



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the Superintendent

1025 Second Avenue, Room 301

Oakland, CA 94606

Phone (510) 879-8200

Fax (510) 879-8800

TO: Board of Education

FROM: Gary Yee, Ed.D., Superintendent
Silke Bradford, Ed.D., Director-Quality Diverse Providers

DATE: November 1, 2013

RE: Oakland Unity Middle School
Charter Petition Request

Legislative File

File ID No.: 13-2227

Introduction Date: 9/11/13

Enactment No.: 13-2280

Enactment Date: 11/6/13

By: OS

ACTION REQUESTED

Approve the denial petition and charter to establish Oakland Unity Middle School (OUMS). The petition presents an **unsound** educational program; the petitioners are demonstrably **unlikely** to successfully implement the program set forth in the petition; and the petition **does not contain** reasonably comprehensive descriptions of all of the 16 elements required by the California Charter Schools Act.

SUMMARY

Staff recommends that the OUSD Board of Education **approve the denial** of the petition for Oakland Unity Middle School (OUMS) proposed to begin operation Fall 2014, serving 80 students in grades 6 and 7, and growing to 225 students, grades 6 through 8. Staff recommends denial based on factual findings specific to this petition and set forth in the attached staff report and petition evaluation.

The petition for Oakland Unity Middle School (OUMS) is to create a middle school to prepare students for college both academically and socially. The petitioners plan is to "...meet these students earlier in their academic careers and use the same principles that helped make Oakland Unity High School a successful environment to raise the outcomes of our graduates by building from a solid middle school foundation."

The petitioners specifically cite serving an English Learner population and socioeconomically disadvantaged East Oakland students, over half of which are not performing at grade level. The instructional program outlined in the petition does not adequately address the needs of the target population of ELs and/or underperforming students. In addition, the lack of daily interventions

(ELD/Math/Reading), coupled with a lack of instructional minutes dedicated to core academic subjects, represents an unsound educational program.

PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted a petition for the Oakland Unity Middle School on September 11, 2013 at a regularly scheduled Board of Education meeting. The petition proposes to create a middle school of 225 students, beginning in 2014-2015 with an opening 6th and 7th grade class of 80 students total.
- 2) A public hearing was held on October 9, 2013. Representatives from the petitioning group presented.
- 3) Staff conducted an orientation to OUSD's charter review process for the lead petitioner on September 17, 2013. At this meeting the petitioner did not agree to an extension of the statutory deadline for action to 90 days from the date of submission of the petition.
- 4) Two petitioner interviews were held on October 16, 2013, with participants from two groups, respectively: the founding group and with the proposed governing board members.

STATUTORY BACKGROUND

Pursuant to Education Code §47605:

Charter law outlines the criteria governing the approval or denial of charter school petitions. The following excerpt is taken from the Charter Schools Act, Education Code §47605. This excerpt delineates charter approval and denial criteria:

A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*
- (3) The petition does not contain the number of signatures required.*
- (4) The petition does not contain an affirmation of each of the conditions described in Education Code §47605(d).*
- (5) The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.*

DISCUSSION

Staff convened a petition review team comprised of leaders 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. During the petition review process, staff conducted two interviews in an effort to clarify various aspects of the petition, as well as to evaluate the capacity of the petitioners to successfully implement the program as set forth in the petition. One interview was with the founding leadership group and design team; another was with members of the Oakland Unity Schools governing board.

Oakland Unity Middle School proposes to open in Fall 2014 as a direct-funded charter school, operating at the site of the current high school (Oakland Unity High School) located at 6038 Brann Street, Oakland. This is a rental facility from the Evangelical Lutheran Church of Our Redeemer. The school proposes to serve approximately 80 students in grade 6 and 7 in its first year (2014-2015), expanding to grades 6-8 in its second year, for a total of 225 students by 2018-2019. Features of the proposed program include:

- Common Core Standards-based Curriculum
- Blended Learning Math
- Technology Learning Labs
- SSR/Advisory
- After-School Program

EVALUATION SUMMARY

The charter petition evaluation that follows summarizes the consensus of the District reviewers with respect to the educational program and proposed school operations, as well as an articulation of strengths and foreseeable challenges, pursuant to the petition review process. Among the areas in which the petition *failed* to meet the established standards are:

- 1) Lack of curriculum and assessment resources to meet the educational needs of the target population
- 2) Lack of a feasible plan to create benchmark assessments and curriculum for all core and intervention subjects
- 3) Lack of daily ELD, Math, and ELA intervention courses
- 4) Incomplete scope and sequence for core subjects in grades 6 and 7
- 5) Inadequate resources and professional support needed for effective implementation
- 6) Inadequate curriculum descriptions provided for both academic and intervention courses (excluding core Math course)

- 7) Daily bell schedule does not reflect the narrative in the petition as it relates to SSR and Learning Lab length and frequency
- 8) It is unclear as to whether the proposed assessments will be valid and reliable measures of student progress
- 9) Lack of adequate staffing expectations as it relates to the ELL Coordinator position, as well as the number of preps required to fulfill the 6th grade ELA/History block goal and providing ELD
- 10) Lack of a clearly articulated progressive discipline policy with developmentally appropriate positive reinforcement and consequences clearly outlined and aligned with the school's mission and educational philosophy
- 11) Lack of a comprehensive description of staff recruitment, selection, and evaluation processes
- 12) Lack of formative assessments to be used for accountability to Measurable Pupil Outcomes in the absence of summative SBAC data for two to three years
- 13) Lack of an effective or implemented recruitment plan to meet the target population goals reflective of East Oakland; particularly as it relates to the petitioner capacity to address the disproportionately lower number of African American students currently at the site of the proposed middle school
- 14) Inadequate investment in curriculum and assessments considering the lack of middle school experience and formal curriculum/assessment design expertise in the petitioner group
- 15) Lack of an alternate facilities plan in the event the current high school cannot vacate the location proposed to house the middle school

RECOMMENDATION

Staff recommends that the Oakland Unified School District's Board of Education **deny** the petition for Oakland Unity Middle School under the California Charter Schools Act. The factual findings in this report demonstrate that the petition meets the following **conditions for denial** of *Education Code § 47605*:

- (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 petition; ...*
- (5) The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.*

ATTACHMENT 1 – CHARTER PETITION EVALUATION

Oakland Unified School District
Charter Petition Evaluation

School Name: Oakland Unity Middle School

Submission Date: September 11, 2013

Public Hearing Date: October 9, 2013

Lead Petitioner: Damon Grant

Petitioner Interview Date: September 17, 2013

Governing Board: Edward Option, Timothy O’Toole, Damon Grant, David Castillo, Tiffany Grant, Henning Honhold, and Kim Shipp

Governing Board Interview Date: September 17, 2013

Decision Date: November 6, 2013

Proposed location of school	6038 Brann Street, Oakland (site of the Oakland Unity High School)
Composition of petitioner group	The Oakland Unity Middle School founding team consists of educators, parents, and business professionals who are deeply familiar with the assets and challenges of the East Oakland community. Each member is tied to the community through professional and/or personal links and possesses a unique set of skills addressing those necessary for the creation of and operation of the rigorous and ambitious program put forth in this charter (p.ix)
Grade levels to be served in year 1	6 th and 7 th
Anticipated enrollment in year 1	80
Grade levels to be served at full-capacity	6th through 8th
Anticipated enrollment at full capacity	225 students
Target student population	OUMS will meet the specific needs of two key demographic groups in East Oakland: students from socioeconomically disadvantaged backgrounds and students who are learning English as their second language (p. 6).

