



TO: Board of Education
FROM: Gary Yee, Ph.D., Superintendent
Silke Bradford, Director of Quality Diverse Providers
DATE: August 22, 2012
RE: Oakland Unity Middle School
Charter Petition Request

Legislative File
File ID No.: 13-1315
Introduction Date: 06/22/2013
Enactment No.: _____
Enactment Date: _____
By: _____

ACTION REQUESTED

Approve the denial petition and charter to establish Oakland Unity Middle School (OUMS). 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 16 elements required by the California Charter Schools Act.

SUMMARY

Staff recommends that the OUSD Board of Education **approve the denial** of the petition for Oakland Unity Middle School (OUMS) proposed to begin operation fall 2014, serving 80 students in grades 6 and 7, and growing to 225 students, grades 6 through 8. Staff recommends denial based on factual findings specific to this petition and set forth in the attached staff report and petition evaluation.

The petition for Oakland Unity Middle School (OUMS) is to create a middle school to prepare students for college both academically and socially. The petitioners plan is to "...meet these students earlier in their academic careers and use the same principles that helped make Oakland Unity High School a successful environment to raise the outcomes of our graduates by building from a solid middle school foundation."

The petitioners specifically cite an English Learner population of 79%. The instructional program outlined in the petition does not adequately address the needs of this target population. In addition, the lack of daily interventions (ELD/Math/Reading), coupled with a lack of instructional minutes dedicated to core academic subjects, represents an unsound educational program. The lack of the founding group teachers being meaningfully interested in teaching at the school means that "(3) The petition does not contain the number of signatures required by subdivision (a)."

PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted a petition for the Oakland Unity Middle School on May 22, 2013 at a regularly scheduled Board of Education meeting. The petition proposes to create a middle school of 225 students, beginning in 2014-2015 with an opening 6th and 7th grade class of 80 students total.
- 2) A public hearing was held on June 12, 2013. Representatives from the petitioning group presented.
- 3) Staff conducted an orientation to OUSD's charter review process for the lead petitioner on June 26, 2013. At this meeting the petitioners also agreed in writing, to an extension of the statutory deadline for action to 90 days from the date of submission of the petition.
- 4) Two petitioner interviews were held on July 10, 2013, with participants from two groups, respectively: the founding group and with the proposed governing board members.

STATUTORY BACKGROUND

Pursuant to Education Code §47605:

Charter law outlines the criteria governing the approval or denial of charter school petitions. The following excerpt is taken from the Charter Schools Act, Education Code §47605. This excerpt delineates charter approval and denial criteria:

A school district governing board 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. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (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 an affirmation of each of the conditions described in Education Code §47605(d).*
- (5) The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.*

DISCUSSION

Staff convened a petition review team comprised of leaders within and outside the District, which subsequently conducted an evaluation of the petition pursuant to the Charter Schools Act and with the application of the Oakland Unified School District Petition Evaluation Rubric.

During the petition review process, staff conducted two interviews in an effort to clarify various 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. One interview was with the founding leadership group and design team; another was with members of the Oakland Unity Middle School governing board.

Oakland Unity Middle School proposes to open in fall 2014 as a direct-funded charter school, operating at the site of their current high school (Oakland Unity High School) located at 6038 Brann Street, Oakland. This is a rental facility from the Evangelical Lutheran Church of Our Redeemer. The school proposes to serve approximately 80 students in grade 6 and 7 in its first year (2014-2015), expanding to grades 6-8 in its second year, for a total of 225 students by 2018-2019. Features of the proposed program include:

- Common Core Standards-based Curriculum
- Blended Learning Math
- Technology Learning Labs
- SSR/Advisory
- After-School Program

EVALUATION SUMMARY

The charter petition evaluation that follows summarizes the consensus of the District reviewers with respect to the educational program and proposed school operations, as well as an articulation of strengths and foreseeable challenges, pursuant to the petition review process. Among the areas in which the petition *failed* to meet the established standards are:

- 1) Lack of a demonstrated understanding of the educational needs of the target population; specifically English Learners proposed to comprise 79% of the student population
- 2) Lack of daily ELD, Math, and ELA intervention courses
- 3) Incomplete scope and sequence for core subjects in grades 6 and 7
- 4) No performance data related to ELs was provided as rationale for the chosen educational philosophy and approach to instruction with similar populations
- 5) Inadequate resources and professional support needed for effective implementation
- 6) Inadequate curriculum descriptions provided for both academic and intervention courses (excluding Math course)
- 7) Lack of time to execute meaningful professional development during the weekly 30 minute staff meetings
- 8) Daily bell schedule did not support effective implantation of programming needed to interrupt and overcome the achievement gap

- 9) Lacks a clear description of the manner in which the school will prioritize the implementation of instructional strategies and pedagogies of the proposed educational program that will ensure likely achievement of the goals of the program
- 10) Lacks a sound approach to assessing, identifying and meeting the needs of the primary target population of English Learners tailored to the spectrum of language fluency levels
- 11) MPO measurements lack clarity and specificity in some cases (i.e. Technology, VAPA, and Habits)
- 12) It is unclear as to whether the proposed assessments will be valid and reliable measures of student progress
- 13) Lacks of a clear description of the manner in which stakeholders will act upon and make use of pupil performance information provided
- 14) Petitioner comments with respect to meaningful parent involvement indicate a belief that parents are incapable of meaningful involvement
- 15) Lacks a clear and compelling student recruitment plan likely to attract projected enrollment, particularly as it relates to the African American student population
- 16) No recruitment budget line item listed for the start-up time period
- 17) Lack of adequate resources allocated to fund the ELL Coordinator position and unclear who will fulfill the responsibilities of the SSS Coordinator
- 18) Lack of a clearly articulated discipline policy with suspension and expulsion procedures that are fully explained and consistent with the school's mission and educational philosophy
- 19) Lack of a clear plan for recruitment, selection, development and evaluation of staff
- 20) Lack of an alternate facilities plan considering Oakland Unity High School is currently housed at the proposed middle school location

Education Code states that a "petition shall include a prominent statement that...in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school." The petition's "Teachers Meaningfully Interested in Teaching At Oakland Unity Middle School" signature page (p. v) includes four signatures. During the petitioner interview on July 10, 2013 the petitioners

were asked, “What role have you played in the Oakland Unity MS charter petitioning group and what role do you expect to play in the future?” The petitioner responses were as follows:

- Teacher 1** Currently works at another charter school as a science teacher and is undecided about whether to seek employment at the proposed charter school as a teacher. Is currently acting as a consultant to the petitioners.
- Teacher 2** Currently works as a teacher at the existing charter high school and is unclear as to whether she will be placed at the proposed charter middle school – with no indication of an intent to apply
- Teacher 3** Currently works as a teacher at the existing charter high school and is listed as the “Acting” Principal (p.viii) of the proposed charter middle school; and referred to as the “proposed principal” throughout both the founding group and governing board interviews
- Teacher 4** Currently the Executive Director of existing charter high school with no stated plans to teach at the middle school.

