



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the Superintendent
1025 Second Avenue, Room 301
Oakland, CA 94606
Phone (510) 879-8200
Fax (510) 879-8800

TO: Board of Education

FROM: Gary Yee, Ph.D., Superintendent
Silke Bradford, Director of Quality Diverse Providers

DATE: April 9, 2014

RE: Conservatory of Vocal/Instrumental Arts High School (COVAH)
Charter Petition Request

Legislative File

File ID No.: _____ 14-0344

Introduction Date: 2/12/14

Enactment No.: _____

Enactment Date: _____

By: _____

ACTION REQUESTED

Approve the denial of the petition and charter to establish Conservatory of Vocal/Instrumental Arts High School. The petition presents that 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 Conservatory of Vocal/Instrumental Arts High School proposed to begin operation Fall 2014, serving 90 students in grades 9, 10 and 11, and growing to 270 students, grades 9 through 12 by 2018-2019. 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 Conservatory of Vocal/Instrumental Arts High charter school is to create a high school to provide a comprehensive academic and performing arts program.

The petition does not meet standards related to the educational program and petitioner capacity. The petition, overall, lacks a level of detail and thoughtfulness to be considered reasonably comprehensive, and demonstrates a lack of preparation and capacity required to implement a successful program.

PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted a petition for the Conservatory of Vocal/Instrumental Arts High School (COVAH) on February 12, 2014 at a regularly scheduled Board of Education meeting. The petition proposes to create a high school of 270 students, beginning in 2014-2015 with an opening of grades 9, 10 and 11 of 60 students total.
- 2) A public hearing was held on March 12, 2014. Representatives from the petitioning group presented.
- 3) Petitioner interviews were held on March 10, 2014, with both the founding group and 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, 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 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.

COVAH proposes to open in Fall 2014 as a direct-funded charter school. A partnership with Peralta Colleges was named in the petition, but during interviews, petitioners were unable to identify any formal commitment or direct involvement of any college officials in the petition or creation of a partnership. The education program outlined in the petition relies heavily on the “mission of concurrent enrollment” which is of concern considering 1) the lack of involvement of college officials and 2) the stated target population of students from program improvement schools will not be in a position to access college instruction and 3) there is a lack of any targeted intervention to support these students.

Features of the proposed education program include:

- Common Core Standards-based academic program
- Concurrent college courses
- Music/Performing Arts courses

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.

1) The areas in which the petition *failed* to meet established standards and provide a reasonably comprehensive description of the educational program include, but are not limited to, the following deficiencies:

- Lack of targeted interventions to meet the needs of the target population being recruited from Program Improvement schools
- Lack of a reasonably comprehensive curriculum development plan; particularly considering Year 1 proposal of serving 9th – 11th grade
- Lack of a scope and sequence for any grades/subjects
- Lack of a feasible plan to develop curriculum pacing guides and benchmark assessments
- Unreasonable expectation that one teacher/individual would have six preps and a dual credential to accommodate ELA/History and Math/Science blocking for three grade levels (9th-11th); Year 1 there are only 3FTEs allotted
- Lack of daily ELD, Math, and ELA intervention courses and curriculum
- Lack of a targeted professional development plan to support implementation of “Teach Like a Champion” instructional techniques
- Lack of a plan or designated person responsible for English Learner progress monitoring

SIXTEEN ELEMENTS TABLE

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)
Governance structure	<i>Section II, A</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section II, C</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section II, B</i>	X	<input type="checkbox"/>	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)

Element	Evaluation Reference	Inadequate	Reasonably Comprehensive	Statutory Reference
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>	<input type="checkbox"/>	X	E.C. § 47605(g)
Manner in which administrative services are to be provided	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Potential civil liability effects	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Proposed first year operational budget	<i>Section II, D</i>	<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)

2) The areas in which the petition *failed* to meet established standards and demonstrated that the petitioners are demonstrably unlikely to successfully implement the program include, but are not limited to, the following:

- Lack of adequate resources and professional capacity needed for effective implementation
- Lack of awareness and planning for reasonable targeted intervention programming to meet the educational needs of underperforming students- including English Learners
- Lack of a targeted recruitment plan to meet enrollment targets related to EL and SPED coupled with an admissions process with inappropriate preferences and inclusion of auditions
- Unreasonable teacher expectations related to number of preps (six different classes per teacher)
- Lack of a plan for evaluation of staff
- Lack of a description of key leadership position (Executive Director and Arts Director) qualifications or selection process
- Founding Group and Governing Board were not aligned in their expectation of Year 1 grade level offerings; the Governing Board did not realize that there would be thirty 11th grade students
- Lack of technology and lab infrastructure plans to support the demands of A-G approved coursework, despite having an ending fund balance for 12-13 of close to one million dollars (\$931,166). at the COVA campus (COVAH Facility Plan- Option 2)

