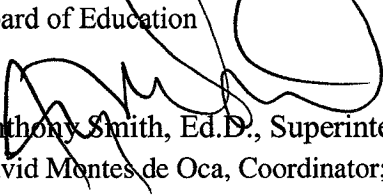




OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Superintendent
1025 Second Avenue, Room 301
Oakland, CA 94606
Phone (510) 879-8200
Fax (510) 879-8800

TO: Board of Education

FROM:  Anthony Smith, Ed.D., Superintendent
David Montes de Oca, Coordinator; Office of Charter Schools

DATE: August 11, 2010

RE: Legacies of Excellence Charter Petition Request

Legislative File
File ID No. 10-1458
Introduction L. No. 0/12/2010
Enactment No.: _____
Enactment Date: _____
By: _____

ACTION REQUESTED

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

SUMMARY

Staff recommends that the OUSD Board of Education approve the denial of the petition for Legacies of Excellence charter school proposed to begin operation in fall, 2010 serving students in grades 6 through 8. Staff recommends denial based on factual findings specific to this petition and set forth here in this attached staff report and petition evaluation.

Staff nonetheless recommends that the OUSD Board of Education direct staff to conduct scheduled and sufficiently extensive engagement with the petitioning group in order to further develop the programmatic opportunities set forth in the proposed charter petition. The program design, though under-developed, and the petitioning group, represents strong potential for developing and implementing a program to serve a high needs population within Oakland, in partnership with the district.

Given the vast similarities between the proposed program herein and the program option currently being provided by the district at the Barack Obama Academy alternative education program in East Oakland, staff recommends that the OUSD Board of Education direct staff to conduct a thorough school quality review of the Barack Obama Academy program, as well as direct staff to conduct a concerted effort to facilitate engagement and dialog between the Legacies of Excellence petitioning group and the school leadership and school community of Barack Obama Academy to consider the most effective and viable program option for the proposed target population.

Staff recommends that the aforementioned recommendations take place prior to January 1, 2011.

PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted the Legacies of Excellence Charter School petition on May 12, 2010 at a regularly scheduled Board of Education meeting.
- 2) Staff held an introductory meeting with the lead petitioners, Robert Coleman, et. al, on May 19, 2010 to explain the petition review process and obtain petitioning group contact information.
- 3) A public hearing was held on June 9, 2010. Representatives from the lead petitioning group presented.
- 4) Staff conducted two Petitioner Interviews on June 4, 2010.
- 5) Staff conducted a follow-up meeting with lead petitioner, Robert Coleman on June 16, 2010.

STATUTORY BACKGROUND

Pursuant to Education Code §47605:

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

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

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

DISCUSSION

Staff convened a petition review team comprised of leadership within the District, which subsequently conducted an evaluation of the petition pursuant to the Charter Schools Act and with the application of the Oakland Unified School District Petition Evaluation Rubric.

Following the petition review process, staff conducted two Petitioner Interviews in an attempt to clarify various aspects of the petition, as well as to evaluate the capacity of the petitioners to successfully implement the program as set forth in the petition.

Legacies of Excellence Charter School proposes to open in fall, 2010 as a direct-funded charter school, operating in District 7. The school proposes to serve 80 students in grades 6 in its first year. Legacies of Excellence Charter School seeks to serve up to 200 students in grades 6-8.

The staff report and charter petition evaluation contained herein provides an overview of the extent to which the petition has or has not met the criteria set forth by the district, consistent with applicable law, as well as an articulation of the factual findings set forth here in support of the staff recommendation.

RECOMMENDATION

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

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school;*
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition*
- (5) The petition does not contain reasonably comprehensive descriptions of all required charter elements.*

ATTACHMENT I - CHARTER PETITION EVALUATION

Oakland Unified School District Charter Petition Evaluation

School Name: Legacies of Excellence Charter School

Submission Date: May 12, 2010

Lead Petitioner/s: Robert Coleman

Public Hearing Date: June 9, 2010

Proposed Governing Board: Mark Alexander, PhD., Robert Newell, PhD., Francine Olivia Shakir, EdD, Norma Francisco, PhD, Kamau Edwards, Arthur Hatchett, Gary Bell

Governing Board Interview Date: June 4, 2010

Petitioner Interview Date: June 4, 2010

Committee Presentation Date: August 2, 2010

Decision Date: August 11, 2010

Recommendation:

Approve the **denial** of the petition and charter to establish Legacies of Excellence Charter School. The petition presents an unsound educational program, the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, and the petition does not contain reasonably comprehensive descriptions of all of the elements required by the California Charter Schools Act.

Proposed location of school	8024 Rudsdale Street between 80 th and 81 st Avenue, across from Acorn Woodland/Encompass Academy school campus.
Composition of petitioner group	Petitioning group represents a core group of dedicated individuals with extensive backgrounds supporting target population in Oakland. Petitioning group has been developing over-all charter school concept for over eight years.
Grade levels to be served in year 1	6
Anticipated enrollment in year 1	80
Grade levels to be served at full-capacity	6-8
Anticipated enrollment at full capacity	300 (pg. 15) Letter of Intent submitted to the District, dated April 1, 2010 states the total enrollment at 200.
Target student population	<i>"Legacies will provide services to at-risk students which primarily come from the school systems, Social Services, Probation Department and the Health Care Services Agency of Alameda County." (Letter of Intent submitted to the District)</i>

Brief description of the kind of school to be chartered.

“Legacies of Excellence Charter School was born out of the desire to provide structure, nurturing, guidance, and role-modeling for youth that are not likely to receive this support at home or at any point in their daily lives. Legacies of Excellence Charter School’s core belief is that the individuals who are best suited to reach the youth of Oakland are those that grew up in the community and have become legends in their own right. Legacies of Excellence Charter School is made up of strong community leaders who care about nothing more than to create the environment that will help guide the next generation of youth in Oakland.

[...]

Legacies of Excellence Charter School will serve high-need 6th – 8th grade students, especially those that have exhibited behavior issues. Legacies of Excellence Charter School is being developed by Legacies of Excellence, LLC, an Oakland-based 501(c)(3) non-profit organization dedicated to working with high-need youth, including those in foster care and those who are probation-linked, throughout the Oakland community. With the support of the Alameda County Department of Social Services, Alameda County Behavioral Health, and the Alameda County Probation Department, LOECS will provide a supportive and challenging educational environment that is desperately needed in Oakland.” (pg.7)

Brief explanation of the mission of proposed charter school.

“Legacies of Excellence Charter School’s mission is to help high-need students experience scholastic, social, and personal success, and provide them with the academic foundation needed to excel in high school and college. The school’s graduates will enter 9th grad [sic] with the knowledge, skills, work habits, and attitudes needed to thrive in a challenging college-prep program.” (pg.9)

Planning to work with a charter management organization (CMO)

Yes _____ No If Yes, Name of CMO:

Signature Verification:

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

	Y	N	PG #
<input type="checkbox"/> Parents / Guardians <ul style="list-style-type: none"> <input type="radio"/> # aligned with proposed opening enrollment <input type="radio"/> Prominent statement 			N/A N/A
<input type="checkbox"/> Teachers <ul style="list-style-type: none"> <input type="radio"/> # aligned with proposed opening enrollment <input type="radio"/> Prominent statement 	X X		Appendix Appendix

Oakland Unified School District

Charter Petition Evaluation

Criteria Reference

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

STATEMENT OF ASSURANCES

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

12. Will submit required enrollment data each March to the OUSD Office of Charter Schools by the required deadline.	X	Pg. 5
13. Will operate in compliance with generally accepted government accounting principles.	X	Pg. 5
14. Will maintain separate accountings of all funds received and disbursed by the school.	X	Pg. 5
15. Will participate in the California State Teachers' Retirement System as applicable.	X	Pg. 5
16. Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health and safety within the building(s) and on school property.	X	Pg. 5
17. Will at all times maintain all necessary and appropriate insurance coverage.	X	Pg. 5
18. Will submit to the OUSD Office of Charter Schools the names, mailing addresses, and employment and educational histories of proposed new members of the Governing Board prior to their service.	X	Pg. 5
19. Will, in the event the Governing Board intends to procure substantially all educational services for the charter school through a contract with another person or entity, provide for approval of such contract by the Board of Education in advance of the beginning of the contract period.	X	Pg. 5
20. Will provide financial statements that include a proposed first-year operational budget with start-up costs and anticipated revenues and expenditures necessary to operate the school, including special education; and cash-flow and financial projections for the first three years of operation.	X	Pg. 5
21. Will provide to the Office of Charter Schools a school code of conduct, Governing Board bylaws, an enrollment policy, and an approved certificate of building occupancy for each facility in use by the school, according to the schedule set by the Office of Charter Schools but in any event prior to the opening of the school.	X	Pg. 5

EVALUATION:

The Legacies of Excellence charter petition contains all legally mandated assurances.



I. EDUCATIONAL PROGRAM

Statutory References:

E.C. § 47605(b)(1)

E.C. § 47605(b)(5)(A)-(C)

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

<p>Petition Section/s Pgs. 6-9</p>
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A. TARGET POPULATION

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

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

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

TARGET POPULATION

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

ANALYSIS: TARGET POPULATION

Strengths	Reference	Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Petition provides a clear sense of target population need, particularly with respect to mental health support. • Petition contains a description and vision of what 21st century person needs and gaps that may exist for target population. • Petition description of program goals for target population focuses of strengths and resilience in students, likely to be aligned with target population need. • Petition provides program proposal that thoughtfully considers the need for a range of program components including the arts, behavioral therapy, low student/ teacher ratios, and interventions to support their various needs and interests. 	<p>Pg. 6</p> <p>Pg. 9</p> <p>Pg. 13</p> <p>Pg. 14</p>	<ul style="list-style-type: none"> • Petition proposes mandated after school tutoring as the primary method of academic intervention. Petition content and responses during petitioner interview indicate assumptions that the target population would likely benefit from and comply with expectations for academic tutoring and support to be provided as part of the “after school program,” as opposed to considering the benefits and increased likelihood of effective intervention to be provided within the school day. • Petition lacks a description of how the program will be attractive to families who may otherwise see the potential for their child’s historically poor behavior to be reinforced by peers with similar behavioral issues enrolled in a single setting, as this has been a recruitment challenge for the district with similar programs serving similar populations. 	<p>Pg. 16 Interview</p>

B. PHILOSOPHY AND APPROACH TO INSTRUCTION

Petition
Section/s
Pgs. 9-13

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

1. **Rationale:** *Is the rationale compelling?*
 - A compelling rationale with a clear foundation in research-based educational practices, teaching methods and/or high standards for student learning;
2. **Mission Alignment:** *Do the philosophy and approach align with the mission and vision?*
 - Alignment with mission and vision; and
3. **Population Alignment:** *Does sound reasoning or evidence indicate that the target population is likely to benefit?*
 - Persuasive explanation of why the philosophy and approach are appropriate for and likely to result in improved educational performance for the target population, including any available performance data from use of the same educational philosophy and approach to instruction with similar populations.