Brief description of the kind of school to be chartered.

“OUMS will use many specific strategies and support systems to ensure that these groups are able to be successful at the school. OUMS recognizes that in order to end the cycles of poverty that may be afflicting these students and their families, students will need the highly supportive community, high expectations, and highly effective teaching that our program will offer. We have tailored every aspect of our curriculum and structures to ensure that the needs of these two groups are met.” (p. 6)

Brief explanation of the mission of proposed charter school

“It is the mission of Oakland Unity Middle School to prepare its students for a rigorous high school environment and ultimately admission to and success in college and the career of their choice. OUMS offers a rich curriculum centered on Habits of Heart and Mind that prepares students to successfully meet the University of California A-G requirements in high school. This curriculum has an emphasis on basic skills and core subject matter in English language arts, mathematics, social studies and science, the arts, and a comprehensive support program that promotes healthy youth development, including preparing the students to apply their knowledge and skills for the benefit of the community and environment.” (p .4)

Planning to work with a charter management organization (CMO)

Yes __ No X

Signature Verification:

EC 47605(a)(3) *A petition shall include a prominent statement that a signature on the petition means that the parent or guardian is meaningfully interested in having his or her child, or ward, attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.*

	Y	N	PG #
<input type="checkbox"/> Parents / Guardians			
<input type="radio"/> # aligned with proposed opening enrollment			N/A
<input type="radio"/> Prominent statement			N/A
<input checked="" type="checkbox"/> Teachers			
<input type="radio"/> # aligned with proposed opening enrollment	X		p. v
<input type="radio"/> Prominent statement	X		p. v

STATEMENT OF ASSURANCES

ASSURANCES	Y	N	PG #
1. Will not charge tuition, fees, or other mandatory payments for attendance at the charter school or for participation in programs that are required for students.	X		p. 84
2. Will enroll any eligible student who submits a timely and complete application, unless the school receives a greater number of applications than there are spaces for students, in which case a lottery will take place in accordance with California charter laws and regulations.	X		p. 84
3. Will be non-secular in its curriculum, programs, admissions, policies, governance, employment practices, and all other operations.	X		p. 84
4. Will be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement.	X		p. 84
5. Will not base admission on the student's or parent's/guardian's place of residence, except that a conversion school shall give admission preference to students who reside within the former attendance area of the public school.	X		p. 84
6. Will offer at least the minimum amount of instructional time at each grade level as required by law.	X		p. 84
7. Will provide to the Office of Charter Schools information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be used by the school, including where the school intends to locate, the manner in which administrative services will be provided, and potential civil liability effects, if any, upon the school and authorizing board.	X		p. 84
8. Will adhere to all applicable provisions of federal law relating to students with disabilities, including the Individuals with Disabilities Education Act; section 504 of the Rehabilitation Act of 1974; and Title II of the Americans with Disabilities Act of 1990.	X		p. 84
9. Will adhere to all applicable provisions of federal law relating to students who are English language learners, including Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; MGL c. 76, § 5; and MGL c. 89, 71 § (f) and (I).	X		p. 84

10. Will comply with all other applicable federal and state laws and regulations.	X	p. 84
11. Will submit an annual report and annual independent audits to the OUSD Office of Charter Schools by all required deadlines.	X	p. 84
12. Will submit required enrollment data each March to the OUSD Office of Charter Schools by the required deadline.	X	p. 84
13. Will operate in compliance with generally accepted government accounting principles.	X	p. 84
14. Will maintain separate accountings of all funds received and disbursed by the school.	X	p. 84
15. Will participate in the California State Teachers' Retirement System as applicable.	X	p. 84
16. Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health and safety within the building(s) and on school property.	X	p. 85
17. Will at all times maintain all necessary and appropriate insurance coverage.	X	p. 85
18. Will submit to the OUSD Office of Charter Schools the names, mailing addresses, and employment and educational histories of proposed new members of the Governing Board prior to their service.	X	p. 85
19. Will, in the event the Governing Board intends to procure substantially all educational services for the charter school through a contract with another person or entity, provide for approval of such contract by the Board of Education in advance of the beginning of the contract period.	X	p. 85
20. Will provide financial statements that include a proposed first-year operational budget with start-up costs and anticipated revenues and expenditures necessary to operate the school, including special education; and cash-flow and financial projections for the first three years of operation.	X	p. 85
21. Will provide to the Office of Charter Schools a school code of conduct, Governing Board bylaws, an enrollment policy, and an approved certificate of building occupancy for each facility in use by the school, according to the schedule set by the Office of Charter Schools but in any event prior to the opening of the school.	X	p. 85

EVALUATION:

The Oakland Unity Middle School charter petition contains all legally mandated assurances.

Criteria Reference

- **Inadequate:** The response lacks meaningful detail; demonstrates lack of preparation; or otherwise raises substantial concerns about the petitioner’s understanding of the issue in concept and/or ability to meet the requirement in practice.
- **Approaches** The response addresses most of the selection criteria, but lacks some meaningful detail and requires important additional information in order to be reasonably comprehensive.
- **Meets:** The response indicates solid preparation and grasp of key issues that would be considered reasonably comprehensive. It contains many of the characteristics of a response that excels even though it may require additional specificity, support or elaboration in places.
- **Excels:** The response reflects a thorough understanding of key issues and indicates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.

I. EDUCATIONAL PROGRAM

Statutory References:

E.C. § 47605(b)(1)

E.C. § 47605(b)(5)(A)-(C)

The education program should tell you who the school expects to serve; what the students will achieve; how they will achieve it; and how the school will evaluate performance. It should give you a clear picture of what a student who attends the school will experience in terms of educational climate, structure, materials, schedule, assessment and outcomes.