RECOMMENDATION

Staff recommends that the Oakland Unified School District's Board of Education **deny** the petition for Conservatory of Vocal/Instrumental Arts High 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*:

- (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: Conservatory of Vocal/Instrumental Arts High School

Submission Date:
February 12, 2014

Public Hearing Date:
March 12, 2014

Lead Petitioner/s: Valerie Abad

Petitioner Interview Date:
March 10, 2014

Governing Board (in attendance at interviews):

Decision Date:
April 9, 2014

- Sandy Carpenter – Board President
- Dr. Hollis Pierce-Jenkins- Board Member
- Tanya Scott – Parent Representative
- Yosi Solove – Teacher Representative
- Cathi Vogel – Business Manager

- List of Board Members and Term Expirations (p. 164)
- Dr. Valerie M. Abad, Lead Petitioner (June 30, 2016)
 - Dr. Sandy Carpenter (June 30, 2016)
 - Dr. Hollis Pierce (June 30, 2015)
 - Tanya Scott (January 30, 2014)
 - Daphne Gammage (January 30, 2014)
 - Linda Baker (January 30, 2014)

Proposed location of school (p. 151)	<ol style="list-style-type: none"> 1) Merritt College (no commitment from the college- only an email acknowledging Ms. Abad’s request to rent classrooms) 2) Additional portable buildings at the COVA K-8 campus 3) Leasing commercial space at 8475 Edes Ave. (formerly a Hungry Hunter Restaurant) that has been converted to church facilities
Composition of petitioner group	The Conservatory of Vocal/Instrumental Arts High School founding team consisted of the lead petitioner and COVA governing board members as listed above (p. 164)
Grade levels to be served in Year 1	9 th , 10 th and 11 th Grades
Anticipated enrollment in Year 1	90

Grade levels to be served at full-capacity	9 th through 12 th
Anticipated enrollment at full capacity	270 students
Target student population	<p>COVAH "...intends to serve students from underperforming PI schools (Frick, Fremont, Simmons, Madison, Roosevelt, Castlemont, Skyline, etc.)" (p. 24)</p> <p>"COVAH intends outreach to and serve students who desire a music focused high school program and:</p> <ul style="list-style-type: none"> • are at-risk of dropping out of high school • are from schools that do not have broad music and performing arts programs • traditionally do not have access to higher education • come from PI and low performing middle and high schools • come from low-income families • are English Language Learners" (p. 25)

Brief description of the kind of school to be chartered.

"COVAH is designed to integrate the values of music and the arts into academics, by encouraging engagement in student's education and provide high quality vocal and instrumental music training for students in grades 9 - 12. Music instruction has been shown to greatly enhance academic learning and intrinsic motivation. COVAH supports music education as an instructional delivery system to develop competent and motivated learners. COVAH will provide students with a Common Core based academic program which will support matriculation into college or technical career training. COVAH will target students from Oakland schools in Program Improvement (PI) status or "Persistently Lowest Achieving Schools Eligible for SIG". (p. 11)

Brief explanation of the mission of proposed charter school

"The Conservatory of Vocal/Instrumental Arts High (COVAH) will provide structured music and performing arts training in conjunction with a rigorous academic program designed to prepare students for academic, career, and life success. COVAH believes that through participation in music and performing arts, every student develops greater self-discipline, confidence, cooperation, teamwork, perseverance, and sense of community. COVAH sees music and performance as a motivator for students to graduate from high school and pursue higher education. COVAH's music and performing arts program is designed to enrich students through life long participation in music careers or community music." (p.12)

Planning to work with a charter management organization (CMO)

Yes No

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="checkbox"/> # aligned with proposed opening enrollment			N/A
<input type="checkbox"/> Prominent statement			N/A
<input checked="" type="checkbox"/> Teachers			
<input type="checkbox"/> # aligned with proposed opening enrollment	X		Appendix F
<input type="checkbox"/> Prominent statement	X		Appendix F
<input checked="" type="checkbox"/> The teachers that signed the petition are not permitted to teach core subjects above Grade 9			
<input checked="" type="checkbox"/> Students			
<input type="checkbox"/> # aligned with proposed opening enrollment	X		Appendix F
<input type="checkbox"/> Prominent statement	X		Appendix F

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. 5
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. 5
3. Will be non-sectarian in its curriculum, programs, admissions, policies, governance, employment practices, and all other operations.	X		p. 6
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. 6
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. 6
6. Will offer at least the minimum amount of instructional time at each grade level as required by law.	X		p. 7
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. 6
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. 7
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 (I).	X		p. 7
10. Will comply with all other applicable federal and state laws and regulations.	X		p. 7
11. Will submit an annual report and annual independent audits to the OUSD	X		p. 6

