



TO: Board of Education

FROM: Kyla Johnson-Trammell, Ed.D., Superintendent
Sonali Murarka, Director-Office of Charter Schools

DATE: November 7, 2018

RE: **Epic Charter Academy Renewal Request**

Legislative File

File ID No.: 18-2031

Introduction Date: 09/12/18

Enactment No.: _____ -- _____

Enactment Date: _____ -- _____

**CHARTER RENEWAL DENIED BY
BOARD OF EDUCATION 11/7/18;
FINDINGS OF FACT ADOPTED
11/14/18.**

ACTION REQUESTED:**School Overview:**

Epic Charter Academy (“Epic” or the “charter school”) was founded in 2014. The school is located in the Fruitvale neighborhood of East Oakland (District 5, Fremont High School Attendance Area) and currently serves students in grades 6-8.

Recommendation

Staff recommends that the Epic Charter Academy renewal request for a five-year term (2019-2024) be **approved**.

Standard for Review

On September 12, 2018, Oakland Unified School District (“OUSD”) received a charter renewal request from Epic. OUSD staff reviewed the charter school’s renewal petition to determine whether the charter school met the standards and expectations identified in the OUSD Charter Renewal Standards, which are based on the standards and criteria set forth in the Charter Schools Act. The Charter Schools Act which is codified in Education Code section 47605(b)(5) includes, but it not limited to, the following standards and criteria: (1) an analysis of the extent to which the school has met its measurable pupil outcomes and an evaluation of its educational program; (2) an analysis of the effectiveness and viability of the school; (3) a review of the school’s performance and operations to evaluate the extent to which the school has been faithful to the terms of its charter; and (4) an evaluation of whether the petitioners have presented a “reasonably comprehensive” description of the 15 elements related to the school’s operation.

Enrollment and Retention Rate:

In 2018-19, the charter school’s total enrollment is 318. For 2017-18, the most recent year for which California Department of Education (“CDE”) data is available, the student body was comprised of the following: 94% of students receiving free or reduced price meals, 32% English Learners, 11% Special Education. For the 2017-18 school year, the school-wide retention rate was 85%.

Summary of Major Findings

Below is a staff summary of the school’s strengths and identified areas for growth.

Strengths

- Partnership with Seneca to support students with disabilities and mental health needs.

- Consistently increasing proficiency rates in ELA.
- Ongoing commitment to serving students with diverse needs well. The proportions of English Learners and students with disabilities at Epic are comparable to the district average, and Epic serves a higher proportion of economically disadvantaged students than the district average. In 2017-18, English Learners, students with disabilities, and economically disadvantaged students at Epic all performed above the district average.

Areas for Growth

In order to be demonstrably likely to successfully implement a sound educational program for all students who may enroll in the school, the Office of Charter Schools would like to see evidence of improvement plans and growth in the following areas over the next charter term:

- Continue academic growth overall: the school has historically underperformed in both ELA and Math, relative to district schools serving similar student populations, until 2017-18.
- Increase academic performance for African American students: of the five key subgroups considered, this is the only group at the school that continued to underperform relative to the Oakland Unified district average.
- Decrease chronic absenteeism rates, particularly for African American students and students with disabilities.
- Increase and then stabilize enrollment, both for fiscal sustainability and as a reflection of strong demand among Oakland families for this school's particular educational program.

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PROGRAM SUMMARY

SCHOOL MISSION FROM THE EXISTING, APPROVED CHARTER PETITION:

At Epic Charter School, we will ensure our 8th graders leave prepared for success in the 21st century, able to leverage technology to both gain and apply knowledge to engineer innovative solutions to real world challenges. As tomorrow's creative leaders equipped with a powerful STEM/Design education, our students will develop the necessary technologies to transform their world.

(Existing, Approved Petition: pg.6)

SCHOOL MISSION FROM THE NEW CHARTER PETITION:

At Epic Charter School, we will ensure our 8th graders leave prepared for success in the 21st century, able to leverage technology to both gain and apply knowledge to engineer innovative solutions to real world challenges. As tomorrow's creative leaders equipped with a powerful STEM/Design education, our students will develop the necessary technologies to transform their world.

(New Petition: pg. 8)

SUMMARY OF PROGRAM'S DISTINGUISHING FEATURES FROM THE NEW CHARTER PETITION:

- Balance of online and teacher-directed lessons: Personalized learning leveraging real-time data on learning and engagement
- Design and engineering for real world application: Integrating hands-on real world applications to give purpose to learning
- Developing leadership habits – how to be a hero: Strong Social Emotional Learning supports and leadership development programming

(New Petition: pg.8)

PREREQUISITE FOR CHARTER RENEWAL & COMPARISON SCHOOL ANALYSIS

PREREQUISITE FOR CHARTER RENEWAL

Education Code Section 47607(b) of the Charter Schools Act, establishes a prerequisite for charter renewal in which a charter school **must meet at least one of five specified criteria (listed below) before the charter renewal may be considered.** However, with the suspension of STAR testing as of 2014 under AB 484 and AB 97, no schools will have API scores for the prior year or two of the past three years. Therefore, Ed. Code 47607(b)(1) through (3) will be moot, and sections (4) and (5) (for schools that qualified for an alternative accountability system) remain the only thresholds to meet for renewal.

- (1) *Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years both schoolwide and for all groups of pupils served by the charter school.*
- (2) *Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.*
- (3) *Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.*
- (4) *The entity that granted the charter determines that the **academic performance** of the charter school is **at least equal to the academic performance of the public schools** that the charter school **pupils would otherwise have been required to attend**, as well as the academic performance of the schools in the school district in which the charter school is located, **taking into account the composition of the pupil population** that is served at the charter school.*
- (5) *Qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.*

CHARTER RENEWAL PREREQUISITE THRESHOLD DETERMINATION

As outlined below, based on its academic performance in comparison to district-run schools serving similar student populations (#4 above), **Epic meets the prerequisite threshold to be considered for charter renewal.**

COMPARISON OF ACADEMIC PERFORMANCE TO DISTRICT-RUN SCHOOLS SERVING SIMILAR STUDENT POPULATIONS

The comparison schools shown below were selected by considering district-run schools in Oakland that serve similar grade level spans with comparable populations of students along three factors: percent of students that qualify for free and reduced price meals (FRPM), percent of students who are English Learners, and percent of students with disabilities. Alternative education and continuation schools were excluded from consideration.

For 2017-18, when compared with the comparison schools' median percentage for each subgroup, Epic served a similar percentage of FRPM-eligible students, English Learners, and students with disabilities.

2017-18 Comparison Schools Selected Subgroup Enrollment			
School	% FRPM-eligible (schoolwide)	% EL (6-8 grades only)	% SPED (schoolwide)
Madison Park Upper	94%	34%	11%
Greenleaf	95%	32%	7%
Elmhurst Community Prep	95%	36%	13%
Life	92%	33%	15%
Roosevelt	94%	34%	16%
United for Success	95%	38%	11%
Comparison Schools Median	94%	34%	12%
Epic Charter	94%	32%	11%

Table 1. Source: FRPM/EL – CDE Downloadable Data Files (Free and Reduced Meals Program, English Learners by Grade & Language); SPED – CDE DataQuest School Enrollment by Subgroup Report

Although Epic’s performance relative to that of comparison schools has varied from year to year, in 2017-18 Epic outperformed 5 of 6 comparison schools on the ELA SBAC and 4 of 6 comparison schools on the Math SBAC.

2017-18 Academic Performance Comparison – Middle School SBAC								
School	ELA				Math			
	14-15	15-16	16-17	17-18	14-15	15-16	16-17	17-18
Madison Upper (6-8 grade only)	29%	23%	27%	23%	19%	16%	20%	14%
Greenleaf (6-8 grade only)	25%	42%	49%	50%	16%	20%	36%	34%
Elmhurst Community Prep	11%	19%	18%	15%	5%	6%	5%	8%
Life (6-8 grade only)	23%	30%	30%	24%	8%	11%	11%	12%
Roosevelt	22%	26%	24%	23%	17%	27%	21%	25%
United for Success	8%	11%	13%	14%	4%	6%	7%	10%
Comparison Schools Median	22%	25%	25%	23%	12%	13%	16%	13%
Epic Charter	11%	15%	22%	27%	8%	8%	8%	18%

Table 2. Source: CDE SBAC Research Files

As shown in the following table, the percent of Epic students meeting or exceeding standards on the ELA SBAC has increased steadily over the past four years and exceeded all comparison schools except for Greenleaf in 2017-18.

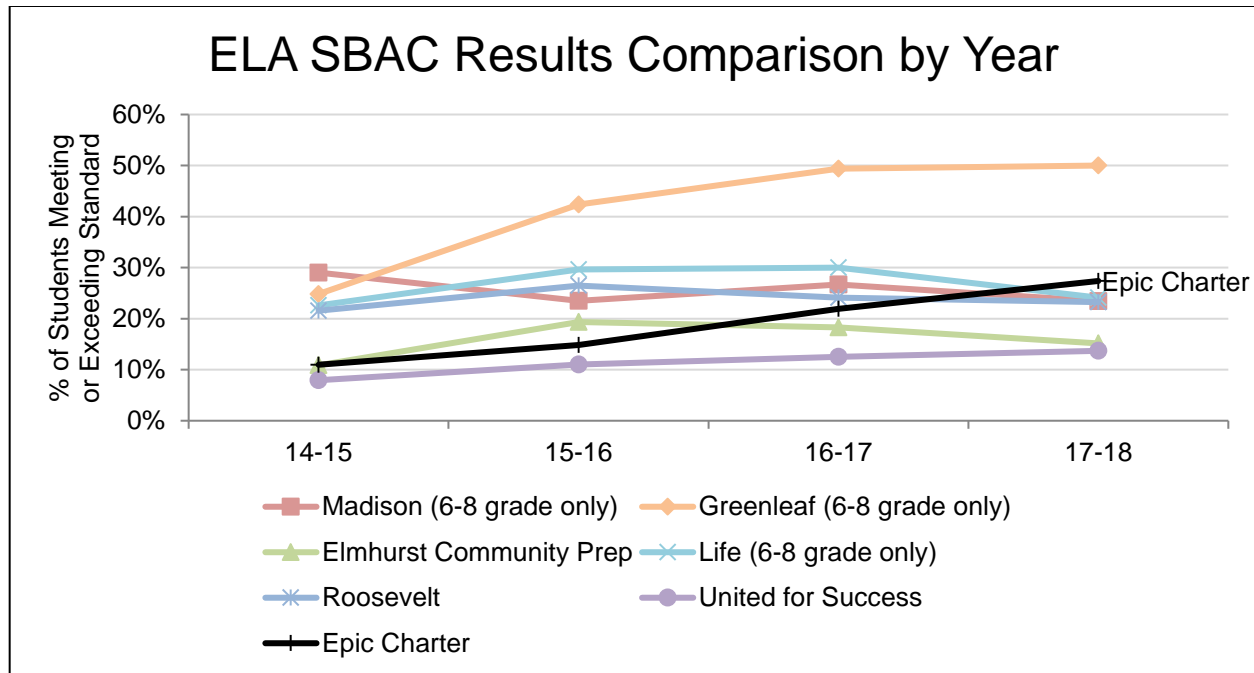


Figure 1. Source: CDE SBAC Research Files

Furthermore, although the percent of Epic students meeting or exceeding standards on the Math SBAC remained flat over the first three years of the current charter term, this number increased in 2017-18, exceeding all comparison schools except for Greenleaf and Roosevelt.

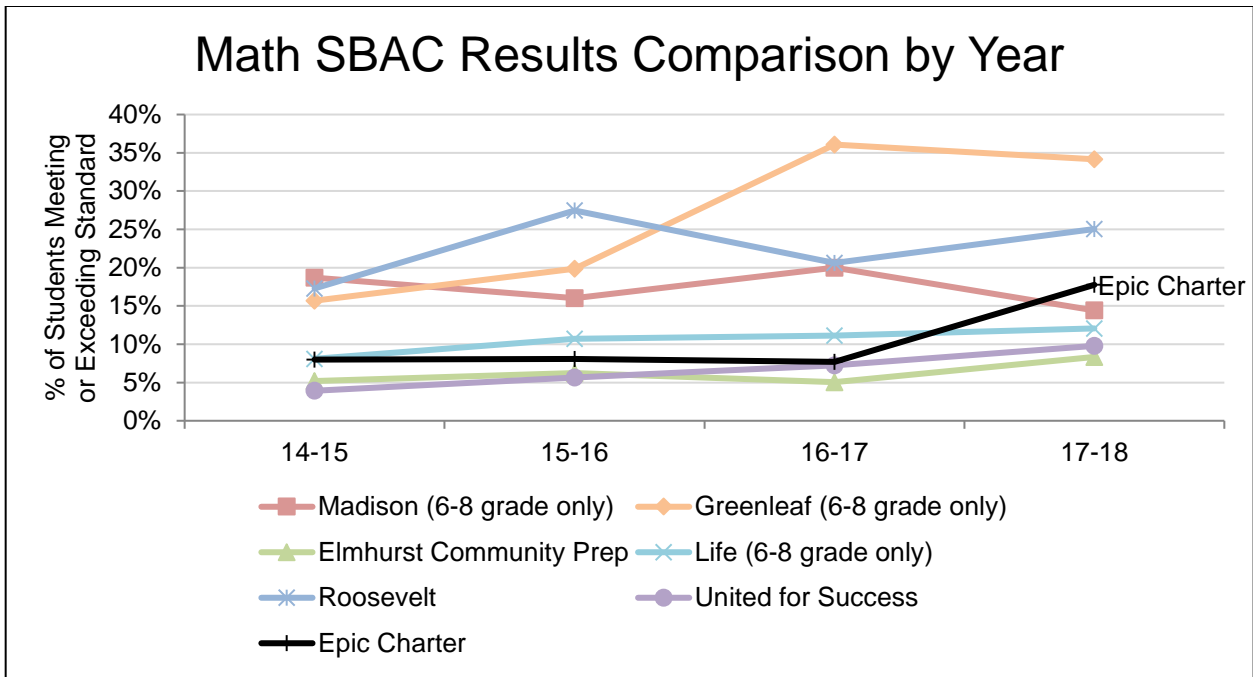


Figure 2. Source: CDE SBAC Research Files

CRITERIA FOR CHARTER PETITION REVIEW & RENEWAL PROCESS

STANDARDS AND CRITERIA FOR CHARTER SCHOOL PETITION REVIEW

Under the California Charter Schools Act, authorizers are required to apply the “standards and criteria” set forth for the review and approval or denial of a charter school petition. The following excerpt is taken from Section 47605(b) of the California Charter Schools Act (**bold emphasis added**);

*The governing board of the school district **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 by subdivision (a).*
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).*
- (5) The petition does not contain reasonably comprehensive descriptions of all of the [required charter elements].*
- (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.*

CHARTER RENEWAL EVALUATION PROCESS

OUSD staff evaluation of charter schools for the purpose of renewal, involves an effort to triangulate the evidence base in support of a recommendation of approval or denial of the charter renewal request. During this process, staff reviews the charter school’s performance report, analyzes data, and visits the school site, observing classrooms and conducting focus group interviews with students, teachers, site leadership, and board and/or home office staff.

