



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the Superintendent, Interim

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TO: Board of Education

FROM: Anthony Smith, Ed.D., Superintendent
David Montes de Oca, Coordinator; Office of Charter Schools

DATE: November 18, 2009

RE: California Connections Academy @ VIMS
Charter Petition Request

Legislative File

File ID No.: 09-2581

Introduction Date: 08/26/2009

Enactment No.: _____

Enactment Date: _____

By: _____

ACTION REQUESTED:

Deny the petition and charter to establish the California Connections Academy @ VIMS charter school. Pursuant to the findings presented in this report, the petition presents an unsound educational program; the petitioners are demonstrably unlikely to successfully implement the program as set forth in the petition; and the petition does not contain reasonably comprehensive descriptions of all of the 16 elements required by the Charter Schools Act.

SUMMARY

Staff recommends that the Board of Education **deny** the petition for California Connections Academy @ VIMS under the Charter Schools Act. Staff recommends denial based on factual findings, specific to this particular petition, detailed in this report.

PROCEDURAL BACKGROUND

- 1) The lead petitioners submitted the California Connections Academy @ VIMS petition on August 26, 2009 at a regularly scheduled Board of Education Meeting.
- 2) Staff held an introductory meeting with the lead petitioners, Melda Gaskins, et.al., on September 3, 2009 to explain the petition review process and obtain contact information.
- 3) A public hearing was held on September 9, 2009. Representatives from the lead petitioning group presented.
- 4) Staff conducted petitioner interviews on September 30, 2009 and October 1, 2009.

STATUTORY BACKGROUND

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 to evaluate the petition based on the Charter Schools Act and the application of the OUSD Petition Evaluation Rubric. The team was composed of the following members:

- 1) Manager, Instructional Technology
- 2) Program Manager, SES Programs
- 3) Coordinator, Tiered Support and Intervention
- 4) Principal/Assistant Principal
- 5) Program, Analyst, Office of Charter Schools
- 6) Financial Accountant, Office of Charter Schools
- 7) *(Facilitator)* Coordinator, Office of Charter Schools

Following the petition review team process, staff conducted petitioner interviews with the Founding Group on September 30, 2009 which included representatives from Connections Academy, and with the proposed Governing Board on October 1, 2009, in an attempt to clarify various aspects of the petition, as well as evaluate the capacity of the petitioners to successfully implement their program as set forth in the petition.

The following factual findings, specific to this particular petition, contribute to the recommendation of **denial**.

This list of findings is NOT EXHAUSTIVE, but represents key findings in support of the staff recommendation.

Education Code §47605 (b)(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

FINDINGS OF FACT

Education Code §47605(b)(5)(A)(i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate. [...]

Education Code §47605(b)(5)(A)(i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to education, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

Analysis of the petition with respect to the educational program presents the following *unsound educational program elements*:

Educational Program	Findings	Page Number
	<p>Target Population:</p> <p>Petition states: <i>CaliCA@VIMS is tailor-made for a diverse array of elementary, middle and high school students who would benefit from a quality alternative to the traditional brick-and-mortar classroom. These include students whose families seek direct involvement in their education; students who are homebound due to illness or disability; "exceptional" students who are far ahead of or far behind their peers in school; young people pursuing artistic or athletic careers that require a flexible school schedule; and students at risk of academic failure who may particularly benefit from intensive, personalized instruction.</i></p> <p><i>Their unique learning needs notwithstanding, CaliCA@VIMS students can be expected to mirror the demographic diversity of Oakland Unified School District and the seven-county region's K-12 school population.</i></p> <p>Given that the petitioning group has proposed to operate a regional center within Oakland; has stated that they have contacted all Oakland public schools with marketing materials regarding their proposed program; and have petitioned the Oakland Unified School District for authorization of their charter; staff must consider the likelihood that the proposed educational program will achieve its intended outcomes in the jurisdiction of the Oakland Unified School District, as well as contemplating the likelihood for success of the program within the surrounding counties as proposed in the charter petition.</p>	<p>Pg. 5</p>

The petition states:

The No Child Left Behind Act of 2001 (NCLB) requires that all children, including English Language Learners (ELL), reach high standards by demonstrating proficiency in English Language Arts, and Mathematics by 2014. Those students whose assessments reveal limited English proficiency are identified as English Language Learners. Schools and districts must help ELL students make continuous progress toward this goal, as measured by performance on state tests. The law sets several key mandates; a highly qualified teacher in each classroom, the opportunity for children to learn English, and other subjects at the same academic level as other students, the opportunity to be placed in an English acquisition curriculum, if needed.