Office of Charter Schools by all required deadlines.		
12. Will submit required enrollment data each March to the OUSD Office of Charter Schools by the required deadline.	X	p. 6
13. Will operate in compliance with generally accepted government accounting principles.	X	p. 6
14. Will maintain separate accountings of all funds received and disbursed by the school.	X	p. 6
15. Will participate in the California State Teachers' Retirement System as applicable.	X	p. 6
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. 7
17. Will at all times maintain all necessary and appropriate insurance coverage.	X	p. 7
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. 7
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. 7
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. 7
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. 7

EVALUATION:

The Conservatory of Vocal/Instrumental Arts High 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
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ANALYSIS: TARGET POPULATION⁰

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<ul style="list-style-type: none"> • Petition states the target population to be served as "...students from underperforming PI schools (Frick, Fremont, Simmons, Madison, Roosevelt, Castlemont, Skyline, etc.)," • "Studies show that access to arts education in 	<p>p. 25</p> <p>p. 26</p>	<ul style="list-style-type: none"> • Beyond offering music instruction that the petitioners surmise will remedy disengagement/increase attendance and bolster Math achievement, there is nothing else described in the petition about the education program being tailored to the needs of underachieving students. 	<p>p. 28</p>

<p>schools offer distinct benefits to economically disadvantaged youth and students at-risk of dropping out. An 11-year national study that examined youth in low-income neighborhoods found that those who participated in arts programs were much more likely to be high academic achievers, be elected to class office, participate in a math or science fair, or win an award for writing an essay or poem.”</p>		<ul style="list-style-type: none"> • Petition lacks a clear plan for intervention support tailored to students from Program Improvement schools. The intervention program, described is <i>not</i> targeted, does <i>not</i> utilize research based intervention reading curriculum, and service providers are <i>not</i> exclusively credentialed teachers as tutoring services will be “...provided by peer tutors, college students hired by COVAH, COVAH teachers, and qualified volunteers.” • Other supports for low achieving students (i.e. Khan Academy and credit recovery) require a credentialed teacher who can mediate the online independent study course formats as these programs alone are not sufficient for underachieving students and should not be implemented by peers or college tutors. • The student schedules presented do not reflect daily/targeted intervention in the form of “...small break-out group tutorials and seminars will be held to support college and COVAH classes to ensure <i>studnets</i> (sic) complete classes successfully. These resources will be provided by COVAH teachers, peer tutors, college tutors, and the community college tutoring center.” 	<p>p. 93</p> <p>p.93</p> <p>p. 96</p>
--	--	---	---------------------------------------

		<ul style="list-style-type: none"> • When asked to: “Describe the structure and staffing of tutoring intervention for students with “significant academic needs” the petitioner response was that “With the high school level we will have peer tutoring and depending upon whether we land in same location we have access to Holy Names teacher credential program students, we have Merritt College and college student opportunities and if we are up at Merritt college we have a tutoring center there. At COVA we have two teachers who stay and tutor in the afternoon and our landlord is interested in having a tutoring group and an education organization, they are interested in doing high school tutoring also.” The aforementioned approach to intervention is disjointed in that no specific curriculum is being used nor is there a credentialed staff person providing the service. • “COVAH will serve a student demographic of the population of Oakland, OUSD, and COVA K – 8.” Currently COVA has 0.05% EL and 0.03% SPED, which is well below OUSD (32.2% and 10.9% respectively) and brings into question COVAH’s stated commitment to recruiting representation from these groups as they have been unsuccessful in doing so thus far 	<p>Interview</p> <p>p. 24</p>
--	--	--	-------------------------------

		<ul style="list-style-type: none"> • Petition states that COVAH intends to recruit students that "... are from schools that do not have broad music or performing arts programs," yet admission preference is provided to those "...students demonstrating previous music experience." There is an incompatibility between the stated target population and who will be favored in the admissions process bringing into question the petitioner commitment to fulfilling the target population as described above 	<p>p. 25</p> <p>p. 130</p>
--	--	--	----------------------------

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 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"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

ANALYSIS: EDUCATIONAL PHILOSOPHY AND APPROACH TO INSTRUCTION

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Rationale</p> <ul style="list-style-type: none"> Series of research articles cited in petition that report there is a link between music/arts instruction and academic achievement Overview of math teaching strategies/methods that will be used by the department <p>Mission Alignment</p> <ul style="list-style-type: none"> A wide array of A-G approved music/performing arts classes and ensemble opportunities are part of the daily instructional offerings <p>Population Alignment</p> <ul style="list-style-type: none"> High achieving students will be provided challenging/rigorous course work through the concurrent enrollment in college courses that the petition states is a focus 	<p>p. 13-14</p> <p>p. 53-54</p> <p>p. 67-69</p> <p>p. 22</p>	<p>Rationale</p> <ul style="list-style-type: none"> The petition refers to a literacy program generically. Petitioners were asked: “In the math curriculum section you outline RTI techniques (53-54), do you have any other subject-specific techniques?” The petitioner response was that: “We will be able to do that across the Math as we are looking at English and Math. As far as intervention, we feel the tutoring will suffice for history and science. The school wide teaching methods will be 42 of the 49 techniques presented in Doug Lemov’s book titled “Teach Like A Champion.” In light of the fact that it is not feasible to authentically deliver professional development and expect effective implementation all 42 techniques in Year 1- the petitioners were asked: How will the techniques be prioritized? The response was that: “We have been doing this for three years so we have in-service as well re-loop through techniques at each faculty meeting covering a little bit about reminders of different techniques, we don’t prioritize these techniques as they are all really good techniques and we ask teachers to start with key things that are school wide an 	<p>Interview p. 33-37</p> <p>Interview</p> <p>p. 12</p> <p>Interview</p>