The 2014-2015 staffing budget contained in the petition (p.120) has four core teachers and two half-time (RSP/PE) teachers [5 FTE Total] listed. The statutory requirement is that at least 50% of this number (three or more) is meaningfully interested in teaching at the school. Based upon the petitioners’ self-described future roles, or lack thereof, associated with the proposed charter school, the staff has concerns as to what degree the founding group representatives are meaningfully interested in teaching at the school; drawing into question as to whether the petitioners have fully satisfied the legal requirement [EC 47605(a) (3)].

Another area of question and concern is whether there is community demand for the proposed middle school. There is no evidence of community outreach or engagement in the development of the petition as illustrated by petitioner group composition being absent of parents and/or community members. During the public hearing held on June 12, 2013, there were only high school parents and students commenting on their high school experience; no middle school students or parents illustrating community demand for a middle school spoke. This demonstrable lack of engagement as also evidenced in the petitioner interviews of both the founding group and governing board, raise concerns regarding the viability of the proposed charter school.

RECOMMENDATION

Staff recommends that the Oakland Unified School District’s Board of Education **deny** the petition for Oakland Unity Middle School under the California Charter Schools Act. The factual findings in this report demonstrate that the petition meets the following **conditions for denial** of *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 petition; ...*
- (5) *The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.*

ATTACHMENT 1 – CHARTER PETITION EVALUATION

Oakland Unified School District
Charter Petition Evaluation

School Name: Oakland Unity Middle School

Submission Date: May 22, 2013

Public Hearing Date: June 12, 2013

Lead Petitioner/s: Sau-Lim Tsang

Petitioner Interview Date: July 10, 2013

Governing Board: Edward Option, Timothy O’Toole, Damon Grant, David Castillo, Tiffany Grant, Henning Honhold, Eli Ceryak, and Andrew Noble

Governing Board Interview Date: July 10, 2013

Decision Date: August 14, 2013

Proposed location of school	6038 Brann Street, Oakland (site of the Oakland Unity High School)
Composition of petitioner group	The Oakland Unity Middle School founding team consists of educators, parents, and business professionals who are deeply familiar with the assets and challenges of the East Oakland community. Each member is tied to the community through professional and/or personal links and possesses a unique set of skills addressing those necessary for the creation of and operation of the rigorous and ambitious program put forth in this charter (p.ix)
Grade levels to be served in year 1	6 th and 7 th
Anticipated enrollment in year 1	80
Grade levels to be served at full-capacity	6th through 8th
Anticipated enrollment at full capacity	225 students
Target student population	OUMS will meet the specific needs of two key demographic groups in East Oakland: students from socioeconomically disadvantaged backgrounds and students who are learning English as their second language (p. 6).

Brief description of the kind of school to be chartered.

“OUMS will use many specific strategies and support systems to ensure that these groups are able to be successful at the school. OUMS recognizes that in order to end the cycles of poverty that may be afflicting these students and their families, students will need the highly supportive community, high

expectations, and highly effective teaching that our program will offer. We have tailored every aspect of our curriculum and structures to ensure that the needs of these two groups are met.” (p. 6)

Brief explanation of the mission of proposed charter school

“It is the mission of Oakland Unity Middle School to prepare its students for a rigorous high school environment and ultimately admission to and success in college and the career of their choice. OUMS offers a rich curriculum centered on Habits of Heart and Mind that prepares students to successfully meet the University of California A-G requirements in high school. This curriculum has an emphasis on basic skills and core subject matter in English language arts, mathematics, social studies and science, the arts, and a comprehensive support program that promotes healthy youth development, including preparing the students to apply their knowledge and skills for the benefit of the community and environment.” (p .4)

Planning to work with a charter management organization (CMO)

Yes ___ No X

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 #
<input type="checkbox"/> Parents / Guardians			
<input type="radio"/> # aligned with proposed opening enrollment			N/A
<input type="radio"/> Prominent statement			N/A
<input checked="" type="checkbox"/> Teachers			
<input type="radio"/> # aligned with proposed opening enrollment	X		p. v
<input type="radio"/> Prominent statement	X		p. v
*See concerns enumerated in “Evaluation Summary” section (p.4-5)			

STATEMENT OF ASSURANCES

ASSURANCES	Y	N	PG #
1. Will not charge tuition, fees, or other mandatory payments for attendance at the charter school or for participation in programs that are required for students.	X		p. 76-77
2. Will enroll any eligible student who submits a timely and complete application, unless the school receives a greater number of applications than there are spaces for students, in which case a lottery will take place in accordance with California charter laws and regulations.	X		p. 76-77
3. Will be non-secular in its curriculum, programs, admissions, policies, governance, employment practices, and all other operations.	X		p. 76-77
4. Will be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement.	X		p. 76-77
5. Will not base admission on the student's or parent's/guardian's place of residence, except that a conversion school shall give admission preference to students who reside within the former attendance area of the public school.	X		p. 76-77
6. Will offer at least the minimum amount of instructional time at each grade level as required by law.	X		p. 76-77
7. Will provide to the Office of Charter Schools information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be used by the school, including where the school intends to locate, the manner in which administrative services will be provided, and potential civil liability effects, if any, upon the school and authorizing board.	X		p. 76-77
8. Will adhere to all applicable provisions of federal law relating to students with disabilities, including the Individuals with Disabilities Education Act; section 504 of the Rehabilitation Act of 1974; and Title II of the Americans with Disabilities Act of 1990.	X		p. 76-77
9. Will adhere to all applicable provisions of federal law relating to students who are English language learners, including Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; MGL c. 76, § 5; and MGL c. 89, 71 § (f) and (l).	X		p. 76-77
10. Will comply with all other applicable federal and state laws and regulations.	X		p. 76-77
11. Will submit an annual report and annual independent audits to the OUSD Office of Charter Schools by all required deadlines.	X		p. 76-77