CaliCA@VIMS will offer an English language learning program that serves students with a primary language other than English. Connections Academy policies and procedures ensure that English language learners are successful and achieve academic standards. ELL students are identified and the students' language abilities are assessed. The English Language Learning Program is designed to meet limited-English proficient student's language and academic needs, and has clear exit criteria. CaliCA@VIMS is committed to meeting the needs of English language learners at all grade levels offered and through all the content areas. To help the school fulfill its commitments, CaliCA@VIMS will have an ELL coordinator.

FINDINGS:

- 1) During the petitioner interview conducted on September 30, 2009, petitioning group representatives including representation from the Connections Academy stated that providing for the needs of English language learners is a "growth area" of the program. It was made clear based on responses during the petitioner interview that the program is not currently designed to meet the unique needs of an English language learner population.
- 2) Petition states that the "Learning Coach" must be a fluent English speaker. Thus, English language learners who do not have an available adult in the home who is a fluent English speaker are not likely to be successful within the program.
- 3) This is particularly true for the online program's curriculum in grades K-5 and middle school when an adult in the home is a required component of the learning process.

Petition states:

Students receive a planned program of English as a second language instruction (ESL) to facilitate the acquisition of English language skills and provide an instructional program appropriate to

the student's developmental and instructional level.

- 4) During the interview on September 30, 2009, this program was described in vague terms and did not evidence a "planned program of English as a second language instruction" as proposed in the charter petition. More specifically, representatives from Connections Academy stated that this is an area of growth for the online program and has not been developed.

Petition defines the required "Learning Coach" as follows:

Learning Coach: *A parent, extended family member, or similarly qualified adult designated by the parent/guardian who works in person with the Connections Academy student under the guidance of the licensed professional teacher.*

- 5) During the petitioner interviews held on September 30, 2009 and October 1, 2009, petitioners were unable to define the meaning of "*qualified adult*". No description was provided of any process for vetting this "qualified adult" or their requisite "qualifications" for this role. However, it was stated that the Learning Coach must be fluent in English in order to fulfill this role. Because it is common for English language learners to have limited access to fluent English speaking adults in the home, the program is thus demonstrably unlikely to be successfully implemented to meet the needs of a percentage of English language learners residing in the target communities the program proposes to serve.

An educational program that cannot provides for the unique needs of English language learners represents an unsound educational program as defined by the California Department of Education administrative regulations governing the State Board of Education in its review of charter petitions:

CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTIONS 11967.5&11967.5.1 states:

(b) "...a charter petition shall be "an unsound educational program" if it is either of the following:

(1) A program that involves activities that the State Board of Education determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.

(2) A program that the State Board of Education determines not to be likely to be of educational benefit to the pupils who attend."

	<p>As of 2008-09, Oakland Unified School District enrolled 14,257 English language learners.</p> <p>As of 2008-09, Alameda County public schools enrolled 47,653 English language learners.</p> <p>The aforementioned criteria for determination of an unsound educational program under the CA Code of Regulations for State Board of Education approval criteria of charter petitions applies here with the respect to the English language learner population likely to enroll in the school and the likelihood that this program would (1) present educational harm to English language learner students enrolled, and (2) not likely to be of educational benefit to English language learners who do not have a qualified fluent English speaker in the home.</p> <p>While the regulations contemplate the fact that a charter petition need not be designed or intended to meet the needs of every student who applies to the school, the English language learner population is significant in the target area and can not reasonably be considered immaterial when considering the soundness of a proposed charter school's educational program. Additionally the petition clearly indicates an intent to serve English language learners as the petition states;</p> <p><i>"CaliCA@VIMS students can be expected to mirror the demographic diversity of Oakland Unified School District and the seven-county region's K-12 school population."</i></p>	
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This list of findings is NOT EXHAUSTIVE, but represents key findings in support of the staff recommendation.

