



OAKLAND UNIFIED SCHOOL DISTRICT
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TO: Vincent Matthews, State Administrator
Board of Education

FROM: Roberta Mayor, Ed.D., Interim Superintendent
David Montes de Oca, Coordinator, Office of Charter Schools

DATE: February 11, 2009

RE: Community School for Creative Education Charter Petition Request

Legislative File

File ID No.: 08- 3062
Introduction Date: 2/11/2009
Enactment No.: _____
Enactment Date: _____
By: _____

ACTION REQUESTED:

Deny the charter petition to establish the Community School for Creative Education. Pursuant to *Education Code §47605*, 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 Charter Schools Act.

SUMMARY

Staff recommends that the State Administrator **deny** the charter petition for Community School for Creative Education under the California Charter Schools Act. Staff recommends denial based on factual findings, specific to this particular petition, detailed in this report.

PROCEDURAL BACKGROUND

- 1) The lead petitioners submitted the Community School for Creative Education petition on November 19, 2008 at a regularly scheduled Board of Education meeting.
- 2) Staff held an introductory meeting with the lead petitioners, Ida Oberman et.al., on December 5, 2008 to explain the petition review process and obtain petitioning group contact information.
- 3) A public hearing was held on December 17, 2008. Representatives from the lead petitioning group presented.
- 4) Staff conducted two Petitioner Interviews on January 16, 2009 and January 21, 2009.

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 comprised of leadership within the District, 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.

Following the petition review process, staff conducted two Petitioner Interviews on January 16, 2009 and January 21, 2009, in an attempt 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.

Further Considerations

Staff evaluation of the charter petition as submitted for the Community School for Creative Education charter school, as well as staff evaluation of the capacity of the petitioning group, including the proposed governing board members, has identified meaningful areas for future consideration.

Educational Program

The petition, as submitted, presents aspects of a unique program design that includes the use of Waldorf methodologies, Arts-infused curriculum, and the development of long-term relationships between children and adults which, if successful, would inherently provide a unique educational program option for students and families in Oakland.

The petition, as submitted, proposes a range of approaches to assessment that has the potential, if successful, to increase the variety of methodologies for evaluating student learning which may work towards the advantage of Oakland public schools by increasing their over-all repertoire of assessment practices. These methods, as proposed, include the integrated use of the OUSD Open Court Rubric with the use of portfolio and performance based assessments, as well as the use of individual learning plans for each student and pupil profiles that assist in developing intervention plans and a more personalized learning environments for students.

Organizational Viability

The proposed governing board members whom staff interviewed as part of the Petitioner Interview process, demonstrated a strong commitment to the school's mission. The proposed governing board exemplified a well-balanced range of backgrounds and experiences suited for the needs of a new charter school. However, staff believes that early and extensive training in charter school governance would be necessary to ensure effective oversight and management.

Additionally both the founding group and the proposed governing board demonstrated a commitment to the charter petitioning process and the increased rigor and accountability that has developed in recent years to assist in ensuring increased quality among Oakland charter schools. The founding group and the proposed governing board demonstrated a strong commitment to collaborate with the Oakland Unified School District in the implementation of its proposed charter program and the subsequent dissemination of its promising practices.

Notwithstanding the aforementioned considerations, pursuant to the petition review process and the standards and criteria set forth in statute and by the Oakland Unified School District, staff has identified key findings that represent critical shortcomings within the charter petition as submitted. Additionally presented here are findings indicating challenges and obstacles likely to significantly impact the petitioning group's ability to successfully implement the program as set forth in the petition.

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

FINDINGS OF FACT

Analysis of the petition and analysis of the petitioner responses during the Petitioner Interviews, presents the following findings that the petitioners are demonstrably unlikely to successfully implement the program as set forth in the petition:

Findings	Reference
<p><u>1.0 Facilities:</u></p> <p>Petition states: “<i>The CSCE will be geographically located within the attendance boundaries of San Antonio, District 2.</i>”</p> <p>Finding 1.1</p> <p>Petitioners seek to acquire use of a facility located at <i>3050 International Blvd</i>, previously operated as a car dealership.</p> <p>Petitioning group has not presented sufficient evidence that, based on a proposed fall, 2009 opening, the proposed facility location will have met the standards set forth in <i>Education Code §47610</i>, wherein the facility must comply with the California Building Standards Code as adopted and enforced by the local jurisdiction for use as a school facility.</p> <p>Staff contacted the facility owner on January 27, 2009 who stated that the facility would not likely be ready for use as a school by fall, 2009.</p>	<p>Pg. 23</p>
<p>Finding 1.2</p> <p>Petition states that the target population for the charter school program is the community within the San Antonio neighborhood. The proposed facility is located in the Fruitvale neighborhood and not the San Antonio neighborhood. The petitioning group stated during the Petitioner Interview on January 21, 2009 that one primary “need” of the San Antonio community is to have public school alternatives to those options currently available within the San Antonio neighborhood. Petition states, “<i>There are few strong elementary school options of any kind for children in these settings.</i>”</p> <p>Additionally, the petitioning group stated during the Petitioner Interview on January 21, 2009 that efforts to develop the requisite trust to recruit a student population reflective of the San Antonio would require, in part, the ability to be “in the neighborhood”.</p> <p>Finding 1.3</p>	<p>Pg. 22</p> <p>Pg. 23</p>

Petition group indicated during the Petitioner Interview on January 21, 2009, that an “*ideal location*” for the proposed charter school exists within the San Antonio neighborhood, however the facility is currently operated by a private school and availability of the facility would not be known until a possible fall, 2010 opening. The petitioning group stated that this facility would be considered ideal based on its existing school design, enrollment capacity, and location.

The petitioning group has proposed opening in the fall, 2009.

Finding 1.4

The contingency facility plan for the charter school opening relies on the use of facilities that are also not located in the San Antonio neighborhood, but are instead located near Chinatown. This facility is currently occupied by a charter school pursuing alternate facilities. A plan was not provided by petitioners providing evidence that the contingency plan facilities will be adequately available for occupation in advance of a fall, 2009 opening.

The ability to successfully implement a program to serve the target population as outlined in the charter petition is likely to be negatively impacted by the uncertainty of the location of the proposed school facility.

Background:

The Oakland Unified School District has approved three charter school petitions within the past two years for which;

- **one approved charter school was not authorized to open as scheduled in the fall of 2007 due to the absence of a qualified facility;**
- **one approved charter school has delayed opening in pursuit of appropriate facilities for which it has, to date, not identified;**
- **and one approved charter school has recently surrendered its charter to the District, in part, as a result of not locating appropriate facilities.**

The critical importance of identifying and securing appropriate facilities was discussed with the petitioning group during an informational meeting, prior to submission of the charter petition.

2.0 Governance:

The governing board of a charter school “holds the charter”, and is the party ultimately burdened with the legal and fiduciary responsibility for the success of the charter school.

Finding 2.1

Non-Profit Incorporation of the founding group is incomplete. The proposed governing board has not completed the process for the establishment of its non-profit corporation status. A projected completion date identified during the Petitioner Interview held on January 16, 2009 was “at least seven months” from the date of the Interview.

Finding 2.2

Pursuant to responses during the Petitioner Interview on January 16, 2009, the proposed governing board members present had yet to convene as a full body.

This body has yet to establish policies regarding the school’s governance and to adopt board by-laws. This body has yet to draft critical policies regarding the school’s operation that include enrollment procedures, suspension and expulsion procedures, complaint procedures, hiring procedures, draft employee and student/family handbooks, etc. The absence of which presents significant challenges to staff charged with the effective evaluation of the likelihood of the petitioners’ board governance success.

Finding 2.3

Petition states, “*The [Board] Chair will be appointed by the Executive Director.*” Petition also states, “*The [Board] Chair shall also direct the Board’s evaluation of the Administrator [Executive Director] and Principal.*”

Pg. 84

Proposed governing board members during the Petitioner Interview on January 16, 2009 acknowledged the apparent conflict of interest this provision allows. Proposed governing board members, during the Petitioner Interview on January 16, 2009 indicated that this description is not representative of the intended structure for the ongoing selection of the Board Chair. No alternative method for the selection of the Board Chair is presented within the charter petition.

Finding 2.4

Petition states conflicting descriptions of the Hiring Committee composition.

The petition states that board committees, under which is listed the Personnel/Hiring committee, will be comprised of “*community members, teachers, parents and other stakeholders*”.

Pg. 85

The petition subsequently states “*the Hiring Committee shall consist of the principal, the Executive Director, and two faculty representatives.*”

Pg. 92

Finding 2.5

Petition states conflicting descriptions of the proposed hiring process.

