



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the State Administrator

1025 Second Avenue, Room 301

Oakland, CA 94606

Phone (510) 879-8200

Fax (510) 879-8800

TO: Vincent Matthews, State Administrator
& Members of the OUSD Board of Education

FROM: Kirsten Vital, Chief of Community Accountability
David Montes de Oca, Coordinator; Office of Charter Schools

DATE: May 22, 2008

RE: Millsmont Academy Secondary
Charter Petition Request

ACTION REQUESTED:

Approve the petition and charter to establish the Millsmont Academy Secondary, **as revised**. The approved charter is amended from the filed petition to incorporate the included revisions, conditions and deadlines below. The petition presents a sound educational program; the petitioners are demonstrably likely to successfully implement the program set forth in the petition; the petition contains the required signatures and affirmations; and the petition contains reasonably comprehensive descriptions of all of the 16 elements required by the California Charter Schools Act.

SUMMARY

Staff recommends that the State Administrator/Board of Education **approve** the petition for Millsmont Academy Secondary, **as revised**, under the California Charter Schools Act. Staff recommends approval based on factual findings, specific to this particular petition, detailed in this report.

PROCEDURAL BACKGROUND

- 1) The lead petitioners submitted the Millsmont Academy Secondary petition on February 27, 2008 at a regularly scheduled Board of Education Meeting.
- 2) A public hearing was held on March 12, 2008. Representatives from the lead petitioning group presented.
- 3) Staff conducted a petitioner interview on May 5, 2008.

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

- 1) (*Facilitator*) **D. Montes de Oca**; Coordinator, Office of Charter Schools
- 2) **P. Abramson Hirsch**; Compliance Specialist, Office of Charter Schools
- 3) **J. Baum**; Manager, Leadership Development
- 4) **M. Co**; Financial Accountant, Financial Services
- 5) **J. Hall**; Project Manager, MAAP
- 6) **E. Macias**; Manager ELD, Instructional Services
- 7) **M. Salinas**; School Coach
- 8) **M. Vaughan**; Director, Alternative Education Office

Following the petition review team process, staff conducted a petitioner interview on May 5, 2008, in an attempt to clarify various aspects of the petition, as well as to establish the capacity of the petitioners to successfully implement their program as set forth in the petition.

STATUTORY BACKGROUND

California Charter law outlines the criteria governing the approval or denial of charter school petitions. The following excerpt is taken from the California Charter Schools Act, California 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.*

The following evidence, specific to this particular petition, supports this recommendation for **approval**.

PETITION IMPACT:

*** Staff notes that the relative impact of the Millsmont Academy Secondary charter petition will be limited.**

- Aspire currently holds an approved K-12 charter for its Millsmont Academy school, which would continue serving the secondary population currently served new if new petition were not approved.

- The students currently enrolled in the Millsmont Academy grades 6-9 will transfer to the enrollment of the new charter school creating no increase in enrollment from previous projections.
- Aspire will submit a Material Revision request, subsequent to an approval of the Millsmont Academy Secondary charter school, to reduce the current Millsmont K-12 charter to a K-5.
- Millsmont Academy Secondary currently operates as a satellite campus of Millsmont Academy, at a non-OUSD facility and state level facility funding is imminent for construction of a permanent facility.
- While under normal circumstances, staff would not recommend a charter term to begin the subsequent year following approval, if the petition had not been submitted by November 15 of the current academic year, Millsmont Secondary is already in operation, therefore making the rationale for a delayed opening intended for new schools less applicable.

The petition presents a sound educational program, based on an analysis of the petition pursuant to Education Code §47605 (b)(1) above; supported by the following evidence:

EVIDENCE

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

Target Population	Evidence	Page Number
	<p>1) The petition provides a description of the students to be served at Millsmont Academy Secondary that specifically identifies students facing barriers in accessing a college education. The petition states that the educational program is designed to serve students from low-income families, students whose primary home language is not English, students living in communities with low-performing schools and low college-going rates, and students who would be the first in their families to attend college.</p> <p>2) The mission of the school is to provide a college-focused “College for Certain” culture and is aligned with the target population.</p> <p>3) The petition includes descriptions of elements which align with the needs of the target population; including small school size, small class size, intersessions, extended school day and extended school year, after school tutoring, and advisory.</p> <p><u>Comments</u></p> <ul style="list-style-type: none"> ▪ Pursuant to the petitioner interview and site visit, Millsmont Academy Secondary currently serves a population that is consistent with the terms outlined in the petition. ▪ While the petition is reasonably comprehensive in this section, the petition does lack some clarity regarding the assumed social and emotional needs of the target population. 	