Education Code §47605(b)(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

FINDINGS OF FACT

Analysis of the petition with respect to the petitioner capacity presents the following evidence that the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition:

Petitioner Capacity	Findings	Page Number
	<p>The Visionary Institute of Math and Science represent the Non-Profit entity seeking to be awarded the charter petition to operate the California Connections Academy @ VIMS charter school.</p> <p>A review of the charter petition as submitted as well as responses provided during the petitioner interviews on September 30, 2009 and October 1, 2009, demonstrate that the petitioners are unlikely to successfully implement the program as set forth in the charter.</p> <p>Petition states: <i>Corporate status: The VIMS Education Group is the proposed charter holder for CaliCA@VIMS. The VIMS Education Group is incorporated as a California non-profit public benefit corporation. Articles of Incorporation are attached as Exhibit F. The VIMS Education Group bylaws (included as Exhibit G) provide an additional description of the organization of the corporation. The VIMS Education Group was also granted tax exempt status by the IRS (see Exhibit H).</i></p> <p>At the time of the interview, the founding board of the charter school was represented by only two individuals. A third member on record as a member of the board, while previously committed to attending the interview was absent.</p> <p>The two members of the VIMS governing board present; Melda Gaskins and Shelia Gibson responded to questions on behalf of the proposed governing board of the charter school.</p> <p>FINDINGS:</p> <ol style="list-style-type: none"> 1) It was stated that the actual governing board intended to operate the charter school has not been established as of the time of the petitioner interview. It was stated that the governing board intended to operate the charter school would not be formed until after the charter is approved. 2) The absence of the formation of a governing board which 	<p>Pg. 46</p>

intends to operate the charter school makes it impossible for the Board of Education of the Oakland Unified School District to establish the capacity and qualifications of those individuals proposed to operate a charter school, particularly that which is proposed in the petition as submitted.

- 3) It was stated that no policies have yet been established by the VIMS governing board for purposes of operating a charter school. The petitioners stated that they intended to travel to Baltimore, Maryland to attend governing board training the following week, however this training was not likely to sufficiently benefit the actual governing board that will operate the charter school, as it has yet to be established.
- 4) It was stated that no formal roles have been established and that officers of the VIMS governing board were not in place for purposes of overseeing both the operations and finances of the charter school.
- 5) It was stated that, depending on the needs of the school, perhaps one of the two current VIMS governing board members present would teach in the charter school, thus relinquishing her seat on the board, which at the time of the interview represented only three individuals.

Petition states:

***Operating structure:** The operating structure of the school will be similar to a traditional educational environment with a school principal who will supervise an administrative staff and teachers. The school principal will act according to the policies and procedures as approved by the Governing Body. The principal will also act in an information and advisory capacity to the Board, and will be responsible for implementing Board policies in the day to day operation of the school. All personnel decisions concerning the principal and the teachers will be the responsibility of the Board.*

- 6) The VIMS governing board stated during the interview on October 1, 2009 that Melda Gaskins will be the *Executive Director* of the school and as such would not be serving on the proposed governing board of the school. However no such position is mentioned or described in the petition.
- 7) It was stated that the proposed administrator for the charter school, Dr. Jack Bray, had not undergone a rigorous selection process, and was in fact the individual working with VIMS prior to the selection of Connections Academy as a possible contractor to provide an online

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school. Subsequent to the selection of Connections Academy, Dr. Bray was put forth as the proposed administrator of the school. It was stated during the interview on October 1, 2009 that Dr. Bray was not interested in continuing as the administrator of the school following its first year of operation, but preferred to work in "some other capacity". Though questions posed in order to further define the meaning of "other capacity" were not clarified.

- 8) Dr. Jack Bray's wife, Kay Bray attended the interview on September 30, 2009 along with her husband and indicated that she would be working in the capacity of administrative assistant to her husband in the charter school. However no such position is mentioned or described in the petition.

Petition states:

The day-to-day management of the principal is expected to be the responsibility of Connections Academy, or its successor if Connections Academy is terminated, under the terms of the professional services agreement.