12. Will submit required enrollment data each March to the OUSD Office of Charter Schools by the required deadline.	X	p. 76-77
13. Will operate in compliance with generally accepted government accounting principles.	X	p. 76-77
14. Will maintain separate accountings of all funds received and disbursed by the school.	X	p. 76-77
15. Will participate in the California State Teachers' Retirement System as applicable.	X	p. 65
16. Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health and safety within the building(s) and on school property.	X	p. 76-77
17. Will at all times maintain all necessary and appropriate insurance coverage.	X	p. 76-77
18. Will submit to the OUSD Office of Charter Schools the names, mailing addresses, and employment and educational histories of proposed new members of the Governing Board prior to their service.	X	p. 76-77
19. Will, in the event the Governing Board intends to procure substantially all educational services for the charter school through a contract with another person or entity, provide for approval of such contract by the Board of Education in advance of the beginning of the contract period.	X	p. 48
20. Will provide financial statements that include a proposed first-year operational budget with start-up costs and anticipated revenues and expenditures necessary to operate the school, including special education; and cash-flow and financial projections for the first three years of operation.	X	p. 76-77
21. Will provide to the Office of Charter Schools a school code of conduct, Governing Board bylaws, an enrollment policy, and an approved certificate of building occupancy for each facility in use by the school, according to the schedule set by the Office of Charter Schools but in any event prior to the opening of the school.	X	p. 76-77

EVALUATION:

The Oakland Unity Middle School charter petition contains all legally mandated assurances.

Criteria Reference

- **Inadequate:** The response lacks meaningful detail; demonstrates lack of preparation; or otherwise raises substantial concerns about the petitioner's understanding of the issue in concept and/or ability to meet the requirement in practice.
- **Approaches** The response addresses most of the selection criteria, but lacks some meaningful detail and requires important additional information in order to be reasonably comprehensive.
- **Meets:** The response indicates solid preparation and grasp of key issues that would be considered reasonably comprehensive. It contains many of the characteristics of a response that excels even though it may require additional specificity, support or elaboration in places.
- **Excels:** The response reflects a thorough understanding of key issues and indicates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.

I. EDUCATIONAL PROGRAM

Statutory References:

E.C. § 47605(b)(1)

E.C. § 47605(b)(5)(A)-(C)

The education program should tell you who the school expects to serve; what the students will achieve; how they will achieve it; and how the school will evaluate performance. It should give you a clear picture of what a student who attends the school will experience in terms of educational climate, structure, materials, schedule, assessment and outcomes.

A. TARGET POPULATION

NOTE: Detail in this area is often lacking in charter petitions, but has been assessed by OUSD in its experience creating new schools to be a critical factor in the success of proposed educational programs.

A description of the Target Population excels if it has the following characteristics:

- Coherent description of the students the school expects to serve based on understanding of the district population and the location in which the school expects to operate;
- Demonstrated understanding of the educational needs of the target population; and
- Explanation of how the mission and vision align with the needs of the target population.

TARGET POPULATION

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

ANALYSIS: TARGET POPULATION

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Demonstrated commitment to residing in East Oakland as the proposed middle school site is that of the current Oakland Unity High School that has been in operation since 2003-2004 • Data presented on the academic performance and graduation rates of Oakland high school students 	<p>p. 2</p> <p>p. 6</p>	<ul style="list-style-type: none"> • Academic performance of 6th and 7th grade students was not addressed or cited (only 8th grade). • Mission and Vision seems to address the need 	<p>p.6</p>

		<p>of high poverty students, but an understanding and description of how the 79% English Learner (EL) population's educational needs will be met is unclear.</p> <ul style="list-style-type: none">• No data was cited in regard to EL performance and no acknowledgment was made of the varying levels of language fluency and distinct educational needs of each group.	
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B. PHILOSOPHY AND APPROACH TO INSTRUCTION

A description of the Educational Philosophy and Approach to Instruction excels if it has the following characteristics:

1. Rationale: *Is the rationale compelling?*

- A compelling rationale with a clear foundation in research-based educational practices, teaching methods and/or high standards for student learning;

2. Mission Alignment: *Do the philosophy and approach align with the mission and vision?*

- Alignment with mission and vision; and

3. Population Alignment: *Does sound reasoning or evidence indicate that the target population is likely to benefit?*

- Persuasive explanation of why the philosophy and approach are appropriate for and likely to result in improved educational performance for the target population, including any available performance data from use of the same educational philosophy and approach to instruction with similar populations.

1. Rationale: *Is the rationale compelling?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

2. Mission Alignment: *Do the philosophy and approach align with the mission and vision?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

3. Population Alignment: *Does sound reasoning or evidence indicate that the target population is likely to benefit?*

Inadequate	Approaches	Meets	Excels
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		<ul style="list-style-type: none"> • Lack of daily targeted Intervention in ELD, Math, or Reading which is of particular concern considering the proposed 79% English Learner population to be served (p.5). ELD will only be offered twice weekly through pull-out methods. • In addition, there is no specific curriculum cited in the petition for this pull-out supplemental instruction. During the petitioner interview it was stated that the middle school program would be modeled after the high school program where the curriculum is teacher created and "...mainly a combo of working with reading with texts that are based at low reading levels, but high interest...going over things from the mainstream ELA class or pre reading text for the day." • The petitioners referenced that the high school model of serving ELs was to be implemented at the middle school. The petitioners were asked about the high school EL achievement specific to ELA CST performance and none of the petitioners could cite this. It is unclear how EL program effectiveness is measured at the high school, and there is no clear plan or data points referenced to do so at the middle school 	<p>p.23</p> <p>Interviews</p> <p>Interviews</p> <p>Interviews</p>
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CURRICULUM FRAMEWORK X Mark this box *on behalf of the curriculum that has already been selected/developed:*

The description of the curriculum should provide the reviewer with a sense not only of *what* the school will teach but also of *how* and *why*. It must present research, applicant experience and/or reasoning sufficient to convince the reviewer that the applicants have already made sound educational decisions.

A description of the Curriculum Framework excels if it has the following characteristics:

1. Alignment: *Is the selection well-reasoned and aligned with the mission, state standards and student needs?*

- o A clear description of the framework and research, experience and/or sound reasoning that demonstrates alignment with the school’s mission, state standards and anticipated student needs;

2. Implementation: *Does the plan demonstrate the resources, scheduling and professional support needed for effective implementation?*

- o An implementation plan showing persuasively the resources, daily schedule, annual calendar and professional development that support effective implementation; and
- o A clear description of the manner in which the school will prioritize the implementation of those elements of the proposed educational program that will ensure likely achievement of the goals of the program;

3. Evaluation: *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*

- o Effective strategies for evaluating the effectiveness of implementation and responding when student performance falls short of goals.