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

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

Educational Program	Evidence	Page Number
	<p>1) The Early College Model outlined in the petition is targeted at providing students with two years of college credit and a high school diploma.</p> <p>2) The petition emphasizes college readiness skills and outlines A-G</p>	3-22

	<p>approved courses required for graduation.</p> <ol style="list-style-type: none"> 3) The educational program as outlined in the petition seeks to equip students with a foundation of knowledge, skills, and habits to “excel in college and in the world of work and citizenship.” 4) The Instructional Guidelines outlined in the petition require the use of various research-based pedagogical strategies including explicit instruction, guided and independent practice, inquiry, and project-based instruction. 5) The petition proposes curriculum that is aligned with state standards. 6) The Early College Model outlined in the petition is targeted at providing students with two years of college credit and a high school diploma. 7) The petition emphasizes college readiness skills and outlines A-G approved courses required for graduation. 8) The educational program as outlined in the petition seeks to equip students with a foundation of knowledge, skills, and habits to “excel in college and in the world of work and citizenship.” 9) The Instructional Guidelines outlined in the petition require the use of various research-based pedagogical strategies including explicit instruction, guided and independent practice, inquiry, and project-based instruction. 10) The petition proposes curriculum that is aligned with state standards. 11) The petition describes a plan for developing a Personalized Learning Plan (PLP) for each student, intended to provide teachers, parents, and students with a common understanding of the student’s learning objectives. 12) Several forms of interventions are provided to students achieving below grade level; these interventions are built into the PLP. 13) Interventions outlined in the petition include in-class tutoring, before-or-after school tutoring, and specialized support classes. 14) The petition states that students achieving above grade level are able to enroll in additional college courses and access internship opportunities. 15) The petition outlines a process for addressing the needs of English Learners that includes identifying students, diagnosing their needs, providing supports such as Specially Designed Academic Instruction in English (SDAIE), and professional development for teachers. 16) The petition illustrates an understanding of federal and state special education requirements; it includes a plan for identifying students through the use of diagnostic assessments and states an intent to use a Student Study Team process to identify and address the needs of students identified with learning disabilities. <p><u>Comments</u></p> <ul style="list-style-type: none"> ▪ While the petition is reasonably comprehensive in this element, including a description of how the educational program will meet the needs of EL students, this section lacks a specific articulation of: <ul style="list-style-type: none"> ○ How explicit skills are necessarily addressed through the ELD standards mapped in the Appendix submitted with the petition; ○ The structure for implementation of the English language development materials referenced in the petition; 	
--	---	--

	<ul style="list-style-type: none"> ▪ Petition includes incorrect reference to <i>Apr enda</i> as a language proficiency diagnostic 	
--	---	--

Education Code §47605(b)(5)(B) The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.

Measurable Pupil Outcomes	Evidence	Page Number
	<p>Pupil Outcomes</p> <ol style="list-style-type: none"> 1) The petition proposes use of assessments that include multiple measures such as Aspire’s standards-based writing assessment an internal assessment, and the California Standards Test an external assessment; providing for a balanced assessment system. 2) The petition proposes assessments and outcomes which are aligned to the state standards. 3) The Measurable Pupil Outcomes section of the petition addresses Language Arts, Math, Science, Social Science, and Life Skills, outlining which assessment instruments will be used and the frequency of their use. <p>Comments</p> <ul style="list-style-type: none"> • See Required Text Revisions Section 	18-22

Education Code §47605(b)(5)(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.

Pupil Progress	Evidence	Page Number
	<ol style="list-style-type: none"> 1) Pursuant to the petition, assessment data will be used to inform instruction, evaluation of the school’s program, and professional development needs. 2) The petition outlines how the school intends to monitor student progress through the use of Personalized Learning Plan, which will provide the teacher, parents, and student with a common understanding of the student’s learning style and learning objectives so that all parties may act based on that understanding. Aspire Public Schools’ home office provides support to schools through extensive data analysis of the CST, CELDT, CAT6, and CAHSEE each year; an analysis of the weakest CST strands is produced for each teacher, grade level, school, and the organization as a whole. 3) The petition details the means by which student progress will be communicated to families and to the community, which include; student-led parent conferences, progress reports, and Personalized Learning Plans (PLP’s). 	21-22

The petitioners are demonstrably likely to successfully implement the program set forth in the petition, based on an analysis of the petition and research on the petitioners pursuant to *Education Code §47605 (b)(2) above*; supported by the following evidence:

EVIDENCE

Petitioner Capacity	Findings
	<ol style="list-style-type: none"> 1) Aspire Public Schools, founded by Don Shalvey, launched its first two schools in fall, 1999 in California’s Central Valley. 2) In 2003 Aspire’s first two schools ranked a 9 and 10 on the state Academic Performance Index. 3) A 2008 Bridgespan Group report stated that in 2003 “more than 90 percent of Aspire parents rated their children’s school an ‘A’ or ‘B’, and 97 percent of teachers expressed satisfaction in their job.” 4) In 2005 all fourteen Aspire schools exceeded their state target on the California state testing program, with an average increase of 50 points. 5) A 2006 report by the Bill & Melinda Gates Foundation states that “<i>Aspire’s first campus, University Public School, was in the top three percent of all California schools in three-year growth on the state’s Academic Performance Index.</i>” 6) Two of Aspire’s schools, University Public school and University Charter School received the California Distinguished School award in their first year of eligibility. 7) A 2006 Bridgespan Group report outlined three essential questions Aspire Public Schools proposed to pursue in its Strategic Planning beginning in 2003: <ul style="list-style-type: none"> • What strategy will allow Aspire to get from 10 schools to its ultimate vision of transforming education in California? • What changes in the organization will be necessary to implement the strategy? • How can Aspire make its work financially sustainable? 8) In 2006 all eighteen Aspire schools exceeded their state target on the California state testing program, with an average increase of 45 points. 9) In 2007 Aspire Public Schools was awarded the Social Capitalist award for its “innovation in school reform”. 10) In 2007 Aspire schools improved by an average of 30 points on the state’s Academic Performance Index. 11) In 2007 seven Aspire schools have exceeded the state’s performance target of 800; University Charter School in Modesto crossing 900. 12) Based on a 2007 report by Fast Company a web-based business, through June, 2007, 99 percent of Aspire graduates earned admission to one or more four year universities. 13) In 2008, Aspire school in Oakland, Monarch Academy, received the California Distinguished School award.

Oakland: Aspire Public Schools

School	2007 API	2007 ELA Growth	2007 Math Growth	2007 AYP Met?
Monarch Academy K-5	795 (+85)	16.8% increase	22% increase	YES
Berkely Maynard K-5	730 (+87)	18.8% increase	21.8% increase	YES
California College Prep 6-12	725 (+77)	11.6% increase	22.9% increase	YES
Millsmont Academy K-12	687 (+41)	7.8% increase	4.2% increase	YES
Lionel Wilson Prep 6-12	667 (+11)	3.4% increase	-11.7% decrease	YES

The chart above reflects the performance of Aspire Public Schools in Oakland for 2007. All schools made AYP. All schools improved ELA performance with an increase as high as 18.8%. Four out of five schools improved in math performance with an increase as high as 22.9%.

Education Code §47605(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including but not limited to, the facilities to be utilized by the school... The description of the facilities to be used by the school shall specify where the school intends to locate.

Facilities Plan	Findings	Page Number
	<ol style="list-style-type: none"> 1) Millsmont Academy Secondary is currently housed at 8030 Atherton St. in East Oakland. The petitioners expect this site will accommodate the school pending the construction of a permanent facility. 2) Millsmont Academy has been recommended for approval of Prop 1D Facility Bond funding to allow for purchase and construction of a facility on 66th Ave. in East Oakland. 	

The petition contains reasonably comprehensive descriptions of the 16 required charter elements, based on an analysis of the petition pursuant to Education Code §47605 (b)(5) above; supported by the following evidence:

EVIDENCE

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

Element A	Rating Meets	<ol style="list-style-type: none"> 1) The petition contains a persuasive explanation of why the educational philosophy and approach are appropriate for and likely to result in improved educational performance for the target population. 2) The petition outlines a curriculum framework that is aligned with the mission, state standards and student needs. 3) The petition includes references to strategies for evaluating the effectiveness of implementation of the curriculum, and responses when student performance falls short of goals. 4) The petition details an understanding of state and federal special education requirements. 5) Pursuant to the petition, the school proposes a plan to address the needs of ELL students.
------------------	---------------------	--

Education Code §47605(b)(5)(B) The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.

Element B	Rating Meets	<ol style="list-style-type: none"> 1) The educational objectives presented in the petition are aligned with the mission and educational program of the school. 2) The petition proposes multiple performance measures for each academic subject to be applied to student learning objectives. 3) The measurable pupil outcomes described in the petition are specific, measurable, and timebound. <p><u>Comment:</u> <i>See Required Text Revisions</i></p>
------------------	---------------------	--

Education Code §47605(b)(5)(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.