PLEASE NOTE: This report is not exhaustive. Many areas would benefit from greater depth of coverage and many aspects of the evaluation set forth here warrant further discussion and elaboration. The intent is to provide adequate evidence upon which to base a charter renewal decision, while lending credence to the overall staff recommendation.

COMPLIANCE OVERVIEW

COLLECTIVE MEASURABLE PUPIL OUTCOMES (MPOS)

Epic adopted the Collective MPOs.

COMPLAINTS

The Office of Charter Schools logs complaints it receives for its authorized charter schools. However, unless the allegations meet specific criteria,¹ the Office of Charter Schools typically refers the complainant to school leadership, who is ultimately responsible for addressing the complaint in compliance with its adopted complaint policy. Therefore, the fact that a complaint is included in the table below does not necessarily mean that the complaint has been substantiated. Instead, it is a record of what has been reported to the Office of Charter Schools staff. Also, many complainants may not know that they can submit complaints to the Office of Charter Schools. Therefore, the absence (or a low number) of complaints does not necessarily mean that other complaints were not reported to the school or charter management organization.

During the current five-year charter term, the Office of Charter Schools received 2 complaints regarding Epic. No student, family, or employee complaints have been received for the 2018-19 school year as of September 26, 2018.

School Year	Complaints	Areas of Concern
2014-15	0	-
2015-16	0	-
2016-17	1	Alleged insufficient response by school leadership to bullying/incident involving physical altercation between students
2017-18	1	Alleged insufficient help by school official in enrolling student in high school after finishing 8 th grade
2018-19	0	-

Table 3. Source: OUSD Charter Schools Complaint Documentation

NOTICES OF CONCERN

Epic has received one Notice of Concern since OUSD staff began tracking this information in 2015-16.

School Year	Notices of Concern	Area(s) of Concern
2015-16	0	-
2016-17	0	-
2017-18	1	Fiscal concerns due to decreasing enrollment, deficit spending, negative fund balance, and low cash balance
2018-19	0	-

Table 4. Source: OUSD Charter Schools Notice of Concern Documentation

The Education for Change Board, not Epic specifically, received one Notice of Concern in September 2018 related to a Brown Act violation where Board meeting agendas posted online were not readily accessible to the public. Although the agenda was posted online, members of the public were required to request permission to access the agendas.

¹ Complaints where Office of Charter School staff will become involved include those alleging a severe or imminent threat to student health or safety, employee discrimination per Title 5 of the California Code of Regulations, or violations outlined in the California Education Code §47607(c).

WEBSITE AUDIT

According to the audit below, Epic is in compliance as all required and recommended documentation is posted on their website.

Report/Item	Posted Yes/No	Note
REQUIRED		
SARC Report (E.C. 35258)	Yes	-
Board Agenda & Meeting Date (E.C. 54950)	Yes	-
RECOMMENDED		
School Attendance Calendar	Yes	-
Board Approved Budget Report	Yes	-
Audit Report	Yes	-
LCAP Report / LCAP Budget	Yes	-
Fiscal & Conflict of Interest Policy	Yes	-
Board Members Contact Info	Yes	-

Table 5. Source: OUSD Charter Website Audit conducted in early October 2018.

STUDENT ENROLLMENT DEMOGRAPHICS

As shown below, Epic’s schoolwide enrollment increased while growing a grade level each year between 2014-15 and 2016-17; however, enrollment decreased substantially to 342 in 2017-18 and decreased again in 2018-19 to 318.

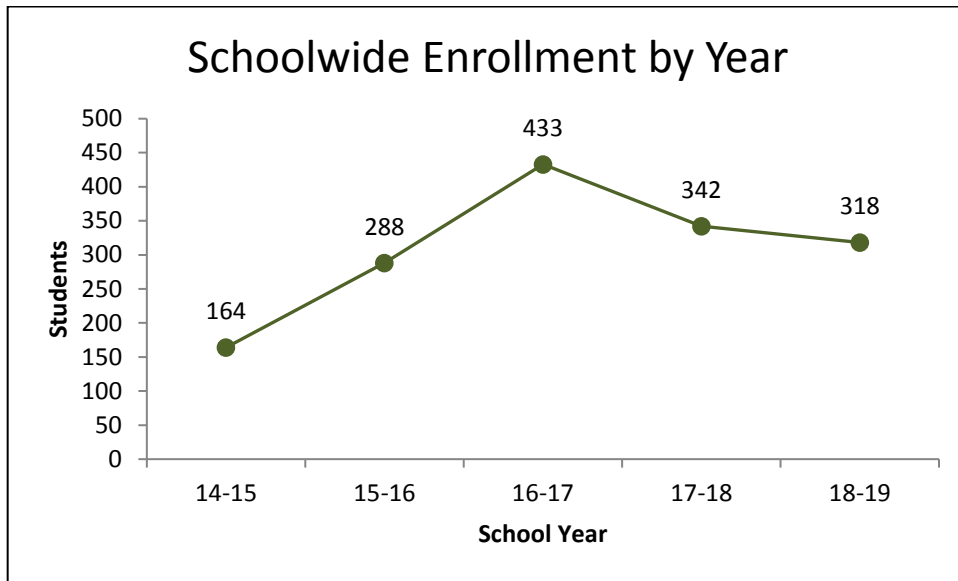


Figure 3. Source: CDE Downloadable School Enrollment Data Files for 2014-15 thru 2017-18; 2018-19 based on first end-of-month enrollment report submitted to OUSD (as of 9/14/18)

Epic’s 2018-19 enrollment varies slightly by grade level with 8th grade being the smallest cohort and 7th grade the largest.

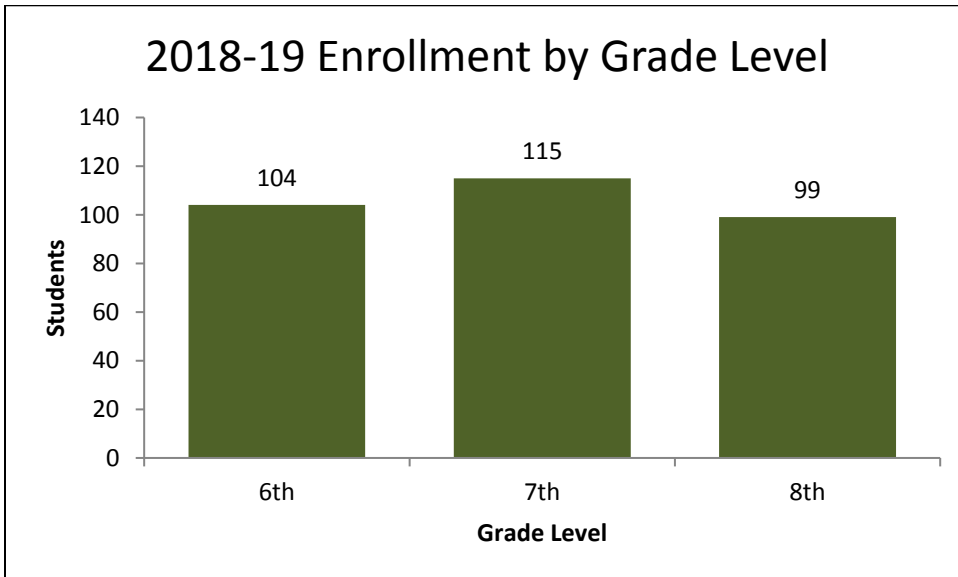


Figure 4. Source: First month enrollment report to OUSD (enrollment as of 9/14/18)

As shown in the following table, for 2017-18, Epic enrolled a higher percentage of Hispanic or Latino and FRPM-eligible students, a similar percentage of English Learners and Special Education students, and a lower percentage of African Americans than the OUSD average.

2017-18 Epic vs. OUSD Subgroup Enrollment Comparison		
ETHNICITY	Epic	OUSD Grades 6-8
Hispanic or Latino	80%	46%
African American	14%	24%
Asian	3%	13%
White	1%	10%
Other Ethnicities	1%	4%
GENDER		
Male	56%	52%
Female	44%	48%
OTHER SUBGROUPS		
Free/Reduced Price Meal-Eligible	94%	76%*
English Language Learners	32%	31%
Special Education	11%	12%*

Table 6. Source: ETHNICITY/GENDER/FRPM/EL – CDE Downloadable Data Files (School Enrollment, Free and Reduced Meals Program, English Learners); CHARTER SPECIAL EDUCATION – CDE DataQuest School Enrollment by Subgroup Report; OUSD SPECIAL EDUCATION – OUSD Department of Research, Assessment, and Data

*Grade-level-specific data not publicly available. These numbers represent the overall OUSD average.

The table below shows Epic’s enrollment by subgroup over the course of the current charter term.

% of Total Enrollment by Year (number enrolled in parentheses)					
Subgroup	14-15	15-16	16-17	17-18	18-19 ²
ETHNICITY					
Hispanic or Latino	83% (136)	80% (230)	79% (341)	80% (272)	73% (231)
African American	11% (18)	12% (34)	15% (63)	14% (48)	16% (52)
Asian	2% (4)	1% (4)	2% (8)	3% (10)	4% (12)
White	1% (2)	2% (5)	2% (8)	1% (2)	1% (4)
Other Ethnicities	2% (4)	5% (15)	3% (13)	3% (10)	6% (18)
GENDER					
Male	56% (92)	60% (173)	59% (256)	56% (191)	56% (178)
Female	44% (72)	40% (115)	41% (177)	44% (151)	44% (139)
OTHER SUBGROUPS					
Free/Reduced Price Meal-Eligible	93% (152)	90% (259)	96% (414)	94% (321)	*
English Language Learners	44% (72)	41% (117)	37% (161)	32% (110)	40% (128)
Special Education	8% (13)	10% (30)	9% (39)	11% (36)	12% (37)
TOTAL	164	288	433	342	317

Table 7. Source: ETHNICITY/GENDER/FRPM/EL – CDE Downloadable Data Files (School Enrollment, Free and Reduced Meals Program, English Learners); SPECIAL EDUCATION – CDE Dataquest (School Enrollment by Subgroup Report); ALL 2018-19 DATA – Self-Reported

* Data not yet available

² All 2018-19 data self-reported by the charter school. Enrollment data provided in Epic’s performance report included errors. The school provided corrected/updated numbers as of September 26, 2018 via email to OUSD staff.

ACADEMIC PERFORMANCE – SBAC PROFICIENCY

SCHOOLWIDE SBAC RESULTS BY YEAR

As shown in the figure below, Epic’s proficiency rate on the ELA SBAC has improved each year, increasing from 11% in 2014-15 to 27% in 2017-18. However, Epic has struggled on the Math SBAC with just 8% of students meeting or exceeding standards each year between 2014-15 to 2016-17. However, in 2017-18, the school made significant gains with 18% of students meeting or exceeding standards.

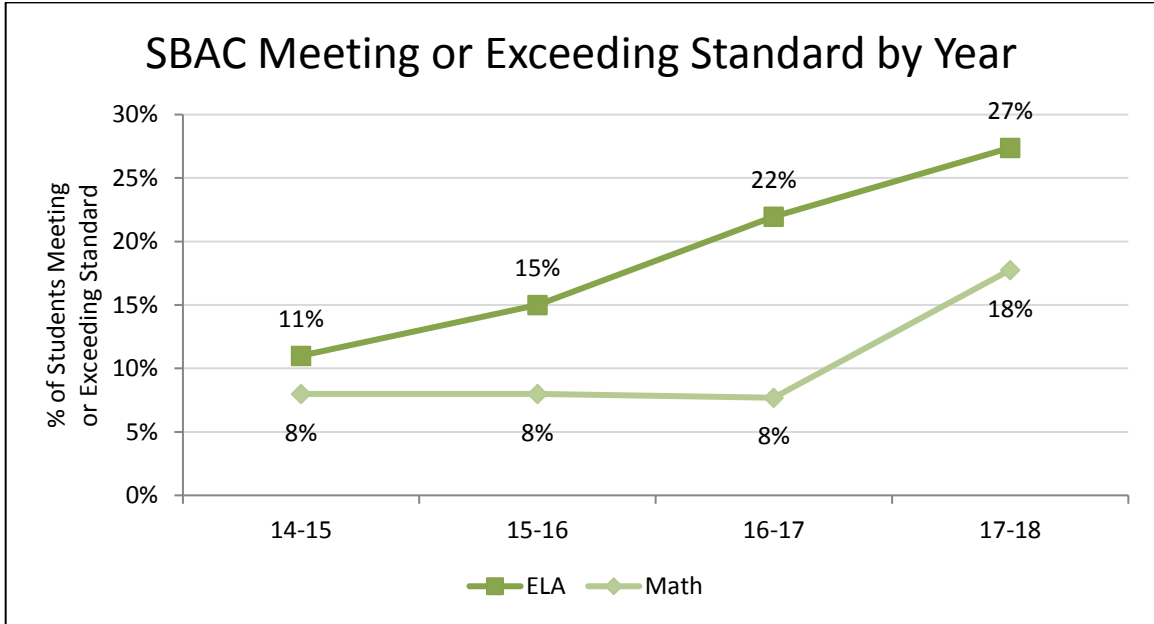


Figure 5. Source: CDE SBAC Research Files

2017-18 RESULTS BY GRADE LEVEL

The figure below shows the percentage of students meeting or exceeding SBAC standards by grade level at Epic. Higher grade levels had higher proficiency rates on both the Math and ELA SBAC when compared with lower grade levels.