1. Rationale: Is the rationale compelling?

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

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

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

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

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

ANALYSIS: EDUCATIONAL PHILOSOPHY AND APPROACH TO INSTRUCTION

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Rationale</p> <ul style="list-style-type: none"> • Petition provides a compelling story of the need for the target population. • Petition contains a holistic approach (school culture, honoring resilience, mental health, high expectations, etc.) that is likely to benefit the target population. • Petition provides a description of how learning best occurs that is well-rooted in research and best practices. • Petition draws on research-based practices. <p>Mission Alignment</p> <ul style="list-style-type: none"> • Petition sets forth the use of a School-Wide Positive Behavior System that includes well-researched and well-designed components that are likely to set forth an effective program design for meeting the behavioral needs of the target population. • Petition sets forth to use student data to drive instruction, which will be critical to ensure differentiation across the content areas and to ensure equity in the outcomes of the program. • Petition proposes to ensure high expectations through tutoring, intervention and support courses, 	<p>Pg. 6</p> <p>Pg. 10</p> <p>Append 3 Pg. 29</p> <p>Pg. 11</p> <p>Pg. 11</p>	<p>Rationale</p> <ul style="list-style-type: none"> • Petition sets forth a description of <i>Rich and Challenging Curriculum</i> with little to no evidence of what qualifies the curriculum to be considered either “rich” or “challenging.” The following is what is stated in this section: <ul style="list-style-type: none"> ➤ Curriculum will be grounded in the standards ➤ Students will be apprised of the standards ➤ Students falling behind will have an intervention plan ➤ Students will be required to attend after school support ➤ Mention of a behavioral health component <p>Mission Alignment</p> <ul style="list-style-type: none"> • The proposed School-wide Positive Behavior Support (SW-PBS) program, wherein a blueprint document is provided as an appendix, is not adequately integrated into the program design to demonstrate the coherent and fully integrated manner within which this will be implemented. • SW-PBS contains elements for effective implementation including <i>Training Capacity, Coaching Capacity, Evaluation Capacity, and Coordination Capacity</i> that is not considered within the petition to evidence capacity within the proposed charter school program to effectively implement the SW-PBS program. 	<p>Pg. 12</p> <p>Append 3</p> <p>Append 3 Pg. 24-25</p>

<p>as well as a commitment to providing a challenging standards-based curriculum.</p> <p>Population Alignment</p> <ul style="list-style-type: none"> • Petition proposes a counseling enriched program with mental health staff working in collaboration with classroom teachers to support instruction. • Petition sets forth the use of a resiliency model for the program that will ensure students can develop capacity to work effectively in school, when they have otherwise been unsuccessful. • Petition proposes the use of technology that is likely to benefit students to ensure their future success, as well as to likely serve to further engage students in the learning experience. 	<p>Pg. 13</p> <p>Pg. 13</p> <p>Pg. 10</p>	<ul style="list-style-type: none"> • SW-PBS program blueprint sets forth the following key features for implementation of the program model: <i>Leadership Team, Coordinators, Funding, Visibility, Political Support, Training Capacity, Coaching Capacity, Demonstrations, and Evaluation</i>. These elements are not discussed explicitly in any aspect of the charter petition. • SW-PBS program blueprint provides thoughtful instruments for self-evaluation to ensure proper elements for successful implementation are in place; however, no evidence is provided that this self-assessment has occurred or that the aspects of this self-assessment have been contemplated in the program design. • Petition sets forth, in very limited terms, that the School-Wide Positive Behavior System will be a <i>point system</i> and <i>communal milestones</i>; however, there is no articulation of this aspect of the SW-PBS program design set forth in the Appendix, though the appendix is referenced here. <p>Population Alignment</p> <ul style="list-style-type: none"> • Responses provided during the petitioner interviews did not evidence a sufficiently clear understanding of the flexibility provided by charter law to ensure the design of charter school programs that effectively serve the target population. • The assumptions held by the petitioning group regarding flexibility within charter law raise questions 	<p>Append 3 Pg. 28-29</p> <p>Append 3 Pg. 43</p> <p>Pg. 29</p> <p>Pg. 18 Interview</p>
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		pertaining to the proposed schedule, curriculum choices, staffing plans, and academic interventions that demonstrate an absence of clear alignment to meeting the needs of the target population.	
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C. CURRICULUM FRAMEWORK X Mark this box on behalf of the curriculum that has already been selected/developed:

The description of the curriculum should provide the reviewer with a sense not only of *what* the school will teach but also of *how* and *why*. It must present research, applicant experience and/or reasoning sufficient to convince the reviewer that the applicants have already made sound educational decisions.

A description of the Curriculum Framework excels if it has the following characteristics:

Petition Section/s
Pgs. 14-46

1. Alignment: *Is the selection well-reasoned and aligned with the mission, state standards and student needs?*

- o A clear description of the framework and research, experience and/or sound reasoning that demonstrates alignment with the school's mission, state standards and anticipated student needs;

2. Implementation: *Does the plan demonstrate the resources, scheduling and professional support needed for effective implementation?*

- o An implementation plan showing persuasively the resources, daily schedule, annual calendar and professional development that support effective implementation;
- o A clear description of the manner in which the school will prioritize the implementation of those elements of the proposed educational program that will ensure likely achievement of the goals of the program; and

3. Evaluation: *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*

- o Effective strategies for evaluating the effectiveness of implementation and responding when student performance falls short of goals.

1. Alignment: *Is the selection well-reasoned and aligned with the mission, state standards and student needs?*

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

2. Implementation: *Does the plan demonstrate the resources, scheduling and professional support needed for effective implementation?*

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

3. Evaluation: *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*

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

ANALYSIS: CURRICULUM FRAMEWORK

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Alignment</p> <ul style="list-style-type: none">Petition proposes to provide opportunities for tutoring to support underachieving students.Petition proposes to utilize a well considered approach to mental and behavioral support that is likely to benefit the target population.Approach to behavioral support includes proposal to include family therapy that is likely to benefit the target population.Petition provides some specific information regarding the intended collaboration between the mental health and academic program staff.Petition includes a commitment to applying strength-based and reinforcement-based systems to support student success.Petition proposes to apply a “backwards design” model to lesson planning.Petition includes a proposed Agriculture and Culinary Arts program that, while vague in its description, offers great promise. Responses provided during the petitioner interviews suggest that this aspect of the program, once more fully developed, could provide a significant anchor	<p>Pg. 14</p> <p>Pg. 14</p> <p>Pg. 24</p>	<p>Alignment</p> <ul style="list-style-type: none">When analyzed in relation to the articulation of the mental health component of the program, the petition sections articulating the academic program are underdeveloped, with components lacking direct alignment to one another, and largely described in terms that do not present a coherently designed program.Petition proposes a school model that sets forth that students will take at least six, and as many as seven departmentalized courses daily, lasting approximately 55 minutes. Responses during the petitioner interview indicate that the design is predicated on an <i>assumption</i> that such a structure is <i>required</i>, vs. providing an educational sound rationale for such a design as likely to serve the target population.The program design is not likely to be conducive towards achieving the goals of the school, particularly given the unique needs of the target population, which would benefit from extended class periods and a reduced number of adult contacts to foster critical relationship development and the ability to grasp difficult course content.Responses during the petitioner interview indicate that the school aspires to implement an instructional model that is far different from the one proposed.	<p>Pg. 14</p> <p>Pg. 16/17 Interview</p> <p>Interview</p>

<p>against which to build the schools educational program model.</p>			
<ul style="list-style-type: none"> • Petition includes a thoughtfully aligned partnership with Mo- Better Foods to implement a Family-Hood Connection program. 	Pg. 24	<p>The aspired model involves a great deal more project-based learning, authentic assessments, and integrated curriculum. The petition in its current state does not reflect this intended approach to curriculum.</p>	
<ul style="list-style-type: none"> • Petition proposes to implement a Visual and Performing Arts component that, while vague in its description, has the potential to engage the target population. 	Pg. 26	<p>Implementation</p> <ul style="list-style-type: none"> • Key aspects of the proposed educational program will require substantial planning and preparation prior to opening. Petition lacks many key documents to evidence the sufficient planning and preparation to ensure a likelihood of successful implementation of the proposed program. 	Pg. 14-58
<p>Implementation</p> <ul style="list-style-type: none"> • Petition contains a sample daily schedule. 	Pg. 17	<ul style="list-style-type: none"> • Documents provided by petitioners to staff during the petition review process, pertaining to the curriculum, do not evidence alignment to the program set forth in the petition. 	
<ul style="list-style-type: none"> • Petition contains an outline of the proposed courses of study. 	Pg. 16		
<ul style="list-style-type: none"> • Petition contains some sample pacing guides for specific curricular texts chosen. 	Pg. 19-22	<ul style="list-style-type: none"> • Petition and responses provided during petitioner interviews evidenced an underestimation of the professional development needed to effectively implement program as proposed. 	Interview
<ul style="list-style-type: none"> • Petition proposes the use of Aggression Replacement Training that is well articulated and likely to support effective student behavior. 	Pg. 26	<ul style="list-style-type: none"> • Petitioner responses provided during the interview regarding the further development of the 7th and 8th grade core curriculum stated only that the CA Department of Education website would be solicited in order to simply download the required grade level curriculum. 	Interview
<ul style="list-style-type: none"> • Petition provides a thoughtful, albeit generic, description of the “backwards mapping process” that is intended to be used in the lesson design. 			
<p>Evaluation</p> <ul style="list-style-type: none"> • Petition proposes to use assessment results to inform instruction. 	Pg. 11	<ul style="list-style-type: none"> • Responses provided during the petitioner interviews proposed the recent introduction of the Peacemakers mentoring program, though no mention of this 	Interview

		<p>program exists within the petition. Neither the petition nor the responses provided during the petitioner interviews evidence a clear plan for the implementation of this program component within the context of the over-all program design in order to evidence sufficient planning and preparation.</p> <ul style="list-style-type: none"> • The petition indicates a minimum of 180 school days, however the budget states 200 school days. • Two books are referenced in the limited section within the petition articulating the intended approach to <i>Differentiation</i>. There is an absence of clarity as to what aspects of the books will be utilized, what relevance they would have to the over-all program, or how teachers will be supported to implement these strategies. <p>Evaluation</p> <ul style="list-style-type: none"> • Petition does not contemplate high school readiness or mapping backwards from the skills needed to be successful in high school in the design of the academic program. This is missing in the professional development section regarding "<i>backwards mapping</i>" and is not provided for elsewhere. • Petition states that program will be evaluated by external provider in third year without standards against which the school will be evaluated. 	<p>Pg. 45</p> <p>Pg. 44</p>
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D. CURRICULUM FRAMEWORK *X* Mark this box on behalf of the curriculum that has yet to be developed:

1. **Plan:** *Is there a sound curriculum development plan?*
 - o A thorough, persuasive plan for development including the research base to be considered and foundation materials;
2. **Schedule:** *Is there a well-defined, realistic schedule?*
 - o A realistic, time-specific development schedule and clear objectives to be met; and
3. **Responsibilities:** *Are the development responsibilities clear and manageable?*
 - o Identification of individuals responsible for development and evidence that they are well-qualified for the task.

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

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

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

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

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

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

ANALYSIS: CURRICULUM DEVELOPMENT PLAN

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Plan</p> <ul style="list-style-type: none"> • <p>Schedule</p> <ul style="list-style-type: none"> • <p>Responsibilities</p> <ul style="list-style-type: none"> • Petitioning group includes individuals with experience and expertise likely to make a meaningful contribution to the design of the school program. 		<p>Plan</p> <ul style="list-style-type: none"> • Responses provided during the petitioner interview referenced aspects of the program that were not articulated with the petition and were thus difficult to fully understand and evaluate. • Petition contains no plan for the further development of the curriculum or educational program. • Substantial aspects of the program are not yet developed, including scope and sequence of curriculum to reflect thoughtful planning of integration within the special classes and mental health components set forth in the petition, pacing guides aligned to the proposed scope and sequence with consideration for the integrated mental health component, or associated structures and models for effective delivery of the curriculum. • Petition contains only a pasted copy of the district's 6th grade ELA pacing "Quick Look" chart with no explanation of its use in the program. <p>Schedule</p> <ul style="list-style-type: none"> • Petition contains no schedule for the development of aspects of the program that require further development. • Responses provided during the petitioner interviews 	<p>Interview</p> <p>Pg. 20</p> <p>Interview</p>

		<p>indicated that the remaining months of the summer would be used to plan any components requiring further development.</p> <p>Responsibilities</p> <ul style="list-style-type: none"> • The petition provides no specific articulation of the individuals who will be responsible for the further development of the academic program. • Responses provided during the petitioner interview indicate that the process for further curriculum development would entail downloading information from the California Department of Education website. This provides further evidence of the absence of necessary planning and an absence of clarity as to whom will be responsible for the further development of the academic program. 	<p>Interview</p>
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E. SPECIAL POPULATIONS: SPECIAL EDUCATION

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

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

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

ANALYSIS: SPECIAL EDUCATION

Strengths	Reference	Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Petition sets forth that school will implement an individualized learning plan for all students, which is likely to increase the school’s overall capacity to ensure the effective implementation of the IEP’s for students with identified learning disabilities. • Petition sets forth a clear understanding of the state and federal responsibilities held by public schools serving students with learning disabilities. Petition sets forth an understanding of the child-find, referral for assessment, IEP development and monitoring, and inclusion of students in the least restrictive learning environment. • Petition sets forth a clear understanding of the 504 process and the school’s roles and responsibilities as it pertains to the development and oversight of 504 plans for students who may not otherwise qualify as learning disabled. • Petition sets forth a description of the roles and responsibilities of the school with respect to IEP meetings. • Petition acknowledges the school’s obligation to contribute to the Districts’ special education costs by making payments to offset the District’s over-all special education contribution. 	<p>Pg. 13</p> <p>Pg. 37</p> <p>Pg. 38</p> <p>Pg. 41</p> <p>Pg. 43</p>	<ul style="list-style-type: none"> • Petition sets forth inaccurate assumptions regarding who is responsible for the hiring, training, and employment of site staff responsible for special education services, citing that the school will be responsible for these areas. • Petition lacks a clear articulation of the use of a Response to Intervention model or other method for systematically identifying and addressing students’ needs at various levels and for articulating escalating forms of intervention. • Petition does not contemplate complaints and concerns by parents/guardians specifically regarding students with learning disabilities nor describes the manner in which the school and the district will work in collaboration to ensure proper complaint resolution. 	<p>Pg. 40</p>

