

Board Office Use: Legislative File Info.	
File ID Number	21-1067A
Introduction Date	4/20/2021
Enactment Number	21-1185
Enactment Date	6/23/2021 os



# Board Memorandum

**To** Board of Education

**From** Kyla Johnson-Trammell, Superintendent  
Sonali Murarka, Executive Director, Office of Charter Schools

**Meeting Date** June 23, 2021

**Subject** Material Revision to Oakland Military Institute (6-12) Enrollment Priorities -  
- Staff Recommendation

**Ask of the Board** Approval by the Board of Education of the Material Revision to the Current Oakland Military Institute Charter regarding admission preferences and suspension/expulsion procedures.

**Background** This material revision request makes changes to two main sections, the admissions preferences (Material Revision Charter Petition pg. 151) and the suspension/expulsion procedures (Material Revision Charter Petition pg. 157). These changes remove requirements for summer school completion and mandatory orientation meetings prior to enrollment and specify how OMI will implement the special disenrollment provisions they are allowed as a military school. OMI is making these changes in response to requests from the Office of Charter Schools staff.

**Discussion** Staff recommends that the OUSD Board of Education **approve** the Material Revision, for the reasons outlined in the staff recommendation report.

**Fiscal Impact** None. The proposed revisions to the petition are not anticipated to have an impact on the number of students enrolled in the charter school.

**Attachment(s)**

- Staff Recommendation



TO: Board of Education  
FROM: Kyla Johnson-Trammell, Ed.D., Superintendent  
Sonali Murarka, Director, Office of Charter Schools  
DATE: June 23, 2021  
RE: **Oakland Military Institute Material Revision Request**

Legislative File

File ID No.: 21-1067

Introduction Date: 4/20/2021

Enactment No.: 21-1185Enactment Date: 6/23/2021

By: \_\_\_\_\_ os \_\_\_\_\_

### SUMMARY OF RECOMMENDATION

**Approve** the material revision to the Oakland Military Institute (“OMI” or the “Charter School”) petition to revise the charter petition’s admissions preferences and suspension/expulsion procedures. This material revision request makes changes to two main sections, the admissions preferences (Material Revision Charter Petition pg. 151) and the suspension/expulsion procedures (Material Revision Charter Petition pg. 157). These changes remove requirements for summer school completion and mandatory orientation meetings prior to enrollment and specify how OMI will implement the special provisions they are allowed as a military school, regarding disenrolling students. OMI is making these changes in response to requests from the Office of Charter Schools.

Additionally, OMI has included minor revisions to Elements 1 and 7 of the charter petition. These changes bring the description in the petition in line with OMI’s current practice (for Element 1) and add details for additional groups specified by AB 1505 (for Element 7). OMI also revised their Statement of Assurances and District Required Language to include the current language requested by the Office of Charter Schools and included a table with applicable laws implemented since its last renewal petition was submitted in 2018 that they plan to comply with.

If adopted, these revisions would take effect immediately and would continue through the rest of the charter term (June 30, 2024).

Staff is recommending approval because these revisions do not alter the likelihood of the petitioners’ ability to implement a sound educational program, the petitioners appear to be demonstrably likely to successfully implement the program set forth in the petition, and the petition submitted is reasonably comprehensive.

### PROCEDURAL BACKGROUND

- 1) The Office of Charter Schools issued a Notice of Concern to OMI on August 2, 2019 for admissions practices. A remedy requested within the Notice was to submit a Material Revision to remove the mandatory orientation and summer school from the admissions practices included in the charter petition.
- 2) OMI and staff discussed changes to the petition. During this process, OMI agreed to make other changes to the suspension/expulsion section which would codify the special provisions afforded to military schools.

- 3) OMI submitted a complete material revision petition on April 20, 2021.
- 4) A properly noticed public hearing and decision hearing will be held for the material revision on June 23, 2021.

**STATUTORY BACKGROUND**

**Pursuant to Education Code §47607(b):**

*Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.*

**ANALYSIS**

Staff evaluate charter school material revisions that do not involve enrollment expansion or a location change with the following criteria:

Criteria	Ed Code Reference	Impacted by Material Revision?	Standard Met for this Criteria?
<i>Criteria I:</i> Does the Charter School Present a Sound Educational Program?	EC §47605(c)(1)	No	N/A
<i>Criteria II:</i> Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?	EC §47605(c)(2)	Yes	<b>Yes</b>
<i>Criteria III:</i> Is the Petition Reasonably Comprehensive?	EC §47605(c)(3) thru (6), EC §47605(h)	Yes	<b>Yes</b>

Evidence supporting the staff analysis:

- The changes requested do not appear to have an impact on the operational sustainability of the school as they are unlikely to have a significant impact on staffing or cause a reduction (or increase) in enrollment, which would impact the school’s funding.
- The changes to the admissions process should remove potential barriers for more vulnerable students by eliminating mandatory meetings, which may act as screeners.
- OMI has enumerated the specific parameters regarding disenrolling students that are available to them as a school affiliated with the California National Guard<sup>1</sup>, preventing potential misuse of this clause.
- OMI’s petition contains the language required by the Office of Charter Schools, including an updated Statement of Assurances and the updated District Required Language.

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<sup>1</sup> Specific language in Education Code is as follows: “§47606 (d)(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.”