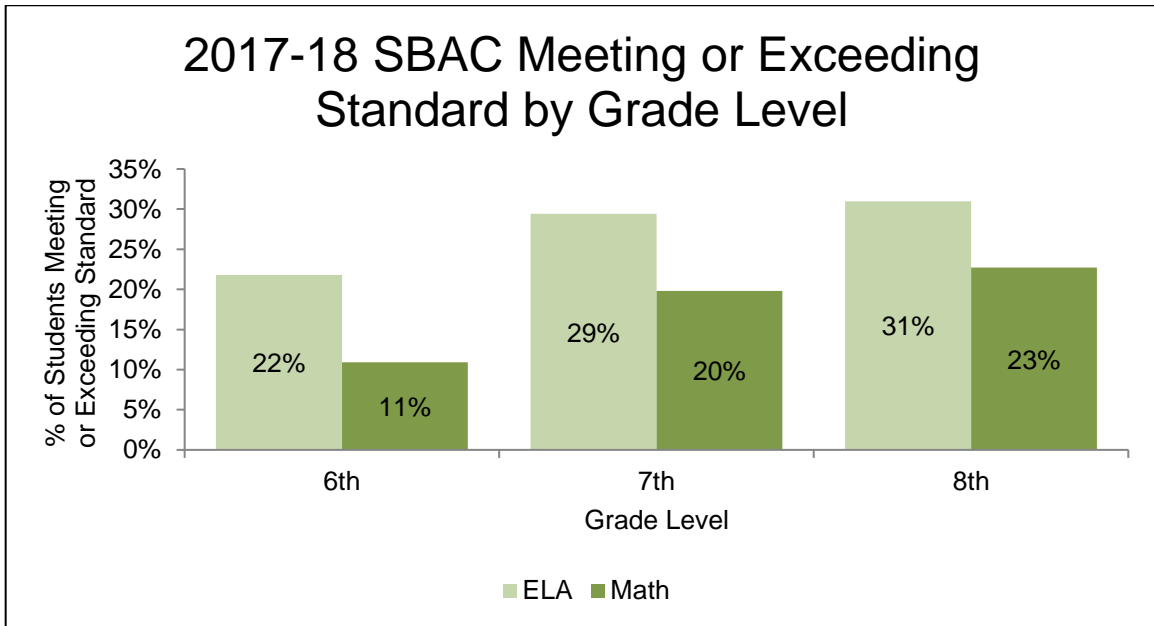


Figure 6. Source: CDE SBAC Research Files

SUBGROUP SBAC RESULTS BY YEAR

The following tables show how the school's performance (average of ELA and Math) compares to the district average for the following five subgroups: African American students, Hispanic students, economically disadvantaged students, students with disabilities, and English Learners. The district average is calculated using a similar grade span to the charter school.

Black or African American

Epic's African American students have slightly underperformed on the SBAC each year when compared with the districtwide average for 6th-8th grade African American students.

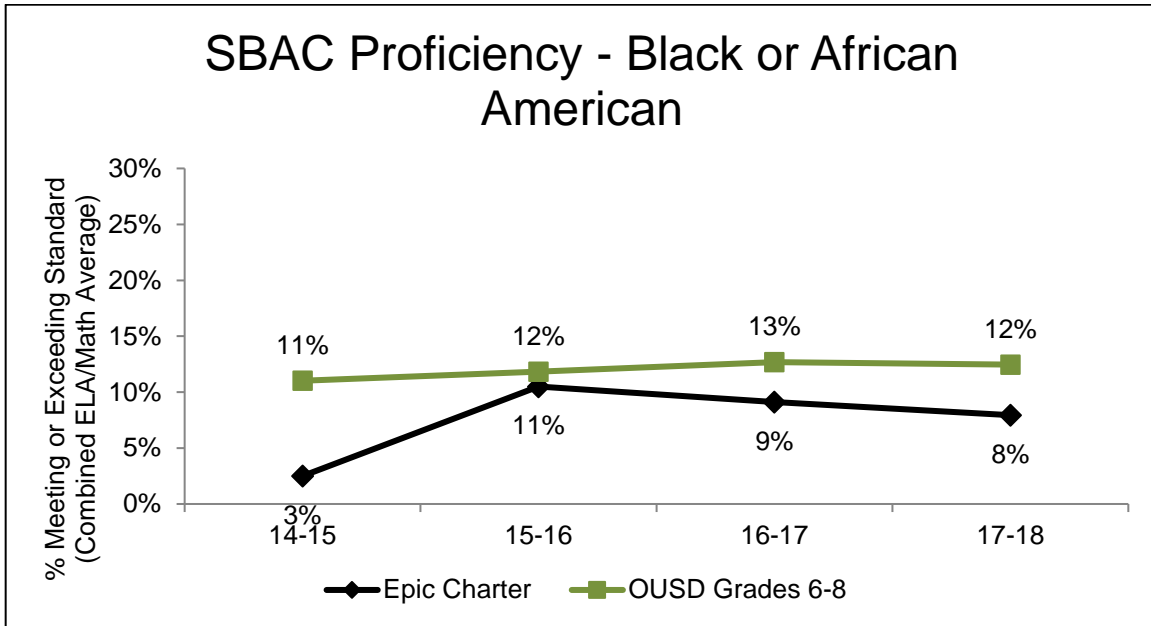


Figure 7. Source: CDE SBAC Research Files

Hispanic or Latino

For the first three years of the current charter term, Epic's Latino students have underperformed relative to the districtwide average for 6th-8th grade Latino students; however, in 2017-18, this trend reversed as Epic's Latino students outperformed relative to the districtwide 6th-8th grade average for Latino students.

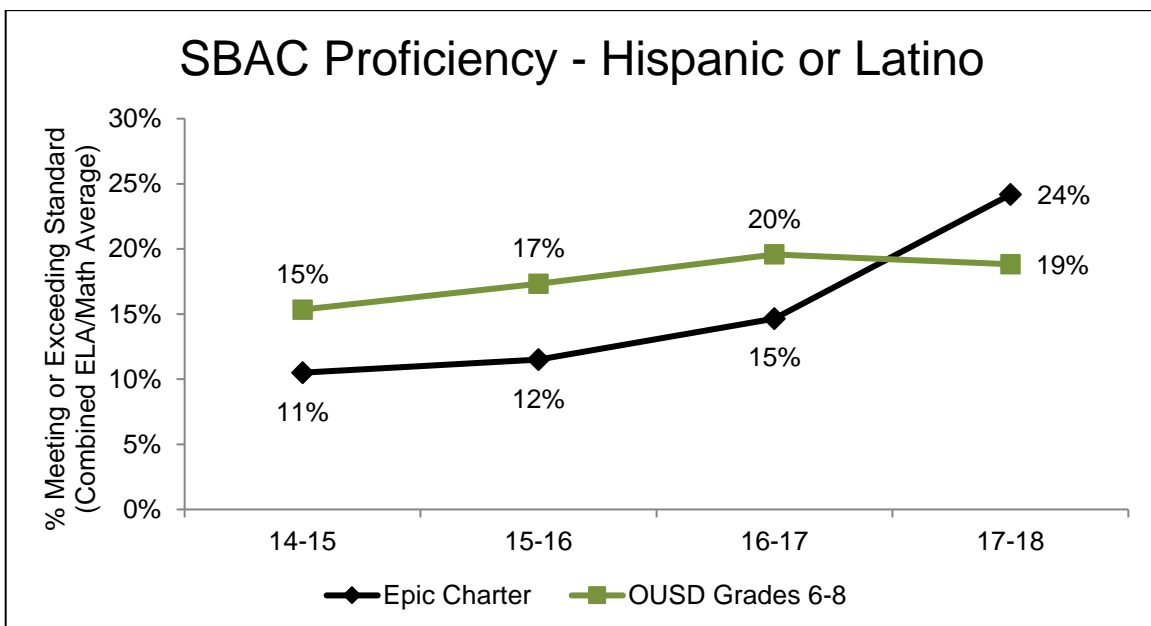


Figure 8. Source: CDE SBAC Research Files

Students with Disability

Proficiency rates for Students with Disabilities at Epic have increased slightly each year of the current charter term. Although Epic's Students with Disabilities underperformed relative to the districtwide average for the Students with Disabilities in 6th-8th grade over the first two years of the current charter term, Epic has outperformed the districtwide average during each of the past two years.

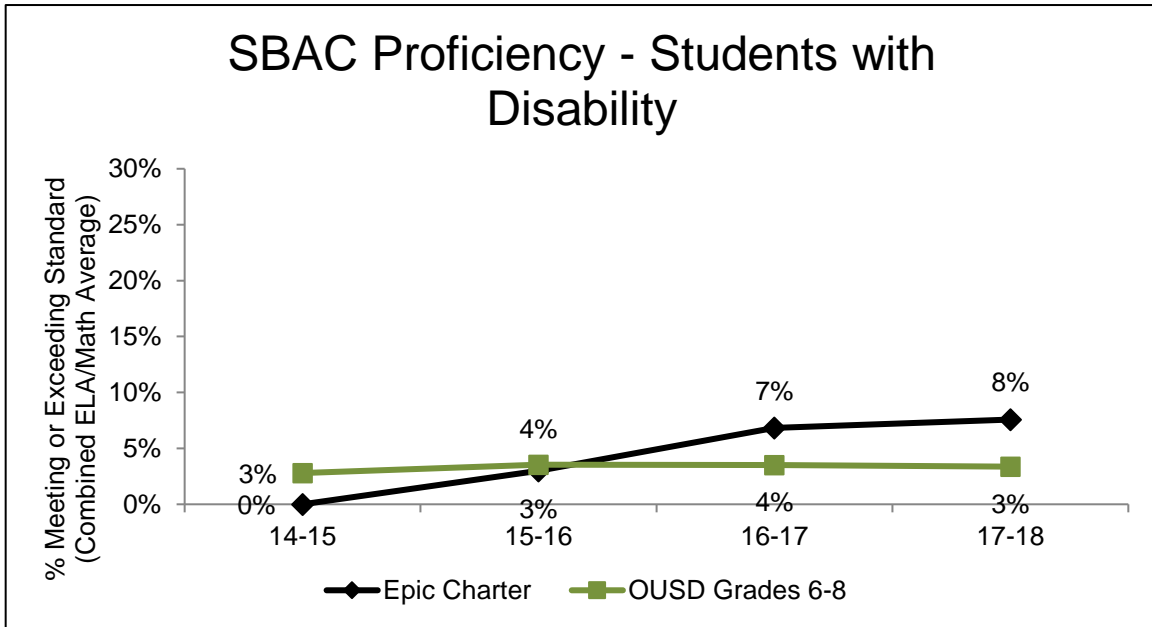


Figure 9. Source: CDE SBAC Research Files

Economically Disadvantaged

For the first three years of the current charter term, Epic's Economically Disadvantaged students have underperformed relative to the districtwide average for Economically Disadvantaged 6th-8th grade students; however, in 2017-18, this trend reversed as a higher percentage of Epic's Economically Disadvantaged students met or exceeded standards than the districtwide 6th-8th grade average for Economically Disadvantaged students.