F. SPECIAL POPULATIONS: ENGLISH LANGUAGE LEARNERS

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

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

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

ANALYSIS: ENGLISH LANGUAGE LEARNERS

Strengths	Reference	Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Petition provides evidence that the CELDT test will be administered as required by law. • Petition provides articulation of the process for Redesignation of ELL students that will be used (though lacks a description of what the criteria will be for Redesignation). • Petition proposes to use the CALLA (Cognitive Academic Language Learning Approach) which is an effective model for serving ELL students. 	<p>Pg. 35</p> <p>Pg. 35</p> <p>Pg. 45</p>	<ul style="list-style-type: none"> • Petition provides no description for the role assessment will play in supporting English Language Learners (ELL’s), nor how instruction will be informed by assessments of ELL’s, nor how the CELDT will be used. • Petition proposes the use of the <i>CALLA model</i> for ELL students however no description of the approach or its use is provided in the petition to understand its intended implementation. • Petition provides limited articulation of how teachers will be trained in SDAIE strategies, who will be responsible for the training, or when it will occur. • The proposed strategies of; Native Language support, hands on experiential learning, multiple forms of assessments, and explicit systematic instruction is entirely vague and provides no detail as to how, when, where, or by whom this will take place. • Strategies proposed for ELL students is provided simply as a list with limited description of how the academic program will support the use of these strategies. • Petition proposes to require ELL students to participate in “support classes” afterschool, as opposed to allowing for the support of ELL student to occur during the regular school day program. 	<p>Pg. 36</p> <p>Pg. 45</p> <p>Pg. 36</p> <p>Pg. 36</p> <p>Pg. 36</p> <p>Pg. 35</p>

		<ul style="list-style-type: none">• Regular school day program support is described as “pull out” which has long been recognized as an ineffective strategy for the support of ELL students and their language development.	Pg. 35
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G. PUPIL OUTCOMES

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

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS: PUPIL OUTCOMES

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Alignment</p> <ul style="list-style-type: none"> • Petition sets forth goals of developing lifelong learners. • Petition sets forth goals tied to technology. • Petition sets forth expectations for achievement that are not just whole school, but individual students as well. <p>Measurement</p> <ul style="list-style-type: none"> • Petition sets forth goals that contain some specificity. <p>Performance Level</p> <ul style="list-style-type: none"> • Petition sets forth ambitious academic goals. • Petition sets forth a broad and varied set of outcomes indicators for core content, non-core content, and lifelong learning skills. 	<p>Pg. 52-55</p> <p>Pg. 52-55</p> <p>Pg. 52-55</p>	<p>Alignment</p> <ul style="list-style-type: none"> • Petition sets forth a limited description of the Behavioral Health Assessments, likely to be critical in the overall evaluation of student progress, given the unique target population. <p>Measurement</p> <ul style="list-style-type: none"> • All performance targets are set at the immeasurable term of “<i>strive</i>” vs. the requisite commitment to meet specific proposed outcomes. • Petition includes a set of “<i>overarching goals</i>” without a description of the means by which these goals will be assessed, or establishing targets for these goals. • Petition sets forth the use of “<i>authentic assessments</i>” however none are described. • Petition sets forth “<i>Subject Specific Competencies</i>” that include Social Studies, Science, Languages other than English, Physical Fitness / Health, Technology, and Visual/Performing Arts without any description of how the outcome goals will be measured and no targets have been set. • Petition sets forth “<i>Lifelong skills</i>” but provides neither the means to measure these skills nor targets set against which progress will be measured. • Given the legislative intent of charter law to move 	<p>Pg. 49</p> <p>Pg. 53</p> <p>Pg. 50</p> <p>Pg. 50</p> <p>Pg. 51</p> <p>Pg. 53</p>

		<p>from a rule-based to a performance-based accountability system and to ensure that schools achieve measurable pupil outcomes, the absence of the aforementioned method of assessment and performance targets fails to evidence how the school will meet the legislative intent of charter schools.</p> <p>Performance Level</p> <ul style="list-style-type: none"> • Petition sets forth that the school will make Adequate Yearly Progress; however, responses provided during the petitioner interviews demonstrated an absence of understanding of the implications of NCLB and meeting AYP. Particularly absent was consideration of the unique target population in this regard. • Petition sets forth that the students will increase their proficiency in math and reading by 1.5 grade levels each year as evidenced on the CST; however, responses provided during petitioner interviews indicated an absence of understanding regarding the use of the CST performance bands, or how the 1.5 grade levels would be evidenced by growth on the CST. No mention is made of the use of the DORA or DOMA in providing evidence of student growth over the course of the school year following repeated inquires into how this growth would be measured. • Petition sets forth that the school will use benchmark assessments; however, no performance or progress targets are provided for this assessment. This includes the proposed use of the DORA/DOMA assessment which has no performance targets. 	<p>Pg. 53</p> <p>Pg. 53</p> <p>Pg. 11, 55</p>
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H. PUPIL PROGRESS

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

Formative evaluations measure student performance for the purpose of determining students' learning needs and to inform instructional strategies. In other words, they are used to determine what students still need to learn. A plan for evaluating Pupil Progress excels if it uses both formative and summative and includes the following characteristics:

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

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

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

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

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

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

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

ANALYSIS: PUPIL PROGRESS

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Assessments</p> <ul style="list-style-type: none"> Petition includes the proposed use of the DORA (Diagnostic Online Reading Assessment) and DOMA (Mathematics) assessment tool, which is a valid instrument for measuring student progress. Petition proposes to utilize a range of different assessment tools to measure student progress. <p>Inform Instruction</p> <ul style="list-style-type: none"> Petition proposes to analyze data to assess student progress and assist in planning lessons. Petition sets forth that teacher will use assessment data to collaborate vertically and within grade levels to plan curriculum to ensure alignment to CST's. <p>Reporting</p> <ul style="list-style-type: none"> Petition proposes a robust and exemplary performance report structure to be provided annually to the school district. 	<p>Pg. 14</p> <p>Pg. 55</p> <p>Pg. 14</p> <p>Pg. 57</p> <p>Pg. 58</p>	<p>Assessments</p> <ul style="list-style-type: none"> Approach to assessments overly relies on CST and does not evidence innovation likely to benefit the target population. Petition sets forth the use of the DORA/DOMA Assessment without a clear description of its use or establishing targets for student performance. Petition sets forth the use of a Behavioral Health Self-Assessment Rubric with no example provided to evaluate its validity or reliability. Petition sets for the use of Observation Rubrics with no example provided to evaluate its validity or reliability. Petition sets for the use of a Writing Assessment with no example provided to evaluate its validity or reliability. Petition proposes to use the CST to measure student learning progress in a manner which is not aligned to its intended use or design. <p>Inform Instruction</p> <ul style="list-style-type: none"> Petition sets forth a very limited description of how instruction will be informed by the use of assessments. 	<p>Pg. 55</p> <p>Pg. 55</p> <p>Pg. 55</p> <p>Pg. 55</p> <p>Pg. 55</p> <p>Pg. 53</p> <p>Pg. 57</p>

		<p>Reporting</p> <ul style="list-style-type: none"> • Petition does not articulate any specific schedule for the use of assessments to inform instruction or how the over-all effectiveness of the program will be evaluated by key leaders within the school, including the governing board for purposes of effectively monitoring the program. • Petition proposes an external evaluation to take place after the second year of operation without setting forth quality standards against which the school will evaluate its program. • Petition contains very little description of how key stakeholders will act upon and make use of the performance data provided to them. 	<p>Pg. 57</p> <p>Pg. 57</p> <p>Pg. 57</p>
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EDUCATIONAL PROGRAM SUMMARY

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

EDUCATIONAL PROGRAM SUMMARY

Strengths

The petition as submitted provides evidence of an innovative program design with key elements likely to support the development of the target population. The educational program description includes a thorough articulation of many aspects of the mental health component of the program – demonstrating a clear understanding of effective practices to support the target population. The responses during the petitioner interviews evidence a program design that is not present within the petition, but represents a thoughtful consideration of how to meet the unique needs of the target population.

Concerns and Additional Questions

The educational program does not contain reasonably comprehensive descriptions of the curriculum and instructional methods, the proposed academic interventions, a well-reasoned selection of foundational curricular materials, a well-reasoned schedule and program design, or a reasonably comprehensive description of the proposed measurable pupil outcomes and associated methods of assessment. Responses provided during the petitioner interviews did not adequately clarify specific concerns raised, and in some cases further reduced the demonstrated likelihood that the areas of the curricular program which require further planning would be effectively developed. The petition amounts to an assortment of parts that have not been wired together to form a coherent program. Aspects of the curriculum are extremely vague in their description and do not align between statements made during the petitioner interviews in which the petitioners seek to implement a more holistic hands-on approach to the core content, which is not reflected in the petition.

II. PETITIONER CAPACITY

Statutory References:

E.C. § 47605(b)(2)

E.C. § 47605(b)(5)(D)-(P)

E.C. § 47605(c)(2)

E.C. § 47605(g)

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

A. GOVERNANCE CAPACITY

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

Petition Section/s Pgs. 59-65

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

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

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

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

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

- Demonstrated understanding of the board’s responsibility for the educational and fiscal integrity of the school and for fulfilling the terms of the charter;
- Clear, reasonable selection and removal procedures, term limits, meeting schedules, and powers and duties for members of the governing body;
- Demonstrated understanding and assurance of compliance with open meetings requirements;
- Reasonable conflict of interest policy;
- Adequate plan for insurance;
- A plan for meaningful involvement or input of parents and community members in the governance of the school;
- Clear, sensible delineation of roles and responsibilities of parent councils, advisory committees or other supporting groups; and
- Clear, sensible definition of governing body roles and responsibilities in relation to management.

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

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

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

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

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

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

ANALYSIS: GOVERNANCE CAPACITY

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Legal Structure</p> <ul style="list-style-type: none"> • Petitioning group is an incorporated 501(c)3 entity. <p>Charter School Governance Experience & Expertise</p> <ul style="list-style-type: none"> • While the petitioning groups and proposed founding board lacks specific charter school governance experience or expertise, members of the petitioning group and proposed governing board represent a very strong, if not ideally composed body, likely to bring a great deal of community, mental health, and educational experience to the design and implementation of an effective program. • The petitioning group includes experts in the field of mental and behavioral health with experience in the local context. • The petitioning group includes activists and individuals experienced in developing community-based partnerships, and implementing unique programming described within the petition. • The petitioning groups and proposed governing board have demonstrated through the petitioner interviews a clear commitment to the mission and goals of the proposed program. <p>Operating Plan</p>	<p>Appendix</p>	<p>Legal Structure</p> <ul style="list-style-type: none"> • Bylaws were not contained within the petition. • Articles of Incorporation were not provided in the petition. • Petition lacks a description of any board committees or other structures to assist in the delegation of roles and responsibilities within the governing body. <p>Charter School Governance Experience & Expertise</p> <ul style="list-style-type: none"> • Responses provided during the petitioner interviews indicate that the governing body of the school has yet to develop key operating policies and procedures essential to the effective operation of a charter school. These various gaps in policy development are outlined elsewhere in this report. <p>Operating Plan</p> <ul style="list-style-type: none"> • Petition and responses provided during the petitioner interviews indicate the proposed governing board lacks a majority of critical policies and procedures necessary for the effective implementation of a public charter school program. • Petition lacks a clear articulation of the enrollment procedures, the school climate and culture plan, the approach to the evaluating teachers and 	<p>Interview</p> <p>Pg. 56</p>

<ul style="list-style-type: none"> • 		<p>administrators, the safety and health plan, the approach to monitoring the fiscal health of the school, and a description of how the school will effectively monitor the effectiveness of the program over-all.</p> <ul style="list-style-type: none"> • The petition lacks a clear articulation of the role of parents in the governance of the school. • Petition lacks a clear delineation of how the site administrator and Clinical Manager will effectively co-administer the program. • The petition lacks clear promotion and retention policies. Petition states only that these policies must be shared widely and that the school intends to ensure all students will be prepared to leave 8th grade. 	
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B. MANAGEMENT CAPACITY

Petition Section/s Pgs. 76-85

A leadership plan excels if it has the following characteristics:

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

- A description of the means by which the school will seek to attain a racial and ethnic balance among its pupils that is reflective of the district including specific plans and strategies for student recruitment;
- A clear and compelling student recruitment plan likely to attract projected enrollment, particularly in Year 1;
- A specific plan for conducting a public random drawing or an assurance that such a drawing will be conducted subject to district approval in the event that the number of pupils who wish to attend the school exceed the capacity;
- An assurance that the school will not impose admission requirements OR, if the school proposes to have requirements, a precise description of those requirements, a compelling statement regarding why they are essential to fulfillment of the school's mission, and a specific plan for the school will incorporate the requirements into any random drawings.
- A clear description of the enrollment process to include any unique intake or application evaluation process to be used by the school designed to meet the needs of the target population outlined in the petition.