		<p>related to classroom environment and as we train we get deeper into curricular techniques. Carolyn Jennings has been trained in the techniques and probably for the high school, Doug Lemov has trainer of trainer stations just about monthly and we will have someone go in and do the high school trainer of trainers”</p> <ul style="list-style-type: none"> • Lack of prioritization of techniques and the fact that no one in a leadership role is cited as the individual to be the trainer of trainers, brings into question the capacity to implement and provide continuous feedback and support teachers in this regard. <p>Mission Alignment</p> <ul style="list-style-type: none"> • Petition mentions college counseling as part of fulfillment of the state priorities, but fails to describe who will hold these responsibilities as the petition makes no reference to a counselor position in the text of the petition, organizational chart, or budget. It is unknown how students will be assisted as they research and apply for college. • Petitioners were unable to name a contact person at the college that has committed to any level of partnership with COVAH; an email sent by the petitioner after the interview, clarified that it is "not an actual partnership" and that the relationship at this time amounts to COVAH "...asking 	<p>Interview</p> <p>p. 99, 102</p> <p>Interview</p>
--	--	--	---

		<p>Merritt to rent us classroom space at Merritt.”</p> <ul style="list-style-type: none"> • Petition states four times that community service, among a list of other elements, is a core value that would be promoted, yet there is no reference to how/when it will be embedded in the educational program <p>Population Alignment</p> <ul style="list-style-type: none"> • Petition fails to adequately address how the target population for recruitment (low-achieving students) will be supported with targeted interventions, as the plan does not involve the exclusive use of credentialed instructors or research based curriculum • No research cited related to impact of arts instruction on ELs • Petition states that “COVA has demonstrated that all students regardless of ethnic background economic level, disability and English learners can achieve at and above the level of academic proficiency required under California Standards.” Yet there is no basis or evidence for such a claim as it relates to the 2012 API scores where there were zero ELs and only seven students with disabilities; which is a gross underrepresentation as compared to district and charter school averages 	<p>p. 10</p>
--	--	---	--------------

C. CURRICULUM FRAMEWORK **X** Mark this box on behalf of the curriculum that has yet to be developed:

1. Plan: *Is there a sound curriculum development plan?*

- A thorough, persuasive plan for development including the research base to be considered and foundation materials;

2. Schedule: *Is there a well-defined, realistic schedule?*

- A realistic, time-specific development schedule and clear objectives to be met; and

3. Responsibilities: *Are the development responsibilities clear and manageable?*

- Identification of individuals responsible for development and evidence that they are well-qualified for the task.

1. Plan: *Is there a sound curriculum development plan?*

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

2. Schedule: *Is there a well-defined, realistic schedule?*

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

3. Responsibilities: *Are the development responsibilities clear and manageable?*

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

ANALYSIS: CURRICULUM FRAMEWORK

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Plan</p> <ul style="list-style-type: none"> • “Texts and materials will be selected in support of the Common Core Standards. Teachers will receive pre-opening professional development in the content and implementation of the Common Core curriculum.” 	<p>p. 32</p>	<p>Plan</p> <ul style="list-style-type: none"> • The petition provides a chart of curriculum/textbooks to be utilized, though it does not include book/novel titles for the “literature based curriculum” which is central to ELA instruction • No scope or sequence for any course is provided and has yet to be developed. A Scope and Sequence document should provide a brief outline of the standards and a recommended teaching order for a particular course/grade-level. The chart in the petition titled “Scope and Sequence” does not qualify as such as it is simply a matrix of general Course Titles/Pathways. • The petition provides no discussion of how student readiness for college courses will be assessed beyond it being a byproduct of MAP interim assessment results. <p>Schedule</p> <ul style="list-style-type: none"> • The petition does not include a reasonable timeline for the implementation plan for the educational program or the development of curriculum • Insufficient time for 2 of 3 core teachers to create benchmark assessments and pacing plans for six different courses in only “...8 days prior to the opening 	<p>p. 81</p> <p>p. 38</p> <p>p. 23, 107</p> <p>p.74</p>