1. Alignment: *Is the selection well-reasoned and aligned with the mission, state standards and student needs?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

2. Implementation: *Does the plan demonstrate the resources, scheduling and professional support needed for effective implementation?*

Inadequate	Approaches	Meets	Excels
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Evaluation: *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

ANALYSIS: CURRICULUM FRAMEWORK

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Alignment</p> <ul style="list-style-type: none"> Petition has an overview of “how learning best occurs” that aligns with the mission <p>Evaluation</p> <ul style="list-style-type: none"> Multiple formative and summative assessments proposed to be used and analyzed using Data Director Teachers will hold data meetings on a quarterly basis as grade levels and departments Student Support Plan process for identification of interventions for underperforming students 	<p>p. 12</p> <p>p. 40</p> <p>p. 41</p> <p>p. 20-21</p>	<p>Alignment</p> <ul style="list-style-type: none"> The curriculum framework does not delineate between the varying instructional needs of the 79% EL population. The petition does not name curriculum to be used in the twice weekly language acquisition support. The description during the petitioner interview did not contain curriculum addressing the speaking, listening or writing domains. The “variety of measures” for placement of ELs goes unnamed in the petition. <p>Implementation</p> <ul style="list-style-type: none"> Extensive professional development is needed to execute SIOP and blended learning models, but no detailed plan for professional development was provided SIOP training was mentioned as the main support to teachers in supporting English Learners (79% of proposed school). Petitioners were asked to elaborate on what this training would look like in terms of presentation and feedback/monitoring. The petitioner response was that “All staff participates. I have run the trainings in the past and the ELA team should take the lead on that and in terms of monitoring it is more informal about it. Giving 	<p>p.22</p> <p>p.23</p> <p>p. 17 Interviews</p> <p>Interviews</p>

		<p>teachers time to discuss and then implement as they see fit.”</p> <ul style="list-style-type: none"> • The SIOP training would only be conducted twice per year, in house, utilizing a book that the petitioner could not remember the name of, but was introduced to as part of masters training program and adapted it for the high school staff. • The list of reference material informing curriculum and instruction is exhaustive, but there is no corresponding professional development showing prioritization of said topics and strategies; as implementation of all resources listed is not feasible. • Bell schedule provided in the petition does not meet the minimum number of instructional minutes as required by law • Petitioners were asked if they were aware of the minimum number of minutes required to qualify as a school day pursuant to EC sections 46141 and 46142; LC Section 1391 in light of the fact that the proposed Wednesday schedule fell short of the 240 minute minimum requirement by 35 minutes • Petitioners responded that they usually calculate the afterschool program as being part of the minutes. This 	<p>Interviews</p> <p>p. 16-17</p> <p>p. 144</p> <p>p. 144</p> <p>Interviews</p>
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		<p>practice is not in adherence with Education Code as afterschool program participation is not compulsory for all students and in the case of this petition, it is not always staffed by credentialed teachers.</p> <ul style="list-style-type: none"> • On Wednesdays, SSR and Advisory (non-core academic subjects) are allocated 47 minutes of the instructional day. Additionally, the bell schedule on Wednesday also results in 35 additional minutes of lost instructional time. The Wednesday schedule leaves only 156 minutes of core academic focused instructional time of the 240 minutes required to be considered a minimum day. • Many studies have shown that increased instructional minutes benefit those students negatively impacted by the achievement gap. An instructional program offering fewer instructional minutes than offered by other California schools as mandated by Education Code, would not best serve the target population. • SSR and Advisory classes comprise 65 min per day of full day instruction. This exceeds the number of minutes dedicated to any of the other core subjects (ELA/Math/Science and History are only 50 minutes per day). • The petition only mentioned general topics to be covered in Advisory (i.e. study skills and team building). 	<p>p. 144</p> <p>p. 144</p> <p>p. 19</p>
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		<ul style="list-style-type: none"> • A follow up question was posed with respect to who would be responsible for the curriculum and scope and sequence writing for all content areas. A petitioner responded she would be doing so as Principal, and that contingent upon funding, one week during the summer would need to be used for teachers to do so. <p>One week for teachers to develop two grade levels' of core and intervention curriculum and scope/sequence is overly ambitious and raises serious concerns of the capacity of the petitioners to provide sound leadership in the effective opening a new charter school.</p>	Interviews
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D. SPECIAL POPULATIONS: ENGLISH LANGUAGE LEARNERS

Federal law requires charter schools, like all public schools, to meet the needs of English language learners by helping them gain English proficiency and also make progress in all academic subjects. A plan for serving English language learners excels if it has the following characteristics:

- Demonstrated understanding of the likely English language learner population;
- A sound approach to identifying and meeting the needs of English language learners tailored to the anticipated population;
- A sound approach to helping English language learners fulfill expectations of the core educational program, including a lead contact and intervention process; and
- Evidence of high expectations for English language learners.

Inadequate	Approaches	Meets	Excels
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ANALYSIS: ENGLISH LANGUAGE LEARNERS

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
		<ul style="list-style-type: none"> • Lack of a clear plan outlined in the petition or petitioner interview of how the ELL Coordinator position will be funded. <p>Position is proposed to be responsible for reclassification and parent communication, as well as for providing professional development to staff.</p> <ul style="list-style-type: none"> • Lack of daily targeted Intervention in ELD, Math or Reading which is of particular concern considering the proposed 79% English Learner population to be served (p.5). • ELD will only be offered twice weekly through pull-out methods, which appears to be inadequate and research indicates pull-out is not a recommended strategy for teaching ELD content 	<p>p. 24</p> <p>p. 23</p>

		<p>standards.</p> <ul style="list-style-type: none"> • No specific curriculum cited in the petition for this pull out ELD instruction. • No identified assessments to measure ELD standards growth in the areas of speaking, listening, and writing • No unique methods to measure EL reading growth beyond the proposed MAP and SRI that will be used for all students 	Interviews
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E. PUPIL OUTCOMES

Pupil outcomes are central to the school’s existence. They represent the school’s definition of success and should drive all aspects of the program and operation. A description of Pupil Outcomes excels if it has the following characteristics:

- 1. Alignment:** *Do the objectives align with the mission and vision?*
 - Educational objectives aligned with the mission, vision and educational program;
- 2. Measurement:** *Are the goals clear, specific and measurable?*
 - Multiple performance measures applied to student learning objectives.
 - Measures include performance goals based on absolute (e.g., proficiency levels), relative (e.g., comparison schools) and individual gains (e.g., year-to-year matched student cohort gains);
 - Goals that are specific, measurable and time bound;
- 3. Performance Level:** *Have the petitioners demonstrated that the target performance levels are both ambitious and attainable?*
 - Performance levels that are both ambitious and realistic including rigorous promotion and graduation standards;
 - Performance levels are considered annually and graduated as needed to sufficiently accelerate learning based on the needs of the target population;

1. Alignment: *Do the objectives align with the mission and vision?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

2. Measurement: *Are the goals clear, specific and measurable?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

3. Performance Level: *Have the petitioners demonstrated that the target performance levels are both ambitious and attainable?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

F. PUPIL PROGRESS

Summative evaluations measure student performance for the purpose of evaluating academic program effectiveness and overall school operation. In other words, they are used to determine how much students have learned.

