple is starting school relatively late compared to other schools that start 30-60 minutes earlier, which already poses a scheduling issue for families that have to work at 9:00 am or earlier. 2) The only before school care mentioned in the petition beings at 8:30 am for breakfast. 3) If a family wants care starting at 8:00 am at the school, they will be forced to enroll their child in “faith formation” classes that start at 8:00 am. - It is clear how the aforementioned elements will be appealing to the former students of the Catholic school that closes and the lead petitioner led, but the scheduling and prominence of the programming described above could be uncomfortable for those expecting a purely secular public school experience that education law demands. - Of additional concern is that the only two proposed board members that attended the petitioner interview, were also members of the church, and/or had formally volunteered their time at the private school formerly operated at the parish. 	<p align="center">Description of Education Program</p>
<p align="center">Programs for English Learners</p>	<ul style="list-style-type: none"> - Considering the proposed target population is projected to be comprised of 33% English Learners, there is insufficient consideration in the petition and petitioner interviews given to serving this student population. - The petition named the Flexible Learning Block (FLB) as the time that English Language Development (ELD) would take place. When petitioners were asked to describe what would take place during the FLB, they never mentioned ELD. 	<p align="center">Description of Education Program</p>

Unsound Education Program	Analysis	Inadequate Element(s)
	<ul style="list-style-type: none"> - English Learners were not mentioned by the petitioners during the entire 90-minute interview; only English classes for adults and legal resources for undocumented families were mentioned as potentially being available on campus. 	
Intervention for Struggling Learners	<ul style="list-style-type: none"> - When petitioners were asked to describe the three named placement/program categories of the FLB, they were unable to name/describe them without having to refer back to the petition. - The FLB intervention model appears to be teacher-created/driven, with no described oversight or systems for determining effectiveness. 	Description of Education Program
Scheduling and Staffing	<ul style="list-style-type: none"> - The petition lacks evidence demonstrating how the daily schedule, and particularly teacher staffing, will support effective implementation of the education program as described. - PE, Art, and Technology are glaringly absent from both the bell schedule and “Day in the Life of a Student” description. - The petition commits to providing PE for 150 minutes for K-5 and 225 minutes for middle school grades, yet the schedule provided does not include this. Therefore, the schedule is misleading in that it posits that ELA and Math will have up to 120 and 90 minutes, respectively; however, in order to fulfill the promise of having PE, Art, and Technology, these ELA/Math instructional minutes would have to be less than presented. - The petition describes looping as being a feature of the education program. The traditional definition and implementation would be that a student would have a teacher for kindergarten, and then have this same teacher for 1st grade. After further questioning, staff determined that “looping” is an overstatement considering that all students, as young as TK/K, may have up to four (4) different teachers during the school day. - The staffing model, as clarified in the petitioner interviews, is that ELA will be assigned to one 	Description of Education Program

Unsound Education Program	Analysis	Inadequate Element(s)
	individual, PE to another, while another individual will teach all Math/History/Science subjects. Then, all teachers would also be responsible for teaching the FLB. Therefore, students will see up to four (4) teachers by the end of their school day.	
Measuring Pupil Progress	<ul style="list-style-type: none"> - The majority of the Measurable Pupil Outcomes and LCAP goal performance targets, most are not ambitious, and lack a clear target to be achieved. - Most of the goal language indicates only a 1% increase or decrease annually “until” a named goal is met. A 1% increase/decrease across all goal categories is not rigorous and shows a lack of urgency as it relates to improving student outcomes. 	Measureable Pupil Outcomes
Innovative Aspects of Education Program	<ul style="list-style-type: none"> - The Ripple Academy model rests on being a small K-8 school model, of which there are many to choose from in the charter sector. - Ripple Academy touts class sizes of 24 as being unique to their education program, when OUSD schools’ loading ratio averages in the neighborhood are between 23.6-24.8 for K-5th and 25.4-26.6 for 6th- 8th. - Though technology, art, and music are mentioned in the petition and/or petitioner interviews, it is unclear how these subjects will be integrated or staffed, specifically considering their notable absence from the schedule submitted in the petition. 	Description of Education Program