**APPENDIX I – Required Charter Text Revisions**

The renewal charter petition is amended from the filed petition to incorporate the revisions below. All page numbers are from the material revision petition. The revised petition also includes updated Statement of Assurances (pg. 5-7), District Required Language (including MPOs on pg. 97-98) at the beginning of each element, and a summary of the new laws enacted since the last renewal which the charter school intends to comply with (pg. 10-29).

<b>Element</b>	<b>Language in 2018 Renewal Petition</b>	<b>Proposed Revision in 2021 Material Revision</b>
1, pg. 54	Cadets learn what is expected of them at the Summer Entrance Camp prior to their enrollment at OMI, a camp which thoroughly introduces new students to the CITIZENSHIP expectations of the OMI Charter School. OMI’s citizenship program focuses on restorative justice with reasonable progressive consequences. In addition, cadets share a common set of duties they are expected to fulfill as well as a code of honor requiring absolute integrity.	OMI’s school year begins with a summer camp in which enrollees learn the Charter School’s culture, behavior codes, terminology, routines and requirements. All new students are required to attend and successfully complete this training in order to become “cadets” at OMI. Students are supported in completing the requirements of summer orientation period through pledge test reviews and support from their TAC (military officers) within their assigned companies. Students failing to complete the summer camp may be called before the OMI Review Board for dismissal from OMI pursuant to the dismissal procedures described in Element 10 of this charter.
4, pg. 122	No language	The title of “Superintendent” may change from time to time by action of the OMI Board. In the event this occurs, the change will be made in name alone. No changes shall be made to the duties, job description, or employee qualifications. Changing the title in this matter shall not constitute a material revision of the charter.
7, pg. 148	No Language	Admission to OMI shall be opened to all students who wish to attend the Charter School. Enrollment shall be consistent with federal law, the California Constitution and Education Code. (a) Preferences shall not result in limiting enrollment access for students with disabilities, academically low-achieving students, English Learners, neglected or delinquent students, homeless students or students who are economically disadvantaged as determined by eligibility for any free or

		<p>reduced-price meal program, foster youth, or students based on nationality, race, ethnicity, or sexual orientation.</p> <p>(b) OMI enrollment information will be published in multiple languages to meet the needs of our non-English speaking population.</p> <p>(c) Information to be included on the OMI website detailing resources and provisions available for students with disabilities including students with IEP's.</p> <p>(d) Provide opportunities for English Learners and Special Education students to meaningfully participate in curricular, co-curricular and extracurricular programs and activities.</p> <p>(e) Wording on the OMI website will be added to include resources available for English Learners as well as for Special Education students</p>
<p>8, pg. 151</p>	<p>After all available spots have been filled, students will be placed on a waiting list in the order in which their names are drawn. Should spaces open during the course of the school year, OMI will contact students in the order they appear on the waiting list. These preferences may be altered as necessary to meet any applicable federal or state requirements.</p> <p>The District and OMI agree that the Charter School may require attendance at an orientation meeting and application documents such as a written statement from each student describing why the student wishes to attend and a statement from a parent or guardian listing expectations. OMI will provide reasonable accommodations to facilitate the admission process. OMI will not use admission criteria involving minimum cumulative grade point averages nor require the provision of information that would reveal cumulative grade point averages before the admission process has ended.</p> <p>Leaders of Character course is a valuable tool to acquaint new enrollees to the Charter</p>	<p>After all available spots have been filled, students will be placed on a waiting list in the order in which their names are drawn. Should spaces open during the course of the school year, OMI will contact students in the order they appear on the waiting list. These preferences may be altered as necessary to meet any applicable federal or state requirements.</p> <p>OMI will not use admission criteria involving minimum cumulative grade point averages nor require the provision of information that would reveal cumulative grade point averages before the admission process has ended.</p> <p>An open application period will occur annually at dates to be available to the public on our website or by contacting OMI.</p>

	<p>School’s culture, behavior codes, terminology, routines and requirements. All new students are required to attend and successfully complete this training. Students are supported in completing the requirements of the military component of OMI through pledge test reviews and support from their TAC (military officers) within their assigned companies.</p> <p>After admission, OMI may require new students to attend summer school to prepare students for the academic rigor of a college preparatory curriculum. If a student fails to attend or fails to participate successfully, then OMI’s Review Board may involuntarily remove the student prior to the start of the regular academic year.</p> <p>An open application period will occur annually at dates to be available to the public on our website or by contacting OMI.</p>	
10, pg. 157	No Text	<p>In addition, as a school operating in partnership with the California National Guard, OMI may dismiss students for failure to maintain the minimum standards of conduct required by the Military Department under Education Code Section 47606(e)(5). These standards of conduct are included in Appendix A of this material revision. OMI is responsible for providing the current Military standards of conduct to the Office of Charter Schools within 30 school days of any amendment by the California Military Department.</p> <p>Consistent with Education Code Section 47605(c)(5)(J)(iii), students dismissed for failure to maintain the minimum standards of conduct required by the Military Department shall be accorded the same Due Process rights as are accorded to a student subject to expulsion per the items below. However, the dismissal process for any student dismissed solely for failure to maintain the minimum standards of conduct required by the Military Department shall not be considered an</p>

		<p>“expulsion” as that term is defined by Education Code Section 48925 or for any other purposes under the law. Students who have been dismissed from OMI for failure to maintain the minimum standards of conduct required by the Military Department shall be immediately disenrolled, following the required hearing and Expulsion Procedure provisions under Element 10 of this charter.</p>
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Shanthi Gonzales, President, BOE



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Kyla Johnson-Trammell, Secretary, BOE