A. TARGET POPULATION

NOTE: *Detail in this area is often lacking in charter petitions, but has been assessed by OUSD in its experience creating new schools to be a critical factor in the success of proposed educational programs.*

A description of the Target Population excels if it has the following characteristics:

- Coherent description of the students the school expects to serve based on understanding of the district population and the location in which the school expects to operate;
- Demonstrated understanding of the educational needs of the target population; and
- Explanation of how the mission and vision align with the needs of the target population.

TARGET POPULATION

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

ANALYSIS: TARGET POPULATION

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<ul style="list-style-type: none"> • Demonstrated commitment to residing in East Oakland as the proposed middle school site is that of the current Oakland Unity High School that has been in operation since 2003-2004 • Propose to serve two main groups: socioeconomically disadvantaged and English Learners • Data presented on the proficiency 	<p>p. 2</p> <p>p. 6</p> <p>p. 6</p>	<ul style="list-style-type: none"> • No daily math or reading intervention course established for students below grade level, which is who the petition identified as 	<p>p. 24</p>

<p>rates/academic performance of 8th grade students in East Oakland</p> <ul style="list-style-type: none"> • 5th grade performance data of OUSD elementary schools as potential feeders into Unity were discussed • Mandatory afterschool program for “low performing” students, though the instruction and tutoring will not be credentialed teachers • Student support plans are initiated for struggling students and involve updates every 2-4 weeks coupled with parent communication 	<p>p. 24</p> <p>p. 25</p> <p>p. 25</p>	<p>being the target population in East Oakland</p> <ul style="list-style-type: none"> • The Tiers of Intervention described in the petition offer supplemental reading/math instruction afterschool, but not taught by credentialed teachers or utilizing a research based intervention curriculum • No daily ELD intervention (twice per week) 	<p>p. 32</p> <p>p. 29</p>
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B. PHILOSOPHY AND APPROACH TO INSTRUCTION

A description of the Educational Philosophy and Approach to Instruction excels if it has the following characteristics:

1. Rationale: *Is the rationale compelling?*

- A compelling rationale with a clear foundation in research-based educational practices, teaching methods and/or high standards for student learning;

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

- Alignment with mission and vision; and

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

- Persuasive explanation of why the philosophy and approach are appropriate for and likely to result in improved educational performance for the target population, including any available performance data from use of the same educational philosophy and approach to instruction with similar populations.

1. Rationale: *Is the rationale compelling?*

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

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

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

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

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

ANALYSIS: EDUCATIONAL PHILOSOPHY AND APPROACH TO INSTRUCTION

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Mission Alignment/Rationale</p> <ul style="list-style-type: none"> Philosophy and approach are tied to the needs of target population, with a focus on providing a highly supportive community Blended learning math courses supports the aim of the school to prepare students for rigorous high school coursework and prepare them technologically to be a 21st century learner <p>Population Alignment</p> <ul style="list-style-type: none"> Bell schedule and course placement made with the developmental needs of middle schoolers in mind (i.e. shorter class periods/block only once per week, 6th grade cohort model with same teacher for ELA/History and a flipped day model) 	<p>p. 18-21</p> <p>p. 20</p> <p>p. 21</p>	<p>Population Alignment</p> <ul style="list-style-type: none"> No specific or researched based curriculum cited in the petition for ELD pull-out supplemental instruction or reading/math intervention. The ELD course will be taught by ELA teacher who will already have 6th and 7th grade ELA (which means 6th and 7th ELD) or 6th or 7th Grade ELA/History in addition to ELD. The feasibility of creating a quality ELD program from scratch (with no assessment or curricular resources), while simultaneously doing the same for core ELA, is highly unlikely. The only potential opportunity for remediation/intervention during the school day for students below grade level is “learning lab” twice per week, but the petition contains no description of the research based curriculum or instruction to be utilized. In addition, the two day “learning lab” is supposed to be a space in which students learn 21st century skills and digital 	<p>p. 29</p> <p>Interview p. 15</p>

		<p>literacy. It is unlikely that two days will be able to accommodate both of the aims of technology skill acquisition and adequate intervention for those students performing below grade level.</p>	
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C. CURRICULUM FRAMEWORK **X** Mark this box *on behalf of the curriculum that has yet to be developed:*

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS: CURRICULUM FRAMEWORK

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Plan</p> <ul style="list-style-type: none"> • Use of the Understanding by Design Framework to develop curriculum. • Cites various researchers (i.e. Kinsella, Ladson Billings, etc.) as informing the design of yet to be developed curriculum • Use of Khan Academy and Aleks for math curriculum • Use of History Alive and Geography Alive 	<p>p. 8</p> <p>p. 19-20</p> <p>p. 20</p> <p>p. 20</p>	<p>Plan</p> <ul style="list-style-type: none"> • The petition states “We will implement a rigorous and culturally relevant curriculum that meets or exceeds common core and state standards” and that “Students will also comprehend and critically analyze multiple forms of expression, including texts from their own and other cultures.” • The incomplete scope and sequence contained in the petition does not make specific reference to culturally relevant text/materials and when asked about what culturally relevant materials would be used, the response was that “One of the tenets is that there is a good deal of room for teachers to create curriculum using their expertise as a professional educator.” The reliance on individual teachers to infuse cultural relevance is not a sound approach to ensuring inclusion. Particularly considering there is only a “book club,” as opposed to formalized professional development, covering topics of culture. 	<p>p. 8 Interviews</p> <p>Interview Attachment L p. 15</p>