		<p>of the school year” that will also be “...dedicated to teacher curriculum development, cross curricular connections, pacing guides, benchmark assessments, classroom management, intervention, academic support procedures, and college coursework supports.”</p> <p>Responsibilities</p> <ul style="list-style-type: none"> • Two dual credentialed teacher who would be expected to teach three grade levels (9th-11th) of three blocked courses (6 courses total) would also have to create the pacing plans for the six classes they are prepping for as the petitioner stated “we are not putting together the pacing guides because that needs to be done by the teacher.” • The petitions states that: “Beginning in February 2014, a curriculum team will be established to begin development of the Common Core aligned curriculum in ELA, math, science, and history/social science. In March, additional team members will be added to develop the curriculum for all other subject areas.” • As of March 10, 2014 the petitioners did not have an ELA curriculum writer on-board. The Math teacher on the curriculum team is not credentialed to teach math above grade 9. 	<p>p. 32</p> <p>p. 74</p> <p>Interview</p>
--	--	--	--

SPECIAL POPULATIONS: SPECIAL EDUCATION

Federal law requires charter schools, like all public schools, to provide a free appropriate education in the least restrictive environment to students identified with disabilities who are enrolled at the school. A plan for serving students with disabilities excels if it has the following characteristics:

- Demonstrated understanding of state and federal special education requirements including the fundamental obligation to provide a free, appropriate education to students identified with disabilities and obligations held under Section 504 of the ADA;
- A clear statement regarding what petitioners expect will be the school’s anticipated LEA status for purposes of special education and the implications of that status determination;
- A sound plan -- including lead contact, funding, service and intervention arrangements -- for identifying and meeting the needs of students identified with disabilities;
- Alignment of the special education plan with the core educational program; and
- Evidence of high expectations for students with special needs.

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

ANALYSIS: SPECIAL EDUCATION

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<ul style="list-style-type: none"> • Petition includes “Response to Intervention (RTI) techniques to be implemented for math” • Petition shows evidence of an understanding of state and federal SPED requirements • “A qualified Special Education teacher and the school Program Specialist will provide oversight of the Special Education program and services.” 	<p>p. 53-54</p> <p>p. 87</p> <p>p. 88</p>	<ul style="list-style-type: none"> • No subject specific RTI techniques mentioned other than in Math • COVA K-8 SPED population is grossly underrepresented (0.03%) and COVAH’s goal is to achieve 9% population of SPED students with no targeted or explicit recruitment that would make achievement of this goal feasible • No research cited related to SPED students and arts instruction 	<p>p. 24</p>

D. SPECIAL POPULATIONS: ENGLISH 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 Learners excels if it has the following characteristics:

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

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

ANALYSIS: ENGLISH 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"> • “COVAH will use LASLinks online which addresses the development of academic language through five dimensions.” • Plan outlined for reclassification process and criteria 	<p>p. 92</p> <p>p. 92</p>	<ul style="list-style-type: none"> • COVA K-8 EL population is grossly underrepresented (0.05%) and COVAH’s goal is to achieve 15% population of ELs; with no targeted or explicit recruitment that would make achievement of this goal feasible • “English Language Learners (ELL) will also be supported through instruction aligned to The Source: English Language Development.” Petition does not describe when or who will design and deliver ELD or with what frequency • This approach relies upon teachers’ ability to 	<p>p. 24</p> <p>p. 93</p>

		<p>differentiate instruction to this group of students and be properly developed as it pertains to ELD standards/approaches that differ from general literacy acquisition.</p> <ul style="list-style-type: none"> • Petitioners were asked when EL students would be assessed as the petition did not provide a comprehensive description. Petitioner response was: “that will be the first month of the school - if they came in later, if they started at beginning of the year we would do the initial assessment and determine whether they would be classified under EL or if they are outside of EL, throughout the year there are testing to determine progress.” • Petitioner was asked who would be responsible for monitoring EL progress and reclassification as the petition did not state this and the response was: “Uh I have to take a look here. Well we do have a section on testing and it will indicate. It will be the job of the administration and the testing itself we will have a qualified person to come in and do the actual testing” • English fluency levels and differing needs are not discussed 	<p>Interview</p> <p>Interview</p>
--	--	--	-----------------------------------

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"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

ANALYSIS: PUPIL OUTCOMES

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Alignment</p> <ul style="list-style-type: none"> • Feature music specific MPOs (#10 and #12) • MPO#5 aligns with goal to target ELs 	<p>p. 100-101</p> <p>p. 98</p>	<p>Measurement</p> <ul style="list-style-type: none"> • “Demonstrating knowledge” threshold for MPO #10 is not discrete or measurable • MPO #14 instrument of measurement is not stated and is redundant in light of MPO #8 • Multiple MPOs have multiple measurements for a single MPO which will become cumbersome to effectively gather and report the data each year, as every year needs to use the same instrument in order to make year to year comparisons <p>Performance Level</p> <ul style="list-style-type: none"> • Considering the hallmark of the proposed school is music/vocal arts instruction, MPO #10 is not an ambitious goal and calls into question the instructional effectiveness of the arts curriculum if only 70% of students who receive daily music instruction will be able to demonstrate knowledge of music theory 	<p>p. 100</p> <p>p. 102-103</p> <p>p. 100</p>

