



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools,
Thriving Students

屋崙聯合校區

建議向美國印地安模式特許學校 發出意圖撤消通知書^{v5}

屋崙聯合校區教育委員會
2013年1月23日教育委員會會議

Tony Smith 博士，屋崙聯合校區總監
David Montes de Oca，優質社區學校發展部執行總監
Jacqueline P. Minor，首席法律顧問
John R. Yeh, Burke Williams & Sorensen, LLP
提出



概覽

- 第一部分：屋崙聯合校區的優先事項及目的
- 第二部分：事件時序
- 第三部分：教育委員會作為特許學校授權人的責任及義務
- 第四部分：美國印地安模式特許學校對違規通知書的回應
- 第五部分：美國印地安模式特許學校建議的補救方案
- 第六部分：集中教育計劃表現
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- 第八部分：美國印地安模式特許學校遞交的文件



第一
部分：

屋崙聯合校區的
優先事項及目的



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools,
Thriving Students

承諾

屋崙聯合校區承諾下列：

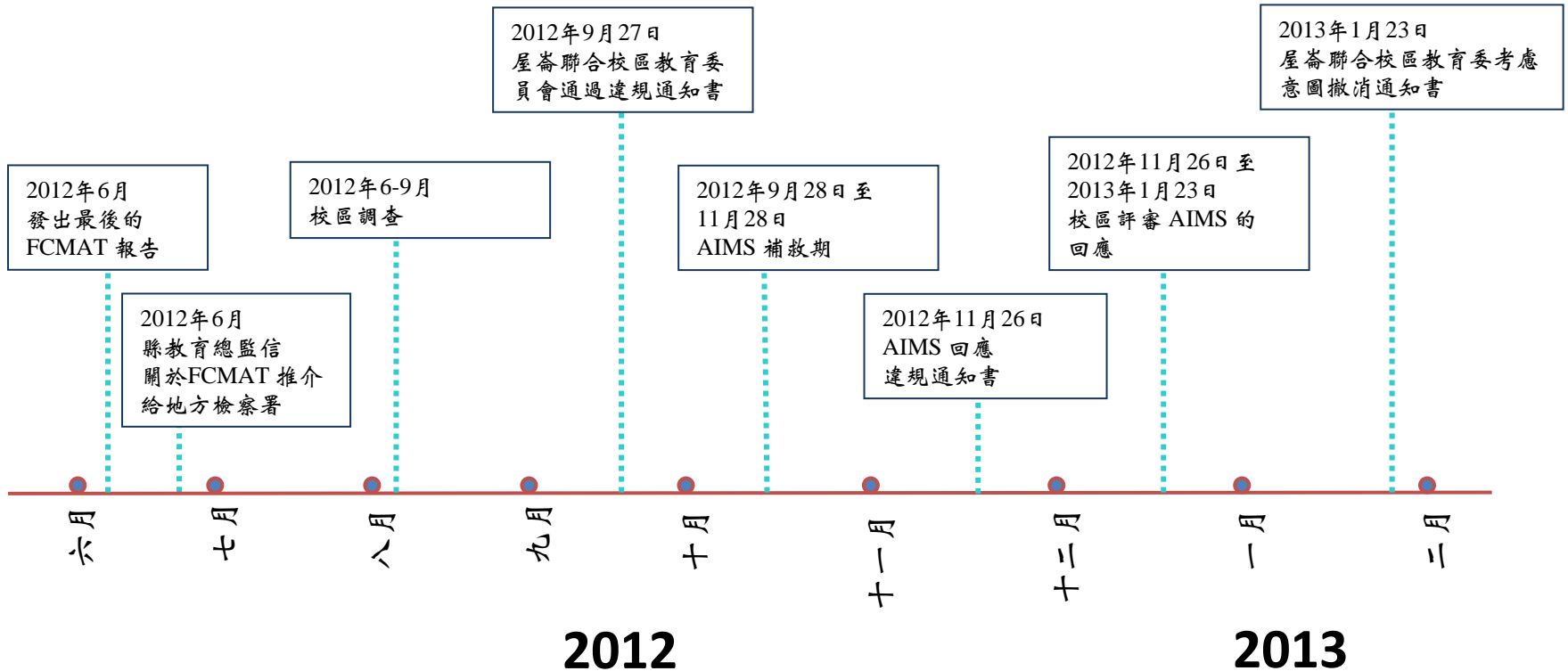
- 提供最高質素的學術輔導及服務給所有學生，包括 AIMS 特許學校的學生。
- 履行特許學校授權人的義務去確保特許學校按其特許狀及法律去符合它們的法律及道德責任，以及適當使用公款的措施。