Formative evaluations measure student performance for the purpose of determining students’ learning needs and to inform instructional strategies. In other words, they are used to determine what students still need to learn.

A plan for evaluating Pupil Progress excels if it uses both formative and summative and includes the following characteristics:

- 1. Assessments:** *Does the school have valid and reliable measures of student progress?*
 - Identification of the expected range of formative and summative assessments including but not limited to state-mandated assessments;
 - Evidence that assessments will be valid and reliable measures of student progress toward achieving the identified Pupil Outcomes.
- 2. Instruction Improvement:** *Does the school have a sound plan for using assessments to inform instruction?*
 - A coherent strategy for using student assessment and performance data to evaluate and inform instruction on an ongoing basis.
- 3. Reporting:** *Is the school committed to reporting and disseminating performance information?*
 - A plan for sharing performance information, including standardized test results, with students, families and public agencies, as required.
 - A clear description of the manner in which stakeholders will act upon and make use of the performance information provided.

1. Assessments: *Does the school have valid and reliable measures of student progress?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

2. Instruction Improvement: *Does the school have a sound plan for using assessments to inform instruction?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

3. Reporting: *Is the school committed to reporting and disseminating performance information?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

ANALYSIS: PUPIL PROGRESS

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional	Reference
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		Questions	
<p>Instruction Improvement</p> <ul style="list-style-type: none"> • Collaboration time provided for teachers; use of data team meetings by department and grade level; cycle of inquiry used to drive improvement plans 	<p>p. 40-41</p>	<p>Assessments</p> <ul style="list-style-type: none"> • The majority of the range of assessments cited are “internal” and no descriptions or samples were provided in the petition. Frequency of said assessments is not described. There is no way for staff to determine the reliability or the validity of the assessments and their alignment to the standards and or content to be assessed. • A “variety of measures annually” is mentioned to be used for EL placement and progress tracking, but no assessments other than CELDT are named. • The annual frequency of assessments related to ELs is a vague and infrequent data point that cannot effectively inform instructional decisions. <p>Reporting</p> <ul style="list-style-type: none"> • Lack of a clear plan to communicate student performance to parents <p>At the family data meeting mentioned in the petition, parents can “ask” for print outs of their individual child’s benchmark results, but there is no formal or regular</p>	<p>p. 39</p> <p>p.22</p> <p>p.22</p> <p>Interviews</p> <p>p.42</p>

		<p>mechanism to secure this.</p> <ul style="list-style-type: none">• Petitioners did not outline a plan for school wide parent teacher conferences to communicate student progress and performance to all students/parents	
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EDUCATIONAL PROGRAM SUMMARY

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

EDUCATIONAL PROGRAM SUMMARY

Strengths

The petitioning group has brought together a team of teachers and leaders with experience operating a charter school in East Oakland. The petition provides evidence of some innovative program design as it relates to the use of blended learning curriculum in math courses that may be of added value to prospective students. The proposed frequency of data analysis and dedicated teacher collaboration time to execute cycles of inquiry, have the potential to drive quality instruction and reteach.

Concerns and Additional Questions

The educational program does not contain reasonably comprehensive descriptions or meet the quality standard in some important areas:

- Lack of daily ELD, Math, and ELA intervention courses; inadequate curriculum descriptions provided
- Schedule does not meet the minimum number of instructional minutes as required by law
- Daily amount of instructional minutes allocated to SSR and Advisory are more than the class period lengths devoted to ELA, Math, Science or Social Studies
- Incomplete scope and sequence for core subjects in grades 6 and 7
- Current school operated by the lead petitioners demonstrates low ELA CST performance for the primary target population of English Learners
- Lack of identified curriculum to address all four domains of EL language acquisition
- Lack of a feasible plan and timeline to write curriculum and scope and sequence for all core and intervention coursework
- Lack of a professional development plan to support implementation of curriculum and instruction
- Lack of focus and prioritization of the various resources and pedagogies listed in the petition for implementation and professional support
- Absence of sample rubrics to determine validity of measurements
- No graduation (promotion) criteria provided, yet MPOs reference it as a measurement
- Named assessments for English Learner placement and progress monitoring are limited to CELDT

- Lack of a comprehensive discipline plan that address progressive discipline policies and procedures or positive reinforcement
- Lack of a discipline plan that takes into account the specific developmental needs of middle school students

PETITIONER CAPACITY

Statutory References:

- E.C. § 47605(b)(2)
- E.C. § 47605(b)(5)(D)-(P)
- E.C. § 47605(c)(2)
- E.C. § 47605(g)

The Charter Schools Act requires the authorizer to determine whether the petitioners are “demonstrably unlikely to successfully implement the program.” Experience with new school development demonstrates that unless petitioners have sound plans and capacity for governance, management, employment and financial operation, they are unlikely to successfully implement the program. This section should provide a clear, convincing picture of the petitioners’ capacity to operate the school successfully.

A. GOVERNANCE CAPACITY

A description of the plan for Governance excels if it has the following characteristics:

1. Legal Structure: *Does the school have adequate and appropriate legal structure?*

- Documentation of proper legal structure (Articles of Incorporation stamped by the Office of the Secretary of State and corporate Bylaws);
- Evidence of 501(c)3 Non-Profit Corporation status;
- Adequate bylaws, policies & procedures for governing body operation (director selection & removal, decision making, powers and duties, expansion and transition plans)

2. Charter School Governance Experience/ Expertise: *Does the board demonstrate the capacity needed to govern effectively?*

- Evidence of analysis that proposed founding members of the governing body possess and will contribute the wide range of knowledge and skills needed to oversee a successful charter school;
- Evidence of the existing or emerging capacity of the proposed founding members of the governing board to work as an effective unit in the interest of the proposed charter school;

3. Operating Plan: *Does the school have an operating plan that complies with legal obligations and incorporates sound governance practices?*

- Demonstrated understanding of the board’s responsibility for the educational and fiscal integrity of the school and for fulfilling the terms of the charter;
- Clear, reasonable selection and removal procedures, term limits, meeting schedules, and powers and duties for members of the governing body;
- Demonstrated understanding and assurance of compliance with open meetings requirements;
- Reasonable conflict of interest policy;
- Adequate plan for insurance;

- A plan for meaningful involvement or input of parents and community members in the governance of the school;
- Clear, sensible delineation of roles and responsibilities of parent councils, advisory committees or other supporting groups; and
- Clear, sensible definition of governing body roles and responsibilities in relation to management.