- 9) The VIMS governing board provided conflicting statements regarding the oversight and evaluation of the school administrator. Both the charter petition and the responses provide during the petitioner interview on September 30, 2009 indicated that the administrator would be supervised and evaluated by the Connections Academy regional liaison, though the final authority to hire and terminate the school administrator rests with the VIMS governing board. The VIMS governing board members during the petitioner interview on October 1, 2009, described a supervision and evaluation process that did not in any way include the Connections Academy staff and indicated that supervision and evaluation would be a function of the VIMS governing board.
- 10) When asked to describe the manner in which students with special need or learning disabilities and English language learners would be supported, conflicting and vague responses were provided by the VIMS governing board. These included uncertainty regarding the type of curriculum used in the Connections Academy online program, as well as an absence of understanding regarding the possible limitations of the program for students with learning disabilities or for English language learners.
- 11) The VIMS governing board was asked to describe the school's proposed parent complaint systems, required

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	<p>under OUSD board policy to be incorporated into the charter and operation of the school. The response was simply that the school would download a form online pertaining to “Williams Complaint Procedures”. However these procedures are unique to a specific set of conditions in a public school and do not apply uniformly to charter schools.</p> <p>12) The response of the VIMS governing board to questions regarding the parent complaint systems provided no evidence of having previously considered a process for addressing parent complaints.</p> <p>13) No bylaws have been proposed or adopted that would ensure open meeting laws.</p> <p>14) No policies have been adopted, as stated in the charter, which would be required for the operation of an Independent Studies Program.</p> <p>15) Respondents during the petitioner interviews held on September 30, 2009 and October 1, 2009 indicated that VIMS would act as the financial agent receiving all funds for the operation of the school. No financial oversight policies have been developed at the time of the interview to ensure proper oversight and use of these funds.</p> <p>16) Responses during the petitioner interview on October 1, 2009 did not demonstrate a sufficient understanding of the financial audit requirements for the operation of charter schools.</p> <p>17) Responses during each of the petitioner interview on September 30, 2009 and October 1, 2009 were inconsistent regarding the proposed retirement plan for teachers.</p> <p>18) Petition states that VIMS has established “<i>Accountability Standards</i>” and that these standards would be a requirement in order for the establishment and maintenance of the contract between the charter school and Connections Academy for the operation of the online school. When asked during the petitioner interview on October 1, 2009 to provide a description of these established “<i>Accountability Standards</i>”, a vague response was given demonstrating that the governing board of VIMS had not contemplated any specific “<i>Accountability Standards</i>” as stated in the charter.</p> <p>19) The petition indicates that a minimum of 250 students must be enrolled in the school in order for Connections</p>	
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	<p>Academy to accept the terms of the proposed contract with VIMS for operation of the online charter school. Responses provided during the petitioner interview indicated that no contingency planning exist to address the implications of not enrolling a sufficient number of students to meet this threshold.</p> <p>20) No evidence was provided to demonstrate that the enrollment projections by grade would be met, or approximated. The petitioner signatures representing parents meaningfully interested in the school did not include phone contact information, thus staff was unable to verify grade levels of proposed students.</p> <p>21) 85% of signatures of parents meaningfully interested in enrolling their child in the charter school represent families living in the Stockton and Modesto area. Less than five signatures represent interested families that reside in Oakland. No evidence suggests that the petitioning group has contemplated the unique needs of the likely student population residing in Oakland. Yet the charter petition proposes to operate a regional facility in Oakland.</p> <p>Educational programming:</p> <p>1) During the petitioner interview held on September 30, 2009 the petitioning group represented by individuals from Connections Academy, stated that information and materials utilized by the Connections Academy online program are not currently available in languages other than English for purposes of assisting limited English speaking adults assisting students enrolled in the program.</p> <p>2) During the interview with the proposed governing board held on October 1, 2009, representatives of VIMS governing board stated that the Connections Academy program provides materials in Spanish, as well as other languages. This directly conflicts with the aforementioned information.</p> <p>Fiscal:</p> <p>1) The cashflow projections as submitted provide erroneous disbursements of the General Purpose block grant apportionment, presenting them as equally distributed on a monthly basis, demonstrating a lack of understanding of the actual disbursement schedule of these funds and thus rendering the cashflow projection monthly totals as invalid.</p>	
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	<p>2) The VIMS governing board stated that it intends to pursue the Charter School Implementation Grant from the CDE. This grant is awarded over a four year period and can amount to approx. \$450,000 to \$600,000. When asked what plans had been established for the use of these funds, the VIMS governing board members provided responses that suggested no prior consideration had been given to the use of these funds.</p> <p>3) When prompted to describe how these funds would be used to implement aspects of the proposed educational program or its operation that were not otherwise contemplated in the original budget as submitted, the governing board members were unable to do so. Thus, little to no evidence was provided of planning for the use of these funds if awarded.</p>	
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This list of findings is NOT EXHAUSTIVE, but represents key findings in support of the staff recommendation.