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

- The procedures that the school will follow to ensure the health and safety of pupils and staff;
- A clearly articulated discipline policy with suspension and expulsion procedures that are fully explained consistent with the school's mission, educational philosophy and applicable law;
- A statement regarding attendance alternatives for students residing in the district who choose not to attend the school;
- A statement that the school intends to use the district's approved procedure for resolving disputes relating to provisions of the charter OR, in the alternative, a clear description of the procedures that the school proposes to use;
- A description of the systems likely to be effective in addressing parent and community complaints; and
- An assurance that the school will comply with the district's approved procedures for school closure in the event that the charter is relinquished, revoked or not renewed.

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

- Clearly defined management roles and responsibilities for all positions within the administration of the school;

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

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

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

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

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

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

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

ANALYSIS: MANAGEMENT CAPACITY

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Enrollment Procedures</p> <ul style="list-style-type: none"> • Petition provides for an Outreach Plan that includes a wide range of strategies to ensure a meaningful attempt to achieve the racial and ethnic balance of district. • Petition sets forth that a random public lottery will take place is capacity if exceeded. <p>Operating Procedures</p> <ul style="list-style-type: none"> • Petition contains a statement regarding attendance alternatives for students residing in the district who choose not to attend the school. • Petition contains a reasonably comprehensive description of the procedures to be used in the event the school is closed, including the determination of the funds required to effectively complete that process. <p>Management Structure</p> <ul style="list-style-type: none"> • Petition contains a clear and thoughtful plan for professional development that is aligned to over-all instructional program and educational philosophy. The plan is coherent and threaded throughout the petition. • Petition contains a reasonably comprehensive 	<p>Pg. 76</p> <p>Pg. 76</p> <p>Pg. 78</p> <p>Pg. 82</p> <p>Pg. 43</p> <p>Pg. 67</p>	<p>Enrollment Procedures</p> <ul style="list-style-type: none"> • Petition provides an unclear description of when the random lottery will take place and under what conditions. It is unclear when students would learn if they have been accepted into the program. <p>Operating Procedures</p> <ul style="list-style-type: none"> • Responses provided during the petitioner interview indicated that health and safety procedures remain undeveloped. • Petition only references that the school will comply with education code as it relates to suspension and expulsion, but does not provide a description of these procedures or how these procedures will be effectively implemented in the school. • Additionally, the petition provides limited evidence of understanding of the obligations of the school with respect to suspension and expulsion of students with learning disabilities. • Petition does not contain a description of the systems likely to be effective in addressing parent and community complaints. • Responses provided during the petitioner interview demonstrated that no complaint procedures have been developed or adopted by the governing board, as 	<p>Pg. 76</p> <p>Interview</p> <p>Pg. 78</p> <p>Pg. 78</p> <p>Interview</p>

<p>description of the roles and responsibilities of the principal, with some detail of the preferred qualifications.</p> <ul style="list-style-type: none"> • Petition clearly sets forth the limited liability of the district as a result of the operation of the charter school consistent with applicable law. 	<p>Pg. 84</p>	<p>required in the OUSD board policies pertaining to charter schools.</p> <p>Management Structure</p> <ul style="list-style-type: none"> • Petition and responses provided during petitioner interview evidence that the evaluation instrument for the Head of Schools is yet to be developed. • Petition does not contain criteria or competencies against which the principal will be evaluated. • Petition does not contain a clear structure set forth in writing which spells out the specific delegated powers of the governing board to the principal, a clear description of the communication structure among board committees or other bodies active in the school, nor an organizational chart that illustrates the authority, decision-making, and corresponding reporting structures to be implemented within the school's governance and operations. • Petition and responses provided during the petitioner interviews demonstrate an absence of a clear description of how business services will be provided and indicated only an expectation that these will be sought externally as well as managed by the principal of the school. • Petitioner responses during the petitioner interviews demonstrate limited capacity to develop a professional learning plan that will support effective implementation of the proposed academic program. 	<p>Interview</p> <p>Pg. 80 Interview</p> <p>Interview</p>
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		<ul style="list-style-type: none">• Petition contains no description of the required qualifications of the teachers sought by the school except certification requirements and <i>“a commitment to students and a relentless drive to support student learning”</i>, which does not demonstrate a clear understanding of the qualifications likely to evidence a strong teacher to serve the school’s unique target population.	
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C. EMPLOYMENT CAPACITY

Petition Section/s Pgs. 66-75

An employment plan excels if it has the following characteristics:

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

- Description of the qualifications for and responsibilities of key employees of the school, including the instructional leader and other key school administration positions.

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

- A compensation plan based on sound budget assumptions that reflects understanding of the prevailing market and supports the proposed educational program.

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

- Adequate personnel policies or a sound plan articulated for timely development;
- An assurance that staff will meet applicable state and federal requirements for credentialing and "highly qualified" status;
- An adequate description of the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security;
- A statement regarding employee rights of return, if any;
- A clear declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act; and
- An assurance that staff will have criminal background and other required health and safety checks and manner in which these will be conducted.

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

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

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

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

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

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

ANALYSIS: EMPLOYMENT CAPACITY

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Qualifications and Responsibilities</p> <ul style="list-style-type: none"> Petition contains the roles and qualifications of key staff including Clinical Program Manager, Mental Health Therapist, and Mental Health Assistant. <p>Compensation Plan</p> <ul style="list-style-type: none"> <p>Policies and Assurances</p> <ul style="list-style-type: none"> Petition contains an assurance that staff will meet applicable state and federal requirements for credentialing and "highly qualified" status. Petition contains an adequate description of the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. Petition contains a statement regarding employee rights of return that is consistent with applicable law and district policy. Petition contains a clear declaration that 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. 	<p>Pg. 66</p>	<p>Qualifications and Responsibilities</p> <ul style="list-style-type: none"> Petition lacks clear plans for the evaluation of key staff. <p>Compensation Plan</p> <ul style="list-style-type: none"> Responses provided during the petitioner interviews do not evidence a consideration of the implications for proposing a 200 school day calendar as well as requiring 10 days of professional development and the resulting compensation plan, which is consistent with average teacher salaries in OUSD where the teacher teaches only 180 days with up to four required days of professional development. <p>Policies and Assurances</p> <ul style="list-style-type: none"> Responses provided during the petitioner interview indicated an absence of development of a thorough and comprehensive Employee Handbook with associated personnel policies adopted by the governing board. 	<p>Interview</p> <p>Interview</p>

<ul style="list-style-type: none">• Petition contains an assurance that staff will have criminal background and other required health and safety checks and manner in which these will be conducted.			
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D. FINANCIAL CAPACITY

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

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

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

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

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

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

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

- Spending priorities that align with the school's mission, educational program, management structure, professional development needs, and growth plan;
- A budget narrative explaining key expense assumptions;

- Realistic expense projections addressing major operating expenses including staffing and benefits, special education, facility, materials and equipment, and contracted services;
- Budgeting to meet minimum insurance requirements; and
- Evidence to support key assumptions including that compensation is sufficient to attract qualified staff and that facilities budget is adequate.

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

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

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

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

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

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

ANALYSIS: FINANCIAL CAPACITY

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Financial Operation</p> <ul style="list-style-type: none"> • Petition contains a balanced three-year budget accurately reflecting all budget assumptions; • Petition contains a start-up year plan with reasonable assessment of and plan for costs; • Petition contains an audit assurance and plan with adequate budget allocation. • Petition contains, within the school closure procedures, a plan for dissolution of assets should the school close. <p>Revenues</p> <ul style="list-style-type: none"> • Petition contains realistic revenue projections showing all anticipated revenue sources -- including state, local, federal and private funds, and any fee-based programs and services. <p>Expenditures</p> <ul style="list-style-type: none"> • Petition contains spending priorities that align with the school’s mission, educational program, management structure, professional development needs, and growth plan. • Petition contains a budget narrative explaining key expense assumptions. 	<p>Append 6</p> <p>Append 6</p> <p>Pg. 81</p> <p>Pg. 82</p> <p>Append 6</p> <p>Append 6</p> <p>Append 6</p> <p>Append 6</p>	<p>Financial Operation</p> <ul style="list-style-type: none"> • Program will require substantial invoicing of MediCal approved services. These will require a demonstration of substantial capacity to effectively oversee and manage the invoicing process, particularly accounting for the service provision within the general education program. • Petition sets forth a performance target of 90% for attendance, but sets the budget at a projection of 94% and 95% percent attendance. Thus, the petition expects to achieve an attendance rate of 94-95%, but seeks to be held accountable only for achievement of a minimum 90% attendance rate. Responses provided during the petitioner interviews did not clarify this discrepancy. <p>Revenues</p> <ul style="list-style-type: none"> • Revenue projections include inaccurate cash flow projections that do not align with the actual distribution of funds in all areas. • State revenues are lumped together and do not demonstrate the individual fund sources. Each of the state revenues is apportioned at different times throughout the year. • Revenue for the school will not be received until November or December of the opening year, based on 	<p>Pg. 53, Append 6</p> <p>Append 6</p> <p>Append 6</p> <p>Append 6</p>

		<p>the timing of the charter submission and proposed start date. Neither the petition nor responses during the petitioner interviews evidence a contingency plan to address the substantial funding needs of the school prior to November/December.</p> <ul style="list-style-type: none"> • Program proposed a 200 day school calendar without adequate consideration of the implications for staffing. • Petitioner responses during the petitioner interviews indicated that consideration had not been given to how the program would organize the 200 academic days to maximize their effectiveness for the target population, or on behalf of staff charged with implementing the program. <p>Expenditures</p> <ul style="list-style-type: none"> • Special Education contribution to the district is low and not sufficiently aligned to the trending rates likely to be charged to the school. 	<p>Append 6</p> <p>Interview</p> <p>Append 6</p>
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E. FACILITIES PLAN

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

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

Non-district facility **District facility (Prop 39)**

Select One

Non-district facility anticipated

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

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

District facility anticipated pursuant to Prop 39

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

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

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

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

ANALYSIS: FACILITIES PLAN

Strengths	Reference	Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Facility owned by members of the founding group is located in a region likely to generate representatives of the target population. • Facility has the capacity to provide for many of the unique amenities that are proposed as aspects of the program design, including kitchens, garden space, and small group spaces – as well as classroom and administrative space. • Facility is located across the street from a forthcoming Oakland Public Library site. • Ownership of proposed facility is likely to provide the opportunity to both fully utilize the space, as well as engage reasonable flexibility in its use. 	Pg. 80	<ul style="list-style-type: none"> • The proposed facility, as of June 4, 2010, has not received a Certificate of Occupancy. • Responses provided during the petitioner interview did not evidence a projected date for receipt of a Certificate of Occupancy. • Uncertainty of facility completion has the potential to severely impact the school's ability to recruit students, prepare the facility for instruction, and sufficiently address unforeseen obstacles prior to the start of classes. This uncertainty is further increased by the fact that if the school does not begin operation prior to September 30, the school may not receive apportionment for that academic year. • Petitioner inquiry to staff by proposed governing board member during the petitioner interviews evidenced an absence of understanding of CA law pertaining to such apportionment as the inquiry sought to determine if the school could begin operation mid-year; a proposal that could have dramatic impact on the likelihood of successful implementation. 	<p>Interview</p> <p>Interview</p> <p>Interview</p>

PETITIONER CAPACITY SUMMARY

Based on the information presented in the petition and during the petitioner interviews, the following rating represents the likelihood that petitioners will successfully implement the proposed program?

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

PETITIONER CAPACITY SUMMARY

Strengths
 The petition and responses provided by both the proposed governing board and the founding group demonstrate a dedicated and highly capable petitioning group. The petitioners demonstrate a clear commitment and a willingness to take bold steps in order to create a program likely to effectively serve the target population. The petitioning group is comprised of individuals who demonstrate a wide range of skills necessary to effectively implement a charter school.

Criteria Not Sufficiently Addressed, Concerns & Additional Questions
 The petition and the responses provided during the petitioner interviews currently demonstrate an absence of capacity by the petitioning group to set forth an academic program, sufficiently integrated with the proposed mental health program, to ensure a sound educational program and a likelihood of its successful implementation. While individuals within the proposed governing board and founding group maintain backgrounds and experience that are likely to support a sound design, this was not yet evidenced through the petition, nor through the interview process. In addition, a substantial amount of planning and preparation in order to effectively develop the governance and operations necessary to effectively implement a charter school was not yet begun or completed at the time of the petitioner interviews, conducted in June, 2010, just 2-3 months prior to the proposed opening of the charter school.