Petition states, “CSCE staff *may* participate in the interview process and make hiring recommendations to the principal. The [CSCE] **principal shall be responsible** for recommending finalists for positions at CSCE to the Board.” [bold emphasis added]

Pg. 92

Petition states, “all full and part-time prospective employees of CSCE will be recruited, screened, and interviewed by the Hiring Committee, which will make recommendations to the Board of Directors for a decision.”

Pg. 85

3.0 Target population

Finding 3.1

Petition states that the target population is the San Antonio neighborhood.

Petition as submitted includes signatures of which no less than 90% are parents with Spanish surnames, likely representing petitioners identified as *Latino*. The demographic analysis provided in the charter petition indicates that the “*Ethnic Diversity*” of the San Antonio neighborhood is as follows:

Pg. 22

Petition Signatures

Asian	34%
Latino	27%
African American	23%
White	12%
Biracial	3%

The petitioners signatures of parents/guardians who are *meaningfully interested in enrolling their child in the proposed charter school* as represented in the charter petition as submitted, present a significantly disproportionate ethnic diversity as compared to that of the target population.

An analysis of the addresses provided in the petition as submitted demonstrate that of the **51 addresses provided by the petitioners - only 12 or ¼ reside within the San Antonio neighborhood** as defined by 27th Ave and Lakeshore, 880 Freeway and just below Highway 13. The remaining **¾ or 39 addresses** presented in the petition represent residents living outside of the target community.

Petition Signatures

Petitioner Interview responses during the Petitioner Interview on January 21, 2009 indicated identification of key individuals to assist with student recruitment efforts – the likely success of which is not yet evident, however petitioners identified numerous challenges associated with the ability to acquire diverse community support within the San Antonio neighborhood.

Finding 3.2

Petition proposes the following enrollment plan in Year One:

<i>Grade</i>	<i>Enrollment</i>
K	20
1	20
2	20
3	20
4	25
5	25
<i>TOTAL</i>	<i>130</i>

Petition Signatures present evidence of a substantial number of Pre-K and Kindergarten student interest, likely to be served in grades Kindergarten and 1st in Year One. Petition includes limited evidence of student interest in the upper grades. Only two potential 4th grade students and seven potential 5th grade students are evidenced, wherein the enrollment plan calls for a total of fifty students in these grades. Petition signatures additionally include students who are either too young to enroll in the school in Year One (currently 1, 2, and 3 years old) or who are too old (currently in grades 5, 7, and 9).

Responses during the Petitioner Interview on January 16, 2009 indicated that the proposed governing board believes that recruitment of the target enrollment number (130) and the serving of the proposed grade span (K-5) would be necessary in Year One in order to effectively implement the proposed program design, both fiscally and programmatically.

Given the proposal to open the school in Year One to serve students across a grade span of Kindergarten through 5th grade; given the small number of petitioner signatures verifying interest within specific grade levels wherein school transition is uncommon; given that the school proposes to operate within a facility that is outside of the target population neighborhood and is surrounded by new small schools and charter school options*; the petitioners are demonstrably unlikely to successfully enroll the requisite student population as stated in the charter petition.

Background:

The Oakland Unified School District approved the opening of an arts-based charter school in 2007 that proposed to open serving students across six grade levels (2nd -7th), only one of which is a common transition year (6th). The charter petition proposed a program design and budget to serve 180 students in Year One.

The school was approved in January, 2007 prior to the proposed fall, 2007

Pg. 21

Petition Signatures

<p>opening. The school ultimately recruited a total of only 41 students as of opening day in Year One and increased that total enrollment to only 51 students by the end of the Year One, resulting in the last-minute release of staff prior to opening; redesign of the program structure; and substantial financial difficulties.</p>	
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This list of findings is NOT EXHAUSTIVE, but represents key findings in support of the staff recommendation.