第二
部分：

事件時序



直至意圖撤消通知書的事序：2013年1月23日



下一步

- 2013年1月23日 職員向教育委員會建議發出意圖撤銷通知書
- 2013年2月 若教育委員會發出意圖撤銷通知書：
公聽（不遲於2013年2月24日）
- 2013年3月 教育委員會決定（不遲於2013年3月24日）
- 2013年3/4月 若教育委員會撤銷特許學校資格：
可向阿拉米達縣教育委員會提出上訴
- 2013年5/6月 若縣政府支持撤銷特許學校資格：
可向加州教育委員會提出上訴
- 2013年6月30日 生效日期，若維持撤銷



第三 部分：

教育委員會作為特許學校 授權人的責任及義務



教育委員會作為特許學校授權人的責任

- 教育委員會被委以責任去確保它們授權的特許學校：
- 跟隨它們特許狀所作出的承諾
- 符合一般可公認的會計原則
- 廉正地使用公立教育撥款
- 跟隨法律

教育委員會作為特許學校授權人的責任

- 特許法的立法原則是當有合理撤銷原因時，授權人所採取的行動並非是補救。

撤銷理由 突出描述AIMS的違規

A) 嚴重觸犯任何列舉在特許狀上的條件、標準、或程序

B) 無法符合或奉行任何列舉在特許狀上的學生成果

C) 無法符合一般公認的會計原則或從事財務管理不善

D) 觸犯任何法律條款



至現今已經發生的關鍵行動：

- 阿拉米達縣要求 FCMAT 調查 AIMS
- FCMAT 調查報告發現有利益衝突，導致創辦人及其配偶從公共教育撥款中得到三百八十萬元的個人利益、管理不當、和監管財務不當
- 縣教育總監把FCMAT 報告推介往地方檢察署
- 茲因挪用撥款，加州教育部終止給AIMS 的ASES 撥款
- 加州財務機關裁決AIMS無履行設施撥款協議



第四 部分：

美國印地安模式特許 學校對違規通知書的 回應



回應扼要

違規

- 利益衝突：與創辦人和 / 或配偶的合約
 - 創辦人和 / 或配偶持有與 AIMS 簽署合約公司的股份（包括 ADS, Lumbee, SAIL, AAFS）
 - 建築合約
 - 出租給 AIMS 學校
 - 課後計劃
 - 行政服務
 - 創辦人及其配偶從這些合約中得到個人利益
 - 大約三百八十萬元公立教育撥款

AIMS 的回應

- 觸犯利益衝突：與創辦人和 / 或配偶的合約
 - AIMS 承認簽署這些合約
 - AIMS 否認他們有不當或不法
 - AIMS 董事局成員宣稱它們是由 AIMS 董事局通過，並知道創辦人的利益
 - AIMS 宣稱有財務節省 / 創辦人因此作出捐款

* ADS: American Delivery Systems; Lumbee: Lumbee Properties, LLC;
SAIL: Stanford Academic Institute of Learning; AAFS: A&A Business Solutions