SIXTEEN ELEMENTS TABLE

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

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

Element	Evaluation Reference	Inadequate	Reasonably Comprehensive	Statutory Reference
Description of the educational program of the school	<i>Section I., bullet 3</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<i>Section II.D.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<i>Section II.E.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(C)
Governance structure	<i>Section III.A.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section III.C.1.</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section III.B.2., bullet 1</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section III.B.1., bullet 1</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section III.B.1., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section III.D.1., bullet 7</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section III.B.2., bullet 2</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(J)
Manner for covering STRS, PERS, or Social Security	<i>Section III.C.3., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(K)
Attendance alternatives for pupils residing within the district	<i>Section III.B.2., Bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(L)
Employee rights of return, if any	<i>Section III.C.3., bullet 4</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(M)
Dispute resolution procedure for school-authorizer issues	<i>Section III.B.2., Bullet 4</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(N)
Statement regarding exclusive employer status of the school	<i>Section III.C.3., bullet 5</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(O)
Procedures for school closure	<i>Section III.B.2., Bullet 5</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(P)

ANALYSIS: SIXTEEN ELEMENTS

Comment on strengths and concerns about specific elements only to the extent that you have not already provided the relevant analysis in an earlier section.

Strengths

Petition as submitted contains reasonably comprehensive descriptions of some of the required elements set forth in charter law. Aspects of the Educational Program, Measurable Pupil Outcomes, and Methods of Assessment sections contain thoughtful and thorough articulation; however, taken as a whole, these sections lack critical elements to ensure the proposal of a sound educational program that can effectively be held accountable.

Criteria Not Sufficiently Addressed, Concerns & Additional Questions

In addition to what would otherwise be a substantial amount of required text revisions and corrections to ensure proper alignment to district policy and procedures pertaining to charter school operation, and to ensure clarity for purpose of establishing a performance contract, the petition requires further elaboration, clarity, specificity, and detail in order to be considered reasonably comprehensive and in order to demonstrate a proposal that is educationally sound and likely to be implemented successfully.



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the Superintendent

1025 Second Avenue, Room 301

Oakland, CA 94606

Phone (510) 879-8200

Fax (510) 879-8800

TO: Board of Education

FROM: Anthony Smith, Ed.D., Superintendent
David Montes de Oca, Coordinator; Office of Charter Schools

DATE: August 11, 2010

RE: Legacies of Excellence Charter Petition Request

Legislative File

File ID No.: 10-1457

Introduction Date: 5/12/2010

Enactment No.: _____

Enactment Date: _____

By: _____

ACTION REQUESTED

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

SUMMARY

Staff recommends that the OUSD Board of Education approve the denial of the petition for Legacies of Excellence charter school proposed to begin operation in fall, 2010 serving students in grades 6 through 8. Staff recommends denial based on factual findings specific to this petition and set forth here in this attached staff report and petition evaluation.

Staff nonetheless recommends that the OUSD Board of Education direct staff to conduct scheduled and sufficiently extensive engagement with the petitioning group in order to further develop the programmatic opportunities set forth in the proposed charter petition. The program design, though under-developed, and the petitioning group, represents strong potential for developing and implementing a program to serve a high needs population within Oakland, in partnership with the district.

Given the vast similarities between the proposed program herein and the program option currently being provided by the district at the Barack Obama Academy alternative education program in East Oakland, staff recommends that the OUSD Board of Education direct staff to conduct a thorough school quality review of the Barack Obama Academy program, as well as direct staff to conduct a concerted effort to facilitate engagement and dialog between the Legacies of Excellence petitioning group and the school leadership and school community of Barack Obama Academy to consider the most effective and viable program option for the proposed target population.

Staff recommends that the aforementioned recommendations take place prior to January 1, 2011.

PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted the Legacies of Excellence Charter School petition on May 12, 2010 at a regularly scheduled Board of Education meeting.
- 2) Staff held an introductory meeting with the lead petitioners, Robert Coleman, et. al, on May 19, 2010 to explain the petition review process and obtain petitioning group contact information.
- 3) A public hearing was held on June 9, 2010. Representatives from the lead petitioning group presented.
- 4) Staff conducted two Petitioner Interviews on June 4, 2010.
- 5) Staff conducted a follow-up meeting with lead petitioner, Robert Coleman on June 16, 2010.

STATUTORY BACKGROUND

Pursuant to Education Code §47605:

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

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

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

DISCUSSION

Staff convened a petition review team comprised of leadership within the District, which subsequently conducted an evaluation of the petition pursuant to the Charter Schools Act and with the application of the Oakland Unified School District Petition Evaluation Rubric.

Following the petition review process, staff conducted two Petitioner Interviews in an attempt to clarify various aspects of the petition, as well as to evaluate the capacity of the petitioners to successfully implement the program as set forth in the petition.

Legacies of Excellence Charter School proposes to open in fall, 2010 as a direct-funded charter school, operating in District 7. The school proposes to serve 80 students in grades 6 in its first year. Legacies of Excellence Charter School seeks to serve up to 200 students in grades 6-8.

The staff report and charter petition evaluation contained herein provides an overview of the extent to which the petition has or has not met the criteria set forth by the district, consistent with applicable law, as well as an articulation of the factual findings set forth here in support of the staff recommendation.

RECOMMENDATION

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

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school;*
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition*
- (5) The petition does not contain reasonably comprehensive descriptions of all required charter elements.*

ATTACHMENT I - CHARTER PETITION EVALUATION

Oakland Unified School District Charter Petition Evaluation

School Name: Legacies of Excellence Charter School

Submission Date: May 12, 2010

Lead Petitioner/s: Robert Coleman

Public Hearing Date: June 9, 2010

Proposed Governing Board: Mark Alexander, PhD., Robert Newell, PhD., Francine Olivia Shakir, EdD, Norma Francisco, PhD, Kamau Edwards, Arthur Hatchett, Gary Bell

Governing Board Interview Date: June 4, 2010

Petitioner Interview Date: June 4, 2010

Committee Presentation Date: August 2, 2010

Decision Date: August 11, 2010

Recommendation:

Approve the **denial** of the petition and charter to establish Legacies of Excellence Charter School. The petition presents an unsound educational program, the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, and the petition does not contain reasonably comprehensive descriptions of all of the elements required by the California Charter Schools Act.

Proposed location of school	8024 Rudsdale Street between 80 th and 81 st Avenue, across from Acorn Woodland/Encompass Academy school campus.
Composition of petitioner group	Petitioning group represents a core group of dedicated individuals with extensive backgrounds supporting target population in Oakland. Petitioning group has been developing over-all charter school concept for over eight years.
Grade levels to be served in year 1	6
Anticipated enrollment in year 1	80
Grade levels to be served at full-capacity	6-8
Anticipated enrollment at full capacity	300 (pg. 15) Letter of Intent submitted to the District, dated April 1, 2010 states the total enrollment at 200.
Target student population	<i>"Legacies will provide services to at-risk students which primarily come from the school systems, Social Services, Probation Department and the Health Care Services Agency of Alameda County." (Letter of Intent submitted to the District)</i>

Brief description of the kind of school to be chartered.

“Legacies of Excellence Charter School was born out of the desire to provide structure, nurturing, guidance, and role-modeling for youth that are not likely to receive this support at home or at any point in their daily lives. Legacies of Excellence Charter School’s core belief is that the individuals who are best suited to reach the youth of Oakland are those that grew up in the community and have become legends in their own right. Legacies of Excellence Charter School is made up of strong community leaders who care about nothing more than to create the environment that will help guide the next generation of youth in Oakland.

[...]

Legacies of Excellence Charter School will serve high-need 6th – 8th grade students, especially those that have exhibited behavior issues. Legacies of Excellence Charter School is being developed by Legacies of Excellence, LLC, an Oakland-based 501(c)(3) non-profit organization dedicated to working with high-need youth, including those in foster care and those who are probation-linked, throughout the Oakland community. With the support of the Alameda County Department of Social Services, Alameda County Behavioral Health, and the Alameda County Probation Department, LOECS will provide a supportive and challenging educational environment that is desperately needed in Oakland.” (pg.7)

Brief explanation of the mission of proposed charter school.

“Legacies of Excellence Charter School’s mission is to help high-need students experience scholastic, social, and personal success, and provide them with the academic foundation needed to excel in high school and college. The school’s graduates will enter 9th grad [sic] with the knowledge, skills, work habits, and attitudes needed to thrive in a challenging college-prep program.” (pg.9)

Planning to work with a charter management organization (CMO)

Yes _____ No X If Yes, Name of CMO:

Signature Verification:

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

	Y	N	PG #
<input type="checkbox"/> Parents / Guardians <ul style="list-style-type: none"> <input type="checkbox"/> # aligned with proposed opening enrollment <input type="checkbox"/> Prominent statement 			N/A N/A
<input type="checkbox"/> Teachers <ul style="list-style-type: none"> <input type="checkbox"/> # aligned with proposed opening enrollment <input type="checkbox"/> Prominent statement 	X X		Appendix Appendix

Oakland Unified School District

Charter Petition Evaluation

Criteria Reference

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

STATEMENT OF ASSURANCES

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

12. Will submit required enrollment data each March to the OUSD Office of Charter Schools by the required deadline.	X	Pg. 5
13. Will operate in compliance with generally accepted government accounting principles.	X	Pg. 5
14. Will maintain separate accountings of all funds received and disbursed by the school.	X	Pg. 5
15. Will participate in the California State Teachers' Retirement System as applicable.	X	Pg. 5
16. Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health and safety within the building(s) and on school property.	X	Pg. 5
17. Will at all times maintain all necessary and appropriate insurance coverage.	X	Pg. 5
18. Will submit to the OUSD Office of Charter Schools the names, mailing addresses, and employment and educational histories of proposed new members of the Governing Board prior to their service.	X	Pg. 5
19. Will, in the event the Governing Board intends to procure substantially all educational services for the charter school through a contract with another person or entity, provide for approval of such contract by the Board of Education in advance of the beginning of the contract period.	X	Pg. 5
20. Will provide financial statements that include a proposed first-year operational budget with start-up costs and anticipated revenues and expenditures necessary to operate the school, including special education; and cash-flow and financial projections for the first three years of operation.	X	Pg. 5
21. Will provide to the Office of Charter Schools a school code of conduct, Governing Board bylaws, an enrollment policy, and an approved certificate of building occupancy for each facility in use by the school, according to the schedule set by the Office of Charter Schools but in any event prior to the opening of the school.	X	Pg. 5

EVALUATION:

The Legacies of Excellence charter petition contains all legally mandated assurances.



I. EDUCATIONAL PROGRAM

Statutory References:

E.C. § 47605(b)(1)

E.C. § 47605(b)(5)(A)-(C)

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

<p>Petition Section/s Pgs. 6-9</p>
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A. TARGET POPULATION

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

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

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

TARGET POPULATION

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

ANALYSIS: TARGET POPULATION

Strengths	Reference	Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Petition provides a clear sense of target population need, particularly with respect to mental health support. • Petition contains a description and vision of what 21st century person needs and gaps that may exist for target population. • Petition description of program goals for target population focuses of strengths and resilience in students, likely to be aligned with target population need. • Petition provides program proposal that thoughtfully considers the need for a range of program components including the arts, behavioral therapy, low student/ teacher ratios, and interventions to support their various needs and interests. 	<p>Pg. 6</p> <p>Pg. 9</p> <p>Pg. 13</p> <p>Pg. 14</p>	<ul style="list-style-type: none"> • Petition proposes mandated after school tutoring as the primary method of academic intervention. Petition content and responses during petitioner interview indicate assumptions that the target population would likely benefit from and comply with expectations for academic tutoring and support to be provided as part of the “after school program,” as opposed to considering the benefits and increased likelihood of effective intervention to be provided within the school day. • Petition lacks a description of how the program will be attractive to families who may otherwise see the potential for their child’s historically poor behavior to be reinforced by peers with similar behavioral issues enrolled in a single setting, as this has been a recruitment challenge for the district with similar programs serving similar populations. 	<p>Pg. 16 Interview</p>

