



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the Superintendent

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TO: Board of Education
FROM: Anthony Smith, Ph.D., Superintendent
Gail Greely, Coordinator; Office of Charter Sch
DATE: March 23, 2011
RE: Oakland Charter Academy
Material Revision Request

Maria Scantia
Legislative File

File ID No.: 11-0127

Introduction Date: 1/12/2011

Enactment No.: 11-0549

Enactment Date: 3-23-11

By: *MS*

ACTION REQUESTED:

Approve the **charter material revision request** to add an additional school site to the existing Oakland Charter Academy. The approved charter is amended from the filed petition to incorporate the included revisions, conditions and deadlines below.

SUMMARY

Staff recommends that the Board of Education **approve** the **charter material revision request** for Oakland Charter Academy, **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 facility location and management 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 Oakland Charter Academy charter for a term beginning on July 1, 2008 to serve students in grades 6-8.

- 2) A material revision request for Oakland Charter Academy was submitted on January 12, 2011 at a regularly scheduled Board of Education meeting proposing adding a second location in Downtown Oakland.
- 3) A public hearing was held on February 9, 2011.
- 4) Staff evaluated the material revision request based on the California Charter Schools Act and the application of the OUSD Petition Evaluation Rubric.
- 5) Staff conducted an interview with representative leadership from Oakland Charter Academy on March 1, 2011.
- 6) Staff conducted a site visit to Oakland Charter Academy in spring 2010, and to both the current campus and proposed secondary site location on March 9, 2011.

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 Oakland Charter Academy charter material revision request will be limited.**

- o The school's ongoing interaction with the District would remain virtually unchanged. Changes to the District's oversight and monitoring would include the addition of this site as part of the school's renewal process in 2012-2013, as well as the Office's annual spring site visit, which would include the secondary site.
- o The proposed material revision seeks only to establish a secondary site for the existing program, at the current site of Oakland Charter High School, where there is ample space. This revision does not seek to make any changes to the educational program or governance sections of the previously-approved charter.

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
	NOT REVISED FROM PETITION APPROVED FEBRUARY 2008	8-18

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) Oakland Charter Academy ranks at the top of all District and charter middle schools with respect to API (Academic Performance Index) performance. (2010 API Growth Score 954). 2) Oakland Charter Academy does not currently have pending grievances, issues of non-compliance, or Notices of Concern with the District. 3) The proposed secondary site is designed to increase the ability of the school to serve families at a single location who currently have children at Oakland Charter Academy's location at 3001 International Boulevard and at Oakland Charter High School, located downtown at the proposed secondary site. 4) The leadership plan for the proposed secondary site designates the leader of Oakland Charter High to oversee the site in its first year of operation. For the second and subsequent years, a separate site administrator will coordinate the middle school program at the secondary site. 5) The second location may enhance the ability of the school to ensure pupil enrollment reflective of the overall demographics of the District by attracting more students from neighborhoods outside the Fruitvale district in which its current single campus is located. 6) While the admissions requirements in the charter have not been revised, the school is aware of and acknowledges the need to revise its admissions policies and procedures should this material revision be granted. The Office of Charter Schools has included receipt of these policies and procedures as a condition on opening (SEE ATTACHMENT I). 7) The school has not fully contemplated how the material revision would affect governance, evidencing the need for more consideration of how the secondary site and expansion of the school community will impact governance over time.

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.

Element A Educational Program	Rating Meets	NOT REVISED FROM PETITION APPROVED FEBRUARY 2008
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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.

Element B Measurable Pupil Outcomes	Rating Meets	NOT REVISED FROM PETITION APPROVED FEBRUARY 2008
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Education Code §47605(b)(5)(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.

Element C Methods of Assessment	Rating Meets	NOT REVISED FROM PETITION APPROVED FEBRUARY 2008
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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.

Element D Governance	Rating Meets	NOT REVISED FROM PETITION APPROVED FEBRUARY 2008
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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	NOT REVISED FROM PETITION APPROVED FEBRUARY 2008
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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 FROM PETITION APPROVED FEBRUARY 2008
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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 FROM PETITION APPROVED FEBRUARY 2008
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Education Code §47605(b)(5)(H) Admission requirements, if applicable.

Element H Admission requirements	Rating	NOT REVISED FROM PETITION APPROVED FEBRUARY 2008
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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 FROM PETITION APPROVED FEBRUARY 2008
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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 FROM PETITION APPROVED FEBRUARY 2008
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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	NOT REVISED FROM PETITION APPROVED FEBRUARY 2008
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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 FROM PETITION APPROVED FEBRUARY 2008
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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 FROM PETITION APPROVED FEBRUARY 2008
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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 FROM PETITION APPROVED FEBRUARY 2008
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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 FROM PETITION APPROVED FEBRUARY 2008
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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 FROM PETITION APPROVED FEBRUARY 2008
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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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(I)

deficiencies			
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RECOMMENDATION

Staff recommends that the Oakland Unified School District's Board of Education **approve the charter material revision request** by Oakland Charter Academy 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, 2008, through June 30, 2013. 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: 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 guadalupe.navarro@ousd.k12.ca.us or hand-delivered to the OUSD Office of Charter Schools at 4551 Steele Street, Room 11, Oakland, CA 94619. *Hand-delivered items must receive a receipt from the Office of Charter Schools to ensure verification of timely submission.*

Charter Revision		
Friday, April 15, 2011.	<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, April 15, 2011.	<input type="checkbox"/>	Submit final, Board-approved revised admissions policy and procedures that include provisions for both the downtown and original locations. These policies and procedures should contemplate, among other things, lottery and waitlist procedures.