* New small schools and charter schools surrounding the proposed location at 3050 International Blvd. include:

(Within a ¼ mile of the proposed facility)

*Achieve Academy,
World Academy,
Oakland Charter Academy,
Urban Promise Academy,
ASCEND School,
International Community School,
Think College Now,*

(Within 1 mile of the proposed facility)

*United for Success,
Global Families,
Learning without Limits,
Manzanita Seed,
Manzanita Community*

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

FINDINGS OF FACT

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

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

<p>Element A Target population</p>	<p>Average Rating: Inadequate</p>	<p>Target Population analysis of needs: Petition provides little to no analysis of the educational needs of the target population. Petition provides only a report of the CST and API performance of students attending Garfield, Lazear, and Roosevelt schools, without analysis as to the needs reflected in their performance.</p> <p>Petition’s limited description of need of the target population states only the absence of alternative school options similar those outlined in the charter petition.</p>	<p>Pgs. 21-27</p>
<p>Element A Educational Program</p>	<p>Average Rating: Approaching</p>	<p>Literacy program: Petition states the school will provide “<i>high levels of quality implementation [of Open Court Reading] used as the basis of literacy instruction</i>”. Petition references the OUSD Open Court Rubric included in the charter submission as evidence of their intent to implement Open Court as the basis for literacy instruction.</p> <p>Petition references a 2007 letter from OUSD CAO; Brad Stam to District principals indicating that Open Court Reading is “not to be treated as a scripted, rigid, or limiting program”, as evidence of the approach the petitioners intend to take in implementing the program.</p> <ul style="list-style-type: none"> ○ Petition and the OUSD Open Court Rubric included in the charter submission lacks any description of the scope and sequence of the Open Court Reading Program as intended by the school, limiting the ability to evaluate the alignment to the remaining 	<p>Pg. 37 Appendix 7</p> <p>Pg. 37</p>

		<p>aspects defined as the educational program.</p> <ul style="list-style-type: none"> ○ Petition and the OUSD Open Court Rubric included in the charter submission lacks any distinction as to whether or not the petitioners intend to exclusively utilize the Open Court materials or have planned for the use of other materials, as no other description of Language Arts instructional materials is provided within the petition. ○ Petition and the OUSD Open Court Rubric included in the charter submission lacks any description of the school’s intended use of the rubric within the school’s monitoring of the its “<i>high quality implementation</i>”. <p>Petitioner responses during the Petition Interview on January 21, 2009 referred to the “<i>precedent</i>” in the program’s design demonstrated by specific schools included in case studies conducted by the lead petitioner in 2004.</p> <ul style="list-style-type: none"> ○ Descriptions included in these case studies of the exemplar educational programs provided by the lead petitioners to staff describe an approach to the implementation of Open Court Reading that is neither provided for in the petition as submitted, nor consistent with the responses by the Petitioning group during the Petitioner Interview on January 16, 2009. ○ Descriptions included in these case studies of the exemplar educational programs provided by the lead petitioners to staff describe an instructional program that does not include many of the facets outlined in the charter petition, including the Arts-infused curriculum, and use of Waldorf methodologies. <p>Instructional Program design: Petition proposes the use of a wide range of approaches and strategies within the educational program description including; Waldorf methods, Arts-infused/integrated curriculum, Balanced Literacy approach, Thinking Maps™, Open Court Reading, Project-based learning, SADEI strategies, ELD, community service/service learning, Computer Assisted Instruction for ELL’s, instrumental music, two</p>	<p>Pgs. 16-64</p>
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	<p>foreign languages, hand-working such as sewing, puppetry, knitting and gardening, as well as standards based mathematics, science, social studies, and physical education/movement.</p> <ul style="list-style-type: none"> ○ Petition lacks a description of the structure, scope or sequence of these various program components or provides exemplars as to how these program elements will occur over the course of a single day, week, quarter, semester or year. ○ Petition lacks a clear description of the professional development plan necessary to ensure the effective implementation of the aforementioned program components, as well as the training and support needed to effectively implement additional interventions and enrichment strategies proposed in the petition. ○ Petition lacks a description of the intended implementation plan of the various programmatic elements, taking into considers the varied needs of staff, students, and the scaffolding necessary for the new school to effectively integrate all of the various strategies and methodologies outlined within the petition. <p>Petition introduces in a table program components that include:</p> <ul style="list-style-type: none"> - ELD (English Language Development) with no program description, - GLAD (Guided Language Acquisition Design) with no program description, - RIAP (Reading Institute for Academic Preparation?) with no program description, - Step Up To Writing with no program description; Writer’s Workshop and 6+1 Writing Traits with no program description; <p>The absence of descriptions limit the ability to evaluate their relationship to other aspects of the program design, as well as the ability to evaluate petitioners’ the intended approach to the use of these program components.</p> <p>Instructional materials: Petition lacks a description of the instructional materials intended for use in the mathematics, science,</p>	<p>Pgs. 71-72</p>
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		<p>social studies, or foreign language curriculum, or a plan describing how the school will to identify these materials prior to opening.</p> <p>Foreign Language: Petition proposes students will learn two foreign languages, but proposes only Spanish with the second language left undetermined. Petitioner response during the Petitioner Interview on January 21, 2009 indicated that the decision will be made based on those skills found in the foreign language teacher yet to be identified for hire. The petitioners stated that they intend to select an Asian language such as Cantonese or Vietnamese.</p> <p>Petition lacks a description of the plan for Spanish language instruction as a Foreign Language for the likely native Spanish-speaking student population the school will serve.</p> <p>Plan to support low achieving students: Petition presents a thorough plan for monitoring low achieving students that includes various assessments and diagnostics, SST and mini-SST processes, and ongoing case management and re-evaluation of student's needs.</p> <p>However, petition lacks sufficient description of effective intervention strategies intended to address the diverse needs of low achieving students.</p> <ul style="list-style-type: none"> ○ Petition refers to Differentiated Instruction exemplified by small group instruction and addressing multiple modalities; with no other description of this intervention strategy. ○ Petition refers to Parent Education with no description of this intervention strategy. ○ Petition refers to Computer Assisted Instruction with no further description of this intervention strategy. ○ Petition refers to afterschool tutoring and homework help with no further description of this intervention strategy. <p>Petition presents intervention strategies that are contingent on funding not represented in the proposed school budget to include:</p>	<p>Pgs. 38-41</p> <p>Pg. 44</p> <p>Pgs. 47-52</p>
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		<ul style="list-style-type: none"> ○ <u>Summer Transition Program</u>; with minimal description ○ <u>Summer School</u>; with no program description ○ <u>4-week Intervention Block</u>; sufficient description provided, yet the proposed budget and school design as submitted, do not provide for this intervention. <p>English language learners: Petition provides a thorough description of the <i>identification</i> and <i>monitoring</i> of English language learners. Petition provides a description of support for English Language Learners that is extremely broad. Petition lacks a description of what instructional materials will be used; if and how the CA English Language Development standards are to be addressed (ELD referenced in Figure 9), or the design of the proposed “supplemental pull-out and tutorial”.</p> <p>Petition states that teachers will be trained in Specially Designed Academic Instruction in English (SDAIE) but no distinction is made regarding the continuum of English language needs under which implementing SDAIE strategies vs. providing explicit English Language Development instruction will occur.</p> <p>Petition proposes ELL specialists and Bilingual Instructional Aides with no funding allocated in the proposed five year budget for these supports.</p>	Pgs. 52-54
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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 demonstrates that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.