1. Legal Structure: *Does the school have adequate and appropriate legal structure?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

2. Governance Experience: *Does the board demonstrate the capacity needed to govern effectively?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

3. Operating Plan: *Does the school have an operating plan that complies with legal obligations and incorporates sound governance practices?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

ANALYSIS: GOVERNANCE CAPACITY

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Legal Structure</p> <ul style="list-style-type: none"> • Basic organizational documents provided <p>Charter School Governance Experience and Expertise</p> <ul style="list-style-type: none"> • Current board members have experience in education and social services, as well as public school governance. <p>Operating Plan</p> <ul style="list-style-type: none"> • Conflict of Interest Policy • Liability Insurance Plan 	<p>p. 43-45</p> <p>Interviews</p> <p>p. 152 p. 72</p>	<p>Operating Plan</p> <ul style="list-style-type: none"> • The petition notes that there will be a parent representative serving on the community council (UMCC) tasked with proposing school policies, monitoring charter compliance, planning school fundraisers, and making budget recommendations. • When asked during the petitioner interview to elaborate further on the role of parents in providing input at the school the response was as follows: <p>“ In the past and I believe in the future- the community council has an opportunity to review an provide feedback on policies presented by board and staff including an opportunity to review budget of the school changes to the three way contract... also for Title I and ELAC. This section on paper, it sounds good, when in reality we implement it in our school the parents are totally passive because most parents don’t speak English and have little education and it is hard to seek input and comments. So you know, it is almost a model of a middle class school when you have participation, and you want to replicate in our community, it turns out it is just information sharing and it is hard to get any input from the parent. I don’t know if the parents of middle school will be more active than high school and that’s our observation.”</p> <p>The aforementioned response provides little evidence of the</p>	<p>p. 46</p> <p>Interviews</p>

		conviction or capacity on the part of the petitioners to meaningfully engage parents and families in the educational experience of their students, or (as set forth in charter law) in the governance and/or decision-making within the school.	
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MANAGEMENT CAPACITY

A leadership plan excels if it has the following characteristics:

- 1. Enrollment Procedures:** *Does the petition present reasonable enrollment procedures that comply with applicable law?*
 - A description of the means by which the school will seek to attain a racial and ethnic balance among its pupils that is reflective of the district including specific plans and strategies for student recruitment;
 - A clear and compelling student recruitment plan likely to attract projected enrollment, particularly in Year 1;
 - A specific plan for conducting a public random drawing or an assurance that such a drawing will be conducted subject to district approval in the event that the number of pupils who wish to attend the school exceed the capacity;
 - An assurance that the school will not impose admission requirements OR, if the school proposes to have requirements, a precise description of those requirements, a compelling statement regarding why they are essential to fulfillment of the school's mission, and a specific plan for the school will incorporate the requirements into any random drawings.
 - A clear description of the enrollment process to include any unique intake or application evaluation process to be used by the school designed to meet the needs of the target population outlined in the petition.
- 2. Operating Procedures:** *Does the petition present sound operating procedures that comply with applicable law?*
 - The procedures that the school will follow to ensure the health and safety of pupils and staff;
 - A clearly articulated discipline policy with suspension and expulsion procedures that are fully explained consistent with the school's mission, educational philosophy and applicable law;
 - A statement regarding attendance alternatives for students residing in the district who choose not to attend the school;
 - A statement that the school intends to use the district's approved procedure for resolving disputes relating to provisions of the charter OR, in the alternative, a clear description of the procedures that the school proposes to use;
 - A description of the systems likely to be effective in addressing parent and community complaints; and
 - An assurance that the school will comply with the district's approved procedures for school closure in the event that the charter is relinquished, revoked or not renewed.
- 3. Management Structure:** *How effective is the management structure likely to be?*
 - Clearly defined management roles and responsibilities for all positions within the administration of the school;
 - A clear plan for recruitment, selection, development and evaluation of staff including the school leader;
 - Verifiable internal procedures and controls to ensure conformance with the approved budget;

- An approved and public organizational chart delineating board and management roles and lines of authority;
- Clear, sensible delineation of roles and responsibilities for implementing the school program including clearly defined roles for parent councils, advisory committees and other supporting groups;
- Management job descriptions identifying key roles, responsibilities and accountability;
- An allocation of time, financial resources and personnel that is sufficient for planning and start-up prior to the school’s opening; and
- The manner in which administrative services are to be provided and any potential civil liability effects on the school or the district.

1. Enrollment Procedures: *Does the petition present reasonable enrollment procedures that comply with applicable law?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

2. Operating Procedures: *Does the petition present sound operating procedures that comply with applicable law?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

3. Management Structure: *How effective is the management structure likely to be?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

ANALYSIS: MANAGEMENT CAPACITY

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
Enrollment Procedures <ul style="list-style-type: none"> • Meets statutory requirements of enrollment process Operating Procedures <ul style="list-style-type: none"> • The suspension and expulsion policies and procedures are informed by Education Code 	p. 56-57 p. 60-64	Enrollment Procedures <ul style="list-style-type: none"> • Recruitment plan does not specifically address the petition’s goal to achieve the stated goal demographics of East Oakland as it relates to the African American population. • The chart on p.5 states both a 79% EL population and 26% African American population. These two projections are conflicting as it would not be possible to achieve both. This causes us to further question 	Interviews p. 55 Attachment O