EC §47605 (1) The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.

FINDINGS OF FACT

Analysis of the petition with respect to the sixteen elements presents the following lack of reasonably comprehensive descriptions of the 16 required charter elements.

Education Code §47605(b)(5)(A)(i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to education, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

Element A	<p>1) Petition lacks a reasonably comprehensive description of the educational needs of the target population. Petition lists a broad range of target students representing a varied/diverse continuum of needs without demonstrating an understanding those needs or how the proposed educational program aligns to meet their needs. This is particularly true for under-served students outlined in the petition as members of the target population.</p> <p>2) The petition does not contain a reasonably comprehensive description of the required qualifications of the “Learning Coach” particularly in light of the unique needs of English language learners, as well as students coming from foster care and group homes, as identified target populations within the petition.</p> <p>3) No instructional materials or specific curriculum is discussed in the petition as submitted with respect to academic interventions. Responses provided during the petitioner interview on September 30, 2009 indicated adjusting timelines, deadlines, and the pacing of the curriculum delivery; however this is likely to result in a “more of the same” approach to academic intervention, vs. providing an alternative approach or true intervention to accessing the curriculum for academically low achieving students.</p> <p>4) In reviewing both the contents of the petition as well as the educational program guide for Connections Academy provided, and based on the responses provided by the petitioning group on September 30, 2009 it is unclear what curriculum, or specific supports will exist for students who are not academically successful in the program. A limited number of academic interventions are noted in the educational program guide; however these do not capture the breadth of curriculum intervention support likely to be required of the proposed K-12 program.</p> <p><i>CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTIONS 11967.5&11967.5.1 states:</i></p> <p><i>“...the State Board of Education shall take the following factors into consideration in determining whether a charter petition does not contain a “reasonably comprehensive” description of each of the specified elements.”</i> <i>[...]</i> <i>“...Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.”</i></p>
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- 5) Petition does not adequately provide for how the educational needs of English language learners will be met, as defined by the vague description of the ESL program as outlined in the petition as submitted, as well as based on the absence of further clarification provided during the petitioner interviews on September 30, 2009 and October 1, 2009.
- 6) Neither the petition as submitted nor the responses provided during the interviews conducted on September 30, 2009 and October 1, 2009 provided an adequate description of the roles, responsibilities, or qualifications of the ELL Coordinator as identified in the petition, that is intended to serve as a primary support provider for the school in meeting the needs of its English learner population.
- 7) The petition, while indicating that the program will provide a minimum of 175 instructional days does not provide any proposed school calendar nor discusses when the program will begin operation.
- 8) Petition does not demonstrate a clear understanding of the obligations under the local SELPA.
- 9) Petition contains descriptions of arrangements for services that are not consistent with the current provision of special education services for charter schools under the Oakland SELPA.
- 10) Petition provides an inadequate description of how special education services are to be delivered, including transportation, assistive technology, trained staff to accommodate one to one aide requirements, or how the school will meet the full continuum of services required to ensure student access to the curriculum.

This list of findings is NOT EXHAUSTIVE, but represents key findings in support of the staff recommendation.

Additional Concerns:

On March 5, 2009 the Sacramento City Unified School District denied a charter petition submitted by VIMS for purposes of operating a classroom-based middle school to serve students in grades 6-8.

The findings of OUSD staff specific to the petition submission for the establishment of the California Connections Academy @ VIMS charter school appear to represent a pattern of vagueness and lack of preparation on behalf of the VIMS governing body that are consistent with staff findings of the Sacramento City Unified School District staff in its review of the classroom-based charter petition it recently denied. The following critiques included in the staff report of the SCUSD exemplify this pattern.

SCUSD Staff report excerpts:

As the Petitioner states, the Charter School Act was specifically created to provide charter schools the flexibility and opportunity to innovate. In concert with this, charter schools were designed to compete with the educational programs of the public schools. Although charter schools are designed for flexibility, flexibility should not be confused with vagueness and ambiguity when describing the proposed program they will provide to their students.

The District is not required to take a leap of faith and trust that the petitioners will create a sound educational program that will meet the needs of the students that the Petition proposes to serve in the absence of a thorough, detailed description of what the petition will offer, how it will be delivered, measured, monitored, intervened and maintained to a high standard.

