

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the State Administrator

January 12, 2005

To: Randolph E. Ward, State Administrator
& OUSD Board of Education

From: A. Woodrow Carter, Deputy Superintendent
Liane Zimny, Charter Schools Coordinator

Subject: COVA Music Conservatory
Grades 4-9 Charter School Proposal

ACTION REQUESTED:

Deny the COVA Music Conservatory charter petition to open a charter school for the following reasons:

- The petitioners have not demonstrated they are likely to successfully implement the program set forth in the petition.
- The petition and charter do not include sufficient information from which to determine that the charter school presents a sound educational program for the pupils to be enrolled in the charter school.
- The petition and charter do not contain sufficient information to determine if the number of signatures is sufficient to meet the requirement of California's charter law.
- The petition and charter do not contain all of the affirmations of each of the conditions required in California's charter law.
- The petition and charter do not include all of the financial data required by California's charter law.
- The petition and charter do not contain reasonably comprehensive descriptions of all of the required charter elements.

SUMMARY:

This report recommends that the State Administrator deny the petition from COVA Music Conservatory to open a 4-9 school under California's Charter School Act. Staff recommends denial based on factual findings, specific to this particular petition, detailed in this report.

The COVA Music Conservatory petition, with its attached charter proposal, was submitted to the OUSD State Administrator and Board of Education on November 17, 2004. Valerie M. Abad is the Lead Petitioner. The State Administrator and Board of conducted a public hearing on the proposal on December 15, 2004.

The petition asks the Board to authorize a five-year charter for

- A school serving grades 4-9
- For students to explore and develop their musical abilities
- Offering vocal, instrumental and musical composition
- Providing “instruction in CORE curricular areas well as musicianship, leadership, and performance.”

BACKGROUND

California’s Charter Law is very clear regarding the approval or denial of charter school proposals. The following excerpt is taken from section 47605 of the California Charter Schools Act. 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 by subdivision (a).*
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).*
- (5) The petition does not contain reasonably comprehensive descriptions of all of the [required charter elements.]*

DISCUSSION

The following factual findings, specific to the particular petition lead staff members to recommend that this petition be denied:

The petition includes six signatures of teachers, including the lead petitioner, who declare they are meaningfully interested in teaching at the new school. Data is not included to determine if this number is sufficient to qualify the charter for consideration.

The charter does not include an affirmation of each of the conditions regarding the provision of nonsectarian, nondiscriminatory practices described in Education Code Section 47605(d)(1).

The charter does not include the following required information:

...[P]rovide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The description of the facilities to be used by the charter school shall specify where the school intends to locate. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. [Education Code Section 47605(g)]

Other charter elements are not reasonably comprehensive because they lack sufficient detail to demonstrate that the petitioners know how they will achieve their outcomes.

RECOMMENDATION:

This report recommends that the Oakland Unified School District's State Administrator deny the petition to open COVA Music Conservatory under California's Charter School Act.