回應扼要

AIMS的回應

- AIMS 不當適用於利益衝突法
 - 對 AIMS 的“節省”並沒有有效的交易
 - AIMS 沒有跟隨法律及它自己的政策去確保創辦人沒有涉及、或不可以影響，這些協議
- AIMS 宣稱“節省”是基於無理說法
 - AIMS 宣稱按租約每月支付 ADS/Lumbee 每平方尺 \$1.089，而屋崙聯合校區收取它的特許學校每平方尺 \$2.50，導致宣稱 AIMS 節省 \$2,802,824
 - AIMS 是錯誤的。屋崙聯合校區是每年收費
 - 一個佔用65,000 平方尺的校區設施每年支付 \$162,500，每平方尺每年 \$2.50。AIMS 支付它的創辦人 \$1,950,000
 - AIMS 宣稱租用創辦人的地方而不租用校區設施會每年節省 \$1,099,867.80；而事實是每年多付創辦人\$687.632.20



回應扼要

AIMS 回應說法

出租人	平方尺	每平方尺價格	每月收費	每年收費
屋崙聯合校區	65,000	\$2.50	\$162,000	\$1,950,000.00
創辦人	65,000	\$1.089	\$70,844.35	\$ 850,132.20

假設每年節省	\$ 1,099,867.80
假設兩年節省	\$ 2,199,735.60

(抽取自 AIMS 回應說法，第2個文件夾圖表，第17頁)

實際價格比較

出租人	平方尺	每平方尺價格	每月收費	每年收費
屋崙聯合校區	65,000	\$2.50 (每年)	\$13,500.00	\$ 162,000.00
創辦人	65,000	\$1.089	\$70,844.35	\$ 850,132.20

實際每年支付創辦人的差額	\$ 688,132.20
實際兩年支付創辦人的差額	\$ 1,376,264.40



屋崙聯合校區審核 AIMS 的回應

- AIMS 董事局允許創辦人觸犯利益衝突法而得到個人利益
- AIMS 的回應沒有就這些交易提供法律或事實辯解
- AIMS 的回應並沒有承認不當，卻嘗試辯解
- AIMS 的回應沒有提供足夠證據董事局或財務監管有明顯的改善



第五 部分：

美國印地安模式特許學校 建議的補救方案



校區審核 AIMS 建議的補救方案

- 相同兩頁的利益衝突政策；新一頁的利益衝突揭露表格
- 修改財務政策，新的財務行政人員和財務專責委員會——有私營企業的經驗；仍未成立委員會
- 沒有明顯的機構或組織改變，或轉換財務代理
- 沒有引進另一個特許學校管理機構
- 新的董事局手冊，3-4 次董事局培訓環節，但沒有徹底檢查程序或繼續董事局教育 / 培訓
- 沒有清楚處理學校的情況和董事局與創辦人的關係



校區審核 AIMS 建議的補救方案

違規通知書辨別五項補救範圍

管理 AIMS 機構來確保遵照適用的法律條件來符合條例，包括收生和教師文憑

沒有補救方案

改變 AIMS 董事局結構及操作來確保有更大的財務及操作控制權

沒有補救方案

鑒定負責 AIMS 財務操作的機關

沒有補救方案

訂立利益衝突機制並實施程序

沒有補救方案

適當地從 AIMS 操作各方面與創辦人及其配偶分割

沒有補救方案



回應扼要

溝通機會：

2012年9月：屋崙聯合校區特許辦公室總監、AIMS 董事局主席及董事、和首席法律顧問間會晤遞交違規通知書。強調溝通渠道仍然開放給 AIMS 來討論建議的補救方案——AIMS 並沒有要求會議

2012年9月：在屋崙聯合校區教育委員會會議後，與屋崙聯合校區特許辦公室總監、校區首席法律顧問和 AIMS 法律顧問討論——鼓勵 AIMS 在六十日補救期內與校區溝通——AIMS 並沒有要求會議

2012年11月：沒有聽到 AIMS 後，屋崙聯合校區首席法律顧問就違規通知書聯絡 AIMS 董事局提出會晤——AIMS 並沒有要求會議



第六 部分：

集中教育計劃表現



教育計劃表現

教育法規第47607(c)(2)節 (2013年1月1日生效)