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"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

ANALYSIS: PUPIL PROGRESS

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Assessments</p> <ul style="list-style-type: none"> • Use of formative assessments, MAP interim assessments and summative assessments aligned to the Common Core acquisition • “COVAH will use performance rubrics to measure growth” in performance ability • “ELL students will be assessed through the LAS Links – Academic English Learners assessments (CTB/McGraw-Hill) <p>Instructional Improvement</p> <ul style="list-style-type: none"> • MAP testing informs “in-the-moment instruction practices by identifying every student’s strengths and opportunities for improvement” • Data collection and analysis plan <p>Reporting</p> <ul style="list-style-type: none"> • The MMARS “will provide immediate access to students data” • Parents will: <ul style="list-style-type: none"> - “be informed of their child’s progress on benchmarks and Common Core practice and annual assessments - attend parent/teacher conferences to be held each Semester - develop and implement a 	<p>p. 73</p> <p>p. 106</p> <p>p. 106</p> <p>p. 107</p> <p>p. 108</p> <p>p. 107</p> <p>p. 81</p>	<p>Assessments</p> <ul style="list-style-type: none"> • Since teachers are creating benchmarks throughout the year, as opposed to utilizing pre-fabricated ones, these assessments cannot be used to backwards plan from in terms of course scope/sequence nor to create pacing guides. • The quality and validity of the teacher created benchmarks is in question considering 6 preps for 2 of the core teachers, as well as Year 1 opening with three grade levels; concerning since nothing has been produced by the “curriculum development team” as of March 10th as they had only worked on the petition. <p>Instructional Improvement</p> <ul style="list-style-type: none"> • It is unclear how/when Laslink data will impact instruction as there is no specific curriculum, standards alignment or dedicated time for targeted ELD instruction 	<p>Interview</p>

<p>plan for failing or non-achieving students.</p> <ul style="list-style-type: none"> - assign a counselor/advisor to struggling students who will mentor the student and communicate with the parent/s and monitor student progress and recommend academic intervention when needed - develop an SST (Student Success Team) that will consist of the student's parent, student, teacher, administrator, special educator, and any other pertinent school staff" 			
--	--	--	--

EDUCATIONAL PROGRAM SUMMARY

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

EDUCATIONAL PROGRAM SUMMARY

Strengths

The petitioning group seeks to provide a second high school option in Oakland for students interested in music and the performing arts.

Concerns and Additional Questions

The educational program does not contain reasonably comprehensive descriptions or meet legal requirements or the quality standard in the following areas:

- Lack of a feasible plan to develop curriculum pacing guides and benchmark assessments
- Unreasonable expectation that one individual would have six preps and a dual credential to accommodate ELA/History and Math/Science blocking for three grade levels (9th-11th); Year 1 there are only 3FTEs allotted
- Lack of daily ELD, Math, and ELA intervention courses and curriculum
- Lack of scope and sequence for any grade/courses
- Lack of a targeted professional development plan to support implementation of “Teach Like a Champion” instructional techniques
- Lack of a plan or designated person responsible for English Learner progress monitoring

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"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

ANALYSIS: GOVERNANCE CAPACITY

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Legal Structure</p> <ul style="list-style-type: none"> • 501c3 Non-Profit Public Benefit Corporation <p>Governance Experience</p> <ul style="list-style-type: none"> • Board members currently serve on COVA K-8 board • Petition has a description of the desired experience/expertise of each board seat/member <p>Operating Plan</p> <ul style="list-style-type: none"> • Board members “will serve 2 year staggered terms” • Article VII Section of the Draft By-Laws enumerates the specific powers of the board • Article VII Section 3 of the Draft By-Laws enumerates the board’s responsibilities • Demonstrated understanding that “All meetings of the Board of Directors and its committees shall be called, noticed, and held in compliance with the provisions of the Ralph M. Brown Act” • “Parent Representative: Shall provide a conduit between the Board and the parent group, bringing parental input and representation to the Board.” • Annual Parent Survey 	<p>p. 109</p> <p>p. 110</p> <p>p. 110</p> <p>p. 162</p> <p>p. 162</p> <p>p. 166</p> <p>p. 164</p> <p>p.103</p>	<p>Governance Experience</p> <ul style="list-style-type: none"> • Interview illuminated a lack of communication between the founding group and the board related to grades to be served in Year I; board members thought it would be 9th and 10th grades only <p>Operating Plan</p> <ul style="list-style-type: none"> • Despite the petition listing Valerie Abad as Board President, she is not serving in this capacity; Sandy Carpenter is the Board President 	<p>Interview</p> <p>p. 19</p>