Element C	Rating Meets	<ol style="list-style-type: none"> 1) The petition identifies a range of formative and summative assessments, including state-mandated assessments. 2) Pursuant to the petition, student assessment and performance data will be used to evaluate and inform instruction on an ongoing basis. The petition describes the process of Student-Led Conferences during which students and parents discuss student achievement, progress towards graduation, and performance on state assessments. These conferences include the
------------------	---------------------	---

		development, modification, and review of a student’s Personalized Learning Plan. 3) The petition states that student performance information will be communicated to parents, community members, and other stakeholders.
--	--	---

Education Code §47605(b)(5)(D): The governance structure of the school, including but not limited to, the process to be followed by the school to ensure parental involvement.

Element D	Rating Meets	1) The petition contains a governance plan that contains the appropriate legal structure, and that complies with legal obligations and incorporates sound governance and operating practices. 2) The petition proposes a governing board that will contribute the necessary range of knowledge and skills necessary to operate and oversee an effective charter school. 3) The petition outlines procedures to ensure parent involvement, including the creation of an Advisory School Council comprised of parents, community, and school representatives, who will participate in developing school policies, make recommendations, and assist with community engagement.
------------------	---------------------	---

Education Code §47605(b)(5)(E): The qualifications to be met by individuals to be employed by the school.

Element E	Rating Meets	1) The petition contains a description of the qualifications for and responsibilities of the principal, teachers, and office manager. 2) Professional development and staff evaluation plans are detailed in the petition.
------------------	---------------------	---

Education Code §47605(b)(5)(F): The procedures that the school will follow to ensure the health and safety of pupils and staff... .

Element F	Rating Meets	1) The petition contains descriptions of the health and safety policies and procedures to be used at the school, such as background checks, mandated reporting, health screenings, facility safety, anti-harassment procedures, and the school safety plan.
------------------	---------------------	---

Education Code §47605(b)(5)(G): The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

Element G	Rating Meets	1) The petition describes the process by which it will achieve a racial and ethnic balance, including establishing an enrollment timeline that enables a broad recruiting and application process, creating and distributing enrollment information in multiple languages, meeting with community organizations, hosting open houses and tours for interested parents, and varying forms of print advertising,
------------------	---------------------	--

Education Code §47605(b)(5)(H) Admission requirements, if applicable.

Element H	Rating	Not Applicable
------------------	---------------	----------------

		<p>Comments</p> <ul style="list-style-type: none"> • See <i>Additional Comments Section</i>
--	--	---

Education Code §47605(b)(5)(I): The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

Element I	Rating Meets	<ol style="list-style-type: none"> 1) Pursuant to the petition, the school will conduct an annual independent fiscal audit according to the Charter Schools Act. The Chief Operating Officer of Aspire will select an independent auditor and the Chief Financial Officer will be responsible for overseeing the independent audit. 2) The petition outlines the process by which Aspire will submit a report of audit exceptions or deficiencies to the District, and commits to resolve all exceptions and deficiencies to the satisfaction of the District..
------------------	---------------------	---

Education Code §47605(b)(5)(J): The procedures by which pupils can be suspended or expelled.

Element J	Rating Meets	<ol style="list-style-type: none"> 1) The petition includes a description of the suspension and expulsion procedures to be followed, which comply with CA Education Code. 2) The petition states that the school will notify the District of any expulsions and will account for suspended or expelled students in its average daily attendance accounting.
------------------	---------------------	---

Education Code §47605(b)(5)(K): The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

Element K	Rating Meets	<ol style="list-style-type: none"> 1) Pursuant to the petition, all employees qualifying for membership in STRS or PERS will be covered under the appropriate system. The petition states that the Aspire Home Office will work with the Alameda County Office of Education to ensure arrangements are made. 2) The petition details the right of all Aspire employees to contribute to an optional 403(b).
------------------	---------------------	---

Education Code §47605(b)(5)(L): The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

Element L	Rating Meets	<ol style="list-style-type: none"> 1) The petition outlines the rights of student to attend other charter or district schools, pursuant to existing enrollment and transfer policies of the District or county of residence.
------------------	---------------------	---

Education Code §47605(b)(5)(M): A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

Element M	Rating Meets	<ol style="list-style-type: none"> 1) The petition contains a description of employee return rights, and states that district employees will not be precluded from leaving either the district or the charter school. The petition states that District policies, procedures, or
------------------	---------------------	---

		collective bargaining agreements under Education Code 47604 will apply.
--	--	---