<p>Element B Measurable Pupil Outcomes</p>	<p>Average Rating: Approaching</p>	<p>Petition and responses by petitioners during the Petitioner Interviews on January 16, 2009 and January 21, 2009 indicate a lack of analysis of the proposed performance targets relative to the current target population performance levels and the necessary acceleration required to achieve targets.</p> <p>Petition proposes Measurable Pupil Outcomes that are not explicitly measurable as they are either not timebound, or do not establish specific targets or</p>	Pgs. 65-79
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		<p>evidence of proposed targets.</p> <ul style="list-style-type: none"> ○ <i>90% of our students will make progress, as measured against themselves, on standardized, state tests, CELDT, and CST tests. No timeframe established for this outcome goal.</i> ○ <i>All graduates will successfully complete and present a portfolio of their work that demonstrates mastery of key skills and content areas... No exemplar of intended rubric or other instrument for measuring the demonstration of mastery included for this outcome goal.</i> <p>Petition includes conflicting outcome goals:</p> <ul style="list-style-type: none"> ○ <i>...annually increase proficiency rates by 5% for every subgroup... (assumed based on CST performance)</i> ○ <i>...meeting the Annual Yearly Progress...; which requires an annual increase of 10%-11% on CST performance.</i> 	<p>Pg. 65</p> <p>Pg. 65</p> <p>Pg. 75</p>
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Education Code §47605(b)(5)(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.