		<p>the petitioner’s awareness and commitment to achieving their stated goal of achieving a student population that reflects East Oakland’s African American population.</p> <ul style="list-style-type: none"> • Considering the current school at the location only has an African American population of 6% as opposed to the goal of 26%, the petitioners were asked to provide specific details of how they would ensure a student population composition that is reflective of the East Oakland community demographics cited as their goal (p.5). One petitioner response was as follows: <ul style="list-style-type: none"> “The small percentage [of African American students] has been a problem we have been working very hard on it. We have had a slight increase to 8 or 9% with outreach to the churches, however anecdotally, is that we require uniform and that becomes a negative for a lot of students and we don’t have a strong sports program at the school and that becomes a negative aspect and I anecdotally, again within Oakland, Skyline HS is a high status among the African Americans. I don’t know how we can overcome those.” • Other petitioner responses to remedy the lack of representation was to recruit African American staff members 	<p>p.5</p> <p>Interviews</p>
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		<p>(none of the current founding group members are African American) and to reach out to churches</p> <ul style="list-style-type: none"> • Budget for the start-up time period (January to June 2014) lists no monies in the expenditure line for “recruitment,” despite the petition stating that “OUMS will allocate a recruitment budget in our proposed budget that will cover, at minimum, the following items: production of recruitment materials, advertising, and personnel costs.” <p>Operating Procedures</p> <ul style="list-style-type: none"> • The discipline policy as described in the petition lacks an explicit description of progressive discipline and provides no mention of positive reinforcement or incentives. This policy does not contain any practices that reinforce the stated mission centered on Habits of the Heart and Mind. <p>The discipline policy is punitive consequence focused and does not seem tailored to the developmental needs of the middle school target population.</p> <p>Management Structure</p> <ul style="list-style-type: none"> • No staff recruitment plan is outlined in the petition. • A “preferred” qualification for a Principal candidate is “Administrative and educational experience and appropriate credentials, per California Commission on Teacher Credentialing.” <p>The proposed Principal does</p>	<p>Interviews</p> <p>p.55</p> <p>p.124</p> <p>p. 99</p> <p>p. 49-50</p>
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		<p>not possess the “preferred” qualifications as outlined in the petition, as she does not possess an administrative credential and has not held an administrative position prior. As an organization, the charter operators’ experience is limited to high school, so with the challenge of designing and implementing a new middle school model, the “preferred” administrator qualifications seem necessary to ensure viability.</p>	
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B. EMPLOYMENT CAPACITY

An employment plan excels if it has the following characteristics:

- 1. Qualifications and Responsibilities:** *How clear and sensible are required staff capacities and intended allocation of responsibilities?*
 - Description of the qualifications for and responsibilities of key employees of the school, including the instructional leader and other key school administration positions.
- 2. Compensation Plan:** *How sound is the staff compensation plan?*
 - A compensation plan based on sound budget assumptions that reflects understanding of the prevailing market and supports the proposed educational program.
- 3. Policies and Assurances:** *Does the petition contain the required assurances and a reasonable plan for policy development?*
 - Adequate personnel policies or a sound plan articulated for timely development;
 - An assurance that staff will meet applicable state and federal requirements for credentialing and "highly qualified" status;
 - An adequate description of the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security;
 - A statement regarding employee rights of return, if any;
 - A clear declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act; and
 - An assurance that staff will have criminal background and other required health and safety checks and manner in which these will be conducted.

1. Qualifications and Responsibilities: *How clear and sensible are required staff capacities and intended allocation of responsibilities?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

2. Compensation Plan: *How sound is the staff compensation plan?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

3. Policies and Assurances: *Does the petition contain the required assurances and a reasonable plan for policy development?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

ANALYSIS: EMPLOYMENT CAPACITY

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
Qualifications and Responsibilities <ul style="list-style-type: none"> • Instructional staff/non instructional staff responsibilities and qualifications are included 	p. 49-52		
Compensation Plan <ul style="list-style-type: none"> • Compensation levels assumed in the staffing plan budget are within a reasonable range 	p. 120		
Policies and Assurances <ul style="list-style-type: none"> • Assurances included 	p. 76-77		

C. FINANCIAL CAPACITY

The petition should present an understanding of how the charter operators intend to manage the school’s finances and maintain the organization’s financial viability. It should make a persuasive case for financial viability including sound revenue projections; expenditure requirements; and budgetary support for and alignment with the educational program.

A plan for financial capacity excels if it has the following characteristics:

1. Financial Operation: *How would you rate the structures and practices related to financial operation?*

- A balanced three-year budget accurately reflecting all budget assumptions;
- A start-up year plan with reasonable assessment of and plan for costs;
- A clear indication that the school has a sound plan for sustainability including funding for the core program that does not have ongoing reliance on “soft” money (e.g., donations, grants).
- Clear evidence and track record of sustainability, in the event there is an enduring reliance on “soft” money (e.g., donations, grants);
- An adequate reserve and contingency plan targeted to the minimum enrollment needed for solvency (especially for year 1);
- A sound plan for financial management systems;
- An audit assurance and/or plan with adequate budget allocation; and
- A plan for dissolution of assets should the school close.

2. Revenues: *How would you rate the accuracy and attainability of the revenue projections?*

- A narrative explaining key revenue assumptions;
- Realistic revenue projections showing all anticipated revenue sources -- including state, local, federal and private funds, and any fee-based programs and services;
- Realistic cash flow projection; and
- A fundraising plan including assumptions and report on current status.

3. Expenditures: *How would you rate the expenditure plan in terms of sound assumptions and priorities consistent with effective operation of the school?*

- Spending priorities that align with the school’s mission, educational program, management structure, professional development needs, and growth plan;
- A budget narrative explaining key expense assumptions;
- Realistic expense projections addressing major operating expenses including staffing and benefits, special education, facility, materials and equipment, and contracted services;
- Budgeting to meet minimum insurance requirements; and
- Evidence to support key assumptions including that compensation is sufficient to attract qualified staff and that facilities budget is adequate.

1. Financial Operation: *How would you rate the structures and practices related to financial operation?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

2. Revenues: *How would you rate the accuracy and attainability of the revenue projections?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

3. Expenditures: How would you rate the expenditure plan in terms of sound assumptions and priorities consistent with effective operation of the school?

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

ANALYSIS: FINANCIAL CAPACITY

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
Financial Operation <ul style="list-style-type: none"> • Board members have substantial knowledge and experience related to non-profit financial management • Petition contains an audit assurance and plan with adequate budget allocations • Petition contains, within the school closure procedures, a plan for dissolution of assets in the event of closure 	Interviews p. 58-59 p. 71	Expenditures <ul style="list-style-type: none"> • Lack of funding source cited for the ELL Coordinator • No staff member is designated to fulfill the duties of the Student Success Specialist • No identified funding for the summer curriculum development needed to complete the scope/sequence and create the curriculum guides for core and intervention courses • Technology allocations are not at a level to fulfill the aim of the 1:1 student to computer ratio described in the petition. Petitioner stated that with potential grant contributions, the high school may have computers that are no longer needed and that can be used at the middle school. 	Interviews p.11 Interview

D. FACILITIES PLAN

The Facilities Plan should demonstrate that the petitioners understand the school's facilities needs and its options for meeting those needs.

Do the petitioners anticipate using a district facility or finding a facility independent of the district?