Education Code §47605(b)(5)(N): The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

Element N	Rating Meets	1) The petition proposes a dispute resolution process to be used. For matters unable to be solved by the District Superintendent and the Chief Executive Officer of Aspire will be referred to a mutually agreed-upon mediator.
------------------	---------------------	---

Education Code §47605(b)(5)(O): A declaration 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 (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

Element O	Rating Meets	1) The petition declares that Aspire Public Schools is deemed the exclusive public school employer of the employees of the school.
------------------	---------------------	--

Education Code §47605(b)(5)(P): A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

Element P	Rating Meets	1) The petition outlines the procedures to be followed in case of closure. Among the procedures to be followed are those for documentation of official closure action, notification to parents and students, notification to receiving districts, student and school records retention and transfer, financial close-out, and dissolution of assets.
------------------	---------------------	--

Sixteen Elements Table

Element	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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(C)
Governance structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(D)
Means for achieving racial and ethnic balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(H)
Procedures for ensuring health & safety of students	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(F)
Suspension and expulsion procedures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(J)
Attendance alternatives for pupils residing within the district who choose not to attend the charter school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(L)
Dispute resolution procedure for school-authorizer issues related to the charter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(N)
Procedures for school closure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(P)
Qualifications to be met by individuals employed at the school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(E)
Manner for covering staff members through the State Teachers’ Retirement System, the Public Employees’ Retirement System or federal social security	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(K)
Employee rights of return, if any	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(M)
Statement regarding exclusive employer status of the school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(O)
Manner for conducting annual, independent audits and for resolving exceptions or deficiencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(I)

Additional Comment:

During 2007-08;

- All parent complaints rec'd by OUSD and referred to Aspire school site administration have been responded to by site level staff.
- Complaints that have persisted have involved welcome participation by OUSD staff in oversight of resolution process.
- Aspire made a decision in December, 2007 to withdraw its original Millsmont Academy Secondary petition following participation in the District's redesigned charter petition review process, internally noting shortcomings in the petition that fell short of the District's increased standards and expectations.
- Aspire has invited OUSD staff, who have since participated, to secondary level student exhibitions of learning.

Admissions

- Aspire staff have worked with OUSD staff to review and revise Aspire enrollment procedures, including staff attendance of one school's random public lottery, to ensure greater transparency and equity in its enrollment processes.

Aspire currently serves approximately 1250 students in Oakland. Continued monitoring of enrollment practices to ensure equity and access will be important.

Petition Signatures

Pursuant to CA Education Code Section 47605(a)(1)(B), the petition contains the signatures by a number of teachers that is equivalent to at least one-half the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

Required Affirmations

Pursuant to CA Education Code Section 47605(b)(4) the petition contains an affirmation of each of required conditions contained in CA Education Code Section 47605(d)(1).

RECOMMENDATION

Staff recommends that the Oakland Unified School District's State Administrator/Board of Education **approve** the petition for Millsmont Academy Secondary under the California Charter Schools Act. The factual findings illustrated in this report demonstrate that the petition satisfies the five legally required categories of *Education Code § 47605*:

- (1) *The charter school presents a sound educational program for the pupils to be enrolled in the charter school;*
- (2) *The petitioners are demonstrably likely to successfully implement the program set forth in the petition;*
- (3) *The petition contains the number of signatures required;*
- (4) *The petition contains an affirmation of each of the conditions described in Education Code §47605(d);*
- (5) *The petition contains reasonably comprehensive descriptions of the 16 required charter elements.*

This approval is for the charter program and operation in its entirety as proposed and revised herein. Any subsequent material revision of the provision of this charter may be made only with the approval of the District as charter authorizer (*Education Code §47607(a)(1)*). Any material revision to any charter component must be proposed and considered according to the standards and criteria in Education Code §47605 (*Education Code §47607(a)(2)*).

The term of this charter will be from July 1, 2008, through June 30, 2013, the maximum period allowed under the California Charter Schools Act (*Education Code §47607(a)(1)*). The District will not accept a charter renewal request more than 270 days prior to the expiration of the charter.

A charter may be revoked by the authority that granted the charter if the authority finds that the charter school committed a material violation of any of the conditions, standards, or procedures set forth in its charter (*Education Code §47607(c)(1)*). The State Administrator's approval of this charter shall incorporate the conditions on opening and associated deadlines as a condition of the charter.