B. PHILOSOPHY AND APPROACH TO INSTRUCTION

Petition Section/s Pgs. 9-13

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

1. Rationale: *Is the rationale compelling?*

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

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

- Alignment with mission and vision; and

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

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

1. Rationale: *Is the rationale compelling?*

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

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

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

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

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

ANALYSIS: EDUCATIONAL PHILOSOPHY AND APPROACH TO INSTRUCTION

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Rationale</p> <ul style="list-style-type: none"> • Petition provides a compelling story of the need for the target population. • Petition contains a holistic approach (school culture, honoring resilience, mental health, high expectations, etc.) that is likely to benefit the target population. • Petition provides a description of how learning best occurs that is well-rooted in research and best practices. • Petition draws on research-based practices. <p>Mission Alignment</p> <ul style="list-style-type: none"> • Petition sets forth the use of a School-Wide Positive Behavior System that includes well-researched and well-designed components that are likely to set forth an effective program design for meeting the behavioral needs of the target population. • Petition sets forth to use student data to drive instruction, which will be critical to ensure differentiation across the content areas and to ensure equity in the outcomes of the program. • Petition proposes to ensure high expectations through tutoring, intervention and support courses, 	<p>Pg. 6</p> <p>Pg. 10</p> <p>Append 3 Pg. 29</p> <p>Pg. 11</p> <p>Pg. 11</p>	<p>Rationale</p> <ul style="list-style-type: none"> • Petition sets forth a description of <i>Rich and Challenging Curriculum</i> with little to no evidence of what qualifies the curriculum to be considered either “rich” or “challenging.” The following is what is stated in this section: <ul style="list-style-type: none"> ➤ Curriculum will be grounded in the standards ➤ Students will be apprised of the standards ➤ Students falling behind will have an intervention plan ➤ Students will be required to attend after school support ➤ Mention of a behavioral health component <p>Mission Alignment</p> <ul style="list-style-type: none"> • The proposed School-wide Positive Behavior Support (SW-PBS) program, wherein a blueprint document is provided as an appendix, is not adequately integrated into the program design to demonstrate the coherent and fully integrated manner within which this will be implemented. • SW-PBS contains elements for effective implementation including <i>Training Capacity, Coaching Capacity, Evaluation Capacity, and Coordination Capacity</i> that is not considered within the petition to evidence capacity within the proposed charter school program to effectively implement the SW-PBS program. 	<p>Pg. 12</p> <p>Append 3</p> <p>Append 3 Pg. 24-25</p>

<p>as well as a commitment to providing a challenging standards-based curriculum.</p> <p>Population Alignment</p> <ul style="list-style-type: none"> • Petition proposes a counseling enriched program with mental health staff working in collaboration with classroom teachers to support instruction. • Petition sets forth the use of a resiliency model for the program that will ensure students can develop capacity to work effectively in school, when they have otherwise been unsuccessful. • Petition proposes the use of technology that is likely to benefit students to ensure their future success, as well as to likely serve to further engage students in the learning experience. 	<p>Pg. 13</p> <p>Pg. 13</p> <p>Pg. 10</p>	<ul style="list-style-type: none"> • SW-PBS program blueprint sets forth the following key features for implementation of the program model: <i>Leadership Team, Coordinators, Funding, Visibility, Political Support, Training Capacity, Coaching Capacity, Demonstrations, and Evaluation</i>. These elements are not discussed explicitly in any aspect of the charter petition. • SW-PBS program blueprint provides thoughtful instruments for self-evaluation to ensure proper elements for successful implementation are in place; however, no evidence is provided that this self-assessment has occurred or that the aspects of this self-assessment have been contemplated in the program design. • Petition sets forth, in very limited terms, that the School-Wide Positive Behavior System will be a <i>point system</i> and <i>communal milestones</i>; however, there is no articulation of this aspect of the SW-PBS program design set forth in the Appendix, though the appendix is referenced here. <p>Population Alignment</p> <ul style="list-style-type: none"> • Responses provided during the petitioner interviews did not evidence a sufficiently clear understanding of the flexibility provided by charter law to ensure the design of charter school programs that effectively serve the target population. • The assumptions held by the petitioning group regarding flexibility within charter law raise questions 	<p>Append 3 Pg. 28-29</p> <p>Append 3 Pg. 43</p> <p>Pg. 29</p> <p>Pg. 18 Interview</p>
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		pertaining to the proposed schedule, curriculum choices, staffing plans, and academic interventions that demonstrate an absence of clear alignment to meeting the needs of the target population.	
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C. CURRICULUM FRAMEWORK **X** Mark this box *on behalf of the curriculum that has already been selected/developed:*

The description of the curriculum should provide the reviewer with a sense not only of *what* the school will teach but also of *how* and *why*. It must present research, applicant experience and/or reasoning sufficient to convince the reviewer that the applicants have already made sound educational decisions.

A description of the Curriculum Framework excels if it has the following characteristics:

Petition Section/s
Pgs. 14-46

- 1. Alignment:** *Is the selection well-reasoned and aligned with the mission, state standards and student needs?*
 - o A clear description of the framework and research, experience and/or sound reasoning that demonstrates alignment with the school’s mission, state standards and anticipated student needs;
- 2. Implementation:** *Does the plan demonstrate the resources, scheduling and professional support needed for effective implementation?*
 - o An implementation plan showing persuasively the resources, daily schedule, annual calendar and professional development that support effective implementation;
 - o A clear description of the manner in which the school will prioritize the implementation of those elements of the proposed educational program that will ensure likely achievement of the goals of the program; and
- 3. Evaluation:** *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*
 - o Effective strategies for evaluating the effectiveness of implementation and responding when student performance falls short of goals.

1. Alignment: *Is the selection well-reasoned and aligned with the mission, state standards and student needs?*

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

2. Implementation: *Does the plan demonstrate the resources, scheduling and professional support needed for effective implementation?*

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

3. Evaluation: *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*

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

<p>against which to build the schools educational program model.</p> <ul style="list-style-type: none"> • Petition includes a thoughtfully aligned partnership with Mo- Better Foods to implement a Family-Hood Connection program. • Petition proposes to implement a Visual and Performing Arts component that, while vague in its description, has the potential to engage the target population. <p>Implementation</p> <ul style="list-style-type: none"> • Petition contains a sample daily schedule. • Petition contains an outline of the proposed courses of study. • Petition contains some sample pacing guides for specific curricular texts chosen. • Petition proposes the use of Aggression Replacement Training that is well articulated and likely to support effective student behavior. • Petition provides a thoughtful, albeit generic, description of the “backwards mapping process” that is intended to be used in the lesson design. <p>Evaluation</p> <ul style="list-style-type: none"> • Petition proposes to use assessment results to inform instruction. 	<p>Pg. 24</p> <p>Pg. 26</p> <p>Pg. 17</p> <p>Pg. 16</p> <p>Pg. 19-22</p> <p>Pg. 26</p> <p>Pg. 11</p>	<p>The aspired model involves a great deal more project-based learning, authentic assessments, and integrated curriculum. The petition in its current state does not reflect this intended approach to curriculum.</p> <p>Implementation</p> <ul style="list-style-type: none"> • Key aspects of the proposed educational program will require substantial planning and preparation prior to opening. Petition lacks many key documents to evidence the sufficient planning and preparation to ensure a likelihood of successful implementation of the proposed program. • Documents provided by petitioners to staff during the petition review process, pertaining to the curriculum, do not evidence alignment to the program set forth in the petition. • Petition and responses provided during petitioner interviews evidenced an underestimation of the professional development needed to effectively implement program as proposed. • Petitioner responses provided during the interview regarding the further development of the 7th and 8th grade core curriculum stated only that the CA Department of Education website would be solicited in order to simply download the required grade level curriculum. • Responses provided during the petitioner interviews proposed the recent introduction of the Peacemakers mentoring program, though no mention of this 	<p>Pg. 14-58</p> <p>Interview</p> <p>Interview</p> <p>Interview</p>
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		<p>program exists within the petition. Neither the petition nor the responses provided during the petitioner interviews evidence a clear plan for the implementation of this program component within the context of the over-all program design in order to evidence sufficient planning and preparation.</p> <ul style="list-style-type: none"> • The petition indicates a minimum of 180 school days, however the budget states 200 school days. • Two books are referenced in the limited section within the petition articulating the intended approach to <i>Differentiation</i>. There is an absence of clarity as to what aspects of the books will be utilized, what relevance they would have to the over-all program, or how teachers will be supported to implement these strategies. <p>Evaluation</p> <ul style="list-style-type: none"> • Petition does not contemplate high school readiness or mapping backwards from the skills needed to be successful in high school in the design of the academic program. This is missing in the professional development section regarding “<i>backwards mapping</i>” and is not provided for elsewhere. • Petition states that program will be evaluated by external provider in third year without standards against which the school will be evaluated. 	<p>Pg. 45</p> <p>Pg. 44</p>
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D. CURRICULUM FRAMEWORK **X** Mark this box on behalf of the curriculum that has yet to be developed:

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS: CURRICULUM DEVELOPMENT PLAN

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Plan</p> <ul style="list-style-type: none"> • <p>Schedule</p> <ul style="list-style-type: none"> • <p>Responsibilities</p> <ul style="list-style-type: none"> • Petitioning group includes individuals with experience and expertise likely to make a meaningful contribution to the design of the school program. 		<p>Plan</p> <ul style="list-style-type: none"> • Responses provided during the petitioner interview referenced aspects of the program that were not articulated with the petition and were thus difficult to fully understand and evaluate. • Petition contains no plan for the further development of the curriculum or educational program. • Substantial aspects of the program are not yet developed, including scope and sequence of curriculum to reflect thoughtful planning of integration within the special classes and mental health components set forth in the petition, pacing guides aligned to the proposed scope and sequence with consideration for the integrated mental health component, or associated structures and models for effective delivery of the curriculum. • Petition contains only a pasted copy of the district's 6th grade ELA pacing "Quick Look" chart with no explanation of its use in the program. <p>Schedule</p> <ul style="list-style-type: none"> • Petition contains no schedule for the development of aspects of the program that require further development. • Responses provided during the petitioner interviews 	<p>Interview</p> <p>Pg. 20</p> <p>Interview</p>

		<p>indicated that the remaining months of the summer would be used to plan any components requiring further development.</p> <p>Responsibilities</p> <ul style="list-style-type: none"> • The petition provides no specific articulation of the individuals who will be responsible for the further development of the academic program. • Responses provided during the petitioner interview indicate that the process for further curriculum development would entail downloading information from the California Department of Education website. This provides further evidence of the absence of necessary planning and an absence of clarity as to whom will be responsible for the further development of the academic program. 	Interview
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E. SPECIAL POPULATIONS: SPECIAL EDUCATION

<p>Petition Section/s Pgs. 37-43</p>
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Federal law requires charter schools, like all public schools, to provide a free appropriate education in the least restrictive environment to students identified with disabilities who are enrolled at the school. A plan for serving students with disabilities excels if it has the following characteristics:

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

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

ANALYSIS: SPECIAL EDUCATION

Strengths	Reference	Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Petition sets forth that school will implement an individualized learning plan for all students, which is likely to increase the school’s overall capacity to ensure the effective implementation of the IEP’s for students with identified learning disabilities. • Petition sets forth a clear understanding of the state and federal responsibilities held by public schools serving students with learning disabilities. Petition sets forth an understanding of the child-find, referral for assessment, IEP development and monitoring, and inclusion of students in the least restrictive learning environment. • Petition sets forth a clear understanding of the 504 process and the school’s roles and responsibilities as it pertains to the development and oversight of 504 plans for students who may not otherwise qualify as learning disabled. • Petition sets forth a description of the roles and responsibilities of the school with respect to IEP meetings. • Petition acknowledges the school’s obligation to contribute to the Districts’ special education costs by making payments to offset the District’s over-all special education contribution. 	<p>Pg. 13</p> <p>Pg. 37</p> <p>Pg. 38</p> <p>Pg. 41</p> <p>Pg. 43</p>	<ul style="list-style-type: none"> • Petition sets forth inaccurate assumptions regarding who is responsible for the hiring, training, and employment of site staff responsible for special education services, citing that the school will be responsible for these areas. • Petition lacks a clear articulation of the use of a Response to Intervention model or other method for systematically identifying and addressing students’ needs at various levels and for articulating escalating forms of intervention. • Petition does not contemplate complaints and concerns by parents/guardians specifically regarding students with learning disabilities nor describes the manner in which the school and the district will work in collaboration to ensure proper complaint resolution. 	<p>Pg. 40</p>

F. SPECIAL POPULATIONS: ENGLISH LANGUAGE LEARNERS

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

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

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

ANALYSIS: ENGLISH LANGUAGE LEARNERS

Strengths	Reference	Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Petition provides evidence that the CELDT test will be administered as required by law. • Petition provides articulation of the process for Redesignation of ELL students that will be used (though lacks a description of what the criteria will be for Redesignation). • Petition proposes to use the CALLA (Cognitive Academic Language Learning Approach) which is an effective model for serving ELL students. 	<p>Pg. 35</p> <p>Pg. 35</p> <p>Pg. 45</p>	<ul style="list-style-type: none"> • Petition provides no description for the role assessment will play in supporting English Language Learners (ELL’s), nor how instruction will be informed by assessments of ELL’s, nor how the CELDT will be used. • Petition proposes the use of the <i>CALLA model</i> for ELL students however no description of the approach or its use is provided in the petition to understand its intended implementation. • Petition provides limited articulation of how teachers will be trained in SDAIE strategies, who will be responsible for the training, or when it will occur. • The proposed strategies of; Native Language support, hands on experiential learning, multiple forms of assessments, and explicit systematic instruction is entirely vague and provides no detail as to how, when, where, or by whom this will take place. • Strategies proposed for ELL students is provided simply as a list with limited description of how the academic program will support the use of these strategies. • Petition proposes to require ELL students to participate in “support classes” afterschool, as opposed to allowing for the support of ELL student to occur during the regular school day program. 	<p>Pg. 36</p> <p>Pg. 45</p> <p>Pg. 36</p> <p>Pg. 36</p> <p>Pg. 36</p> <p>Pg. 35</p>