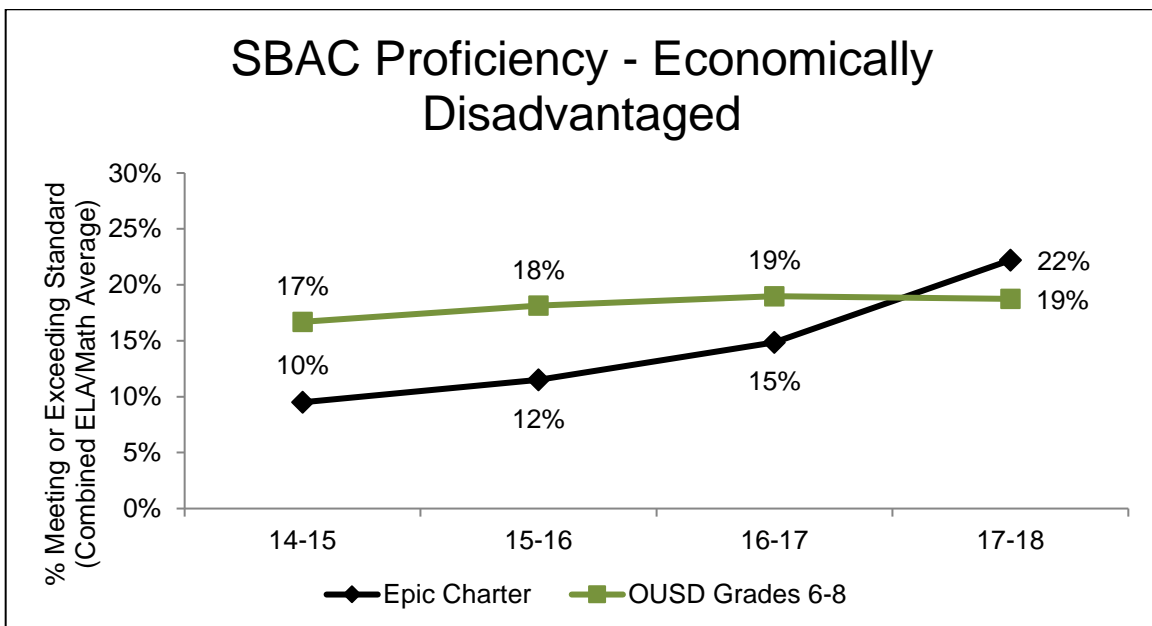


Figure 10. Source: CDE SBAC Research Files

English Learner

Although a slightly higher percentage of Epic’s English Learners met or exceeded standards in 2017-18, this subgroup performed similarly to the districtwide average for English Learners in grades 6-8 over the first 3 years of the charter term.

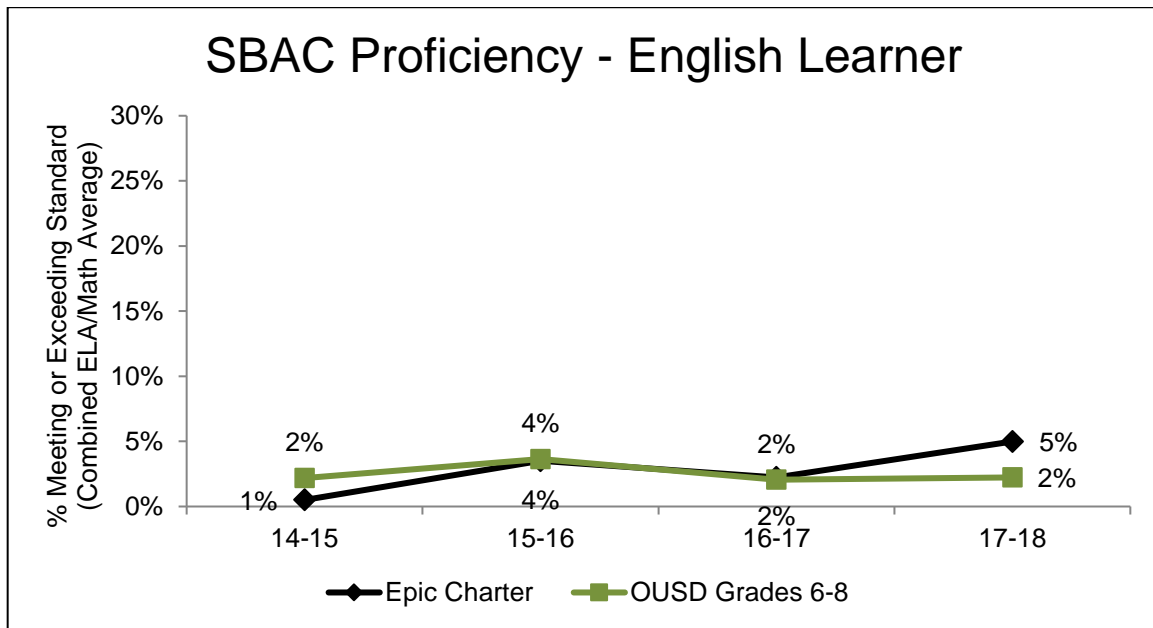


Figure 11. Source: CDE SBAC Research Files

Subgroup SBAC Results Summary Table

Subgroup Type	Subgroup	% Meeting or Exceeding Standard							
		ELA				Math			
		14-15	15-16	16-17	17-18	14-15	15-16	16-17	17-18
All Students	All Students	11	15	22	27	8	8	8	18
Disability Status	Students with No Reported Disability	12	16	23	29	9	9	8	19
	Students with Disability	0	3	8	9	0	3	6	6
Economic Status	Economically Disadvantaged	11	15	22	26	8	8	8	18
	Not Economically Disadvantaged	*	16	22	47	*	10	6	13
English-Language Fluency	Fluent-English Proficient and English Only	19	23	31	37	13	12	11	24
	English Learner	0	4	4	6	1	3	1	4
	Reclassified-Fluent English Proficient (R-FEP)	20	22	36	46	13	18	14	32
	English Only	11	19	20	20	8	5	4	8
	English Learners Enrolled in School in the U.S. 12 Months or More	0	5	4	6	1	3	1	4
	Initially-Fluent English Proficient (I-FEP)	45	*	57	*	27	*	36	*
Ethnicity	Black or African American	5	18	16	9	0	3	2	7
	Hispanic or Latino	12	15	22	30	9	8	7	19
Ethnicity for Economically Disadvantaged	Black or African American	6	20	18	8	0	3	2	8
	Hispanic or Latino	12	14	22	29	9	7	7	19
Ethnicity for Not Economically Disadvantaged	Hispanic or Latino	*	20	27	*	*	16	9	*
Gender	Males	6	15	20	22	8	8	8	18
	Females	17	15	25	34	8	8	8	17
Parent Education	Not a High School Graduate	7	15	21	30	2	7	6	17
	High School Graduate	5	11	16	25	2	6	2	16
	Some College (Includes AA Degree)	26	17	26	25	20	8	11	15
	College Graduate	*	38	38	29	*	13	7	14
	Parent Education -- Declined to State	12	9	24	24	18	14	15	19

Table 8. Source: CDE SBAC Research Files

* In order to protect student confidentiality, SBAC scores are not publicly available for any subgroup of 10 or fewer students. Subgroups with 10 or fewer students for all four years were excluded from the table above.

2017-18 RESULTS VS COMPARISON CHARTER SCHOOLS

The table below shows subgroup enrollment and the percentage of students meeting or exceeding SBAC standards on the 2017-18 ELA and Math SBAC for comparison charter schools. The comparison charter schools shown below were selected by considering charter schools in Oakland that serve similar grade level spans with comparable populations of students along three factors: percent of students who qualify for free and reduced price meals (FRPM), percent of students who are English Learners, and percent of students with disabilities. Epic outperformed 1 of 6 comparison charter schools on the ELA SBAC and 3 of 6 comparison charter schools on the Math SBAC.

School	2017-18 SBAC % Meeting or Exceeding Standard (grades 6-8 only)		2017-18 Subgroup Enrollment		
	ELA	Math	FRPM-Eligible (schoolwide)	English Learner (grades 6-8 only)	Special Education (schoolwide)
Aspire ERES	34%	14%	93%	34%	13%
Aspire Lionel Wilson	34%	27%	90%	32%	11%
Aspire Golden State	42%	22%	90%	29%	9%
Oakland Unity Middle	29%	17%	85%	33%	8%
Lighthouse	46%	27%	85%	39%	12%
Oakland Military Institute	26%	14%	83%	30%	10%
Comparison Charter Middle Schools Median	34%	19%	88%	33%	11%
Epic Charter	27%	18%	94%	32%	11%

Table 9. Source: CDE SBAC Research Files

SUMMARY OF EFFORTS TO SUPPORT UNDERPERFORMING SUBGROUPS

Epic’s Renewal Performance Report (pg. 6) outlines some of the school’s efforts to increase academic performance among subgroups, including the following:

- Modified master schedule to create more time for core content areas
- Reduced class size to under 25
- Added a 0.5 FTE position specific to managing the Multi-Tiered System of Supports (MTSS) and Coordination of Services Team (COST) to better identify and develop plans for struggling students and to monitor plans’ effectiveness.
- To support African American students, the school is focusing on addressing attendance issues, specifically chronic absenteeism, which is particularly high for African American students. Furthermore, the school is seeking to recruit and attract African American staff.
- To support Students with Disabilities and other struggling students, Epic hired additional education specialists, increasing the FTE from 2.0 to 2.5 to increase intervention blocks.
- For English Learners in levels 1-2, Epic has an ELD interventions period led by the school’s ELA/ELD coach.

MEASURABLE PUPIL OUTCOMES

The following is an analysis of the extent to which the school has met its Measurable Pupil Outcomes (MPOs) as stated in the charter petition. In addition to the transition to Common Core resulting in gaps in data related to MPOs, schools that voluntarily adopted the Collective MPOs also suffered a gap in, or limited, data points since these only went into effect in 2015-16. Therefore, schools did not have the benefit of an entire charter term, which they are entitled to, in order to meet the two different sets of MPOs as outlined.

SUMMARY OF MPO PROGRESS

MPO Summary	Previous MPOs (2014-15)	Collective MPOs (2015-16 thru present)
Met	0	6
Substantial Progress ³	0	2
Not Met	0	4
No Data/Target	22*	0

Table 10. Source: Staff analysis of Charter Renewal Performance Report; CDE SBAC Research Files

* Previous MPOs were based on 14-15 baseline data. Since Collective MPOs were adopted for 2015-16, only baseline data was available so annual progress could not be measured for the 14-15 MPOs

PREVIOUS MPOS (2014-15)

Subject Areas & Measurable Pupil Outcomes	Assessment Tools	Targeted Annual Growth 15-19	Performance 2014-15	Met, Substantial Progress, Not Met, or No Data
Outcomes 1-8	Multidisciplinary Quest	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	Did not use in this year	No Data
	Report Card	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	Did not use in this year	No Data
	Exit Tickets	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	Did not use in this year	No Data
Outcome 1: English Language Arts	NWEA MAP (EFC-wide)	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	28% baseline performance	No Data
	California Smarter Balanced Assessment*	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	11% baseline performance	No Data
	****Performance and History Writing Tasks (EFC-wide)	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	Did not use in this year	No Data
	*Achieve 3000 tests	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	Did not use this program	No Data
	*Common Core aligned benchmarks (Intel-Assess)	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	37% baseline performance	No Data

³ In determining whether a MPO has “not been met,” yet there has been “substantial progress” towards fulfillment of the goal, we considered the number of years the MPO was met vs. not met, how close the school was to achieving the MPO, the overall trend over the course of the charter term, and the MPO’s rigor.

Subject Areas & Measurable Pupil Outcomes	Assessment Tools	Targeted Annual Growth 15-19	Performance 2014-15	Met, Substantial Progress, Not Met, or No Data
Outcome 4: Mathematics	NWEA MAP (EFC-wide)	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	18% baseline performance	No Data
	California Smarter Balanced Assessment	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	8% baseline performance	No Data
	*Common Core aligned benchmarks (Intel-Assess)	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	Did not use in this year - use EFC CC benchmarks	No Data
	**EFC CC Benchmarks	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	30% baseline performance	No Data
Outcomes 5,6,7: Science, Technology, Engineering (STE) Specific	***California Standards Test in Science (CST)	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	6th grade only - no students tested	No Data
	PLTW GTT	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	41.2% scoring 3 or 4 out of 4 on T3 design report card as baseline performance	No Data
	*eScience 3000 lesson tests	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	Ultimately did not use this program	No Data
Outcome 1: History-Social Science	**California Standards Test in History-Social Science (CST)	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	Not tested in 6th grade	No Data
	*History Alive	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery by 5%	82.5% scoring "adequate" on T3 report history card as baseline performance	No Data
Outcome 2: English Language Development (in addition to assessments indicated for general education population)	**CELDT	Baseline established 2014-15 Increase number of ELLs gaining one proficiency level on the CELDT year over year to Baseline + 5%	61% baseline	No Data
	ADEPT or other ELD assessment	Baseline established 2014-15 Increase number of ELLs gaining one proficiency level on the ADEPT year over year to Baseline + 5%	Did not use this assessment; we moved away from the assessment across the organization	No Data
Outcomes 1-8: Special Education (in addition to assessments indicated for general education population)	Tri and Annual Review Assessments	Baseline established 2014-15 Increase number of SPED students meeting all IEP goals to Baseline + 5%	40% baseline	No Data
Outcome 8: Physical Education and Health	President's Physical Fitness Test	Baseline established 2014-15 Increase number of students meeting goals annually + 5%	Not tested in 6th grade	No Data

Subject Areas & Measurable Pupil Outcomes	Assessment Tools	Targeted Annual Growth 15-19	Performance 2014-15	Met, Substantial Progress, Not Met, or No Data
Outcome 9: Social Emotional Learning	Points and badges for character development	Baseline established 2014-15 Cohort = Increasing % students demonstrating mastery annually by 5%	3.81 was the average response to the SCAI survey "Attitude & Culture" domain	No Data

Table 11. Source: Charter Renewal Performance Report

COLLECTIVE MPOS (2015-16 THRU 2017-18)

	Measurable Pupil Outcome	Amount		2015-16	2016-17	2017-18	Met, Substantial Progress, Not Met, or No Data
		(1)	(2)				
1	By the end of the charter term, increase the percent of students scoring level 3 or level 4 on the ELA portion of the SBAC by at least <u>(1)</u> percent or achieve a level of <u>(2)</u> percent.	5%	70%	15%	22%	27% (16% increase) (14-15 Baseline=11%)	Met
2	By the end of the charter term, for each numerically significant student subgroup,* increase the percent of students scoring level 3 or level 4 on the ELA portion of the SBAC by at least <u>(1)</u> percent or achieve a level of <u>(2)</u> percent.	-	-	-	-	-	Substantial Progress
	Hispanic or Latino	5%	70%	15%	22%	30% (18% increase) (14-15 Baseline=12%)	
	Black or African American	5%	70%	18%	16%	9% (4% increase) (14-15 Baseline=5%)	
	English Learners	5%	70%	4%	4%	6% (6% increase) (14-15 Baseline=0%)	
	Low-Income Students	5%	70%	15%	22%	26% (15% increase) (14-15 Baseline=11%)	
	Students with Disabilities	5%	70%	3%	8%	9% (9% increase) (14-15 Baseline=0%)	
3	By the end of the charter term, increase the percent of students scoring level 3 or level 4 on the Math portion of the SBAC by at least <u>(1)</u> percent or achieve a level of <u>(2)</u> percent.	5%	70%	8%	8%	18% (10% increase) (14-15 Baseline=8%)	Met