The Petitioner states that the charter school will develop their innovative ideas once the charter school is approved. However, the Petitioner must develop all their intended programs, innovative or otherwise, in detail prior to charter approval because the District must understand and be confident in the success of the educational program the charter school intends to implement

ONGOING PETITIONING EFFORTS

AT NO TIME during the petitioner interview process, nor in any correspondence during the petition review process, did VIMS representatives communicate to staff that the VIMS organization has previously submitted a charter petition to operate a classroom-based program or stated that VIMS continues to pursue appeal of the denial its 6-8 grade classroom-based middle school petition proposed to operate in Sacramento.

Additionally, staff learned through its due diligence efforts with the California Department of Education that the VIMS organization did not make explicit its petitioning efforts to pursue the opening of a virtual online charter school with OUSD, while it continued to pursue appeal of its 6-8 charter school program with CDE. The VIMS initiated classroom-based charter school petition was denied by the Sacramento County Office of Education on May 5, 2009.

AT NO TIME during the petitioner interview process, nor in any correspondence during the petition review process, did VIMS representatives or Connections Academy representatives communicate to staff that the California Connections Academy @ VIMS charter petition, submitted to the Oakland Unified School District on August 26, 2009 was also submitted to the San Joaquin County Office of Education on August 19, 2009, one week prior to its submission to the Oakland Unified School District. At various

times during both the petitioner interview process and introductory meeting the petitioning group was asked to describe its rationale for selecting Oakland in its efforts to petition for charter approval, which would have provided ample opportunity to inform staff of its ongoing petitioning efforts elsewhere. The San Joaquin County Office of Education denied the charter petition request of the California Connections Academy @ VIMS charter on October 21, 2009.

These concerns are material to a petition review process that seeks to establish a clear understanding of the petitioners' capacity to successfully implement the program as set forth in the petition. Efforts by a newly formed, inexperienced organization to successfully implement two new charter school programs, one classroom-based and one online charter school are of material concern to staff as they have implications for the successful implementation of the program set for in the petition. Additionally, the absence of transparency in communication reinforces existing concerns regarding the petitioning group's vagueness and lack of preparation with respect to the operation of the charter program as set forth in this petition.

ADMINISTRATOR CAPACITY

The same administrator, Dr. Jack Bray is proposed to administer the California Connections Academy @ VIMS charter school as well as being the proposed administrator to operate the 6-8 grade classroom-based charter school undergoing appeal at the State Board of Education. No evidence suggests that this individual possesses the capacity or interest to administer two such school programs at the same time.

PROVISION OF REQUIRED TECHNOLOGY

The following represents the absence of a reasonably comprehensive description of how the school will ensure access to the educational program set forth in the petition; as well as evidence that petitioners are demonstrably unlikely of successfully implementing the program as set forth in the petition.

Of the 14 states in which Connections Academy operates an online charter school, based on information acquired through their websites and other petitioning documents acquired through due diligence efforts, at least 10 of those states provide to each student a computer that meets the hardware requirements of the online program, as well as a stipend to help subsidize the cost of internet. In a few states Connections Academy also provides a printer to each enrolled student.

In the case of the California Connections Academy @ VIMS charter petition, no computer hardware required of the online educational program or internet stipend is provided to students enrolled in the program. While the petition states that the school will have loaners or help to find donated machines, petitioner responses during the petitioner interview on October 1, 2009 stated that in other states where Connections Academy operates it has been the case that low income families "*seem to find a way*" to acquire the necessary technology and often already possess the computer and internet necessary to participate in the program.

It has been the experience of staff that this is not the case for many low income families attending public schools in Oakland. Schools are often required to engage in a number of concerted efforts to provide low income families with opportunities to access technology outside of school.

- The petition states that "local libraries" can serve as a resource for low income families. This approach diminishes greatly many of the proposed benefits of the online learning program when proposing families consider accessing the online curriculum through their local libraries.

RECOMMENDATION

Staff recommends that the Oakland Unified School District's Board of Education **deny** the petition for California Connections Academy @ VIMS under the Charter Schools Act, pursuant to Education Code § 47605:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school;
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
- [...]
- (5) The petition does not contain reasonably comprehensive descriptions of the required 16 elements.