		<ul style="list-style-type: none">• Regular school day program support is described as “pull out” which has long been recognized as an ineffective strategy for the support of ELL students and their language development.	Pg. 35
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G. PUPIL OUTCOMES

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

1. **Alignment:** *Do the objectives align with the mission and vision?*
 - Educational objectives aligned with the mission, vision and educational program;
2. **Measurement:** *Are the goals clear, specific and measurable?*
 - Multiple performance measures applied to student learning objectives.
 - Measures include performance goals based on absolute (e.g., proficiency levels), relative (e.g., comparison schools) and individual gains (e.g., year-to-year matched student cohort gains);
 - Goals that are specific, measurable and timebound;
3. **Performance Level:** *Have the petitioners demonstrated that the target performance levels are both ambitious and attainable?*
 - Performance levels that are both ambitious and realistic including rigorous promotion and graduation standards;
 - Performance levels are considered annually and graduated as needed to sufficiently accelerate learning based on the needs of the target population;

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

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

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

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

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

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

ANALYSIS: PUPIL OUTCOMES

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Alignment</p> <ul style="list-style-type: none"> • Petition sets forth goals of developing lifelong learners. • Petition sets forth goals tied to technology. • Petition sets forth expectations for achievement that are not just whole school, but individual students as well. <p>Measurement</p> <ul style="list-style-type: none"> • Petition sets forth goals that contain some specificity. <p>Performance Level</p> <ul style="list-style-type: none"> • Petition sets forth ambitious academic goals. • Petition sets forth a broad and varied set of outcomes indicators for core content, non-core content, and lifelong learning skills. 	<p>Pg. 52-55</p> <p>Pg. 52-55</p> <p>Pg. 52-55</p>	<p>Alignment</p> <ul style="list-style-type: none"> • Petition sets forth a limited description of the Behavioral Health Assessments, likely to be critical in the overall evaluation of student progress, given the unique target population. <p>Measurement</p> <ul style="list-style-type: none"> • All performance targets are set at the immeasurable term of “<i>strive</i>” vs. the requisite commitment to meet specific proposed outcomes. • Petition includes a set of “<i>overarching goals</i>” without a description of the means by which these goals will be assessed, or establishing targets for these goals. • Petition sets forth the use of “<i>authentic assessments</i>” however none are described. • Petition sets forth “<i>Subject Specific Competencies</i>” that include Social Studies, Science, Languages other than English, Physical Fitness / Health, Technology, and Visual/Performing Arts without any description of how the outcome goals will be measured and no targets have been set. • Petition sets forth “<i>Lifelong skills</i>” but provides neither the means to measure these skills nor targets set against which progress will be measured. • Given the legislative intent of charter law to move 	<p>Pg. 49</p> <p>Pg. 53</p> <p>Pg. 50</p> <p>Pg. 50</p> <p>Pg. 51</p> <p>Pg. 53</p>

		<p>from a rule-based to a performance-based accountability system and to ensure that schools achieve measurable pupil outcomes, the absence of the aforementioned method of assessment and performance targets fails to evidence how the school will meet the legislative intent of charter schools.</p> <p>Performance Level</p> <ul style="list-style-type: none"> • Petition sets forth that the school will make Adequate Yearly Progress; however, responses provided during the petitioner interviews demonstrated an absence of understanding of the implications of NCLB and meeting AYP. Particularly absent was consideration of the unique target population in this regard. • Petition sets forth that the students will increase their proficiency in math and reading by 1.5 grade levels each year as evidenced on the CST; however, responses provided during petitioner interviews indicated an absence of understanding regarding the use of the CST performance bands, or how the 1.5 grade levels would be evidenced by growth on the CST. No mention is made of the use of the DORA or DOMA in providing evidence of student growth over the course of the school year following repeated inquires into how this growth would be measured. • Petition sets forth that the school will use benchmark assessments; however, no performance or progress targets are provided for this assessment. This includes the proposed use of the DORA/DOMA assessment which has no performance targets. 	<p>Pg. 53</p> <p>Pg. 53</p> <p>Pg. 11, 55</p>
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H. PUPIL PROGRESS

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

Formative evaluations measure student performance for the purpose of determining students' learning needs and to inform instructional strategies. In other words, they are used to determine what students still need to learn. A plan for evaluating Pupil Progress excels if it uses both formative and summative and includes the following characteristics:

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

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

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

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

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

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

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

ANALYSIS: PUPIL PROGRESS

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Assessments</p> <ul style="list-style-type: none"> Petition includes the proposed use of the DORA (Diagnostic Online Reading Assessment) and DOMA (Mathematics) assessment tool, which is a valid instrument for measuring student progress. Petition proposes to utilize a range of different assessment tools to measure student progress. <p>Inform Instruction</p> <ul style="list-style-type: none"> Petition proposes to analyze data to assess student progress and assist in planning lessons. Petition sets forth that teacher will use assessment data to collaborate vertically and within grade levels to plan curriculum to ensure alignment to CST's. <p>Reporting</p> <ul style="list-style-type: none"> Petition proposes a robust and exemplary performance report structure to be provided annually to the school district. 	<p>Pg. 14</p> <p>Pg. 55</p> <p>Pg. 14</p> <p>Pg. 57</p> <p>Pg. 58</p>	<p>Assessments</p> <ul style="list-style-type: none"> Approach to assessments overly relies on CST and does not evidence innovation likely to benefit the target population. Petition sets forth the use of the DORA/DOMA Assessment without a clear description of its use or establishing targets for student performance. Petition sets forth the use of a Behavioral Health Self-Assessment Rubric with no example provided to evaluate its validity or reliability. Petition sets for the use of Observation Rubrics with no example provided to evaluate its validity or reliability. Petition sets for the use of a Writing Assessment with no example provided to evaluate its validity or reliability. Petition proposes to use the CST to measure student learning progress in a manner which is not aligned to its intended use or design. <p>Inform Instruction</p> <ul style="list-style-type: none"> Petition sets forth a very limited description of how instruction will be informed by the use of assessments. 	<p>Pg. 55</p> <p>Pg. 55</p> <p>Pg. 55</p> <p>Pg. 55</p> <p>Pg. 55</p> <p>Pg. 53</p> <p>Pg. 57</p>

		<p>Reporting</p> <ul style="list-style-type: none"> • Petition does not articulate any specific schedule for the use of assessments to inform instruction or how the over-all effectiveness of the program will be evaluated by key leaders within the school, including the governing board for purposes of effectively monitoring the program. • Petition proposes an external evaluation to take place after the second year of operation without setting forth quality standards against which the school will evaluate its program. • Petition contains very little description of how key stakeholders will act upon and make use of the performance data provided to them. 	<p>Pg. 57</p> <p>Pg. 57</p> <p>Pg. 57</p>
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EDUCATIONAL PROGRAM SUMMARY

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

EDUCATIONAL PROGRAM SUMMARY

Strengths

The petition as submitted provides evidence of an innovative program design with key elements likely to support the development of the target population. The educational program description includes a thorough articulation of many aspects of the mental health component of the program – demonstrating a clear understanding of effective practices to support the target population. The responses during the petitioner interviews evidence a program design that is not present within the petition, but represents a thoughtful consideration of how to meet the unique needs of the target population.

Concerns and Additional Questions

The educational program does not contain reasonably comprehensive descriptions of the curriculum and instructional methods, the proposed academic interventions, a well-reasoned selection of foundational curricular materials, a well-reasoned schedule and program design, or a reasonably comprehensive description of the proposed measurable pupil outcomes and associated methods of assessment. Responses provided during the petitioner interviews did not adequately clarify specific concerns raised, and in some cases further reduced the demonstrated likelihood that the areas of the curricular program which require further planning would be effectively developed. The petition amounts to an assortment of parts that have not been wired together to form a coherent program. Aspects of the curriculum are extremely vague in their description and do not align between statements made during the petitioner interviews in which the petitioners seek to implement a more holistic hands-on approach to the core content, which is not reflected in the petition.

II. PETITIONER CAPACITY

Statutory References:

- E.C. § 47605(b)(2)
- E.C. § 47605(b)(5)(D)-(P)
- E.C. § 47605(c)(2)
- E.C. § 47605(g)

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

A. GOVERNANCE CAPACITY

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

Petition Section/s Pgs. 59-65

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

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

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

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

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

- Demonstrated understanding of the board’s responsibility for the educational and fiscal integrity of the school and for fulfilling the terms of the charter;
- Clear, reasonable selection and removal procedures, term limits, meeting schedules, and powers and duties for members of the governing body;
- Demonstrated understanding and assurance of compliance with open meetings requirements;
- Reasonable conflict of interest policy;
- Adequate plan for insurance;
- A plan for meaningful involvement or input of parents and community members in the governance of the school;
- Clear, sensible delineation of roles and responsibilities of parent councils, advisory committees or other supporting groups; and
- Clear, sensible definition of governing body roles and responsibilities in relation to management.

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

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

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

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

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

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

ANALYSIS: GOVERNANCE CAPACITY

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Legal Structure</p> <ul style="list-style-type: none"> • Petitioning group is an incorporated 501(c)3 entity. <p>Charter School Governance Experience & Expertise</p> <ul style="list-style-type: none"> • While the petitioning groups and proposed founding board lacks specific charter school governance experience or expertise, members of the petitioning group and proposed governing board represent a very strong, if not ideally composed body, likely to bring a great deal of community, mental health, and educational experience to the design and implementation of an effective program. • The petitioning group includes experts in the field of mental and behavioral health with experience in the local context. • The petitioning group includes activists and individuals experienced in developing community-based partnerships, and implementing unique programming described within the petition. • The petitioning groups and proposed governing board have demonstrated through the petitioner interviews a clear commitment to the mission and goals of the proposed program. <p>Operating Plan</p>	<p>Appendix</p>	<p>Legal Structure</p> <ul style="list-style-type: none"> • Bylaws were not contained within the petition. • Articles of Incorporation were not provided in the petition. • Petition lacks a description of any board committees or other structures to assist in the delegation of roles and responsibilities within the governing body. <p>Charter School Governance Experience & Expertise</p> <ul style="list-style-type: none"> • Responses provided during the petitioner interviews indicate that the governing body of the school has yet to develop key operating policies and procedures essential to the effective operation of a charter school. These various gaps in policy development are outlined elsewhere in this report. <p>Operating Plan</p> <ul style="list-style-type: none"> • Petition and responses provided during the petitioner interviews indicate the proposed governing board lacks a majority of critical policies and procedures necessary for the effective implementation of a public charter school program. • Petition lacks a clear articulation of the enrollment procedures, the school climate and culture plan, the approach to the evaluating teachers and 	<p>Interview</p> <p>Pg. 56</p>

<ul style="list-style-type: none"> • 		<p>administrators, the safety and health plan, the approach to monitoring the fiscal health of the school, and a description of how the school will effectively monitor the effectiveness of the program over-all.</p> <ul style="list-style-type: none"> • The petition lacks a clear articulation of the role of parents in the governance of the school. • Petition lacks a clear delineation of how the site administrator and Clinical Manager will effectively co-administer the program. • The petition lacks clear promotion and retention policies. Petition states only that these policies must be shared widely and that the school intends to ensure all students will be prepared to leave 8th grade. 	
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B. MANAGEMENT CAPACITY

Petition Section/s Pgs. 76-85

A leadership plan excels if it has the following characteristics:

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

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

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

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

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

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

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

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

ANALYSIS: MANAGEMENT CAPACITY

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Enrollment Procedures</p> <ul style="list-style-type: none"> • Petition provides for an Outreach Plan that includes a wide range of strategies to ensure a meaningful attempt to achieve the racial and ethnic balance of district. • Petition sets forth that a random public lottery will take place is capacity if exceeded. <p>Operating Procedures</p> <ul style="list-style-type: none"> • Petition contains a statement regarding attendance alternatives for students residing in the district who choose not to attend the school. • Petition contains a reasonably comprehensive description of the procedures to be used in the event the school is closed, including the determination of the funds required to effectively complete that process. <p>Management Structure</p> <ul style="list-style-type: none"> • Petition contains a clear and thoughtful plan for professional development that is aligned to over-all instructional program and educational philosophy. The plan is coherent and threaded throughout the petition. • Petition contains a reasonably comprehensive 	<p>Pg. 76</p> <p>Pg. 76</p> <p>Pg. 78</p> <p>Pg. 82</p> <p>Pg. 43</p> <p>Pg. 67</p>	<p>Enrollment Procedures</p> <ul style="list-style-type: none"> • Petition provides an unclear description of when the random lottery will take place and under what conditions. It is unclear when students would learn if they have been accepted into the program. <p>Operating Procedures</p> <ul style="list-style-type: none"> • Responses provided during the petitioner interview indicated that health and safety procedures remain undeveloped. • Petition only references that the school will comply with education code as it relates to suspension and expulsion, but does not provide a description of these procedures or how these procedures will be effectively implemented in the school. • Additionally, the petition provides limited evidence of understanding of the obligations of the school with respect to suspension and expulsion of students with learning disabilities. • Petition does not contain a description of the systems likely to be effective in addressing parent and community complaints. • Responses provided during the petitioner interview demonstrated that no complaint procedures have been developed or adopted by the governing board, as 	<p>Pg. 76</p> <p>Interview</p> <p>Pg. 78</p> <p>Pg. 78</p> <p>Interview</p>

<p>description of the roles and responsibilities of the principal, with some detail of the preferred qualifications.</p> <ul style="list-style-type: none"> • Petition clearly sets forth the limited liability of the district as a result of the operation of the charter school consistent with applicable law. 	<p>Pg. 84</p>	<p>required in the OUSD board policies pertaining to charter schools.</p> <p>Management Structure</p> <ul style="list-style-type: none"> • Petition and responses provided during petitioner interview evidence that the evaluation instrument for the Head of Schools is yet to be developed. • Petition does not contain criteria or competencies against which the principal will be evaluated. • Petition does not contain a clear structure set forth in writing which spells out the specific delegated powers of the governing board to the principal, a clear description of the communication structure among board committees or other bodies active in the school, nor an organizational chart that illustrates the authority, decision-making, and corresponding reporting structures to be implemented within the school's governance and operations. • Petition and responses provided during the petitioner interviews demonstrate an absence of a clear description of how business services will be provided and indicated only an expectation that these will be sought externally as well as managed by the principal of the school. • Petitioner responses during the petitioner interviews demonstrate limited capacity to develop a professional learning plan that will support effective implementation of the proposed academic program. 	<p>Interview</p> <p>Pg. 80 Interview</p> <p>Interview</p>
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		<ul style="list-style-type: none">• Petition contains no description of the required qualifications of the teachers sought by the school except certification requirements and <i>“a commitment to students and a relentless drive to support student learning”</i>, which does not demonstrate a clear understanding of the qualifications likely to evidence a strong teacher to serve the school’s unique target population.	
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C. EMPLOYMENT CAPACITY

Petition Section/s Pgs. 66-75

An employment plan excels if it has the following characteristics:

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

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

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

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

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

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

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

ANALYSIS: EMPLOYMENT CAPACITY

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Qualifications and Responsibilities</p> <ul style="list-style-type: none"> • Petition contains the roles and qualifications of key staff including Clinical Program Manager, Mental Health Therapist, and Mental Health Assistant. <p>Compensation Plan</p> <ul style="list-style-type: none"> • <p>Policies and Assurances</p> <ul style="list-style-type: none"> • Petition contains an assurance that staff will meet applicable state and federal requirements for credentialing and "highly qualified" status. • Petition contains an adequate description of the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. • Petition contains a statement regarding employee rights of return that is consistent with applicable law and district policy. • Petition contains a clear declaration that 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. 	Pg. 66	<p>Qualifications and Responsibilities</p> <ul style="list-style-type: none"> • Petition lacks clear plans for the evaluation of key staff. <p>Compensation Plan</p> <ul style="list-style-type: none"> • Responses provided during the petitioner interviews do not evidence a consideration of the implications for proposing a 200 school day calendar as well as requiring 10 days of professional development and the resulting compensation plan, which is consistent with average teacher salaries in OUSD where the teacher teaches only 180 days with up to four required days of professional development. <p>Policies and Assurances</p> <ul style="list-style-type: none"> • Responses provided during the petitioner interview indicated an absence of development of a thorough and comprehensive Employee Handbook with associated personnel policies adopted by the governing board. 	<p>Interview</p> <p>Interview</p>

<ul style="list-style-type: none">• Petition contains an assurance that staff will have criminal background and other required health and safety checks and manner in which these will be conducted.			
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D. FINANCIAL CAPACITY

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

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

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

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

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

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

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

- Spending priorities that align with the school's mission, educational program, management structure, professional development needs, and growth plan;
- A budget narrative explaining key expense assumptions;

- Realistic expense projections addressing major operating expenses including staffing and benefits, special education, facility, materials and equipment, and contracted services;
- Budgeting to meet minimum insurance requirements; and
- Evidence to support key assumptions including that compensation is sufficient to attract qualified staff and that facilities budget is adequate.

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

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

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

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

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

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

ANALYSIS: FINANCIAL CAPACITY

Strengths	Reference	Concerns & Additional Questions	Reference
<p>Financial Operation</p> <ul style="list-style-type: none"> • Petition contains a balanced three-year budget accurately reflecting all budget assumptions; • Petition contains a start-up year plan with reasonable assessment of and plan for costs; • Petition contains an audit assurance and plan with adequate budget allocation. • Petition contains, within the school closure procedures, a plan for dissolution of assets should the school close. <p>Revenues</p> <ul style="list-style-type: none"> • Petition contains realistic revenue projections showing all anticipated revenue sources -- including state, local, federal and private funds, and any fee-based programs and services. <p>Expenditures</p> <ul style="list-style-type: none"> • Petition contains spending priorities that align with the school's mission, educational program, management structure, professional development needs, and growth plan. • Petition contains a budget narrative explaining key expense assumptions. 	<p>Append 6</p> <p>Append 6</p> <p>Pg. 81</p> <p>Pg. 82</p> <p>Append 6</p> <p>Append 6</p> <p>Append 6</p> <p>Append 6</p>	<p>Financial Operation</p> <ul style="list-style-type: none"> • Program will require substantial invoicing of MediCal approved services. These will require a demonstration of substantial capacity to effectively oversee and manage the invoicing process, particularly accounting for the service provision within the general education program. • Petition sets forth a performance target of 90% for attendance, but sets the budget at a projection of 94% and 95% percent attendance. Thus, the petition expects to achieve an attendance rate of 94-95%, but seeks to be held accountable only for achievement of a minimum 90% attendance rate. Responses provided during the petitioner interviews did not clarify this discrepancy. <p>Revenues</p> <ul style="list-style-type: none"> • Revenue projections include inaccurate cash flow projections that do not align with the actual distribution of funds in all areas. • State revenues are lumped together and do not demonstrate the individual fund sources. Each of the state revenues is apportioned at different times throughout the year. • Revenue for the school will not be received until November or December of the opening year, based on 	<p>Pg. 53, Append 6</p> <p>Append 6</p> <p>Append 6</p> <p>Append 6</p>

		<p>the timing of the charter submission and proposed start date. Neither the petition nor responses during the petitioner interviews evidence a contingency plan to address the substantial funding needs of the school prior to November/December.</p> <ul style="list-style-type: none"> • Program proposed a 200 day school calendar without adequate consideration of the implications for staffing. • Petitioner responses during the petitioner interviews indicated that consideration had not been given to how the program would organize the 200 academic days to maximize their effectiveness for the target population, or on behalf of staff charged with implementing the program. <p>Expenditures</p> <ul style="list-style-type: none"> • Special Education contribution to the district is low and not sufficiently aligned to the trending rates likely to be charged to the school. 	<p>Append 6</p> <p>Interview</p> <p>Append 6</p>
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E. FACILITIES PLAN

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

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

Non-district facility **District facility (Prop 39)**

Select One

Non-district facility anticipated

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

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

District facility anticipated pursuant to Prop 39

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

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

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

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

ANALYSIS: FACILITIES PLAN

Strengths	Reference	Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Facility owned by members of the founding group is located in a region likely to generate representatives of the target population. • Facility has the capacity to provide for many of the unique amenities that are proposed as aspects of the program design, including kitchens, garden space, and small group spaces – as well as classroom and administrative space. • Facility is located across the street from a forthcoming Oakland Public Library site. • Ownership of proposed facility is likely to provide the opportunity to both fully utilize the space, as well as engage reasonable flexibility in its use. 	Pg. 80	<ul style="list-style-type: none"> • The proposed facility, as of June 4, 2010, has not received a Certificate of Occupancy. • Responses provided during the petitioner interview did not evidence a projected date for receipt of a Certificate of Occupancy. • Uncertainty of facility completion has the potential to severely impact the school's ability to recruit students, prepare the facility for instruction, and sufficiently address unforeseen obstacles prior to the start of classes. This uncertainty is further increased by the fact that if the school does not begin operation prior to September 30, the school may not receive apportionment for that academic year. • Petitioner inquiry to staff by proposed governing board member during the petitioner interviews evidenced an absence of understanding of CA law pertaining to such apportionment as the inquiry sought to determine if the school could begin operation mid-year; a proposal that could have dramatic impact on the likelihood of successful implementation. 	<p>Interview</p> <p>Interview</p> <p>Interview</p>

PETITIONER CAPACITY SUMMARY

Based on the information presented in the petition and during the petitioner interviews, the following rating represents the likelihood that petitioners will successfully implement the proposed program?

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

PETITIONER CAPACITY SUMMARY

Strengths
<p>The petition and responses provided by both the proposed governing board and the founding group demonstrate a dedicated and highly capable petitioning group. The petitioners demonstrate a clear commitment and a willingness to take bold steps in order to create a program likely to effectively serve the target population. The petitioning group is comprised of individuals who demonstrate a wide range of skills necessary to effectively implement a charter school.</p>

Criteria Not Sufficiently Addressed, Concerns & Additional Questions
<p>The petition and the responses provided during the petitioner interviews currently demonstrate an absence of capacity by the petitioning group to set forth an academic program, sufficiently integrated with the proposed mental health program, to ensure a sound educational program and a likelihood of its successful implementation. While individuals within the proposed governing board and founding group maintain backgrounds and experience that are likely to support a sound design, this was not yet evidenced through the petition, nor through the interview process. In addition, a substantial amount of planning and preparation in order to effectively develop the governance and operations necessary to effectively implement a charter school was not yet begun or completed at the time of the petitioner interviews, conducted in June, 2010, just 2-3 months prior to the proposed opening of the charter school.</p>

SIXTEEN ELEMENTS TABLE

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

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

Element	Evaluation Reference	Inadequate	Reasonably Comprehensive	Statutory Reference
Description of the educational program of the school	<i>Section I., bullet 3</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<i>Section II.D.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<i>Section II.E.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(C)
Governance structure	<i>Section III.A.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section III.C.1.</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section III.B.2., bullet 1</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section III.B.1., bullet 1</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section III.B.1., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section III.D.1., bullet 7</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section III.B.2., bullet 2</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(J)
Manner for covering STRS, PERS, or Social Security	<i>Section III.C.3., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(K)
Attendance alternatives for pupils residing within the district	<i>Section III.B.2., Bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(L)
Employee rights of return, if any	<i>Section III.C.3., bullet 4</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(M)
Dispute resolution procedure for school-authorizer issues	<i>Section III.B.2., Bullet 4</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(N)
Statement regarding exclusive employer status of the school	<i>Section III.C.3., bullet 5</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(O)
Procedures for school closure	<i>Section III.B.2., Bullet 5</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(P)

ANALYSIS: SIXTEEN ELEMENTS

Comment on strengths and concerns about specific elements only to the extent that you have not already provided the relevant analysis in an earlier section.

Strengths
Petition as submitted contains reasonably comprehensive descriptions of some of the required elements set forth in charter law. Aspects of the Educational Program, Measurable Pupil Outcomes, and Methods of Assessment sections contain thoughtful and thorough articulation; however, taken as a whole, these sections lack critical elements to ensure the proposal of a sound educational program that can effectively be held accountable.

Criteria Not Sufficiently Addressed, Concerns & Additional Questions
In addition to what would otherwise be a substantial amount of required text revisions and corrections to ensure proper alignment to district policy and procedures pertaining to charter school operation, and to ensure clarity for purpose of establishing a performance contract, the petition requires further elaboration, clarity, specificity, and detail in order to be considered reasonably comprehensive and in order to demonstrate a proposal that is educationally sound and likely to be implemented successfully.