

January 11, 2011

HAND DELIVERED

Jody London, Board President and Board of Directors
Oakland Unified School District
1025 2nd Avenue
Oakland, CA 95606-2212

Re Recommendation of the Superintendent to Deny ASCEND Charter School Petition and Learning
Without Limits Charter School Petition

Honorable Members of the Board of Directors:

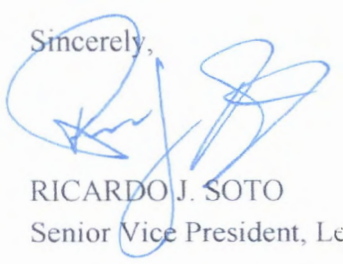
We write in support of approval of the petitions submitted by Education For Change (EFC) Charter School Management Organization to convert ASCEND Elementary School (ASCEND) and Learning Without Limits College Preparatory Elementary School (Learning Without Limits) to charter schools pursuant to the Charter School Act (CSA), Education Code sections 47600 et seq. Additionally, the recommendation of Superintendent Tony Smith to the Oakland Unified School District (OUSD) Board of Directors to deny both the ASCEND and Learning Without Limits conversion charter school petitions is in contravention of the recommendation of the OUSD Charter School Office to approve both charter school petitions, and, more importantly, a violation of the CSA.

On November 21, 2011, Kate Nicol, Regional Director for the California Charter School Association (CCSA), provided correspondence to the OUSD Board of Directors concerning California law governing the review, and approval or denial of conversion charter school petitions by school districts. As stated in Ms. Nicol's letter, Education Code section 47605(b) requires a school district governing board to grant a charter school petition if it is satisfied that granting the charter school is consistent with sound educational practice. Moreover, a school district governing board shall not deny a charter school petition unless it makes written factual findings specific to the particular petition setting forth facts to support at least one of the limited set of findings described in Education Code section 47605(b)(1)-(5). In California, school districts have no authority to deny charter school petitions on any other basis outside of that specifically provided by law.

With respect to ASCEND and Learning Without Limits, the OUSD Charter School Office conducted the legal review required by the CSA regarding each charter school petition. Based on that review, the OUSD Charter School Office determined that ASCEND and Learning Without Limits met the legal requirements of the CSA, and recommended approval of the charter school petitions. Nonetheless,

Superintendent Smith has decided to override the legally compliant recommendation of the OUSD Charter School Office, and directed the OUSD General Counsel to prepare a resolution for denial of the ASCEND and Learning Without Limits charter school petitions. The resolutions prepared by the OUSD General Counsel not only includes bases which are factually questionable, i.e., the fiscal impact on OUSD if the charter school petitions are approved, but fails to articulate any facts to support the findings required under Education Code section 47605(b)(1) - (5), and is thus insufficient to provide a legal basis to deny the charter school petitions.

We encourage the OUSD Board of Directors to disregard Superintendent Smith's recommendation, and approve the ASCEND and Learning Without Limits charter school petitions consistent with the review and recommendation of the OUSD Charter School Office. Should the OUSD Board of Directors approve the proposed resolutions denying the ASCEND and Learning Without Limits charter school petitions, it will leave OUSD open to legal action to challenge its decision either through the charter school appeal process or in court. We believe such a course to be avoidable if the OUSD Board of Directors approves the charter school petitions as is required by law.

Sincerely,


RICARDO J. SOTO
Senior Vice President, Legal Advocacy and General Counsel

RJS:

- cc: Tony Smith, Superintendent, Oakland Unified School District (via Hand Delivery)
- Jacqueline Minor, General Counsel, Oakland Unified School District (via Hand Delivery)
- Sheila Jordan, Superintendent, Alameda County Office of Education (via Email)
- Hae-Sin Kim Thomas, Chief Executive Officer, Education for Change (via E-mail)



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January 8, 2012

Dear Dr. Alexander,

On behalf of the OEA Executive Board, I would like to sincerely thank you and your colleagues for taking the time to meet with us on January 4th to discuss the 100 Black Men Community School. I especially appreciate that you changed your travel plans to accommodate our schedule. We all agreed that the meeting was fruitful and positive, and that we share many common goals and interests. We agree with you that African-American males, in particular, have not received the support they deserve to become successful members of this society, and we want to work together to find solutions that address this critical situation.

We are grateful that you are open to engaging in a partnership with OUSD and OEA to make your proposed school a reality. We also understand that there is an urgency because the Board of Education is scheduled to make a decision on January 11th as to whether or not to approve your charter petition. However, we are being asked to consider some very critical waivers to our existing collective bargaining agreement, specifically around granting autonomies in staffing and scheduling. As January 4th was the first opportunity our Executive Board had to consider the proposed waivers, we do not feel that we can make a definitive decision without further dialogue. At our meeting, we adopted the following motion:

"I move that the OEA, through its Waiver Committee, pursue a dialogue with 100 Black Men Community School (charter) in response to their proposed waivers as presented on January 4, 2012 to the OEA Executive Board." This would allow for further discussion on the specifics of the proposed waivers, counter-suggestions, and ultimately – we hope – a communally beneficial resolution.

As much as we agree with and support the urgency and importance of the work you are undertaking, OEA feels we are ultimately responsible for the welfare of all public school students in Oakland over the long term and therefore need to proceed with caution regarding proposals of this magnitude. Waiving employment protections could have the unwanted consequence of undermining the sustainability of public education and perpetuating the revolving door of teachers in OUSD. This lack of continuity does not serve Oakland students, and especially impacts those of greatest need. As many of us mentioned at the meeting, we hope that you would consider proceeding instead as a "magnet" or "new

autonomous small school" within the public school system framework. This would allow you to create a school and operate within the existing District, while selecting your own staff and waiving certain provisions of the collective bargaining agreement to allow you to design a program particular to the needs of your student population. Most critically, 100 Black Men could thereby lead the way for desperately needed district-wide equity and real reform, while not contributing to the destabilization posed by the current encroachment of charters in Oakland.

We sincerely hope that we will have the opportunity to continue this dialogue.

Please rest assured that we understand the urgency of coming to some agreement in the shortest possible time so that your plans for the school can move forward.

I look forward to hearing from you at your earliest convenience and hope that we can set up additional meetings to continue this dialogue with you and with the other employee unions in Oakland Unified.

Once again, thank you for coming to meet with us.

Yours respectfully,



Betty Olson-Jones

OEA President

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President, Oakland Education Association
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