“授予特許學校的授權人應該考慮增加特許學校服務的各學生組別的學生學術成績，這是決定究竟是否撤消特許學校的最重要因素。”

AIPCS：2012年度學術指標974分

AIPCS II：2012年度學術指標981分

AIPHS：2012年度學術指標928分

並不禁止教育委員會撤消高學術成績的特許學校，但必須考慮學術表現。

有跡可尋的 AIMS 學術記錄和觸犯法律及財務管理不當之間的平衡都必須要考慮。

校區總監及職員承諾支持家庭維持優質學校計劃機會。



第七
部分：

下一步



下一步

- 2013年1月23日 職員向教育委員會建議發出意圖撤銷通知書
- 2013年2月 若教育委員會發出意圖撤銷通知書：
公聽（不遲於2013年2月24日）
- 2013年3月 教育委員會決定（不遲於2013年3月24日）
- 2013年3/4月 若教育委員會撤銷特許學校資格：
可向阿拉米達縣教育委員會提出上訴
- 2013年5/6月 若縣政府支持撤銷特許學校資格：
可向加州教育委員會提出上訴
- 2013年6月30日 生效日期，若維持撤銷



第八 部分：

附錄一：美國印地安模式 特許學校遞交的文件樣本





OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

摘錄自前董事局成員的聲明：意識到利益衝突



American Indian Model Schools

171 12th Street Oakland, CA 94607


We were board members of the American Indian Model Schools Board when the AIM Schools board approved the following:

The American Delivery Systems (ADS) construction proposal in January 20, 2006 and the Lumbee Properties, LLC construction proposal at the March 15, 2007 AIM Schools Board meeting.


We were aware that Dr. Ben Chavis was the owner of American Delivery Systems (ADS) and Lumbee Properties, LLC and married to Mrs. Marsha Amador. They also completed Form 700s which listed their various businesses.


Mrs. Amy Cai, Signature

10-1-12
Date


Ms. Rose H. Lee, Signature

11-25-12
Date


Ms. Sylvia Thomas, Signature

10-15-12
Date

來源：AIMS 回應



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

AIMS 董事局2006年1月20日的議程 / 會議記錄並不支持聲明

American Indian Public Charter School
3637 Magee Ave. Oakland, CA 94619
(510) 482-6000

Board Meeting
January 20, 2006
7:00 p.m.

Agenda

- I. Call to Order
- II. Approval of Minutes
- III. Public Comment or Announcements
- IV. Director's Report
 - a. Blue Ribbon School.
 - b. Students taking SAT.
 - c. Title I School.
- V. Unfinished Business
 - a. High School charter submitted to OUSD.
- VI. New Business
None.
- VII. Action Items
 - a. Budget for 2006-2007.
- VIII. Adjournment

American Indian Public Charter School
3637 Magee Ave. Oakland, CA 94619
(510) 482-6000

Board Meeting
January 20, 2006
7:00 p.m.

Minutes

Members Present: Lee, Martinez, Hanson
Guest: Mr. Ruper Lupe, Ms. Glover

- I. Quorum established and meeting is called to order at 7:03 p.m.
- II. Approval of Minutes:
Mr. Martinez motioned to approve the minutes. It was seconded by Mr. Hanson.
- III. Public Comment or Announcements:
Pastor Mila of the Tongan Church said he wanted to thank AIPCS for helping start a new day care at the church.
- IV. Director's Report
 - a. The director state AIPCS has been nominated a National Blue Ribbon School.
 - b. About 40 students will be taking the SAT this month.
 - c. AIPCS has won the Title 1 Academic Award again.
- V. Unfinished Business
 - a. High School charter was submitted to OUSD. It will take about 60 days for the process to be complete.
- VI. New Business
None.
- VII. Action Items
 - a. The board voted unanimously to approve budget for 2006-2007 for AIPCS. The school has about 20% reserve of cash.
- VIII. Adjournment
Meeting ended at 8:04 p.m.