		<ul style="list-style-type: none"> • The high school math performance increases, cited during the petitioner interview, were achieved through use of curriculum that was not created by the teacher (Khan Academy). • Extensive professional development is needed to execute SIOP (which was stated in the interview to be the basis for teacher evaluation) and blended learning models, but there was no specific reference to either in the professional development plan. <p>Schedule</p> <ul style="list-style-type: none"> • Petition states “In anticipation of the time needed to prepare for the first year, four weeks will be dedicated as professional development before the start of the first school year at OUMS. During these two weeks, the professional development will include...” Petitioner said 3 weeks of PD during the interview. Based upon the above it is unclear as to whether it is 2, 3, or 4 weeks of PD • Three weeks during the summer would be used for teachers to create common core aligned benchmark assessments from which they would backwards plan and write curriculum for 	<p>p. 15-18 Interviews</p> <p>p. 15 Interview</p>
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		<p>the three (3) to five (5) courses they would be teaching.</p> <ul style="list-style-type: none"> During petitioner interview it was stated that teachers would have no more than two (2) preps, but based on 1) only four teachers in Year 1, 2) serving both 6th and 7th grades, 3) teaching ELA/History to same set of 6th graders, and 4) ELA teachers teaching ELD, this would be a minimum of 3 preps and an exorbitant amount of curricular and assessment design/planning to be accomplished in 3 weeks. <p>Three weeks for teachers to develop two grade levels' of core and intervention curriculum and benchmark assessments is overly ambitious and raises serious concerns of the capacity of the petitioners to create a sound set of curriculum and assessment in time for the opening of the school.</p> <ul style="list-style-type: none"> Petition is inconsistent in how many minutes will be dedicated to SSR. One section states "20-minute daily Silent Sustained Reading program," while Attachment K only denotes nine (9) minutes. Nine (9) minutes is not a reasonable amount of time to accommodate the aspects of SSR program as outlined in the petition; particularly "...teachers 	<p>Interview p. 21</p> <p>p. 23 Attachment K</p> <p>p. 24 Attachment K</p>
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		<p>will assess students' growth in ways that match what readers do: by talking with young readers about their texts." Beyond the inadequate time to execute the above, it is also unclear how these discussions will be conducted or how teachers will have knowledge of the various texts students are reading.</p> <ul style="list-style-type: none"> • Bell schedule provided in the petition does not meet the minimum number of minimum day instructional minutes as required by pursuant to <i>EC</i> sections 46141 and 46142; <i>LC</i> Section 1391 in light of the fact that the proposed Wednesday schedule fell short of the 240 minute minimum requirement by 27 minutes • On Wednesdays, Morning Meeting and Advisory (non-core academic subjects) are allocated 50 minutes of the instructional day. Additionally, the bell schedule on Wednesday also results in a 27 minute loss of the 240 minutes required to be considered a minimum day. The Wednesday schedule leaves only 154 minutes of core academic focused instructional time. • Afterschool program attendance is not compulsory for all students 	<p>Attachment K</p> <p>p. 22 Attachment K</p>
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		<p>and it is not staffed by credentialed teachers, so these minutes cannot be considered part of the instructional day</p> <ul style="list-style-type: none"> • Many studies have shown that increased instructional minutes benefit those students negatively impacted by the achievement gap. An instructional program offering fewer instructional minutes than offered by other district schools as mandated by Education Code, would not best serve the target population. • SSR and Advisory classes comprise 59 min per day of full day instruction. This exceeds the number of minutes dedicated to any of the other core subjects (ELA/Math/Science and History are only 50 minutes per day). • Morning Meeting includes time for breakfast, but is considered part of the school day’s instructional minutes <p>Responsibilities</p> <ul style="list-style-type: none"> • Individual teachers will “...create curriculum using their expertise as a professional educator” yet there is no indication from the biographies provided in the petition that anyone holds the advanced degrees or qualifications of an assessment or curriculum 	<p>Attachment K</p> <p>p. 22</p> <p>p. 16</p> <p>p. ix</p> <p>Interviews</p>
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		<p>designer; particularly as it relates to intervention and ELD courses.</p> <ul style="list-style-type: none"> • When asked how the validity of internal assessments will be vetted the response was “...we believe in the validity of the professional teachers and leaders...” and staff was described as being “experts in content area and knowing the standards.” Considering that none of the teachers/proposed leader meaningfully interested in working at the school have taught/recently taught at the middle school level, brings into question their expertise in 6th-8th grade California Common Core Standards 	<p>p. 16-17</p> <p>Interviews p. ix</p>
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SPECIAL POPULATIONS: SPECIAL EDUCATION

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

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

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

ANALYSIS: SPECIAL EDUCATION

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<ul style="list-style-type: none"> • Petition provides a comprehensive overview of the SST process and tiered support services for Special Education students and those being considered for testing. • Petition has a plan for, and understanding of, implementation of Section 504 of the Rehabilitation Act 	<p>p.31-35</p> <p>p. 35-36</p>		

D. SPECIAL POPULATIONS: ENGLISH LEARNERS

Federal law requires charter schools, like all public schools, to meet the needs of English language learners by helping them gain English proficiency and also make progress in all academic subjects. A plan for serving English language learners excels if it has the following characteristics:

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

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

ANALYSIS: ENGLISH LEARNERS

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<ul style="list-style-type: none"> • ELD pullout during Elective classes as opposed to any other core content area • Once per quarter PD with EL focus 	<p>p. 29</p> <p>p. 29</p>	<ul style="list-style-type: none"> • Year I- the petition states that the EL Coordinator will be an ELA teacher with a lightened teaching load. Considering there are only four teachers being hired to teach four subjects, the one ELA teacher is assigned to teach ELD, in addition to the two Core 6th and 7th ELA courses for a minimum of 3 preps. The EL Coordinator is supposed to be responsible for reclassification, parent communication, as well as teacher observation, curricular modifications and for providing professional development to staff. The ELA teacher schedule as described in the petition could not accommodate 	<p>p. 27-28</p>

		<p>these duties.</p> <ul style="list-style-type: none"> • During the interview the proposed Principal mentioned that she would be the EL Coordinator which does not corroborate with the submitted petition. • ELD will only be offered twice weekly through pull-out methods, as opposed to daily intervention. • No specific curriculum cited in the petition for this pull out ELD instruction • The petition states “...measurement by classroom teachers of student growth in California ELD standards” but no specific assessments cited 	<p>Interview</p> <p>p. 28</p> <p>p. 30</p>
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E. PUPIL OUTCOMES

Pupil outcomes are central to the school’s existence. They represent the school’s definition of success and should drive all aspects of the program and operation. A description of Pupil Outcomes excels if it has the following characteristics:

1. Alignment: *Do the objectives align with the mission and vision?*

- Educational objectives aligned with the mission, vision and educational program;

2. Measurement: *Are the goals clear, specific and measurable?*

- Multiple performance measures applied to student learning objectives.
- Measures include performance goals based on absolute (e.g., proficiency levels), relative (e.g., comparison schools) and individual gains (e.g., year-to-year matched student cohort gains);
- Goals that are specific, measurable and time bound;

3. Performance Level: *Have the petitioners demonstrated that the target performance levels are both ambitious and attainable?*

- Performance levels that are both ambitious and realistic including rigorous promotion and graduation standards;
- Performance levels are considered annually and graduated as needed to sufficiently accelerate learning based on the needs of the target population;

1. Alignment: *Do the objectives align with the mission and vision?*

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

2. Measurement: *Are the goals clear, specific and measurable?*

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

3. Performance Level: *Have the petitioners demonstrated that the target performance levels are both ambitious and attainable?*

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

ANALYSIS: PUPIL OUTCOMES

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Measurement</p> <ul style="list-style-type: none"> • SBAC performance goals include aspirations of meeting AYP targets + 5-15 points over the term of the charter <p>Alignment</p> <ul style="list-style-type: none"> • MPOs address areas of school wide academic performance, ADA, social emotional development, project based learning (portfolio), technology, and EL (CELDT) and SPED (IEP completion) specific goals <p>Performance</p> <ul style="list-style-type: none"> • Goals include meeting and exceeding annual growth targets 	<p>p. 44</p> <p>p. 37-45</p> <p>p. 44</p>	<p>Measurement</p> <ul style="list-style-type: none"> • Petition does not outline “graduation” criteria though it is referenced as an “assessment tool” and component of MPO fulfillment • Petition does not use formative assessments (benchmarks) as a form of accountability which is of concern considering the 2-3 year period in the transition to Common Core/SBAC when annual summative/standardized test data will not be available to show growth. <p>Performance Level</p> <ul style="list-style-type: none"> • One of the growth goals for ELs is low as the petition states growth is expected after two years at OUMS, as opposed to one year or less • ADA performance goal of 95% is lower than that achieved by district middle schools 	<p>p.42</p> <p>p. 37</p> <p>p. 37</p>

F. PUPIL PROGRESS

Summative evaluations measure student performance for the purpose of evaluating academic program effectiveness and overall school operation. In other words, they are used to determine how much students have learned.

