



OAKLAND UNIFIED SCHOOL DISTRICT

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TO: Vincent Matthews, State Administrator
Board of Education

FROM: Roberta Mayor, Ed.D., Interim Superintendent
Kirsten Vital, Chief of Community Accountability
David Montes de Oca, Coordinator; Office of Charter Schools

DATE: October 29, 2008

RE: KIPP Bridge Charter School
Charter Material Revision Request

Legislative File

File ID No. 08-1982
Introduction Date 9/10/08
Enactment No. _____
Enactment Date _____
By _____

ACTION REQUESTED:

Approve the charter material revision request to revise the governance structure of the KIPP Bridge Charter School. The approved charter is amended from the filed petition to incorporate the included revisions, conditions and deadlines below.

SUMMARY

Staff recommends that the State Administrator/Board of Education **approve** the **charter material revision request** for KIPP Bridge Charter School, **as revised**, under the California Charter Schools Act. The material revision request presents a sound educational program; the petitioners are demonstrably likely to successfully implement the materially revised governance structure set forth in the material revision request; and the material revision request contains reasonably comprehensive descriptions of all new requirements of charter schools enacted into law since the charter was originally granted, as required by the California Charter Schools Act. Staff recommends approval based on factual findings, specific to this particular material revision request, detailed in this report.

PROCEDURAL BACKGROUND

- 1) OUSD approved the KIPP Bridge Charter School charter, governed by KIPP Bay Area on June 19, 2007 to serve students in grades 5-8.
- 2) A material revision request for KIPP Bridge Charter School was submitted on September 10, 2008 at a regularly scheduled Board of Education meeting proposing revise its governance structure through a merger of its local board of directors with its regional board of directors.

- 3) Staff evaluated the material revision request based on the California Charter Schools Act and the application of the OUSD Petition Evaluation Rubric.
- 4) Staff conducted an interview with representative leadership from KIPP Bridge Charter School and KIPP Bay Area.
- 5) A public hearing was held on October 8, 2008.

STATUTORY BACKGROUND

California Charter law outlines the criteria governing the approval or denial of charter material revision requests. The following excerpt is taken from the California Charter Schools Act, California Education Code §47607.

(a)(2) Renewals and material revisions of charters shall be governed by the standards and criteria in Section 47605, and shall include, but not be limited to a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

The following excerpt is taken from the California Charter Schools Act, California Education Code §47605. This excerpt delineates charter material revision approval and denial criteria:

Education Code Section 47605 (a)(6)(b) [...] A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice.

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

MATERIAL REVISION IMPACT:

*** Staff notes that the relative impact of the KIPP Bridge Charter School charter material revision request will be limited.**

- The school's ongoing interaction with the District would remain unchanged.
- While staff expressed concern regarding the capacity of KIPP Bay Area to address the local needs of KIPP Bridge Charter School, KIPP Bay Area, a California nonprofit public benefit corporation is based in Oakland. The petitioners included a thorough and detailed description of the guidelines to be followed in the case of parent/community complaints. Finally, KIPP Bay Area **currently holds the charter for KIPP Bridge Charter School** and this will remain unchanged.
- The proposed charter amendments include an outline the process KIPP Bay Area will follow to engage comments, concerns, and grievances from the stakeholders of KIPP Bridge Charter School.
- In order to maintain additional vehicles for parent and community input, the proposed charter amendments establish that KIPP will maintain its Parent Council and is encouraged to form an additional Advisory Council.

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

EVIDENCE

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

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

Educational Program	Evidence	Page Number
	<p>The educational program remains virtually unchanged from the originally submitted petition.</p> <p>1) The single revision in the program distinguishes the Summer School program, the Saturday school program, and the Afterschool Reading enrichment as optional vs. mandatory for purposes of continued enrollment in the school. This change aligns the text with the actual practices at the school site.</p>	5-19

The petitioner is demonstrably likely to successfully implement the revised program set forth in the material revision request, based on an analysis of the request and research on the school and its management organization pursuant to *Education Code §47605 (b)(2) above*; supported by the following evidence:

EVIDENCE

Petitioner Capacity	Findings
	<ol style="list-style-type: none"> 1) As of 2008, KIPP Bridge Charter School ranks within the top 20% of all District and charter middle and high schools with respect to API (Academic Performance Index) performance. (2008 API Growth Score 760). 2) KIPP Bridge Charter School does not currently have pending grievances or issues of non-compliance with the District. 3) KIPP Bridge Charter School has completed timely submissions of all mandatory reporting for the 2007-08 school year, including all financial and attendance reporting. 4) KIPP Bridge Charter School has developed within its material revision request comprehensive procedures for the handling of Parent Grievances to ensure that KIPP Bay Area, their parent organization located in Oakland, will be responsible and accountable to the needs and concerns of families. 5) KIPP Bridge Charter School will maintain the operation and support of the Parent Council, known as the Team & Parent Association, to ensure that the change in governance structure through the proposed governing board merger does not have a negative impact on the school's operation. 6) The proposed merger is designed to increase the ability of the School Site Administrator to increase the focus of time and energy towards instruction. This is to be accomplished by transferring the majority of the business operation of the school to KIPP Bay Area. This includes the financial reporting, fiscal management, and programmatic oversight. 7) The merger proposed herein is being sought with all seven Bay Area KIPP schools in an effort to further develop their network of schools that will work collaboratively towards successful implementation of their educational programs. This network includes regular monthly meetings among site administrators, as well as increased direct oversight by the KIPP Bay Area Executive Director.