來源：FCMAT



OAKLAND UNIFIED SCHOOL DISTRICT

Community Schools, Thriving Students

AIMS 董事局2007年3月15日的議程 / 會議記錄並不支持聲明

American Indian Public Charter School
3637 Magee Ave. Oakland, CA 94619
(510) 482-6000

Board Meeting
March 15, 2007
12:00 p.m.

Agenda

I. Call to Order

II. Approval of Minutes

III. Public Comment or Announcements

IV. Director's Report

V. Unfinished Business

- New Site Administrator for High School
- Carey Blakely will return to San Diego in September.

VI. New Business

- President Lee's term ends in June
- Change meetings back to 7:00 p.m.
- Recruit former student to board
- Secure lease for new middle school with Moyer Reality
- Recruit new director for AIPCS.

VII. Action Items

- Contract for 171 12th Street
- Recruit new director for AIPCS
- Approve new 6th grade teacher
- Change board meeting to 7:00 p.m.

VIII. Adjournment

American Indian Public Charter School
3637 Magee Ave. Oakland, CA 94619
(510) 482-6000

BOARD MEETING
March 15, 2007
12:00 p.m.

Minutes

Members Present: Atiba Thomas, Rose Lee, Evelia Lopez, Clark Amador
Guests: Amy Cai (Parent), Janet Shewmon (Teacher)

I. Quorum established, meeting called to order at 12:06 am.

II. Members reviewed minutes. Mr. Amador motioned to approve minutes from the December 21, 2007 meeting, seconded by Ms. Lopez. Minutes approved unanimously.

III. Announcements

- State testing will begin on Monday April 24 - May 3, 2007. We will once again be testing on Tuesdays - Thursdays.
- AIPCS II charter was approved by OUSD State Administrator

IV. Reports

Director's Report

- Over 60 AIPCS students qualified for the CTY program.
- 30 7th graders will be attending Merritt College Summer Math Program.
- Dr. Chavis expects students to score above 950 on the API this year based on his class observations.
- 8th grade students field trip to Washington D.C. planning is under way. Have secured the rooms, and flights.
- Graduation is set for Friday June 5th @ 6 p.m..
- Graduation keynote is selected. Jeanne Allen, the president of The Center for Education Reform, will be the keynote speaker.

Finance

- Dr. Chavis notes that the AIPCS budget has a 20% reserve.
- A copy of the school budget was passed to board members.

V. Unfinished Business

- Ms. Carey Blakely, will resign as Site Coordinator because she is returning to San Diego.
- Mr. Berniker was recommended as the new Site Coordinator for American Indian Public High School for 2007-2008. Dr. Chavis said Ms. Carey has done a great job.

VI. New Business

- Board President- Ms. Rose Lee has stated that this will be her 2nd last meeting as member of AIPCS Governance Board. She will continue working with us until June 21, 2007.

- Ms. Lopez suggested the board meetings be moved back to 7:00 p.m.
- Ms. Rose noted that we should get Nathan Robles, former student who is in college to serve on the board. Nathan Robles was the 1st CTY/JHU student and is enrolled in college.
- Ms. Thomas noted that the board needs to secure a lease at 171 12th Street, Oakland, CA for the new American Indian Public Charter School II.
- Dr. Chavis has noted that he will work part-time next year 2007-2008 and will continue to donate his salary to the school for student's perfect attendance, field trips, bus passes, etc. This will also be his last year as the director of American Indian Public Charter School.

VII. Action Items

- Board unanimously approves signing a lease with Moyer Reality for AIPCS II at 171 12th Street.
- The board voted unanimously to begin a search for a new director for American Indian Public Charter School for 2008-2009 school year.
- Board voted unanimously to hire Ms. Ramamoorthy as a 6th grade teacher
- Board voted unanimously to move board meeting back to 7:00 p.m. beginning June 21, 2007.