Measurable Pupil Outcome	Amount		2015-16	2016-17	2017-18	Met, Substantial Progress, Not Met, or No Data	
	(1)	(2)					
<p>4 By the end of the charter term, for each numerically significant student subgroup,* increase the percent of students scoring level 3 or level 4 on the Math portion of the SBAC by at least <u>(1)</u> percent or achieve a level of <u>(2)</u> percent.</p>	-	-	-	-	-	Substantial Progress	
	Hispanic or Latino	5%	70%	8%	7%		19% (10% increase) (14-15 Baseline=9%)
	Black or African American	5%	70%	3%	2%		7% (7% increase) (14-15 Baseline=0%)
	English Learners	5%	70%	3%	1%		4% (3% increase) (14-15 Baseline=1%)
	Low-Income Students	5%	70%	8%	8%		18% (10% increase) (14-15 Baseline=8%)
	Students with Disabilities	5%	70%	3%	6%		6% (6% increase) (14-15 Baseline=0%)
<p>5 Each year, <u>(1)</u> percent of students will increase <u>(2)</u> on the <u>(ELA/Reading Assessment)</u> or achieve proficiency.</p> <p><i>ELA/Reading Assessment: MAP (2015-16); ELA Benchmark (2016-17)</i></p>	60%	Met typical RIT growth	26%	38%	No data provided	Not Met	
<p>6 Each year, for each numerically significant student group,* <u>(1)</u> percent of students will increase <u>(2)</u> on the <u>(same assessment as #5)</u> or achieve proficiency.</p>	-	-	-	-	-	Not Met	
	Hispanic or Latino	60%	Met typical RIT growth	24%	40%		No data provided
	Black or African American	60%	Met typical RIT growth	26%	28%		No data provided
	English Learners	60%	Met typical RIT growth	18%	35%		No data provided
	Low-Income Students	60%	Met typical	25%	38%		No data provided

Measurable Pupil Outcome	Amount		2015-16	2016-17	2017-18	Met, Substantial Progress, Not Met, or No Data
	(1)	(2)				
		RIT growth				
Students with Disabilities	60%	Met typical RIT growth	No data provided	33%	No data provided	
7	Each year, _____ percent of ELs will improve one overall proficiency level on CELDT.	40%	59%	58%	No data due to transition to ELPAC	Met
8	Each year, have less than _____ percent of students absent more than 10% of the school days (chronic absence).	8%	12%	16%	19%	Not Met
9	Each year, for each numerically significant student group,* have less than _____ percent of students absent more than 10% of the school days (chronic absence).	-	-	-	-	Not Met
	Hispanic or Latino	8%	12%	14%	15%	
	Black or African American	8%	17%	27%	31%	
	English Learners	8%	16%	20%	13%	
	Low-Income Students	8%	13%	15%	19%	
	Students with Disabilities	8%	28%	29%	29%	
10	Each year, at least _____ percent of students and families positively rate school safety.	75%	Students: 75% Parents: 100%	Students: 80% Parents: 94%	Students: 84% Parents: 97%	Met
11	Each year, at least _____ percent of students and families positively rate academic instruction.	75%	Students: 89% Parents: 100%	Students: 91% Parents: 94%	Students: 85% Parents: 95%	Met
12	Each year, at least _____ percent of students and families positively rate their voice in school decision-making and/or opportunity for feedback.	75%	Students: 84% Parents: 100%	Students: 80% Parents: 100%	Students: 78% Parents: 97%	Met

Table 12. Source: MPOs 1-4 CDE SBAC Research Files, MPOs 5-6 Annual MPO Updates to OUSD, 7-12 Charter Renewal Performance Report;

*The table below shows the number of students needed for a student group to be deemed numerically significant.

Criteria for Determining Numerical Significance of Student Subgroups	
Applicable MPO(s)	Criteria for a Subgroup to be Considered Numerically Significant
2	11 or more students with scores on the ELA SBAC
4	11 or more students with scores on the Math SBAC
6 & 9	30 or more students enrolled at school as of the CBEDS census date (or 15 or more students enrolled for Students in Foster Care subgroup)

Table 13. Source: Collective MPOs

FINANCE & OPERATIONS

FINANCIAL REPORTING DATA

Epic’s Average Daily Attendance (ADA) and enrollment increased consistently each year from 2014-15 through 2016-17 but decreased substantially in 2017-18. The school had a negative fund balance for the last three fiscal years. The Education for Change Home Office provided a one-time donation of \$1.1M to bring Epic’s fund balance back into the positive.

Fiscal Year	P2 ADA	Cumulative Attendance %	P2 Enrollment in April	Ending Fund Balance per Audit - June 30
2018-19 (Projected)	300.67	94.71%	323	\$205,640 (Projected)
2017-18	313.95	92.87%	328	\$203,206 (Projected)
2016-17	402.21	93.65%	418	(\$496,098)
2015-16	275.25	94.69%	301	(\$387,169)
2014-15	157.97	85.84%	167	(\$38,074)

Table 14. Source: Audit, Attendance, and State P2 Reports

TEACHER RETENTION

Epic’s teacher retention rate for 2018-19 was 47% as the school retained 7 of 15 teachers from 2017-18. School leadership stated high staff turnover for 2018-19 resulted from changes in the school leadership and program design. They attributed high turnover rates from previous years to weak schoolwide systems and an ambitious original charter.

TEACHER CREDENTIALING

The table below shows teacher credentials for core subject and special education teachers at the school.

Credential Term	# of Teachers	%	Credential Document Title(s)
Clear	2	13%	Single Subject (2)
Preliminary	7	47%	Single Subject (4), Multiple Subject (2), Education Specialist (1)
Intern	5	33%	Single Subject (1), District Intern Credential (3), Education Specialist (1)
Level I	1	7%	Education Specialist (1)
Total	15	100%	-

Table 15. Source: Teacher Credentialing Information Reported by School to OUSD as of September 26, 2018

RENEWAL SUMMARY

In order to determine if the charter school has adequately fulfilled a renewal standard, Office of Charter School staff consider evidence gathered from the school's petition and supporting documentation, the two-day site visit, and the school's performance during its previous charter term.

Strengths and challenges highlighted in Renewal Standards I and II refer to those noted on the Charter School Renewal Quality Review Rubric found in Attachment I. The CSRQR rubric was developed with the influence of the California Charter Schools Association's Quality Standards for Charter School Operations used for Charter School Certification. Office of Charter School staff rated the charter school's performance on the CSRQR rubric after considering the school's self-assessment on their Performance Report and classroom observations and focus group interviews with stakeholders conducted as part of the two-day site visit held on 08/27/18 and 08/28/18.

RENEWAL STANDARD I: IS THE SCHOOL ACADEMICALLY SOUND?

For Renewal Standard I, Office of Charter School staff considered the ratings and evidence found in the CSRQR Criteria 1: Improving Student Achievement, Criteria 2: Strong Leadership, and Criteria 3: A Focus on Continuous Improvement. In addition, staff also considered the school's staff, student, and family survey results, staff and family handbooks, staff development and leadership opportunities, and student achievement data. Based on this, EPIC Charter Academy's strengths and challenges related to Renewal Standard I are noted below.

Strengths:

- Coaching and professional development in place to develop teacher capacity (2.2)
- Data-driven decisions in staffing and school-wide planning (3.1, 3.2)
- In-house Special Education and partnership with Seneca to support students with disabilities and mental health needs (1.5)
- Bilingual Parent Coordinators and translation provided to engage families (1.6)
- Consistently increasing proficiency rates on ELA SBAC (1.1)

Challenges:

- High chronic absenteeism (19%), disproportionately high chronic absenteeism for African-American students (31%) and Students with Disabilities (29%) (1.1)
- Stagnant growth on Math SBAC prior to 2017-18 (1.1)

The average score for CSRQR Criteria 1, 2, and 3 was a **3.6 (out of 5)**.

Renewal Standard I:

Based on an analysis of Epic Charter Academy's performance outcomes, an evaluation of its educational program over the past four years, and improvement plans contained in the "Performance Report" (Appendix I of petition) the school is deemed **academically sound** for the purposes of renewal.

RENEWAL STANDARD II: IS THE SCHOOL AN EFFECTIVE, VIABLE ORGANIZATION?

The effectiveness and viability of the charter school has been evaluated by considering the ratings and evidence for CSRQR Criteria 4: Responsible Governance and CSRQR Criteria 5: Fiscal Accountability. Office of Charter School staff also considered the school's annual financial audits, effective resolution of parent/community complaints, official attendance and admission policies, timeliness of mandated reporting requirements, effective use of resources, financial controls, and budgeting process, strength of Governing Board oversight, and standing with parents and community members. Based on this, EPIC Charter Academy's strengths and challenges related to Renewal Standard II are noted below.

Strengths

- CMO Home Office and Board provide support to school site in the following areas (4.1):
 - Governance
 - Fiscal Management/Budgeting
 - Human Resources
 - School Community Surveys
 - Leadership professional development
- Family engagement in governance and recruitment through the Family Leadership Council and Family Leadership Committee (4.5)
- Enrollment of a representative (to Oakland as a whole) proportion of English Learner student populations (4.6)

Challenges

- Enrollment has decreased substantially over the past two years (5.4)
- Required one-time donation from CMO Home Office in 2017-18 (5.2)

The average score for CSRQR Criteria 4 and 5 was a **3.9 (out of 5)**.

Renewal Standard II:

Based on this analysis, Epic Charter Academy is deemed an **effective, viable organization** for the purposes of charter renewal.

RENEWAL STANDARD III: HAS THE SCHOOL BEEN FAITHFUL TO THE TERMS OF ITS CHARTER?

When determining whether the charter school adequately adhered to the terms of its charter, Office of Charter School staff reviewed the school's performance and operations throughout its charter term and evaluated the extent to which the school has implemented the terms of its charter. Areas of focus include the charter's adherence to its Proposed Educational Program, pursuit of Measurable Pupil Outcomes, and compliance with regulatory elements. Where the school has deviated from the terms of its charter, the review analyzed the extent to which the deviation had a positive or negative impact on the school's attempt to achieve its stated goals.

In the case of Epic Charter Academy, it is worth noting that the Proposed Educational Program has shifted significantly from the previous charter petition. However, this deviation appears to have positively impacted student achievement given the increase in student achievement data in 2017-18.

Staff has reviewed the school's records on file with the District and deemed that Epic has sufficiently adhered to its proposed educational program and has sufficiently pursued its measurable pupil outcomes as stated in its charter.

Renewal Standard III:

Based on the review of the school's records and performance, Epic Charter Academy is deemed to have been **faithful to the terms of its charter**.

The school has met or made substantial progress toward meeting its adopted Measurable Pupil Outcomes.

RENEWAL STANDARD IV: DOES THE CHARTER PETITION CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF THE REQUIRED ELEMENTS?

Fifteen Elements Table – 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 the 15 elements related to a school’s operation. During evaluation, staff confirm that the charter petition includes each element, as well as all District Required Language and any language required by new laws and regulations enacted since the previous charter authorization. Staff also account for and assess any major revisions to the previous charter and any proposed actions to remediate shortcomings in the school’s performance. Please see the results of this analysis contained in the following table.

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

Table 16. Source: E.C. §§ 47605(b)(5)(A) to (P)

Renewal Standard IV: Petition as submitted, with appendices, contains reasonably comprehensive descriptions of all required elements set forth in charter law.

PLANS FOR IMPROVEMENT

Notable areas of improvement listed in Epic's Performance Report include:

- Implementing the Personalized Leadership Development curriculum in Advisory and PE to build school culture.
- Improving instructional practice by adding subject area content coaches, using consistent lesson and unit planning expectations, and offering professional development and coaching around the effective use of checks for understanding.
- Adding math tutoring and intervention for 6th grade students
- Introducing a case manager to monitor and reduce African-American chronic absenteeism
- Adopting additional curriculum to support English Learners in History and Science
- Building an EFC-wide African-American Advisory Committee to increase recruitment of African-American students
- Developing an in-house Special Education team to provide supports needed by moderate/severe special education students

RECOMMENDATION

It is the recommendation of staff, based on its thorough analysis of the charter school's performance, to approve the charter renewal petition for Epic Charter Academy, as revised per Attachment II, because the charter school has sufficiently **met** the standards and expectations set forth in the OUSD Charter Renewal Standards, as well as the standards and criteria set forth in the California Charter Schools Act, Education Code 47605, which governs charter school renewals.

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

This report recommends that the Oakland Unified School District Board of Education **approve** the charter renewal petition for **Epic Charter Academy**, incorporating the text amendments attached to this report, for a term of five years, as required by law (Education Code 47605 d(1)). The charter renewal term would begin on July 1, 2019 and expire on June 30, 2024. Staff recommends this approval based on factual findings, specific to this particular charter school and renewal petition. Be it here acknowledged, pursuant to the charter petition text submitted by the petitioner, which if renewal is granted the petitioner opts to receive funding directly from the state

Because the charter is a legally binding performance contract, exact language is important. Therefore, this report recommends that the charter's text be amended as indicated in the attachment to this report. With these amendments, the charter contains reasonably comprehensive descriptions of all of the required charter elements.