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
X	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	X	<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; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
Operating Procedures <ul style="list-style-type: none"> • Petition includes: Health and Safety plans, Child Abuse Reporting Procedures, Emergencies and Disaster Preparedness Plan, Accessing the Building, Fire/Earthquake Drills, Medication, 	p. 117-127	Enrollment Procedures <ul style="list-style-type: none"> • Recruitment of ELs and SPED students has been unsuccessful to date, as evidenced by the underrepresentation at COVA, and there is nothing in the petition indicating how this will be different for COVAH 	

<p>Student Illness, Emergency Cards, Personal Cell Phones or Electronic Devices Policy, Lost and Found, Vandalism and Property Damage, First Aid, Medical Attention Procedure, Anaphylaxis, Accident Reporting – Illness, Insurance, Smoking, Drug, and Alcohol Policy, Security, Personal Hygiene, Staff Health and Safety</p> <ul style="list-style-type: none"> • “Students who do not choose to attend COVAH may register with the public school district in which they reside, apply for any enrollment options provided by their district, or apply to other charter schools.” • Procedures for School Closing 	<p>p. 142</p> <p>p. 150</p>	<ul style="list-style-type: none"> • The petition lacks a clear and compelling student recruitment plan likely to attract projected enrollment in Year 1; particularly considering that the parent signatures do not align with the 30 expected 11th grade students who would have to leave a two year high school placement to start at COVAH • Auditions are unnecessarily included in the admissions process as petitioners claim they are being used for placement in an ensemble, which is not pertinent until <i>after</i> a student has been admitted to the school; thus auditions should be separate from the admissions process if it will not be used as part of the admissions criteria • The “preference” (which the petitioners defined as automatic admission) given to “students demonstrating previous music experience” needs to be eliminated for the following reasons: <ul style="list-style-type: none"> - It favors students who had the social capital to access private music/performing art instruction - It does not align to the rationale and research cited that students often do not have access to arts instruction in school and COVAH will be an opportunity to provide this - Potentially, all spots can be given away without a public lottery based 	<p>p. 130</p> <p>p. 130</p> <p>p. 130</p>
--	-----------------------------	---	---

		<p>upon this extremely vague “music experience” preference</p> <ul style="list-style-type: none"> • With only 30 spots available in 9th grade, preference being given to matriculating COVA K-8 students (8th grade students exceed 30) would not align with the stated goal of increasing underrepresented groups (ELs and SPED), nor would it be fulfilling recruitment of the target population from program improvement schools when there is the potential for matriculating students to take all available spots <p>Management Structure</p> <ul style="list-style-type: none"> • Petition lacks defined management roles and responsibilities for all positions within the administration of the school (i.e. Arts Director and Director/Principal) • Petition lacks a clear plan for recruitment, selection, development and evaluation of leadership; lack of evaluation plan for teachers • Petition lacks a consolidated management job description identifying key roles, responsibilities and accountability of Principal/Director & Arts Dir. 	<p>p. 130</p>
--	--	---	---------------

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
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<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; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Qualifications and Responsibilities</p> <ul style="list-style-type: none"> Description of persons responsible for SPED program implementation Description of teacher qualifications <p>Compensation Plan</p> <ul style="list-style-type: none"> Petition states “Teacher compensation will be based on the current COVA salary schedule and will offer stipends for advanced education and specialized skills or credentials.” No further details of the salary schedule were included in the petition <p>Policies and Assurances</p> <ul style="list-style-type: none"> Assurances included (see page 10-11 of this Staff Report) 		<p>Qualifications and Responsibilities</p> <ul style="list-style-type: none"> Petition lacks any description of the qualifications for and responsibilities of key leadership (Principal and Arts Director) Petition does not name who will implement and monitor EL program, EL progress monitoring, and reclassification Petition states that “80% of the music/performing instruction will be provided by professional performers” (potentially non-certificated instructional staff), despite 100% of the course offerings listed in the petition being A-G approved and requiring fully credentialed teachers 3 FTEs with two teaching all core subjects for three grade levels (prepping for six courses) is unreasonable 	<p>p. 66</p> <p>p. 67-69</p>

B. 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"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

ANALYSIS: FINANCIAL CAPACITY

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Financial Operation</p> <ul style="list-style-type: none"> 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 <p>Revenues</p> <ul style="list-style-type: none"> Approved for \$575,000 grant <p>Expenditures</p> <ul style="list-style-type: none"> Petition contains realistic expense projections 	<p>p. 131-132</p> <p>p. 131</p>	<p>Expenditures</p> <ul style="list-style-type: none"> Petition states that there will not be a lunch program, but in fact it should have stated that COVAH "...won't have a breakfast program we will only have a lunch program." COVA K-8 did not implement an effective technology plan in time for the Spring SBAC (state standardized field testing), despite having an ending fund balance for 12-13 of close to one million dollars (\$931,166) that could have been invested in infrastructure to accommodate it on campus. This raises concerns of whether the COVA/COVAH facility (Facility Plan-Option 2) will have the necessary technology and lab infrastructure to support rigorous A-G approved high school coursework 	<p>p. 23 of Budget Interview</p>