VIII. Adjournment

Meeting is adjourned at 1:24p.m.

來源：FCMAT



OAKLAND UNIFIED SCHOOL DISTRICT

Community Schools, Thriving Students

AIMS 回應：“AIMS 校董局就有關合約並沒有觸犯任何利益衝突條款”：AIMS 的支票由創辦人簽署給他自己的公司



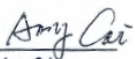
American Delivery Systems
3801 Mountain Blvd., Oakland, CA 94619
Phone (848) 203-4466

PROPOSAL
Project: American Indian Public Charter School
3637 Magee Avenue
Oakland, CA 94619

This is an outline of proposed work for AIPCS. The work will focus on the Mandarin class, downstairs boys bathroom and both upstairs bathrooms.

1. Upstairs girls and boys bathroom will be commercial toilets, energy efficient faucets, paint walls and replace wooden floor and tile as needed.-----\$31,000.00
2. Update bathroom in Mandarin class, install water fountain, repair walls, replace floor, and repaint walls.-----\$46,000.00
3. Downstairs boys bathroom will be replaced with commercial toilets, energy efficient faucets, paint walls, and floor a red commercial paint-----\$38,000.00

The work will be done during a time not to interfere with classroom instruction.

Proposed by:	Approved by:
 ADS, Dr. Ben Chavis <u>6-22-06</u> Date	 Ms. Rose Lee, <u>6-22-06</u> AIPCS Acting Chair Date
 Mrs. Amy Cai, <u>6-22-06</u> AIPCS Board Member Date	

來源：AIMS 回應



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

AIMS 的支票由創辦人簽署給他自己的公司

ADS
3801 Mountain Blvd., Oakland CA 94619
848-203-4466

STATEMENT DATE: 8/15/07

American Indian Public Charter School
3637 Magee Avenue
Oakland, CA 94619
(510)482-6000

Date	Description	Amount
7/8/07	Remodel upstairs bathrooms to meet ADA & Commercial standards. "Turn Key Upgrade".	\$31,000.00

A FINANCE CHARGE of 2% per month will be charged on balances over 30 days. In the event this account is placed in the hands of a collection agency or an attorney for collection, the debtor obligates himself to pay collection fees and or attorney fee plus expenses.

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**AMERICAN INDIAN
PUBLIC CHARTER SCHOOL**
3637 MAGEE AVENUE
OAKLAND, CA 94619
(510) 482-6000

COMMUNITY BANK OF THE BAY
OAKLAND, CA 94612
90-4240-1211

8/31/2007

TO THE ORDER OF ADS \$ **31,000.00

Thirty-One Thousand and 00/100..... DOLLAR

ADS

MEMO remodel bathroom

[Signature]

AMERICAN INDIAN PUBLIC CHARTER SCHOOL	8/31/2007	476
ADS		31,000.00
CBOB CHECKING 2 remodel bathroom		31,000.00
AMERICAN INDIAN PUBLIC CHARTER SCHOOL		476
ADS	8/31/2007	31,000.00

來源：AIMS 回應



OAKLAND UNIFIED SCHOOL DISTRICT

Community Schools, Thriving Students

AIMS 的支票由創辦人簽署給他自己的公司

ADS
3801 Mountain Blvd., Oakland CA 94619
848-203-4466

STATEMENT DATE: 9/10/07

American Indian Public Charter School
3637 Magee Avenue
Oakland, CA 94619
(510)482-6000


Date
9/1/07

Description
Remodel downstairs bathrooms to meet ADA & Commercial standards.
"Turn Key Upgrade".

\$38,000.00

A FINANCE CHARGE of 2% per month will be charged on balances over 30 days. In the event this account is placed in the hands of a collection agency or an attorney for collection, the debtor obligates himself to pay collection fees and or attorney fee plus expenses.