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

ATTACHMENT I: CHARTER SCHOOL RENEWAL QUALITY STANDARDS CRITERIA

Making Consistent Judgments

In the complex context of school review, it is important that the terminology used is clearly understood by everyone concerned. It is also imperative that everyone recognizes that there are many ways in which a school's program for improving student outcomes can merit a particular evaluation and that awarding levels is a matter of informed professional judgment and not simply a technical process. The following rubric is included to assist reviewers in making consistent judgments.

- An evaluation of **(5)** applies to schools characterized, overall, by strengths. There are very few or no weaknesses and any that exist do not diminish the students' experience. Although an evaluation of (5) represents a high standard of quality, it is a standard that is achievable by all schools. It implies that the school may appropriately continue its provision without significant adjustment, and that there is compelling evidence that this provision can be sustained at a high level. However, all schools are expected to continue to take advantage of all opportunities to improve. The Quality Indicator (QI) for this provision is ***excellent***.
- An evaluation of **(4)** applies to schools where efforts to improve student achievement are characterized by a number of strengths. There are a few weaknesses, but neither singly nor collectively, do these have a significant adverse impact on the student experience. An evaluation of (4) may be appropriate in circumstances where the provision may make for a productive student experience; but it may not apply consistently to most or all students. There is strong evidence that this provision can be sustained at a level that positively impact student experiences. Typically, the school's academic-improvement practices will be characterized by strengths but one or more weaknesses will reduce the overall quality of the practices. The Quality Indicator (QI) for this provision is ***proficient***.
- An evaluation of **(3)** applies to schools characterized by some strengths, but where some important weaknesses have an impact on the quality of students' experiences. In general, an evaluation of (3) will imply the need for structured and timed action on the part of the school. It may be arrived at in a number of circumstances. There may be some of strengths, but there will also be weaknesses which will be, either individually or collectively, sufficient to diminish the student experience in significant ways. There may be an overall lack of evidence that this provision can be sustained or implemented by the school at a level to positively impact student experiences. The QI for the provision provided is ***underdeveloped***.
- An evaluation of **(2)** applies to schools where provisions are characterized by weaknesses that require immediate and significant corrective action by the school. Some, if not all, staff responsible for improving student achievement require support from senior managers in planning and carrying out necessary actions to enhance the effectiveness of the school's efforts to improve student outcomes. There are a few strengths but these are overshadowed by the impact of the weaknesses. There is little evidence that this provision can be sustained or implemented by the school at a level to positively impact student experiences. The Quality Indicator (QI) for this provision is ***inadequate***.
- An evaluation of **(1)** applies when there are major weaknesses in provision, requiring immediate remedial action on the part of the school. The student experience is at risk in significant respects. In almost all cases, staff responsible for provision evaluated unsatisfactory will require significant support from senior managers in planning and carrying out the necessary actions to effect improvement. This may involve working alongside effective peers in or beyond the school. There is no evidence that this provision can be sustained or implemented by the school to positively impact student experiences. The Quality Indicator (QI) for this provision is ***unsatisfactory***.

CRITERIA 1: IMPROVING STUDENT ACHIEVEMENT

A charter school promotes student learning through a clear vision and high expectations. It achieves clear, measurable program goals and student learning objectives, including meeting its stated performance standards, state and federal performance standards, and closing achievement gaps of students.

Criteria for Evaluating Improving Student Achievement		Score	Comments
1.1	Demonstrates high expectations for student achievement	3	<ul style="list-style-type: none"> • Met or made substantial progress on 8/12 (67%) MPOs • Schoolwide Playbook sets consistent school behavioral norms • Students stated that support from staff was consistent and expectations were clear • Consistently increasing proficiency rates on ELA SBAC • Increasing SBAC proficiency rates for Latino, Special Education, FRPM-eligible subgroups • <i>High schoolwide chronic absenteeism rate (19%)</i> • <i>Stagnant growth on Math SBAC prior to 2017-18</i>
1.2	Provides a challenging and coherent curriculum for each individual student	3	<ul style="list-style-type: none"> • ELA: Achievement First, ThinkCirca, Lexia, Power Up, Facing History, Wilson Reading • Math: Open Up resources, ST Math • History: ThinkCirca, History Alive • Science: Amplify, LabAids, ReadWorks, Edpuzzle, PH4 • Multi-Tiered Systems of Support (MTSS) • Coordination of Services Team (COST) • SpEd support: 2.5 FTE educational specialists, pull-out, push-in supports • <i>Lower proficiency on SBAC for African Americans than districtwide average for African American students</i> • <i>ELD support: variable and dependent on teacher</i>
1.3	Implements and directs learning experiences (consistent with the school's purpose and charter) that actively engage students	3	<ul style="list-style-type: none"> • Enrichment: Integrated sports teams, LGBTQ support club, Student government • Laptops and technology provided to students and teachers • 9 of 12 classrooms observed had fair/strong instruction

Criteria for Evaluating Improving Student Achievement		Score	Comments
			<ul style="list-style-type: none"> • <i>Reliant on teacher-centered instruction</i>
1.4	Uses the results of evaluation and assessment as the basis for the allocation of appropriate resources to promote high levels of student achievement.	3	<ul style="list-style-type: none"> • Diagnostics for math and ELA used to individualize student work • Teachers use data cycles to analyze student misconceptions and reteach • <i>18% of students proficient on Math SBAC, 27% of students proficient on ELA SBAC</i>
1.5	Promotes academic risk taking by supporting students in a safe, healthy and nurturing environment characterized by trust, caring and professionalism	3	<ul style="list-style-type: none"> • Partnership with Seneca for mental health services and tier 3 support • Advisory curriculum aimed to help with emotional regulation • Restorative Justice circles • Staff Guides support students and connect with staff to close communication loops • 11 of 12 classrooms observed had fair/strong classroom management • <i>African American students (12% of total enrollment) made up 43% of 17-18 suspensions</i>
1.6	Productively engages parental and community involvement as a part of the school's student support system	4	<ul style="list-style-type: none"> • Back to school night, home visits, student-led conference • 2 Parent Coordinators • Family Leadership Council monthly meeting and 2 representatives on the EFC-wide Family Leadership Committee • After school program provided with homework help • Translation provided at meetings
1.7	Involves staff, students, parents and other stakeholders (including the school's authorizer) in its accountability for student learning and provides regular, public reports on the school's progress towards achieving its goals	4	<ul style="list-style-type: none"> • Family Leadership Council involved in analysis and decision making • Information shared with families through Parent Square, Homework Hub, school website, Parent Portal, Illuminate • TRIPOD, 360, SCAI surveys gather feedback

CRITERIA 2: STRONG LEADERSHIP

The leaders of a charter school are stewards of the charter’s mission and vision and carry out their duties in a professional, responsible and ethical manner. Charter school leaders use their influence and authority for the primary purpose of achieving student success.

Criteria for Evaluating Strong Leadership		Score	Comments
2.1	Effectively communicates and engages stakeholders in the vision and mission of the school	4	<ul style="list-style-type: none">• TRIPOD, SCAI gather student/family feedback• Parents describe a supportive school culture focused on addressing individual student needs and communication
2.2	Generates and sustains a school culture conducive to staff professional growth	4	<ul style="list-style-type: none">• Teacher survey data, EFC-wide priorities, and site level data used in developing PDs• “Strong Start” coaching model and real-time coaching used with new teachers for the first 4-6 weeks of school to build capacity• Regular scheduled and unscheduled observations and coaching for teachers• The New Teacher Project (TNTP) rubric used for evaluations• Annual professional learning plans set by teachers
2.3	Treats all individuals with fairness, dignity and respect	4	<ul style="list-style-type: none">• Students expressed strong sense of connection with and support from teachers• Families stated that the principal is very involved and visible• Staff stated that there were clear avenues for staff to raise issues

CRITERIA 3: A FOCUS ON CONTINUOUS IMPROVEMENT

A charter school engages in a process of continuous self-improvement in order to increase the effectiveness of its educational program. The school regularly assesses and evaluates student learning based on stated goals.

Criteria for Evaluating Focus on Continuous Improvement		Score	Comments
3.1	Establishes benchmarks and a variety of accountability tools to monitor student progress throughout the year	4	<ul style="list-style-type: none">• 2 parent representatives elected from Family Leadership Council to the EFC-wide Family Leadership Committee• Schoolzilla, Kickboard, Illuminate, Reading Plus, Lexia, Power Up used to track student data• Student-led conferences held three times a year• Surveys, student achievement data, and EFC-wide priorities used to develop school improvement plan• CMO home office and Board support in implementing goals
3.2	Establishes both long and short-term goals and uses information sources, data collection, and data analysis to actively monitor and evaluate the success of the school’s program.	4	<ul style="list-style-type: none">• Diagnostics used to place students in need of additional support for ELA and math in Learning Lab• Tracking absenteeism rates to place students on guides' caseload for weekly check-ins and eventual COST meeting• Data guides hiring: Dean of Instruction hired based on SBAC data, Assistant Principal hired in order to address rates of chronic absenteeism• Adopted Collective MPOs

CRITERIA 4: RESPONSIBLE GOVERNANCE

A charter school board and administration establish and implement policies that are transparent and focused on student achievement. Charter school board members and administrators have a cogent understanding of and comply with the laws that govern charter schools. Governing Board establishes structures that ensure the long-term viability, stability, and consistency of the program through student outcomes.

Criteria for Evaluating Responsible Governance		Score	Comments
4.1	Has a cogent understanding of the laws that govern charter schools and monitors the trends, issues and potential changes in the environment in which charter schools operate	5	<ul style="list-style-type: none"> • Education for Change (EFC) CMO/Home Office • EFC weekly newsletter to principals • Policies accessible on staff intranet • Staff, Committees, and Board jointly involved in goal-setting and monitoring
4.2	Consistently engages in timely reporting or required information to the District, the County, and the State	4	<ul style="list-style-type: none"> • Typically submits reports in a timely manner
4.3	Ensure that policies and practices are implemented in a fair and consistent manner	4	<ul style="list-style-type: none"> • Board meeting agendas are posted on website • Longstanding conflict of interest policies for board members • Bylaws updated annually • Regular trainings for board leaders on issues of compliance and governance
4.4	Maintains effective and active control of the charter school and seeks input from impacted stakeholders	4	<ul style="list-style-type: none"> • Board members are recruited for strategic skillsets • Complaint process established in Uniform Complaint Policy • All stakeholders express having multiple staff people to address any problems that arise
4.5	Ensures implementation of the student recruitment, retention, and enrollment process intended in the charter, in the school’s recruitment and retention plan, and as defined by statute and regulation	3	<ul style="list-style-type: none"> • Representation of FRPM-eligible students (94%), African-American students (14%), English Learners (32%), and Special Education students (11%) for 2017-18 • Using EFC Family Council and GO Public Schools to increase outreach and analyze why families leave • Established new admission preferences to increase racial diversity • <i>Enrollment has decreased substantially over the past two years</i>

Criteria for Evaluating Responsible Governance		Score	Comments
4.6	Enacts policies that respect diversity and implements practices that are inclusive of all types of learners	3	<ul style="list-style-type: none"> • Multi-tiered System of Support (MTSS) • In-house Special Education developed to support mod/severe students at Epic in 2017-18 • Education Specialist assists teachers with implementation of modifications • Health and safety policies, safety plans established • <i>English Learners at Epic have had very low performance over the entire charter term, though slightly above the district average in 2017-18</i>
4.7	Employs best practices to hire effective school leader and annually and systematically assesses the performance of school leader against clearly defined goals, and makes effective and timely use of the evaluations	4	<ul style="list-style-type: none"> • Leader evaluation includes KPI targets, 360 survey, ratings on leadership rubric, and observation • Bi-monthly principal coaching from Home Office

CRITERIA 5: FISCAL ACCOUNTABILITY

A charter school fulfills its fiduciary responsibility for public funds and maintains publicly accessible fiscal records. The school conducts an annual financial audit which is made public.

Criteria for Evaluating Fiscal Responsibility		Score	Comments
5.1	Establishes clear fiscal policies to ensure that public funds are used appropriately and directly related to the school’s purpose: student achievement of learning goals	5	<ul style="list-style-type: none"> No audit findings
5.2	Creates and monitors immediate and long-range financial plans to effectively implement the school’s educational program and ensure financial stability and sustainability	3	<ul style="list-style-type: none"> Projected to end FY 17/18 with \$203,206 in fund balance <i>\$1.1M one-time donation from EFC Home Office to cover Epic’s shortfall; school would not be doing well financially without the help from the EFC Home Office</i>
5.3	Conducts an annual financial audit which is made public	5	<ul style="list-style-type: none"> Posted on EFC website
5.4	Enrollment is stable and/or growing at the rate anticipated by the charter school as projected in the approved charter and in the multi- year budget, with budget and expenditures revised at reasonable intervals based on actual enrollment and attendance.	3	<ul style="list-style-type: none"> <i>Enrollment increased over first three years of charter term, before decrease in 2017-18 enrollment (from 433 to 342) contributed to a negative fund balance</i> <i>Enrollment decreased by 25 students in 2018-19 to 317</i>

ATTACHMENT II: CHARTER TEXT REVISIONS

Oakland Unified School District
Office of Charter Schools
Epic Charter Academy

APPENDIX I - REQUIRED CHARTER TEXT REVISIONS: The approved charter is amended from the filed petition to incorporate the revisions below.