C. 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

X 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"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

ANALYSIS: FACILITIES PLAN

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Petition offers three possible facility options for COVAH:</p> <ol style="list-style-type: none"> 1) Merritt College (no commitment from the college- only an email acknowledging Ms. Abad's request to rent classrooms) 2) Additional portable buildings at the COVA K-8 campus 3) Leasing commercial space at 8475 Edes Ave. (formerly a Hungry Hunter Restaurant) that has been converted to church facilities 	<p>p. 151</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
<p>The proposed Governing Board has had experience in overseeing the operation of COVA K-8. The budget narrative and assumptions were sound. The petition contained all necessary assurances and comprehensive plans related to the health and safety of students and staff.</p>

Criteria Not Sufficiently Addressed, Concerns & Additional Questions
<ul style="list-style-type: none"> • Lack of a targeted recruitment plan to meet enrollment targets related to EL and SPED • Unreasonable teacher expectations related to number of preps (six different classes per teacher) • Admission process with inappropriate preferences and inclusion of auditions • Lack of a description of qualifications for, and responsibilities, of key leadership positions • Lack of a description of leadership recruitment, selection, and evaluation; lacking description of teacher evaluation process • Lack of technology and lab infrastructure plans to support A-G approved coursework

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

Resolution No.1314-1096

**DENYING CHARTER PETITION OF CONSERVATORY OF
VOCAL/INSTRUMENTAL ARTS HIGH 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 February 12, 2014 the District received a petition for a charter for Conservatory of Vocal/Instrumental Arts High (“Petition”), a public charter school serving grades 9-12 with a proposed enrollment of 60 students in grades 9 and 10 in its initial year of operation (2014-2015); and (I thought the petition said that it was a proposed enrollment of 90 students in grade 9 through 11).

WHEREAS, on or about March 12, 2014, 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 new 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), Conservatory of Vocal/Instrumental Arts High petition presents that petitioners are 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) The areas in which the petition *failed* to meet established standards and provide a reasonably comprehensive description of the educational program include, but are not limited to, the following deficiencies:
 - Lack of targeted interventions to meet the needs of the target population being recruited from Program Improvement schools
 - Lack of a reasonably comprehensive curriculum development plan; particularly considering Year 1 proposal of serving 9th – 11th grade
 - Lack of a scope and sequence for any grades/subjects
 - Lack of a feasible plan to develop curriculum pacing guides and benchmark assessments
 - Unreasonable expectation that one teacher/individual would have six preps and a dual credential to accommodate ELA/History and Math/Science blocking for three grade levels (9th-11th); Year 1 there are only 3FTEs allotted
 - Lack of daily ELD, Math, and ELA intervention courses and curriculum
 - Lack of a targeted professional development plan to support implementation of “Teach Like a Champion” instructional techniques
 - Lack of a plan or designated person responsible for English Learner progress monitoring

SIXTEEN ELEMENTS TABLE

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)
Governance structure	<i>Section II, A</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section II, C</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section II, B</i>	X	<input type="checkbox"/>	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	<i>Section II,</i>	<input type="checkbox"/>	X	E.C.

procedure for school-authorizer issues	<i>B</i>			§ 47605(b)(5)(N)
Element	Evaluation Reference	Inadequate	Reasonably Comprehensive	Statutory Reference
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>	<input type="checkbox"/>	X	E.C. § 47605(g)
Manner in which administrative services are to be provided	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Potential civil liability effects	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Proposed first year operational budget	<i>Section II, D</i>	<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)

2) The areas in which the petition *failed* to meet established standards and demonstrated that the petitioners are demonstrably unlikely to successfully implement the program include, but are not limited to, the following:

- Lack of adequate resources and professional capacity needed for effective implementation
- Lack of awareness and planning for reasonable targeted intervention programming to meet the educational needs of underperforming students-including English Learners
- Lack of a targeted recruitment plan to meet enrollment targets related to EL and SPED coupled with an admissions process with inappropriate preferences and inclusion of auditions
- Unreasonable teacher expectations related to number of preps (six different classes per teacher)
- Lack of a plan for evaluation of staff
- Lack of a description of key leadership position (Executive Director and Arts Director) qualifications or selection process

- Founding Group and Governing Board were not aligned in their expectation of Year 1 grade level offerings; the Governing Board did not realize that there would be thirty 11th grade students
- Lack of technology and lab infrastructure plans to support the demands of A-G approved coursework, despite having an ending fund balance of close to one million dollars at the COVA campus (COVAH Facility Plan- Option 2)

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

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 April 9, 2014 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