Non-district facility *District facility (Prop 39)*

Select One

Non-district facility anticipated

A description of the plan for using a non-district facility excels if it has the following characteristics:

- Informed assessment of anticipated facility needs;
- Estimated costs for anticipated facilities needs based on research and evidence;
- A description of potential sites including location, size and resources;
- Informed analysis of the viability of potential sites;
- Adequate budget for anticipated facilities costs including renovation, rent, maintenance and utilities;
- A schedule for securing a facility including the person responsible for implementation
- An assurance of legal compliance (health and safety, ADA, and applicable building codes); and
- Identified funding sources.

District facility anticipated pursuant to Prop 39

A description of the facilities plan where the applicants have not yet identified a specific site will include the following characteristics:

- Informed assessment and description of anticipated facility needs;
- Adequate budget based on 3% of anticipated per pupil revenue;
- A thoughtful contingency plan in the event that a mutually agreeable district facility is unable to be procured,
- A site preference with a compelling rationale for the preference; and
- An assurance of legal compliance (health and safety, ADA, and applicable building codes).

Facilities Plan: Does the facilities plan indicate a thorough understanding of the school's needs?

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

ANALYSIS: FACILITIES PLAN

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
		<ul style="list-style-type: none"> In light of the information that Oakland Unity High School's proposed new location is located too close to an earthquake fault, the petitioners were asked about the alternative plans for the middle school's location in the event that the high school does not secure a new building in time. <p>The petitioners said that they would look at utilizing the AIMS building on Magee and 35th that is currently occupied and operated through a leaseholder that has a history of negative facility related dealings with the lead petitioners.</p> <p>Petitioners indicated they would otherwise rely on the submission of a Proposition 39 request, which is inadequate to guarantee sufficient housing to serve the target population.</p>	<p>p. 3</p> <p>Interviews</p>

PETITIONER CAPACITY SUMMARY

Based on the information presented in the petition, how would you rate the likelihood that petitioners will successfully implement the proposed program? Your comments should identify the most significant strengths and weaknesses with respect to petitioner capacity.

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

PETITIONER CAPACITY SUMMARY

Strengths
<ul style="list-style-type: none"> • Petitioners currently operate Oakland Unity High School, which is fiscally stable and demonstrates capacity to operate a small school • Evidence of structures designed with the intent to solicit feedback on school operations from multiple stakeholders

Criteria Not Sufficiently Addressed, Concerns & Additional Questions
<ul style="list-style-type: none"> • Lack of a clear recruitment plan to meet the target population goals reflective of East Oakland; particularly as it relates to the petitioner capacity to address the disproportionately lower number of African American students currently at the site of the proposed middle school • Lack of a comprehensive plan for communication of individual student performance data to families • Petitioner comments with respect to meaningful parent involvement indicate a belief that parents are incapable of meaningful involvement • Lack of a comprehensive description of staff recruitment, selection, and evaluation processes • Errors in the submitted budget with misalignment to the educational program in critical areas such as, how the ELL Coordinator position will be funded and it is unclear who will fulfill the responsibilities of the SSS Coordinator • Lack of an alternate facilities plan in the event the current high school cannot vacate the location proposed to house the middle school

SIXTEEN 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 16 elements related to a school’s operation (the “16 Elements.”

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>	<input type="checkbox"/>	X	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>	<input type="checkbox"/>	X	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>	<input type="checkbox"/>	X	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)
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)
Statement regarding exclusive employer status of the school	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(O)
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>	X	<input type="checkbox"/>	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>	<input type="checkbox"/>	X	E.C. § 47605(g)
Cash flow and financial projections for 3 years	<i>Section II, D</i>	<input type="checkbox"/>	X	E.C. § 47605(g)

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

Resolution No. 1314-0019

**DENYING CHARTER PETITION OF OAKLAND UNITY MIDDLE SCHOOL
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)-(Q), 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 an affirmation of each of the conditions described in Education Code Section 47605, subdivision (d); and (4) the petition does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q); and

WHEREAS, on or about May 22, 2013 the District received a petition for a charter for Oakland Unity Middle School (“Petition”), a public charter school serving grades 6-8 with a

proposed enrollment of 80 students in grades 6 and 7 in its initial year of operation (2014-2015); and

WHEREAS, on or about June 12, 2013, the Board held a public hearing on the renewal 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 renewal 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), Oakland Unity Middle School 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, 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 a demonstrated understanding of the educational needs of the target population; specifically English Learners proposed to comprise 79% of the student population
- 2) Lack of daily ELD, Math, and ELA intervention courses
- 3) Incomplete scope and sequence for core subjects in grades 6 and 7
- 4) No performance data related to ELs was provided as rationale for the chosen educational philosophy and approach to instruction with similar populations
- 5) Inadequate resources and professional support needed for effective implementation
- 6) Inadequate curriculum descriptions provided for both academic and intervention courses (excluding Math course)
- 7) Lack of time to execute meaningful professional development during the weekly 30 minute staff meetings
- 8) Daily bell schedule did not support effective implantation of programming needed to interrupt and overcome the achievement gap
- 9) Lacks a clear description of the manner in which the school will prioritize the implementation of instructional strategies and pedagogies of the proposed educational program that will ensure likely achievement of the goals of the program

- 10) Lacks a sound approach to assessing, identifying and meeting the needs of the primary target population of English Learners tailored to the spectrum of language fluency levels
- 11) MPO measurements lack clarity and specificity in some cases (i.e. Technology, VAPA, and Habits)
- 12) It is unclear as to whether the proposed assessments will be valid and reliable measures of student progress
- 13) Lacks of a clear description of the manner in which stakeholders will act upon and make use of pupil performance information provided
- 14) Petitioner comments with respect to meaningful parent involvement indicate a belief that parents are incapable of meaningful involvement
- 15) Lacks a clear and compelling student recruitment plan likely to attract projected enrollment, particularly as it relates to the African American student population
- 16) No recruitment budget line item listed for the start-up time period
- 17) Lack of adequate resources allocated to fund the ELL Coordinator position and unclear who will fulfill the responsibilities of the SSS Coordinator
- 18) Lack of a clearly articulated discipline policy with suspension and expulsion procedures that are fully explained and consistent with the school's mission and educational philosophy
- 19) Lack of a clear plan for recruitment, selection, development and evaluation of staff
- 20) Lack of an alternate facilities plan considering Oakland Unity High School is currently housed at the proposed middle school location

THE BOARD HEREBY FINDS that Oakland Unity Middle School 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;
5. The Petition does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q).

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 August 14, 2013, 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.

Gary Yee, Ed.D.
Secretary of the Governing
Board Oakland Unified School
District