OUSD District Required Language for Charter School Petitions (New and Renewal) and Material Revision

Element 1

Add the following text and remove any text to the contrary:

DRL: “In accordance with SB 1290, [CHARTER SCHOOL] pupil outcomes related to annual academic achievement goals will be set and disaggregated by all numerically significant subgroups as defined in Education Code section 52052; including race/ethnicity, socio-economic status (SES), English Learner status, and Special Education designations, in the state priorities that apply for the grade levels served or the nature of the program operated, as well as the specific annual actions to achieve those goals, any additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those additional goals.”

Charter School acknowledges and agrees that it must comply with all applicable laws and regulations related to AB 97 (Local Control Funding Formula), as they may be amended from time to time, which include the requirement that Charter School shall annually submit a Local Control and Accountability Plan (LCAP)/annual update to the Office of Charter Schools on or before July 1. In accordance with Education Code sections 47604.33 and 47606.5, Charter School shall annually update its goals and annual actions to achieve those goals identified in the charter pursuant to Education Code section 47605(b)(5)(A)(ii), using the Local Control and Accountability Plan template adopted by the State Board of Education, as it may be changed from time to time. Charter School shall comply with all requirements of Education Code section 47606.5, including but not limited to the requirement that Charter School “shall consult with teachers, principals, administrators, other school personnel, parents, and pupils in developing the annual update.” (Ed. Code § 47606.5(e).)

[CHARTER SCHOOL]’s pupil outcomes, disaggregated by numerically significant subgroups in compliance with Education Code section 47607(b)(5)(A)(ii), are as follows:”

[Charter School to insert pupil outcomes in compliance with Education Code section 47607(b)(5)(A)(ii)].

Add the following text and remove any text to the contrary:

DRL: “If Charter School serves students in grades 9-12, Charter School shall obtain Western Association of Schools and Colleges (WASC) accreditation before Charter School graduates its first class of students.”

Add the following text and remove any text to the contrary:

Charter School shall comply with the requirements of Education Code section 51224.7 with respect to implementing a fair, objective and transparent mathematics placement policy for pupils entering the ninth grade.

Element 2

Add the following text and remove any text to the contrary:

*DRL: “In accordance with SB 1290, [CHARTER SCHOOL] pupil outcomes will be set related to increases in pupil academic achievement both schoolwide and for all numerically significant subgroups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of section 47607. The pupil
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outcomes shall align with state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.

[CHARTER SCHOOL]’s pupil outcomes, related to increases in pupil academic achievement both schoolwide and for all numerically significant subgroups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of section 47607, shall be aligned with state priorities, as described in subdivision (d) of Section 52060, are as follows:”

[Charter School to insert pupil outcomes in compliance with Education Code section 47607(b)(5)(B)].

Add the following text and remove any text to the contrary:

DRL: “[By July 1, 2015, and annually thereafter]: [CHARTER SCHOOL] shall update the goals and actions identified in the charter to provide the following, as set forth in Education Code section 47606.5(a):

- A review of the progress towards the goals included in the charter, an assessment of the effectiveness of specific actions toward achieving those goals, and a description of the changes to the specific actions the charter school will make as a result of the review and assessment.*
- Listing and description of the expenditures for the fiscal year in implementing the specific actions included in the charter as a result of the reviews and assessments, classified using the California School Accounting Manual.”*

Add the following text and remove any text to the contrary:

DRL: “Under Education Code section 47607.3, if the charter school fails to improve outcomes for 3 or more pupil subgroups (or, if less than 3, all pupil subgroups) in 3 or 4 consecutive school years, the following shall apply:

- The chartering authority shall provide technical assistance to the charter school using an evaluation rubric adopted by the State Board.*
- The Superintendent may assign, at the request of the chartering authority and approval of the State Board, the California Collaborative for Educational Excellence to provide advice and assistance to the charter schools.*
- The chartering authority shall consider for revocation any charter school to which the California Collaborative for Educational Excellence has provided advice and assistance, and has made findings that: 1) the charter school has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence; or 2) that the inadequate performance of the charter school, based upon the evaluation rubric, is so persistent or so acute so as to require revocation of the charter.”*

Element 3

Add the following text and remove any text to the contrary:

DRL: “Pursuant to the transition to California’s Common Core and the California Assessment of Student Performance and Progress (CAASPP) System, [CHARTER SCHOOL] will establish baseline performance in the first year of testing administration and will demonstrate growth in performance each year thereafter.”

Add the following text and remove any text to the contrary:

DRL: “If [CHARTER SCHOOL] does not test with the District, [CHARTER SCHOOL] hereby grants authority to the State of California to provide a copy of all test results directly to the District as well as the charter school.

Test results for the prior year, if not provided directly to the District by the State, will be provided by the charter school to the District no later than September 1 of each year.”

Element 4

Add the following text and remove any text to the contrary:

DRL: “As an independent charter school, Charter School, operated as or by its nonprofit public benefit corporation, is a separate legal entity and shall be solely responsible for the debts and obligations of Charter School.

Charter School shall ensure that, at all times throughout the term of the Charter, the bylaws of its governing board and/or nonprofit corporation are and remain consistent with the provisions of this Charter. In the event that the governing board and/or nonprofit corporation operating Charter School amends the bylaws, Charter School shall provide a copy of the amended bylaws to the OCS within 30 days of adoption.

Charter School shall send to the OCS copies of all governing board meeting agendas at the same time that they are posted in accordance with the Brown Act. Charter School shall also send to the OCS copies of all board meeting minutes within one week of governing board approval of the minutes. Timely posting of agendas and minutes on Charter School’s website will satisfy this requirement.

The District reserves the right, but is not obligated, to appoint a single representative to the Charter School governing board pursuant to Education Code section 47604(b).

Charter School through this Charter and/or a separate Memorandum of Understanding, agrees to defend, and indemnify and hold harmless the District, its officers, directors, employees, attorneys, agents, representatives, volunteers, successors and assigns (collectively hereinafter “District” and “District Personnel”) from and against any and all actions, suits, claims, demands, losses, costs, penalties, obligations, errors, omissions, or liabilities that may be asserted or claimed by any person, firm or entity arising out of, or in connection with, Charter School’s performance under this Agreement or the Charter, the condition or use of its facilities, or any acts, errors, negligence, omissions or intentional acts by Charter School, its Governing Board, administrators, employees, agents, representatives, volunteers, successors and assigns.

LEGAL AND POLICY COMPLIANCE

Charter School shall comply with all applicable federal, state, and local laws and regulations, and District policy as it relates to charter schools, as they may be amended from time to time.

Charter School shall comply with all applicable federal and state reporting requirements, including but not limited to the requirements of CBEDS, CALPADS, and Education Code section 47604.33.

Charter School shall comply with the Brown Act and the Public Records Act.

NOTIFICATION OF THE DISTRICT

Charter School shall notify the OCS in writing of any citations or notices of workplace hazards, investigations by outside regulatory or investigative agencies, lawsuits, changes in corporate or legal status (e.g. loss of IRS 501(c)(3) status), or other formal complaints or notices, within one week of receipt of such notices by Charter School. Unless prohibited by law, Charter School shall notify the OCS in writing of any internal investigations within one week of commencing investigation. Charter School shall notify the OCS within 24 hours of any dire emergency or serious threat to the health and safety of students or staff.

STUDENT RECORDS

Upon receiving a records request from a receiving school/school district, Charter School shall transfer a copy of the student’s complete cumulative record within ten (10) school days in accordance with Education Code section 49068. Charter School shall comply with the requirements of California Code of Regulations, title 5, section 3024, regarding the transfer of student special education records. In the event Charter School closes, Charter School shall comply with the student records transfer provisions in Element 16. Charter School shall comply with the requirements of Education Code section 49060 et seq., regarding rights to access student records and transfer of records for youth in foster care.

Add the following text and remove any text to the contrary:

DRL: “[CHARTER SCHOOL] acknowledges that pursuant to Article XVI section 8.5(e) of the California Constitution, sections 2(e), 6, and 8 of Proposition 98, and sections 33126.1(b), 35256(c), and 35258 of the Education Code require schools, including [CHARTER SCHOOL] to provide certain information in certain formats in certain ways to the general public and specifically to parents of students at [CHARTER SCHOOL] and of the District. [CHARTER SCHOOL] further acknowledges that it has the obligation to provide all of such information to the District that is required by these referenced authorities in a timely manner so that the District may meet its obligations under those authorities as well. To the extent that there is information that the District has, but that [CHARTER SCHOOL] does not have that [CHARTER SCHOOL] needs in order to meet its obligations, the District shall provide the same to [CHARTER SCHOOL] in a reasonably timely manner upon request under Education Code section 47604.3.”

Add the following text and remove any text to the contrary:

DRL: “[CHARTER SCHOOL] will maintain sufficient staff and systems including technology, required to ensure timely reporting necessary to comply with the law and to meet all reasonable inquiries from District and other authorized reporting agencies.”

Add the following text and remove any text to the contrary:

DRL: “[CHARTER SCHOOL] in accordance with Education Code Section 47604.3, shall promptly respond to all reasonable inquiries, including but not limited to, inquiries regarding financial records, from the District and shall consult with the District regarding any such inquiries. [CHARTER SCHOOL] acknowledges that it is subject to audit by OUSD if OUSD seeks an audit of [CHARTER SCHOOL] it shall assume all costs of such audit. This obligation for the District to pay for an audit only applies if the audit requested is specifically requested by the District and is not otherwise required to be completed by [CHARTER SCHOOL] by law or charter provisions.”

Add the following text and remove any text to the contrary:

DRL: “Members of [CHARTER SCHOOL]’s Governing Board, any administrators, managers or employees, and any other committees of the School shall at all times comply with federal and state laws, nonprofit integrity standards and OUSD’s Charter School policies and regulations and applicable State and federal law regarding ethics and conflicts of interest so long as such policies and regulations are not in conflict with any then-existing applicable statutes or regulations applicable to charter schools.

[CHARTER SCHOOL] and/or its non-profit corporation will be solely responsible for the debts and obligations of the charter school.”

Add the following text and remove any text to the contrary:

DRL: “To the extent that [CHARTER SCHOOL] is a recipient of federal funds, including federal Title I, Part A funds, [CHARTER SCHOOL] has agreed to meet all of the programmatic, fiscal and other regulatory requirements of the Every Student Succeeds Act (ESSA) and other applicable federal grant programs. [CHARTER SCHOOL] agrees that it will keep and make available to the District any documentation necessary to demonstrate compliance with the requirements of ESSA and other applicable federal programs.

[CHARTER SCHOOL] also understands that as part of its oversight of the school, the Office of Charter Schools may conduct program review of federal and state compliance issues.”

Element 5

Add the following text and remove any text to the contrary:

DRL: “EQUAL EMPLOYMENT OPPORTUNITY

Charter School acknowledges and agrees that all persons are entitled to equal employment opportunity. Charter School shall not discriminate against applicants or employees on the basis of race, color, religion, sex, gender, gender expression, gender identity, sexual orientation, pregnancy, national origin, ancestry, citizenship, age, marital status,

physical disability, mental disability, medical condition, genetic information, military and veteran status, or any other characteristic protected by California or federal law. Equal employment opportunity shall be extended to all aspects of the employer-employee relationship, including recruitment, selection, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and dismissal from employment.

ESEA/ ESSA AND CREDENTIALING REQUIREMENTS

Charter School shall adhere to all State and federal requirements that are applicable to teachers and paraprofessional employees. Charter School shall ensure that all teachers meet applicable state requirements for certificated employment, including the provisions of Education Code section 47605(l). Charter School shall maintain current copies of all teacher credentials and make them readily available for inspection.

As part of the Fall Information Update, Charter School will notify the District in writing of the application deadline and proposed lottery date. Charter School will ensure that all application materials will reference these dates as well as provide complete information regarding application procedures, key dates, and admissions preferences and requirements consistent with approved charter.”

OBLIGATION TO REPORT TO CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

Charter School shall comply with Education Code section 44030.5 with respect to reporting the change in employment status to the California Commission on Teacher Credentialing where the change of employment status is a result of an allegation of misconduct, or while an allegation of misconduct is pending, and with Education Code section 44939.5 regarding the reporting of egregious misconduct.

EMPLOYMENT OF FELONS

The Charter School shall comply with the provisions of Education Code section 44830.1 and 45122.1 with respect to the employment of persons convicted of violent or serious felonies.

Element 6

Add the following text and remove any text to the contrary:

DRL: “HEALTH, SAFETY AND EMERGENCY PLAN

Charter School shall have a comprehensive site-specific Health, Safety and Emergency Plan, including but not limited to the acquisition and maintenance of adequate onsite emergency supplies, in place prior to beginning operation of Charter School each school year.

Charter School shall ensure that all staff members receive annual training on Charter School’s health, safety, and emergency procedures, including but not limited to training on blood borne pathogens, and shall maintain a calendar for, and conduct, emergency response drills for students and staff.

Charter School shall provide all employees, and other persons working on behalf of Charter School who are mandated reporters, with annual training on child abuse detection and reporting, which shall occur within the first six weeks of each school year, or within the first six weeks of a person’s employment if employed after the beginning of the school year, in accordance with the requirements of AB 1432 (2014).

Charter School shall stock and maintain the required number and type of emergency epinephrine auto-injectors onsite and provide training to employee volunteers in the storage and use of the epinephrine auto-injector as required by SB 1266 (2014).

Charter School shall comply with the requirements of Education Code section 49475 regarding concussions/head injuries with respect to any athletic program (as defined in Education Code § 49475) offered by or on behalf of Charter School.

Charter School shall periodically review, and update and/or modify as necessary, its Health, Safety and Emergency Plan, and keep it readily available for use and review upon CSD request.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Charter School, including its employees and officers, shall comply with the Family Educational Rights and Privacy Act (FERPA) and Education Code section 49060 et seq. at all times.