The District retains the authority to delay opening for a period of up to one year, if any of the conditions on opening are not satisfactorily met by the associated deadlines. Not meeting any one of the conditions on opening and associated deadlines set forth in this approval may be grounds for revocation as set forth in the California Charter Schools Act (*Education Code §47607(c)(1)*).

Pursuant to OUSD Governing Board Policy, BP 0420.4, if the school does not open on or before September 30, 2010, it will be considered a demonstration of petitioners' lack of capacity to implement the program set forth in the petition and the District will initiate charter revocation procedures.

Attachment I: Charter Text Revisions
Attachment II: Measurable Pupil Outcomes
Attachment III: Conditions on Opening

ATTACHMENT I - CHARTER TEXT REVISIONS: The approved charter is amended from the filed petition to incorporate the revisions below. The charter school must submit to the District’s Office of Charter Schools one hard copy and one electronic copy in *Word* format of a **Track Changes** version of the revised charter, as well as a **Final Text** version of the revised petition to include all revisions outlined below no later than **5pm on Monday, June 30, 2008**.

Charter Text	Text Reference	Required Revision
Measurable Pupil Outcomes	19	<i>See Attachment II: Measurable Pupil Outcomes</i>
...the School plans to creates an Advisory School Council...	24	As revised: .”...the School plans to creates an Advisory School Council...”
Required educational level: Masters in education is highly desirable	27	Replace text with either of the following: “ Required <u>Recommended</u> educational level: <i>Masters in education is highly desirable</i> ” or “ <i>Required educational level:</i> <i>Masters in education is highly desirable</i> ” Current text language, given the absence of a minimum standard, is mutually exclusive.
Experience required: 1+ year working with students as a teacher, teacher intern, or teaching assistant preferred	29	Replace text with either of the following: “ <i>Experience required recommended:</i> <i>1+ year working with students as a teacher, teacher intern, or teaching assistant preferred</i> ” Or “ <i>Experience required:</i> <i>1+ year working with students as a teacher, teacher intern, or teaching assistant preferred</i> ” Current text language, given the absence of a minimum standard, is mutually exclusive.
Matters unable to be resolved by the District Superintendent or designee and Aspire’s Chief Executive Officer or designee will be referred to a mutually agreed upon legally licensed mediator at standard cost. Any costs and fees other than attorney fees associated with the mediation shall be shared equally by the parties.	33	As revised: “ <i>Matters unable to be resolved by the District Superintendent or designee and Aspire’s Chief Executive Officer or designee will <u>may</u> be referred to a mutually agreed upon legally licensed mediator at standard cost. Any costs and fees other than attorney fees associated with the mediation shall <u>would</u> be shared equally by the parties.</i> ”

<p>When enrolling in grade 9, students will be required to provide information about their eight grade course of study.</p>	<p>35</p>	<p>As revised: <i>“When enrolling in grade 9, students will be required to provide information about their eighth grade course of study.”</i></p>
<ul style="list-style-type: none"> ○ Cash flow Projections ○ Budget Narrative 	<p>38</p>	<p>Pursuant to items discussed during Petitioner Interview; as of the June 30, 2008 submission of revised text; include one electronic copy and one hard copy of an updated cash flow projection to account for actual flow of revenue and expenses; and a detailed budget narrative.</p>
<p>Any material revisions to School’s Charter shall be made by the mutual agreement of the governing board of Aspire and the SUSD in accordance with Education Code Section 47607. Aspire may present a petition to renew or materially revise the Charter at any time, and SUSD agrees to respond to such petitions pursuant to the process, criteria and timelines specified in Education Code Section 47605 or its successors.</p>	<p>46</p>	<p>As revised: <i>“Any material revisions to School’s Charter shall be made by the mutual agreement of the governing board of Aspire and the SUSD OUSD in accordance with Education Code Section 47607. Aspire may present a petition to renew or materially revise the Charter at any time, <u>a regularly scheduled Board of Education meeting</u> and SUSD OUSD agrees to respond to such petitions pursuant to the process, criteria and timelines specified in Education Code Section 47605 or its successors.”</i></p>

ATTACHMENT II: MEASURABLE PUPIL OUTCOMES

The table below is taken from the Millsmont Academy Secondary petition as submitted. The table represents a robust and reasonably comprehensive description of the schools outcome goals. The table however lacks specific target outcomes for each assessment area.

By June 30, 2008 submission of revised charter, petition must include targets which represent *the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program* that have been reviewed and approved by the District, including leadership within the Research and Assessment Department, prior to submission. Targets should indicate annual progress to be made for each academic year through the fifth year of the charter term.