Formative evaluations measure student performance for the purpose of determining students’ learning needs and to inform instructional strategies. In other words, they are used to determine what students still need to learn.

A plan for evaluating Pupil Progress excels if it uses both formative and summative and includes the following characteristics:

- 1. Assessments:** *Does the school have valid and reliable measures of student progress?*
 - Identification of the expected range of formative and summative assessments including but not limited to state-mandated assessments;
 - Evidence that assessments will be valid and reliable measures of student progress toward achieving the identified Pupil Outcomes.
- 2. Instruction Improvement:** *Does the school have a sound plan for using assessments to inform instruction?*
 - A coherent strategy for using student assessment and performance data to evaluate and inform instruction on an ongoing basis.
- 3. Reporting:** *Is the school committed to reporting and disseminating performance information?*
 - A plan for sharing performance information, including standardized test results, with students, families and public agencies, as required.
 - A clear description of the manner in which stakeholders will act upon and make use of the performance information provided.

1. Assessments: *Does the school have valid and reliable measures of student progress?*

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

2. Instruction Improvement: *Does the school have a sound plan for using assessments to inform instruction?*

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

3. Reporting: *Is the school committed to reporting and disseminating performance information?*

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

ANALYSIS: PUPIL PROGRESS

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Instruction Improvement</p> <ul style="list-style-type: none"> • Collaboration time provided for teachers; use of data team meetings by department and grade level; cycle of inquiry used to drive improvement plans • Participation in ZOOM Initiative and use of Data Director and Power School <p>Reporting</p> <ul style="list-style-type: none"> • Parent conferences will be held with advisor twice per year • Summative and formative assessment performance will be communicated to parents via grade/progress reports, and to students regularly during advisory 	<p>p. 48</p> <p>p. 47</p> <p>p. 23</p> <p>p. 49</p>	<p>Assessments</p> <ul style="list-style-type: none"> • The majority of the range of assessments cited is “internal” and only one rubric sample was provided in the petition. There is no way for staff to determine the reliability or the validity of the assessments and the alignment to the standards and content to be assessed. • A “variety of measures annually” is mentioned to be used for EL placement and progress tracking, but no specific or sample assessments other than CELDT are named. • The generic statement “...a variety of...” was used 64 times in the petition to describe curriculum, assessments, and instruction with minimal elaboration of the specifics associated with the preceding 	<p>p. 46</p>

EDUCATIONAL PROGRAM SUMMARY

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

EDUCATIONAL PROGRAM SUMMARY

Strengths

The petitioning group has brought together a team of teachers and leaders with a high level of interest in operating a charter school in East Oakland. The petition provides evidence of some innovative program design as it relates to the use of blended learning curriculum in math courses that may be of added value to prospective students. The proposed frequency of data analysis and dedicated teacher collaboration time to execute cycles of inquiry, have the potential to drive quality instruction and reteach.

Concerns and Additional Questions

The educational program does not contain reasonably comprehensive descriptions or meet the quality standard in some important areas:

Lack of daily ELD, Math, and ELA intervention courses; inadequate curriculum descriptions provided; minimum day schedule does not meet the minimum number of instructional minutes as required by law; daily amount of instructional minutes allocated to SSR and Advisory are more than the class period lengths devoted to ELA, Math, Science or Social Studies; instructional minutes are used to eat breakfast during the Morning Meeting; incomplete scope and sequence for all core subjects in grades 6 and 7; lack of identified curriculum to address all four domains of EL language acquisition; lack of a feasible plan and timeline to write both curriculum and benchmark assessments for all core subjects and intervention coursework; absence of sample rubrics (only one provided) or assessments to determine validity of measurements; no graduation (promotion) criteria provided, yet MPOs reference it as a measurement; named assessments for English Learner placement and progress monitoring are limited to CELDT and teacher created rubric/assessment not provided in petition; lack of a comprehensive discipline plan that address progressive discipline policies and procedures or positive reinforcement.

PETITIONER CAPACITY

Statutory References:

E.C. § 47605(b)(2)

E.C. § 47605(b)(5)(D)-(P)

E.C. § 47605(c)(2)

E.C. § 47605(g)

The Charter Schools Act requires the authorizer to determine whether the petitioners are “demonstrably unlikely to successfully implement the program.” Experience with new school development demonstrates that unless petitioners have sound plans and capacity for governance, management, employment and financial operation, they are unlikely to successfully implement the program. This section should provide a clear, convincing picture of the petitioners’ capacity to operate the school successfully.

A. GOVERNANCE CAPACITY

A description of the plan for Governance excels if it has the following characteristics:

1. Legal Structure: *Does the school have adequate and appropriate legal structure?*

- Documentation of proper legal structure (Articles of Incorporation stamped by the Office of the Secretary of State and corporate Bylaws);
- Evidence of 501(c)3 Non-Profit Corporation status;
- Adequate bylaws, policies & procedures for governing body operation (director selection & removal, decision making, powers and duties, expansion and transition plans)

2. Charter School Governance Experience/ Expertise: *Does the board demonstrate the capacity needed to govern effectively?*

- Evidence of analysis that proposed founding members of the governing body possess and will contribute the wide range of knowledge and skills needed to oversee a successful charter school;
- Evidence of the existing or emerging capacity of the proposed founding members of the governing board to work as an effective unit in the interest of the proposed charter school;

3. Operating Plan: *Does the school have an operating plan that complies with legal obligations and incorporates sound governance practices?*

- Demonstrated understanding of the board’s responsibility for the educational and fiscal integrity of the school and for fulfilling the terms of the charter;
- Clear, reasonable selection and removal procedures, term limits, meeting schedules, and powers and duties for members of the governing body;
- Demonstrated understanding and assurance of compliance with open meetings requirements;
- Reasonable conflict of interest policy;

- Adequate plan for insurance;
- A plan for meaningful involvement or input of parents and community members in the governance of the school;
- Clear, sensible delineation of roles and responsibilities of parent councils, advisory committees or other supporting groups; and
- Clear, sensible definition of governing body roles and responsibilities in relation to management.