Element C Method of Pupil Assessment	Average Rating: Approaching w/ many features that Meet	Petition lacks description or evidence of “ <i>objective rubrics</i> ” to be used to evaluate student performance in various core subjects including ELA, Math, Science, and Social Studies	Pgs. 66-67
		Petition lacks a description of how the school “ <i>will regularly check the predictive value of its formative assessments against student performance on benchmark tests and the California Standards Test</i> ”.	Pg. 69
		1 st grade readiness assessment not described or named to ensure validity	Pg. 78

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 Governance	Average Rating:		Pg. 89
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	Approaching	<p>The organizational chart provided in the petition is not consistent with statements made during the Petitioner Interview on January 16, 2009 regarding the intent to form a School Leadership Council, Parent Action Committee, and the reporting structures within and among those bodies and those represented by the organizational charter within the petition.</p> <p>Pursuant to Oakland Unified School District Board Policy, all charter petitions granted by the district must contain adequate resolution of parent complaint systems. Petition lacks any description of the process or measures for resolving parent/community complaints.</p>	
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Education Code §47605(b)(5)(E): The qualifications to be met by individuals employed at the school

Element E Employee Qualifications	Average Rating: Approaching	<p>Petition proposes the requirement that all teachers hired be trained in Waldorf methods or commit to being trained, but provides no description of the required training necessary for those teachers who may be hired without prior Waldorf training.</p> <p>Petition lacks a description of necessary strategies to effectively support the Waldorf approach of looping teachers with students through 1st – 8th grade, including how teachers will be supported to develop each subsequent year’s curriculum.</p>	Pg. 91
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Education Code §47605(b)(5)(H): Admissions requirements, if applicable

Element H Admissions	Average Rating: Approaching	<p>Petition description of the preferences in the lottery system do not reflect those described by petitioners during the Petitioner Interviews on January 16, 2009, and January 21, 2009.</p> <p>Petition states that school will administer assessments that will serve as diagnostics in reading, writing, and math. However petition does not identify for purposes of evaluating validity and reliability, which assessments will be administered.</p>	<p>Pg. 100</p> <p>Pg. 100</p>
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Education Code §47605(b)(5)(J): The procedures by which pupils can be suspended or expelled.

Element J Suspension and Expulsion	Average Rating: Inadequate	Petition lacks any description of the offenses under which a student may be suspended or expelled. Petition lacks a description of the procedures and processes under which a suspension or expulsion may occur.	Pgs. 102-103
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Education Code §47605(g): The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.

Budgets	Average Rating: Approaching	<p>EIA funding appears to be overstated. Budget assumptions do not include projected enrollment ratio for the low income and English language learners?</p> <p>Supplemental hourly instruction funding is overstated. 3 out of 5 categories are capped and two are uncapped with one of the uncapped category restricted to grades 7-12 only. New schools are not allowed to claim hours for those three categories that are capped in their first year. Thus petition is only allowed to claim one category in the first year and this is restricted for pupils that are retained or recommended for retention. The funding estimate projected here should be carefully reviewed.</p> <p>No funding is set aside for books in Year One. The estimated rate per pupil is shown in the assumption but not in the actual projected budget (object 4100, 4200 & 4400).</p> <p>EIA is part of the categorical block grant funding. When calculating the 1% oversight fee, EIA is included in what the district will assess. 1% oversight fee does not reflect EIA funding.</p> <p>Petition makes no projection for local revenues or donations within the budget in any of the projected 5 years.</p> <p>Petition has projected to have deficit spending in Year Three, Four and Five. Although the beginning fund balance that is carried over from prior year is positive and leaves an ending fund balance for the year (or reserve) of at least 3%, deficit spending will eventually deplete the reserve balance and 3%, while legally acceptable, does not account any unexpected shortfall or dramatic economic down-turns.</p>	<p>Pg. 312</p> <p>Pg. 312</p> <p>Pg. 313</p> <p>Pg. 313</p> <p>Pg. 313</p>
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		The projected timing of the receipt of the K-3 CSR is incorrectly shown in the cash flow. This funding is received approx. three times a year contrary to the schedule presented within the petition.	Pg. 315
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This list of findings is NOT EXHAUSTIVE, but represents key findings in support of the staff recommendation.

RECOMMENDATION

Staff recommends that the Oakland Unified School District's State Administrator/Board of Education **deny** the charter petition to establish the Community School for Creative Education pursuant to the California Charter Schools Act.

The factual findings illustrated in this report demonstrate that:

Pursuant to *California Education Code §47605*, 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.