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

EVIDENCE

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

<u>Element A</u> Educational Program	Rating Meets	<p>1) The petition modifies the language regarding its extended learning through summer school, Saturday school and afterschool programming to be one in which families may opt into, and are no longer mandatory for continued enrollment in the school.</p> <p>No other aspects of the proposed EDUCATIONAL PROGRAM to be offered at the school have been revised.</p>
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Education Code §47605(b)(5)(B) The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.

<u>Element B</u> Measurable Pupil Outcomes	Rating Meets	NOT REVISED
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Education Code §47605(b)(5)(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.

<u>Element C</u> Methods of Assessment	Rating Meets	1) NOT REVISED
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Education Code §47605(b)(5)(D): The governance structure of the school, including but not limited to, the process to be followed by the school to ensure parental involvement.

<u>Element D</u> Governance	Rating Meets	<p>1) The petition contains a governance plan that contains the appropriate legal structure, and that complies with legal obligations and incorporates sound governance and operating practices.</p> <p>2) The petition proposes a governing board that will contribute the necessary range of knowledge and skills necessary to operate and oversee an effective charter school.</p> <p>3) The petition outlines procedures to ensure parent involvement, including the creation of an Advisory and or Parent Council comprised of parents,</p>
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		community, and school representatives, who will participate in developing school policies, make recommendations, and assist with community engagement.
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Education Code §47605(b)(5)(E): The qualifications to be met by individuals to be employed by the school.

Element E Employee Qualifications	Rating Meets	Revision aligns text with current practice with respect to annual employee contracts.
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Education Code §47605(b)(5)(F): The procedures that the school will follow to ensure the health and safety of pupils and staff... .

Element F Health & Safety	Rating Meets	NOT REVISED
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Education Code §47605(b)(5)(G): The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

Element G Racial & Ethnic Balance	Rating Meets	NOT REVISED
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Education Code §47605(b)(5)(H) Admission requirements, if applicable.

Element H Admission requirements	Rating	Not Applicable
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Education Code §47605(b)(5)(I): The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

Element I Financial Audits	Rating Meets	NOT REVISED
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Education Code §47605(b)(5)(J): The procedures by which pupils can be suspended or expelled.

Element J Suspension Expulsion	Rating Meets	NOT REVISED
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Education Code §47605(b)(5)(K): The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

Element K Employee Retirement	Rating Meets	Revision allows for the option by the school to opt into a 403b Retirement Plan.
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Education Code §47605(b)(5)(L): The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

Element L Attendance Alternatives	Rating Meets	NOT REVISED
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Education Code §47605(b)(5)(M): A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

Element M Employee Return Rights	Rating Meets	NOT REVISED
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Education Code §47605(b)(5)(N): The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

Element N Dispute Resolution	Rating Meets	NOT REVISED
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Education Code §47605(b)(5)(O): A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

Element O Exclusive Employer	Rating Meets	NOT REVISED
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Education Code §47605(b)(5)(P): A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

Element P School Closure	Rating Meets	NOT REVISED
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Sixteen Elements Table

Element	Inadequate	Reasonably Comprehensive	Statutory Reference
Description of the educational program of the school, including what it means to be an “educated person” in the 21 st century and how learning best occurs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(C)
Governance structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(D)
Means for achieving racial and ethnic balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(H)
Procedures for ensuring health & safety of students	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(F)
Suspension and expulsion procedures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(J)
Attendance alternatives for pupils residing within the district who choose not to attend the charter school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(L)
Dispute resolution procedure for school-authorizer issues related to the charter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(N)
Procedures for school closure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(P)
Qualifications to be met by individuals employed at the school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(E)
Manner for covering staff members through the State Teachers’ Retirement System, the Public Employees’ Retirement System or federal social security	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(K)
Employee rights of return, if any	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(M)
Statement regarding exclusive employer status of the school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(O)
Manner for conducting annual, independent audits and for resolving exceptions or deficiencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(I)

RECOMMENDATION

Staff recommends that the Oakland Unified School District's State Administrator/Board of Education **approve the charter material revision request** by KIPP Bridge Charter School under the California Charter Schools Act. The factual findings illustrated in this report demonstrate that the request satisfies the standards and criteria of *Education Code § 47605*.

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

The term of this charter will remain from July 1, 2007, through June 30, 2012. The District will not accept a charter renewal request more than 270 days prior to the expiration of the charter.

A charter may be revoked by the authority that granted the charter if the authority finds that the charter school committed a material violation of any of the conditions, standards, or procedures set forth in its charter (*Education Code §47607(c)(1)*).

Attachment I: Conditions on Opening

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

Charter Revision		
Friday, December 5, 2008.	<input type="checkbox"/>	Submit to the District’s Office of Charter Schools one hard copy and one electronic copy in <i>Word</i> format of a revised charter to include all revisions outlined in the charter material revision approval.
Governance		
Friday, December 5, 2008.	<input type="checkbox"/>	Submit final, signed, executed copy of “Merger Agreement” as outlined in the materially revised charter petition.
Friday, December 5, 2008.	<input type="checkbox"/>	Submit final, board approved, “Parent Grievance Policy”.