1. Legal Structure: *Does the school have adequate and appropriate legal structure?*

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

2. Governance Experience: *Does the board demonstrate the capacity needed to govern effectively?*

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

3. Operating Plan: *Does the school have an operating plan that complies with legal obligations and incorporates sound governance practices?*

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

ANALYSIS: GOVERNANCE CAPACITY

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Legal Structure</p> <ul style="list-style-type: none"> • Basic organizational documents provided <p>Charter School Governance Experience and Expertise</p> <ul style="list-style-type: none"> • Current board members have experience in education and social services, as well as public school governance. <p>Operating Plan</p> <ul style="list-style-type: none"> • Conflict of Interest Policy • Liability Insurance Plan • Delineates role of Community Council and describes parent involvement opportunities 	<p>p. 50-55</p> <p>Interviews</p> <p>p. 161 p. 79 p. 53</p>		

MANAGEMENT CAPACITY

A leadership plan excels if it has the following characteristics:

- 1. Enrollment Procedures:** *Does the petition present reasonable enrollment procedures that comply with applicable law?*
 - A description of the means by which the school will seek to attain a racial and ethnic balance among its pupils that is reflective of the district including specific plans and strategies for student recruitment;
 - A clear and compelling student recruitment plan likely to attract projected enrollment, particularly in Year 1;
 - A specific plan for conducting a public random drawing or an assurance that such a drawing will be conducted subject to district approval in the event that the number of pupils who wish to attend the school exceed the capacity;
 - An assurance that the school will not impose admission requirements OR, if the school proposes to have requirements, a precise description of those requirements, a compelling statement regarding why they are essential to fulfillment of the school's mission, and a specific plan for the school will incorporate the requirements into any random drawings.
 - A clear description of the enrollment process to include any unique intake or application evaluation process to be used by the school designed to meet the needs of the target population outlined in the petition.
- 2. Operating Procedures:** *Does the petition present sound operating procedures that comply with applicable law?*
 - The procedures that the school will follow to ensure the health and safety of pupils and staff;
 - A clearly articulated discipline policy with suspension and expulsion procedures that are fully explained consistent with the school's mission, educational philosophy and applicable law;
 - A statement regarding attendance alternatives for students residing in the district who choose not to attend the school;
 - A statement that the school intends to use the district's approved procedure for resolving disputes relating to provisions of the charter OR, in the alternative, a clear description of the procedures that the school proposes to use;
 - A description of the systems likely to be effective in addressing parent and community complaints; and
 - An assurance that the school will comply with the district's approved procedures for school closure in the event that the charter is relinquished, revoked or not renewed.
- 3. Management Structure:** *How effective is the management structure likely to be?*
 - Clearly defined management roles and responsibilities for all positions within the administration of the school;

- A clear plan for recruitment, selection, development and evaluation of staff including the school leader;
- Verifiable internal procedures and controls to ensure conformance with the approved budget;
- An approved and public organizational chart delineating board and management roles and lines of authority;
- Clear, sensible delineation of roles and responsibilities for implementing the school program including clearly defined roles for parent councils, advisory committees and other supporting groups;
- Management job descriptions identifying key roles, responsibilities and accountability;
- An allocation of time, financial resources and personnel that is sufficient for planning and start-up prior to the school's opening; and
- The manner in which administrative services are to be provided and any potential civil liability effects on the school or the district.

1. Enrollment Procedures: *Does the petition present reasonable enrollment procedures that comply with applicable law?*

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

2. Operating Procedures: *Does the petition present sound operating procedures that comply with applicable law?*

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

3. Management Structure: *How effective is the management structure likely to be?*

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

ANALYSIS: MANAGEMENT CAPACITY

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
Enrollment Procedures <ul style="list-style-type: none"> • Meets statutory requirements of enrollment process Operating Procedures <ul style="list-style-type: none"> • The suspension and expulsion policies and procedures are informed by Education Code 	p. 63-64 p. 67-71	Enrollment Procedures <ul style="list-style-type: none"> • Unity HS has an African American student population of 6% as opposed to the goal/East Oakland population of 26%. Though this petition has a plan to address African 	p. 5 Element J

		<p>American recruitment it is clear that such a plan has not been effective, or has not been implemented, at the school the petitioners currently operate</p> <p>Operating Procedures</p> <ul style="list-style-type: none"> • The discipline policy as described in the petition lacks an explicit description of progressive discipline and provides no mention of positive reinforcement or incentives. This policy does not contain any practices that reinforce the stated mission centered on Habits of the Heart and Mind. • The minimum number of instructional minutes to be considered for a minimum day are not met in the Wednesday schedule <p>Management Structure</p> <ul style="list-style-type: none"> • No general staff recruitment plan is outlined in the petition; only a brief mention of recruiting minority staff in the student recruitment section. Named contact person is no longer a Principal • A “preferred” qualification for a Principal candidate is “Administrative and educational experience and appropriate credentials, per California Commission on Teacher Credentialing.” <p>The proposed Principal does not possess the “preferred” qualifications as outlined in the petition, as she does not possess an administrative credential and has not held an</p>	<p>Attachment K</p> <p>p. 161</p> <p>p. 57</p>
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		<p>administrative position prior. As an organization, the charter operators' experience is limited to high school, so with the challenge of designing and implementing a new middle school model, the "preferred" administrator qualifications seem necessary to ensure viability.</p> <ul style="list-style-type: none"> • An inadequate allocation of time and personnel that is sufficient for planning and start-up prior to the school's opening; particularly as it relates to curriculum and assessment design 	
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EMPLOYMENT CAPACITY

An employment plan excels if it has the following characteristics:

- 1. Qualifications and Responsibilities:** *How clear and sensible are required staff capacities and intended allocation of responsibilities?*
 - Description of the qualifications for and responsibilities of key employees of the school, including the instructional leader and other key school administration positions.
- 2. Compensation Plan:** *How sound is the staff compensation plan?*
 - A compensation plan based on sound budget assumptions that reflects understanding of the prevailing market and supports the proposed educational program.
- 3. Policies and Assurances:** *Does the petition contain the required assurances and a reasonable plan for policy development?*
 - Adequate personnel policies or a sound plan articulated for timely development;
 - An assurance that staff will meet applicable state and federal requirements for credentialing and "highly qualified" status;
 - An adequate description of the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security;
 - A statement regarding employee rights of return, if any;
 - A clear declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act; and
 - An assurance that staff will have criminal background and other required health and safety checks and manner in which these will be conducted.