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AMERICAN INDIAN PUBLIC CHARTER SCHOOL
3637 MAGEE AVENUE
OAKLAND, CA 94619
(510) 482-6000

COMMUNITY BANK OF THE BAY
OAKLAND, CA 94612
90-4240-1211

9/17/2007

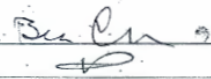
\$ **38,000.00

TO THE ORDER OF ADS

Thirty-Eight Thousand and 00/100***** DOLLARS

ADS

MEMO remodeling bathroom downstairs



MERICAN INDIAN PUBLIC CHARTER SCHOOL 480

ADS				9/17/2007			
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment	
9/18/2007	Bill		38,000.00	38,000.00		38,000.00	
				Check Amount		38,000.00	

CBOB CHECKING 2 remodeling bathroom downstairs 38,000.00

MERICAN INDIAN PUBLIC CHARTER SCHOOL 4801

ADS				9/17/2007			
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment	
9/18/2007	Bill		38,000.00	38,000.00		38,000.00	
				Check Amount		38,000.00	

來源：AIMS 回應



OAKLAND UNIFIED SCHOOL DISTRICT

Community Schools, Thriving Students

AIMS 的支票由創辦人簽署給他自己的公司

306

LUMBEE Properties, LLC
171 12th Street, #4
Oakland, CA 94607
Phone (520) 743-0771

PROPOSAL
Project: American Indian Public Charter School II
171 12th Street
Oakland, CA 94607

This is an outline of proposed work for AIPCS II. We will demolish existing walls for classrooms and offices. Remove all demolition material. Repaint walls with white semi-gloss paint. Locate rebar and tension cables embedded in the concrete slab of floor.

I. Complete new or alternate existing walls with metal studs, sheet rock and smooth texture. Six classrooms will be designed and created to accommodate 20-35 students. The school will be charged for two classes.
1) _____ \$75,000.00

II. Remove all carpet and padding. Replace with 16x16 tile in six classrooms, two offices and center mixed used space. American Indian symbols will be designed in the floor in each room.
2) _____ \$35,000.00

III. Girls bathroom will be remodeled to reflect modern design, energy efficient, replace tile on walls, floor, and paint walls.
3) _____ \$38,000.00

IV. Create at least two rooms that will be used as administrative offices or multi-purpose room.
4) _____ \$47,500.00

Proposed by: _____ Approved by: _____
Lumbee Holdings, LLC Date: 4/2/07 Rose Hynlee Date: 4-22-07
AIPCS Board member Date: 4-2-07

Lumbee Holdings, LLC
171 12th Street #4
Oakland, CA 94607
P(520)743-0771

INVOICE

American Indian Public Charter School II
71 12th Street
Oakland, CA 94607
(510)893-8701

Date: 9/7/07 Terms: Due upon Receipt

Date	CHARGES and DESCRIPTION	BALANCE
9/1/07	Description: 171 12 th St, Suite #102 Remodeling the floors of six classrooms and two offices and in center area with 16x16 ceramic tile.	\$35,000.00
TOTAL		\$35,000.00

AIPCS II
25 10TH STREET
OAKLAND, CA 94607
COMMUNITY BANK OF THE BAY
OAKLAND, CA 94612
9/13/2007
\$35,000.00
DOLLAR

MEMO
Lumbee Holdings
Thirty-Five thousand and 00/100
Lumbee Holdings
classrooms remodeling

Date	Lumbee Holdings	Type	Reference	Original Amt.	Balance Due	9/13/2007 Discount	Payment
9/13/2007	Lumbee Holdings	Bill	Reference	35,000.00	35,000.00		35,000.00
						Check Amount	35,000.00
	CBOB CHECKING 2		classrooms remodeling				35,000.00
	AIPCS II						101
9/13/2007	Lumbee Holdings	Bill	Reference	35,000.00	35,000.00		35,000.00
						Check Amount	35,000.00
	CBOB CHECKING 2		classrooms remodeling				35,000.00

來源：AIMS 回應