CRIMINAL BACKGROUND CLEARANCES AND FINGERPRINTING

Charter School shall comply with all requirements of Education Code sections 44237 and 45125.1. Charter School shall designate and maintain at all times at least one Custodian of Records duly authorized by the California Department of Justice.

Charter School shall maintain on file and available for inspection evidence that (1) Charter School has performed criminal background checks and cleared for employment all employees prior to employment; (2) Charter School has obtained certification from each of its contracting entities/independent contractors that the entity/contractor has conducted required criminal background clearances for its employees prior to provision of school site services and/or any contact with students and has requested subsequent arrest notification service; and (3) Charter School has performed criminal background checks and cleared for service all volunteers not directly supervised by staff and who may have contact with students. Charter School shall also ensure that it requests and receives subsequent arrest notifications from the California Department of Justice for all employees and volunteers not directly supervised by staff. Upon request, Charter School shall provide a copy of Department of Justice confirmation of Custodian of Records status for each Custodian of Records.

Charter School shall comply with the requirements set forth in Education Code section 44939.5 regarding the reporting of egregious misconduct committed by certificated employees.

IMMUNIZATION AND HEALTH SCREENING REQUIREMENTS

Charter School shall require all employees, and any volunteer or vendor/contracting entity employee who may have frequent or prolonged contact with students, to undergo a risk assessment and/or be examined and determined to be free of active tuberculosis (TB) within the period of 60 days prior to employment/service, in accordance with Education Code section 49406. Charter School shall maintain TB clearance records and certifications on file.

Charter School shall comply with all federal and state legal requirements related to student immunization, health examination, and health screening, including but not limited to screening for vision, hearing, and scoliosis, to the same extent as would be required if the students were attending a non-charter public school. Charter School shall maintain student immunization, health examination, and health screening records on file.

SAFE PLACE TO LEARN ACT

Charter School shall comply with all applicable requirements of the Safe Place to Learn Act, Education Code section 234 et seq.

COMPETITIVE ATHLETICS

Charter School shall comply with the requirements of Education Code section 221.9 with respect to the disclosure requirements regarding competitive athletics, and shall comply with the requirements of Education Code section 33479.1 et seq. with respect to any athletic program that it offers, as well as Education Code section 49475 et seq. with respect to institution of a concussion protocol.

GUN-FREE SCHOOLS ACT

Charter School shall comply with the federal Gun-Free Schools Act.
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TOBACCO USE PREVENTION

Charter School shall enact policies to prohibit the use of Tobacco near its school site in accordance with the provisions of California Health and Safety Code section 104495.”

SUICIDE PREVENTION POLICY (GRADES 7-12)

Charter School shall adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in Grades 7 through 12 inclusive, pursuant to Education Code section 215.

TRANSPORTATION

The Charter School shall meet the requirements of Education Code section 39831.3 with respect to any transportation services provided to or from school or a school activity.

DATA PRIVACY

Charter School shall take the required steps to protect the data privacy of its pupils, including but not limited to complying with the requirements of Education Code section 49073.6 with respect to any maintenance of any information obtained from social media in its pupil records.

OTHER REQUIREMENTS

Charter School shall comply with the requirements of Education Code section 33133.5 with respect to notifying pupils of the appropriate telephone number to call to report child abuse or neglect, and Education Code section 51900.6 with respect to the age-appropriate content in sexual abuse and sexual assault awareness and prevention.

Element 8

Add the following text and remove any text to the contrary:

DRL: “DOCUMENTATION OF ADMISSIONS AND ENROLLMENT PROCESSES

Charter School shall maintain complete and accurate records of its annual admissions and enrollment processes, including but not limited to documentation of implementation of lottery and waitlist criteria and procedures in accordance with the terms of the Charter. These records shall be made available to the District upon request.

Charter School shall also comply with the following requirements of Education Code section 47605(d)(2)(B)(i)-(iv):

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) Preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

[Add additional provisions showing how Charter School will comply with the above requirements.]

HOMELESS AND FOSTER YOUTH

Charter School shall adhere to the provisions of the McKinney-Vento Homeless Assistance Act and ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education as provided to other children and youths. Charter School shall provide specific information, in its outreach materials, websites, at community meetings, open forums, and regional center meetings, that notifies parents that Charter School is open to enroll and provide services for all students, and provides a standard District contact number for access to additional information regarding enrollment. Charter School shall comply with all applicable provisions of Education Code sections 48850 – 48859 with respect to foster children and homeless youth.

NON-DISCRIMINATION

Charter School shall not require a parent/legal guardian/student to provide information regarding a student’s disability, gender, gender identity, gender expression, nationality, legal or economic status, primary language or English Learner status, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in section 422.55 of the Penal Code, or any other information that would violate federal or state law, prior to admission, participation in any admissions or attendance lottery, or pre-enrollment event or process, or as a condition of admission or enrollment. Charter School may request, at the time of, and as part of, conducting its lottery process, the provision of information necessary to apply specific admissions preferences set forth in this Charter.

Charter School shall not request or require submission of a student’s IEP, 504 Plan, or any other record or related information prior to admission, participation in any admissions or attendance lottery, or pre-enrollment event or process, or as a condition of admission or enrollment.

PARENT ENGAGEMENT

Charter School shall not require a parent or legal guardian of a prospective or enrolled student to perform volunteer service hours, or make payment of fees or other monies, goods, or services in lieu of performing volunteer service, as a condition of his/her child’s admission, continued enrollment, attendance, or participation in the school’s educational activities, or otherwise discriminate against a student in any manner because his/her parent cannot, has not, or will not provide volunteer service to Charter School.”

Element 9

Add the following text and remove any text to the contrary:

DRL: “In order to ensure the necessary oversight and review of mandated reports for which the authorizer must determine fiscal health and sustainability, the following schedule of reporting deadline to the District will apply each year of the term of this charter;

- o On or before July 1, an annual update required pursuant to Section 47606.5.
- o September 1 – Final Unaudited Financial Report for Prior Year
- o December 1 – Final Audited Financial Report for Prior Year
- o December 1 – First Interim Financial Report for Current Year
- o March 1 – Second Interim Financial Report for Current Year
- o June 15 – Preliminary Budget for Subsequent Year”

Element 10

DRL: “The Charter School’s student discipline procedures, at a minimum, shall comply with federal and state constitutional procedural and substantive due process requirements as follows:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present his or her side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.
(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform him or her of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

[Insert other procedures designed to ensure that the Charter School's disciplinary procedures comply with federal and state constitutional procedural and substantive due process requirements.]

Element 12

Add the following text and remove any text to the contrary:

DRL: "Pupils who choose not to attend the Charter School may choose to attend other public schools in their district of residence or pursue inter-district transfers in accordance with existing enrollment and transfer policies of the District. Parents or guardians of each pupil enrolled in the Charter School shall be informed that the pupil has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.

Element 13

Add the following text and remove any text to the contrary:

DRL: "Employees of the District who choose to leave the employment of the District to work at Charter School shall have no automatic rights of return to the District after employment at Charter School unless specifically granted by the District through a leave of absence or other agreement or policy of the District as aligned with the collective bargaining agreements of the District. Leave and return rights for District union-represented employees and former employees who accept employment with Charter School will be administered in accordance with applicable collective bargaining agreements and any applicable judicial rulings."

Element 14

Add the following text and remove any text to the contrary:

DRL: "Charter School will establish complaint procedures that address both complaints alleging discrimination or violations of law and complaints regarding other areas. Charter School will not, at any time, refer complaints to the District for handling.

The complaint procedures will include the clear information with respect to the response timeline of the school, whether the school's response will be in writing, the party identified to respond to complaints, the party identified and charged with making final decisions regarding complaints, and whether the final decision will be issued in writing. The procedures will also identify an ombudsperson for situations in which the school leader is the subject of the complaint. The complaint procedures will be clearly articulated in the school's student and family handbook or distributed widely.

Charter School will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 (Title IX) and Section 504 of the Rehabilitation Act of 1973 (Section 504) including any investigation of any complaint filed with Charter School alleging its noncompliance with these laws or alleging any actions which would be prohibited by these laws. Charter School will notify all its students and employees of the name, office address, and telephone number of the designated employee or employees.

Charter School will adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action, which would be prohibited by Title IX, or Section 504.

Charter School will implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex or mental or physical disability in the educational program or activity which it operates, and that it is required by Title IX and Section 504 not to discriminate in such a manner.”

DRL: Charter School shall comply with the requirements of Education Code section 221.61 with respect to posting information regarding the filing complaints under Title IX, including but not limited to the following: 1) the name and contact information of the Title IX coordinator; 2) the rights of the pupil and the public and the responsibilities of the Charter School under Title IX; 3) a description of how to file a complaint under Title IX, including an explanation of the statute of limitations, how the complaint will be investigated and how the complainant may further pursue the complaint; and a link to the United States Department of Education Office for Civil rights complaint form.

DRL: “The staff and Governing Board members of [CHARTER SCHOOL] agree to attempt to resolve all disputes between the District and [CHARTER SCHOOL] regarding this charter pursuant to the terms of this section. Both will refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

Any controversy or claim arising out of or relating to the charter agreement between the District and [CHARTER SCHOOL] except any controversy or claim that in any way related to revocation of this charter, shall be handled first through an informal process in accordance with the procedures set forth below.

(1) Any controversy or claim arising out of or relating to the charter agreement, except any controversy or claim that in any way related to revocation of this charter, must be put in writing (“Written Notification”) by the party asserting the existence of such dispute. If the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with Education Code section 47607(c), the matter will be addressed at the District's discretion in accordance with that provision of law and any regulations pertaining thereto. The Written Notification must identify the nature of the dispute and all supporting facts known to the party giving the Written Notification. The Written Notification may be tendered by personal delivery, by facsimile, or by certified mail. The Written Notification shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 PM or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail. All written notices shall be addressed as follows:

To Charter School, c/o School Director:
[CHARTER SCHOOL]
Oakland, CA

To Coordinator, Office of Charter Schools:
1000 Broadway, 6th Floor, Suite 639
Oakland, CA 94607

(2) A written response (“Written Response”) shall be tendered to the party providing the Written Notification within twenty (20) business days from the date of receipt of the Written Notification. The Written Response shall state the responding party’s position on all issues stated in the Written Notification and set forth all facts which the responding party believes supports its position. The Written Response may be tendered by personal delivery, by facsimile, or by Epic Charter Academy – Charter Renewal

certified mail. The Written Response shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00p.m., or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail. The parties agree to schedule a conference to discuss the claim or controversy (“Issue Conference”). The Issue Conference shall take place within fifteen (15) business days from the date the Written Response is received by the other party.

(3) If the controversy, claim, or dispute is not resolved by mutual agreement at the Issue Conference, then either party may request that the matter be resolved by mediation. Each party shall bear its own costs and expenses associated with the mediation. The mediator’s fees and the administrative fees of the mediation shall be shared equally among the parties. Mediation proceedings shall commence within 60 days from the date of the Issue Conference. The parties shall mutually agree upon the selection of a mediator to resolve the controversy or claim at dispute. If no agreement on a mediator is reached within 30 days after a request to mediate, the parties will use the processes and procedures of the American Arbitration Association (“AAA”) to have an arbitrator appointed...

(4) If the mediation is not successful, the parties agree that each party has exhausted its administrative remedies and shall have any such recourse available by law

Element 15

Add the following text and remove any text to the contrary:

DRL: “REVOCATION OF THE CHARTER

The District may revoke the Charter if Charter School commits a breach of any provision set forth in a policy related to charter schools adopted by the District Board of Education and/or any provisions set forth in the Charter Schools Act of 1992. The District may revoke the charter of Charter School if the District finds, through a showing of substantial evidence, that Charter School did any of the following:

- *Charter School committed a material violation of any of the conditions, standards, or procedures set forth in the Charter.*
- *Charter School failed to meet or pursue any of the pupil outcomes identified in the Charter.*
- *Charter School failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.*
- *Charter School violated any provision of law.*

Prior to revocation, and in accordance with Education Code section 47607(d) and state regulations, the OUSD Board of Education will notify Charter School in writing of the specific violation, and give Charter School a reasonable opportunity to cure the violation, unless the OUSD Board of Education determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. Revocation proceedings are not subject to the dispute resolution clause set forth in this Charter.

Pursuant to AB 97, charter schools may be identified for assistance based on state evaluation rubrics and be subject to revocation pursuant to Education Code section 47607.3.

CLOSURE ACTION

The decision to close Charter School, either by the governing board of Charter School or by the OUSD Board of Education, must be documented in a “Closure Action”. A Closure Action shall be deemed to have been automatically taken when any of the following occur: the Charter is revoked (subject to the provisions of Education Code section 47607(i)) or non-renewed by the OUSD Board of Education; the governing board of Charter School votes to close Charter School; or the Charter lapses or is surrendered.

CLOSURE PROCEDURES

The procedures for charter school closure set forth below are guided by Education Code sections 47604.32, 47605, and 47607 as well as California Code of Regulations, title 5, sections 11962 and 11962.1, and are based on “Charter School Closure Requirements and Recommendations (Revised 08/2009)” posted on the California Department of Education website. All references to “Charter School” apply to Charter School, including its nonprofit corporation and governing board.

Designation of Responsible Person(s) and Funding of Closure

Prior to or at the time of the taking of a Closure Action by either the governing board of Charter School or the OUSD Board of Education, the governing board of Charter School shall designate a person or persons responsible for conducting and overseeing all closure-related procedures and activities, and allocate sufficient funding for, or otherwise determine how Charter School will fund, these activities.