1. Qualifications and Responsibilities: *How clear and sensible are required staff capacities and intended allocation of responsibilities?*

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

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

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

3. Policies and Assurances: *Does the petition contain the required assurances and a reasonable plan for policy development?*

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

ANALYSIS: EMPLOYMENT CAPACITY

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
Qualifications and Responsibilities <ul style="list-style-type: none"> • Instructional staff/non instructional staff responsibilities and qualifications are included 	p. 56-60		
Compensation Plan <ul style="list-style-type: none"> • Compensation levels assumed in the staffing plan budget are within a reasonable range 	Attachment I		
Policies and Assurances <ul style="list-style-type: none"> • Assurances included 	p. 84-85		

B. FINANCIAL CAPACITY

The petition should present an understanding of how the charter operators intend to manage the school’s finances and maintain the organization’s financial viability. It should make a persuasive case for financial viability including sound revenue projections; expenditure requirements; and budgetary support for and alignment with the educational program.

A plan for financial capacity excels if it has the following characteristics:

1. Financial Operation: *How would you rate the structures and practices related to financial operation?*

- A balanced three-year budget accurately reflecting all budget assumptions;
- A start-up year plan with reasonable assessment of and plan for costs;
- A clear indication that the school has a sound plan for sustainability including funding for the core program that does not have ongoing reliance on “soft” money (e.g., donations, grants).
- Clear evidence and track record of sustainability, in the event there is an enduring reliance on “soft” money (e.g., donations, grants);
- An adequate reserve and contingency plan targeted to the minimum enrollment needed for solvency (especially for year 1);
- A sound plan for financial management systems;
- An audit assurance and/or plan with adequate budget allocation; and
- A plan for dissolution of assets should the school close.

2. Revenues: *How would you rate the accuracy and attainability of the revenue projections?*

- A narrative explaining key revenue assumptions;
- Realistic revenue projections showing all anticipated revenue sources -- including state, local, federal and private funds, and any fee-based programs and services;
- Realistic cash flow projection; and
- A fundraising plan including assumptions and report on current status.

3. Expenditures: *How would you rate the expenditure plan in terms of sound assumptions and priorities consistent with effective operation of the school?*

- Spending priorities that align with the school’s mission, educational program, management structure, professional development needs, and growth plan;
- A budget narrative explaining key expense assumptions;
- Realistic expense projections addressing major operating expenses including staffing and benefits, special education, facility, materials and equipment, and contracted services;
- Budgeting to meet minimum insurance requirements; and
- Evidence to support key assumptions including that compensation is sufficient to attract qualified staff and that facilities budget is adequate.

1. Financial Operation: *How would you rate the structures and practices related to financial operation?*

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

2. Revenues: *How would you rate the accuracy and attainability of the revenue projections?*

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

3. Expenditures: *How would you rate the expenditure plan in terms of sound assumptions and priorities consistent with effective operation of the school?*

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

ANALYSIS: FINANCIAL CAPACITY

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Financial Operation</p> <ul style="list-style-type: none"> Board members have substantial knowledge and experience related to non-profit financial management Petition contains an audit assurance and plan with adequate budget allocations Petition contains, within the school closure procedures, a plan for dissolution of assets in the event of closure <p>Revenues</p> <ul style="list-style-type: none"> Budget narrative provides realistic revenue sources and amounts <p>Expenditures</p> <ul style="list-style-type: none"> Budget narrative and line items provide a realistic plan to provide the material resources the petition described as adequate for implementation 	<p>Interviews</p> <p>p. 65</p> <p>p. 78</p> <p>p. 131</p>	<p>Expenditures</p> <ul style="list-style-type: none"> Inadequate investment in curriculum and assessments considering the lack of middle school and formal curriculum/assessment design expertise in the petitioner group 	

C. FACILITIES PLAN

The Facilities Plan should demonstrate that the petitioners understand the school's facilities needs and its options for meeting those needs.

Do the petitioners anticipate using a district facility or finding a facility independent of the district?

Non-district facility

District facility (Prop 39)

Select One

Non-district facility anticipated

A description of the plan for using a non-district facility excels if it has the following characteristics:

- Informed assessment of anticipated facility needs;
- Estimated costs for anticipated facilities needs based on research and evidence;
- A description of potential sites including location, size and resources;
- Informed analysis of the viability of potential sites;
- Adequate budget for anticipated facilities costs including renovation, rent, maintenance and utilities;
- A schedule for securing a facility including the person responsible for implementation
- An assurance of legal compliance (health and safety, ADA, and applicable building codes); and
- Identified funding sources.

District facility anticipated pursuant to Prop 39

A description of the facilities plan where the applicants have not yet identified a specific site will include the following characteristics:

- Informed assessment and description of anticipated facility needs;
- Adequate budget based on 3% of anticipated per pupil revenue;
- A thoughtful contingency plan in the event that a mutually agreeable district facility is unable to be procured,
- A site preference with a compelling rationale for the preference; and
- An assurance of legal compliance (health and safety, ADA, and applicable building codes).

Facilities Plan: *Does the facilities plan indicate a thorough understanding of the school's needs?*

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

ANALYSIS: FACILITIES PLAN

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
Governing board states that they are in the final stages of securing a facility for the high school so the premises can be vacated for Unity MS	Interview	The petitioners' alternative facility plan is that they would look at utilizing the AIMS building on Magee and 35 th that is currently occupied and operated through a leaseholder that has a history of negative facility related dealings with the lead petitioners.	p. 3

PETITIONER CAPACITY SUMMARY

Based on the information presented in the petition, how would you rate the likelihood that petitioners will successfully implement the proposed program? Your comments should identify the most significant strengths and weaknesses with respect to petitioner capacity.

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

PETITIONER CAPACITY SUMMARY

Strengths
Petitioners currently operate Oakland Unity High School, which is fiscally stable and demonstrates capacity to operate a small school

Criteria Not Sufficiently Addressed, Concerns & Additional Questions
Lack of an effective or implemented recruitment plan to meet the target population goals reflective of East Oakland as it relates to the petitioner capacity to address the disproportionately lower number of African American students currently at the site of the proposed middle school; lack of a comprehensive description of staff recruitment, selection, and evaluation processes; inadequate investment in curriculum and assessments considering the lack of middle school and formal curriculum/assessment design expertise in the petitioner group; lack of an alternate facilities plan in the event the current high school cannot vacate the location proposed to house the middle school.

SIXTEEN ELEMENTS TABLE

Statutory Reference: E.C. §§ 47605(b) (5) (A) to (P).

The Charter Schools Act requires authorizers to evaluate whether the petitioners have presented a “reasonably comprehensive” description of 16 elements related to a school’s operation (the “16 Elements.”