Subject	Measurable Outcomes	Assessment Tools	Frequency	Proficiency Goal	Target
Language Arts	Students will be expected to communicate ideas clearly and effectively in various modes of expression appropriate to audience and purpose. Through the examination of various texts, students will be expected to demonstrate critical reading and active listening skills in order to comprehend, interpret and evaluate ideas. Students will write extensively in both expository and creative form.	Developmental Reading Assessment (4-8)	2x a year	4th – Level 40 5th - Level 50 6th – Level 60 7th – Level 70 8th – Level 80	
		Aspire's standards-based reading assessment (6-12)	3x a year	90% correct	
		Aspire's standards-based multiple choice writing assessment (6-12)	3x a year	90% correct	
		Aspire's standards-based writing assessment (6-12)	2x a year	3 out of a 4 point rubric	
		California Standards Test (6-11)	Once a year	Proficiency	
		Report Card CAHSEE (10th grade)	4x a year Until passed	3.0 GPA Passing score	
Math	Students will be expected to apply mathematical concepts and processes, including number systems, operations, graphics and logic, in order to problem-solve within and outside of mathematics. Students will be expected to demonstrate facility with the language of mathematics and express generalizations discovered through investigation. Students will be expected to be competent in symbolic reasoning and in constructing logical arguments.	Aspire's standards-based math assessment (6th – Algebra 2)	3x a year	90% correct	
		Math Assessment Collaborative problem solving assessment (6th - Geometry)	Once a year	90% correct	
		Report card (6-12)	4x a year	3.0 GPA	
		California Standards Test (6-11)	Once a year	Proficiency	
		CAHSEE (10th Grade)	Until passed	Passing score	
Science	Students will be expected to demonstrate understanding of scientific concepts and ideas through real-world applications. Students will be expected to utilize scientific research and inquiry methods to conduct investigations and problem-solve. Students will be expected to apply conceptual knowledge and processes from the major branches of science (biology, chemistry, the earth sciences and physics) in order to further the study of science and relate the study of science to other disciplines.	Project-based assessments (see science scope and sequence) (6-12)	One per unit	Mastery based on unit specific rubric/passing score on test	
		Report Card	4x a year	3.0 GPA	
		California Standards Test (8th Grade, subject specific)	Once a year	Proficiency	
Social Science	Students will be expected to apply historical, political, philosophical, geographical, economic and sociological knowledge to local and global situations	End of Unit Assessments (see Humanities units)	One per unit	Mastery based on unit specific rubric/assessment test	

	in order to comprehend contexts and events, predict and evaluate the outcomes of human actions, and act responsibly as world citizens.	California Standards Test (6-11) Report Card	Once a year 4x a year	Proficiency 3.0 GPA	
Life Skills	Students will develop personal qualities of individual responsibility, intellectual curiosity, sociability, self-management, confidence, and integrity.	Attendance rate	Monthly	95% attendance	
		Students participating in co/extra-curricular activities	Annually	95% of the school is involved	
		Graduation rate		100% graduation	

ATTACHMENT II - CONDITIONS ON OPENING: The vast majority of these items are intended to be “one time” submissions for new schools. Only those items marked with an asterisk (*) are intended to be updated annually. **Please pay careful attention to the due date for all conditions on opening.** All items listed are to either be emailed on or before the due date to paige.hirsch@ousd.k12.ca.us and cc’d to vilma.bermudez@ousd.k12.ca.us or hand-delivered to the OUSD Office of Charter Schools at 1025 2nd Ave Room 206, Oakland, CA 94605. *Hand-delivered items must receive a receipt from the Office of Charter Schools to ensure verification of timely submission.*