Element	Evaluation Reference	Inadequate	Reasonably Comprehensive	Statutory Reference
Description of the educational program of the school, including what it means to be an “educated person” in the 21 st century and how learning best occurs.	<i>Section I, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<i>Section I, G</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<i>Section I, H</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(C)
Governance structure	<i>Section II, A</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section II, D</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(J)
Manner for covering STRS, PERS, or Social Security	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(K)
Attendance alternatives for pupils residing within the district	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(L)
Employee rights of return, if any	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(M)
Dispute resolution procedure for school-authorizer issues	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(N)

Statement regarding exclusive employer status of the school	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(O)
Procedures for school closure	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(P)
Facilities to be utilized by school	<i>Section II, E</i>	X	<input type="checkbox"/>	E.C. § 47605(g)
Manner in which administrative services are to be provided	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Potential civil liability effects	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Proposed first year operational budget	<i>Section II, D</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Cash flow and financial projections for 3 years	<i>Section II, D</i>	<input type="checkbox"/>	X	E.C. § 47605(g)

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

Resolution No. 1314-0051

**DENYING CHARTER PETITION OF OAKLAND UNITY MIDDLE SCHOOL
AND WRITTEN FINDINGS OF SUPPORT THEREOF**

WHEREAS, by enacting the Charter Schools Act (Ed. Code §§ 47600, *et seq.*), the Legislature has declared its intent to provide opportunities to teachers, parents, pupils and community members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein; and

WHEREAS, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged, and that charter schools are part of and under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools; and

WHEREAS, although charter schools are exempt from many of the laws governing school districts, in return for that flexibility they are accountable for complying with the terms of their charters and applicable law; and

WHEREAS, Education Code Section 47605(b) charges school district governing boards with the responsibility of reviewing charter petitions to determine whether they meet the legal requirements for a successful charter petition; and

WHEREAS, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in education Code Section 47605(b)(5)(A)-(Q), as well as the affirmations and other requirements set forth in Education Code Section 47605; and

WHEREAS, Title 5, Section 11967.5 of the California Code of Regulations (“Regulations”) contains the State Board of Education’s adopted criteria for the required elements for a charter petition as set forth in Education Code Section 47605(b) and although these criteria for the State Board of Education’s use in reviewing charter petitions are not binding on school districts they may provide instructive guidelines for school districts’ review of charter petitions; and

WHEREAS, a governing board may deny a petition for a charter school if it makes written findings to support any of the following under Education Code Section 47605(b): (1) the charter school presents an unsound educational program for the pupils to be enrolled in the charter school; (2) the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; (3) the petition does not contain an affirmation of each of the conditions described in Education Code Section 47605, subdivision (d); and (4) the petition does not contain reasonably comprehensive

descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q); and

WHEREAS, on or about May 22, 2013 the District received a petition for a charter for Oakland Unity Middle School (“Petition”), a public charter school serving grades 6-8 with a proposed enrollment of 80 students in grades 6 and 7 in its initial year of operation (2014-2015); and

WHEREAS, on or about June 12, 2013, the Board held a public hearing on the renewal petition as required by Education Code Section 47605(b); and

WHEREAS, the Board of Education, under Education Code Section 47605(b), is obligated to take action to grant or deny the renewal petition within 60 days of submission, unless Petitioner agrees to an extension of up to 30 days;

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Governing Board of the Oakland Unified School District that the charter petition be **DENIED** because as provided in Education Code Section 47605(b)(1) and (2), Oakland Unity Middle School presents an unsound educational program for the pupils enrolled in the charter school, is demonstrably unlikely to successfully implement the program set forth in the petition, and does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q). The specific findings supporting the decision are enumerated in the Charter Petition Evaluation prepared by the District staff, with some key findings summarized below:

- 1) Lack of curriculum and assessment resources to meet the educational needs of the target population
- 2) Lack of a feasible plan to create benchmark assessments and curriculum for all core and intervention subjects
- 3) Lack of daily ELD, Math, and ELA intervention courses
- 4) Incomplete scope and sequence for core subjects in grades 6 and 7
- 5) Inadequate resources and professional support needed for effective implementation
- 6) Inadequate curriculum descriptions provided for both academic and intervention courses (excluding core Math course)
- 7) Daily bell schedule does not reflect the narrative in the petition as it relates to SSR and Learning Lab length and frequency
- 8) It is unclear as to whether the proposed assessments will be valid and reliable measures of student progress

- 9) Lack of adequate staffing expectations as it relates to the ELL Coordinator position, as well as the number of preps required to fulfill the 6th grade ELA/History block goal and providing ELD
- 10) Lack of a clearly articulated progressive discipline policy with developmentally appropriate positive reinforcement and consequences clearly outlined and aligned with the school's mission and educational philosophy
- 11) Lack of a comprehensive description of staff recruitment, selection, and evaluation processes
- 12) Lack of formative assessments to be used for accountability to Measurable Pupil Outcomes in the absence of summative SBAC data for two to three years
- 13) Lack of an effective or implemented recruitment plan to meet the target population goals reflective of East Oakland; particularly as it relates to the petitioner capacity to address the disproportionately lower number of African American students currently at the site of the proposed middle school
- 14) Inadequate investment in curriculum and assessments considering the lack of middle school experience and formal curriculum/assessment design expertise in the petitioner group
- 15) Lack of an alternate facilities plan in the event the current high school cannot vacate the location proposed to house the middle school

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

1. The Petition presents an unsound educational program for the pupils to be enrolled in the Charter School; and
2. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition;
5. The Petition does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q).

The Board is therefore compelled to deny the Petition under the provisions of the Charter Schools Act. The Petition is hereby denied.

PASSED AND ADOPTED on November 6, 2013, by the Governing Board of the Oakland Unified School District by the following vote:

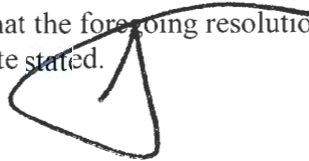
AYES: Jody London, Anne Campbell Washington, James Harris,
President David Kakishiba

NOES: Christopher Dobbins, Vice President Jumoke Hinton Hodge

ABSTENTIONS: None

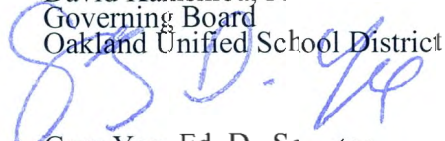
ABSENCES: Roseann Torres

We declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.



David Kakishiba, President
Governing Board
Oakland Unified School District

File ID Number: 13-2227
Introduction Date: 9/11/13
Enactment Number: 13-2280
Enactment Date: 11/6/13
By: o.k.



Gary Yee, Ed. D., Secretary
Governing Board
Oakland Unified School District