Charter Revision		
Monday, June 30, 2008.	<input type="checkbox"/>	Submit to the District’s Office of Charter Schools one hard copy and one electronic copy in <i>Word</i> format of a revised charter to include all revisions outlined in the charter approval.
Enrollment Policies and Application for Admission		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit Board-approved Enrollment Policy and an Application for Admission.
Friday, August 1, 2008.	<input type="checkbox"/>	Submit list of enrolled students--including name, DOB, prior school, home language, Oakland residency or not, and CSIS number (list to be updated September 15, 2008 and annually) using Excel template provided by the Office of Charter Schools.*
Complaint Procedure		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit Board-approved Comprehensive Complaint and Investigation Process to include the Internal Dispute Resolution Policy.
	<input type="checkbox"/>	Submit Board-approved Uniform Complaint Process, posting location(s), and method of notifying parents of this annually.
	<input type="checkbox"/>	Submit Board-approved Comprehensive Anti-Harassment Policies and Procedures regarding sexual harassment or other harassment based on gender, race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability.
Student Learning Time		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit certification of instructional hours to be provided in 2008-2009.* Carefully read <i>Education Code §46201(a)(3)</i> . [instructional minutes requirement]
	<input type="checkbox"/>	Submit adopted 12-month school calendar distinguishing dates with standard or reduced instructional time, and noting vacation days.*
Code of Conduct, Student Handbook, and Recommended Policies		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit Student and Family Handbook.* (Prepare student/family handbook and registration materials--to include the enrollment schedule, school calendar, all policies and procedures pertaining to health and safety, homework, attendance, discipline, suspension and expulsions--in all languages as distributed.)
	<input type="checkbox"/>	Submit Governing Board-approved Code of Conduct. (Prepare the school’s Code of Conduct so that it is consistent with the program and school characteristics outlined in your charter petition, as well as with applicable California <i>Education Code</i> .)
Insurance Policies		

Friday, August 1, 2008.	<input type="checkbox"/>	Submit evidence of commercial general liability insurance for not less than \$1,000,000 per incident; to include the District as additionally insured.
	<input type="checkbox"/>	Submit evidence of fidelity bond coverage for not less than \$50,000 per occurrence and workers' compensation insurance.
Financial Organization		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit copy of the school's Annual Information Sheet & Funding Survey" to the CDE (plus annual filings to be provided to CDE by June 1 and any updates in future years).
School Facility and Building Safety		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit a copy of an executed lease or deed for a facility, or suitable comparable, noting occupancy on or before July 1, 2008 or no later than 45 days prior to the start of instruction.
	<input type="checkbox"/>	Submit written assurance that the facility selected for the school is programmatically accessible to physically handicapped individuals.
	<input type="checkbox"/>	Make available for inspection a current Certificate of Occupancy.
	<input type="checkbox"/>	Make available for inspection a current Fire Inspection Certificate.
	<input type="checkbox"/>	Make available for inspection a current Building Safety Inspection Certificate.
	<input type="checkbox"/>	Make available for inspection a current Health Inspection.
	<input type="checkbox"/>	Make available for inspection a current Asbestos Inspection Report and Management Plan.
Friday, August 1, 2008.	<input type="checkbox"/>	Submit Blood Borne Pathogens Exposure Control Plan.
	<input type="checkbox"/>	Submit Facilities Safety and Evacuation Plan.
	<input type="checkbox"/>	Submit Board-approved Emergency Preparedness Handbook.
	<input type="checkbox"/>	Submit Board-approved Drug, Alcohol, and Smoke Free Environment Policies and Procedures.
Special Education Program Plan		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit executed MOU for special education services.
	<input type="checkbox"/>	Submit adopted 504 plan, policy, and procedures.
	<input type="checkbox"/>	Submit Special Education Identification and Assessment Plan.
Budget and Cash Flow		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit 2 paper copies, in addition to an electronic version of an updated and revised cash flow statement and 3-year projections. Include revised facility expenses.
School Health Plan and Medications Administration Plan		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit School Health Plan (to comply with immunization audit, hearing and vision screening requirements) and Medications Administration Plan.
Instructional Staff		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit a list of teachers hired--including name, DOB, assignments, subject matter certification and credential evidence, qualification to teach ELL students, evidence of current clear tuberculosis test, date of fingerprinting, date of background review.*
	<input type="checkbox"/>	Submit employee handbook, including policies and procedures that ensure the health and safety of students and staff.
Friday, August 1, 2008.	<input type="checkbox"/>	Submit list of teachers requiring Beginning Teacher Support and Assessment.
	<input type="checkbox"/>	Submit Board-approved personnel policies.
Programming Plans		

Friday, August 1, 2008.	<input type="checkbox"/>	Submit English Learner Plan--adopted policies and procedures that pertain to use of a home language survey and mandatory CELDT testing.
	<input type="checkbox"/>	Submit a list of which courses the school considers non-core, non-college preparatory courses.
	<input type="checkbox"/>	Submit a course catalog, or equivalent, notifying parents about transferability of courses to other public schools and the ability of courses to meet college entrance requirements.
Evaluation of School Leader, School Administrators, and Teachers		
Friday, August 1, 2008	<input type="checkbox"/>	Submit performance evaluation criteria and evaluation plan templates for school site leader/administrator and teachers.