

## ***Renewal Petition Staff Report***

### **Oakland Charter High School**

*Posted Date: December 18, 2024*

*Decision Hearing: January 2, 2025*

### ***School Overview***

| <b>Oakland Charter High School</b>            |                               |   |                                      |
|---|-------------------------------|---|--------------------------------------|
| <b>Charter Management Organization (CMO):</b> | Amethod Public Schools (AMPS) | <b>Previous Renewal Year(s):</b>        | 2012, 2017                           |
| <b>Year Opened:</b>                           | 2007                          | <b>Campus Address:</b>                  | 2433 Coolidge Ave, Oakland, CA 94601 |
| <b>Neighborhood:</b>                          | Patten                        | <b>OUSD Attendance Area(s):</b>         | Fremont                              |
| <b>OUSD Board District:</b>                   | District 5                    | <b>Current Enrollment:</b> <sup>1</sup> | 331                                  |
| <b>Current Grades Served:</b>                 | 9-12                          | <b>Maximum Authorized Enrollment:</b>   | 448                                  |
| <b>Current Authorized Grades:</b>             | 9-12                          | <b>5-Year Projected Enrollment</b>      | 345, 353, 401, 419, 427              |

### ***Staff Recommendation***

The OUSD Office of Charter School (“OCS”) Staff have found that the Charter School meets Renewal Criteria I, III and IV, as detailed in the subsequent Staff Report. Furthermore, Staff have found that, despite significant fiscal and governance concerns resulting in the November 13, 2024 Notice to OCHS, pursuant to Education Code 47607(e), OCHS is not demonstrably unlikely to successfully implement the proposed educational program and thus meets Renewal Criteria II. As such, Staff recommends approval of the renewal petition for Oakland Charter High School for five years. If approved, Staff additionally recommends the following as benchmarks for the OUSD Board to monitor progress on the challenges referenced in this Report:

1. Provide quarterly written updates to OCS and the OUSD Board, detailing progress on each action step as identified in the Corrective Action Plan (“CAP”).
2. Deliver annual in-person updates to the OUSD Board or Charter Committee, reviewing progress on implementing the CAP.
3. Share the results of the forensic audit and contract audit with OCS.
4. Expand the AMPS Board by adding two additional board members by the end of the 2024-25 school year.

<sup>1</sup> Per census day enrollment spreadsheet submitted to OUSD on October 18, 2024.

## Summary of Findings:

| Strengths  | Challenges  |
|--|---|
| <ul style="list-style-type: none"><li>• Met all SPA indicators in both years.</li><li>• ELA and Math proficiency consistently higher than OUSD average, with most student groups scoring above their respective OUSD student group average.</li><li>• High graduation rates throughout charter term.</li><li>• High A-G completion rates for most years of the charter term.</li><li>• Despite enrollment declining almost 28%, school remains sustainably sized.</li><li>• Very high ending fund balance and no deficit spending throughout charter term.</li></ul> | <ul style="list-style-type: none"><li>• OUSD Board issued a Notice pursuant to Education Code 47607(e) on November 13, 2024, regarding substantial governance and fiscal concerns.</li><li>• Most recent two audit reports identified material weaknesses over financial reporting due to not maintaining accurate and reliable accounting records, with the audit reports being submitted more than six and five months late, respectively.</li><li>• Pattern of Board-approved budgets which substantially over project enrollment and therefore revenue.</li><li>• Governing board has low scores in many core competencies.</li><li>• High CMO leadership turnover, with five CEOs or interim CEOs in fewer than four years.</li><li>• No established career pathway opportunities.</li><li>• English Learners making progress towards English proficiency has declined during charter term.</li><li>• No governing board turnover since the violations noted in the 47607(e) Notice.</li></ul> |

## Criteria for Evaluation and Procedural Background

### Criteria for Renewal

The Charter Schools Act of 1992 established the criteria by which charter renewal applications must be evaluated. In order to recommend the approval of a charter school renewal, Office of Charter Schools (OCS) Staff must determine that the charter school has met the requirements set forth in Education Code (Ed Code) Sections 47605, 47607, and 47607.2. Specifically, in order to be recommended for renewal, Staff determines whether the charter school has met the following renewal criteria:

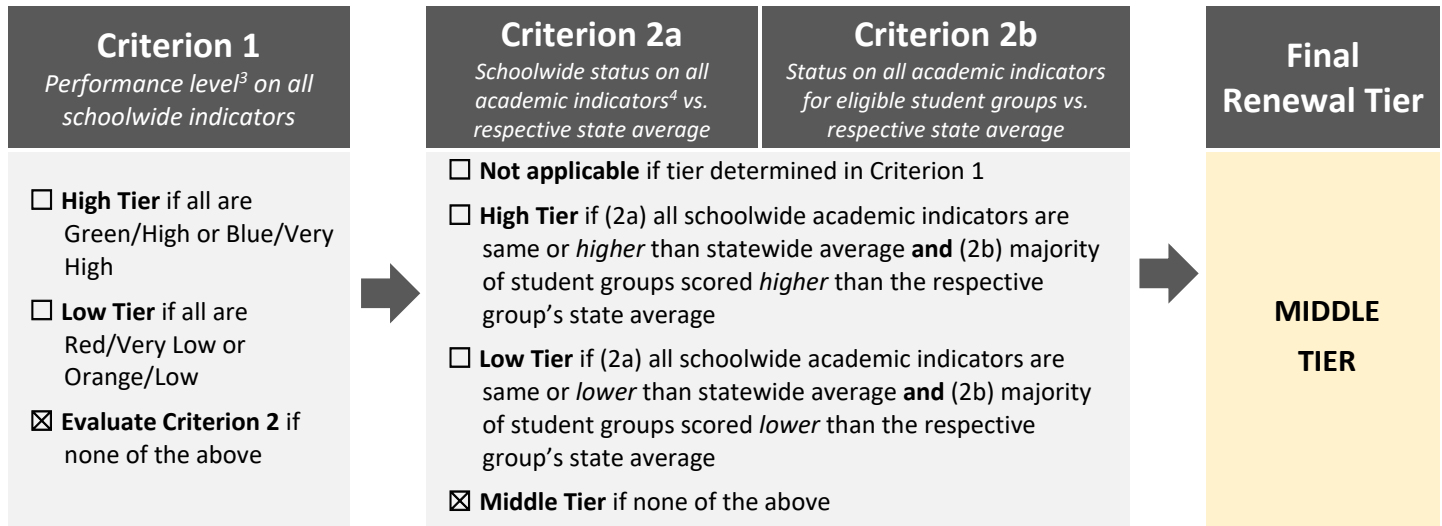
- I. *Has the Charter School Presented a Sound Educational Program?*
- II. *Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?*
- III. *Is the Petition Reasonably Comprehensive?*
- IV. *Is the School Serving All Students Who Wish to Attend?*

### Renewal Tier Analysis

In addition to the criteria outlined above, Education Code outlines a three-tiered system of performance categories for most<sup>2</sup> charter schools seeking renewal. This system provides additional criteria and conditions for evaluating the charter school's renewal petition based on the performance category, or "tier", in which the school is placed. Figure 1 below shows a summary of the criteria used by the California Department of Education to determine OCHS's renewal tier. For a more detailed analysis of the Charter School's renewal tier, including analyses of each criterion and sub-criterion, please see Appendix A.

<sup>2</sup> The three-tiered system does not apply to schools that qualify for the Dashboard Alternative School Status (DASS) program.

**Figure 1: OCHS Renewal Tier Analysis**



Sources: California School Dashboard; CDE Charter School Performance Category Data File; CDE "Determining Charter School Performance Category" Flyer

As indicated in Figure 1 above, the CDE placed<sup>5</sup> the Charter School in the Middle renewal tier. As discussed previously, there are additional criteria and conditions for evaluating a charter school's petition depending on the assigned tier. Figure 2 below outlines the renewal conditions and additional evaluation guidance applicable to schools placed in the Middle tier.

**Figure 2: Renewal Tier Additional Guidance**

| MIDDLE TIER - Additional Guidance and Decision Criteria |   |
|---|---|
| <b>Term</b>   | May only be renewed for a 5-year term.  |
| <b>Additional Renewal Conditions</b>                    | <p>May be denied upon making written findings that:</p> <ol style="list-style-type: none"> <li>1. <i>The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school; AND</i></li> <li>2. <i>The closure is in the best interest of the pupils; AND</i></li> <li>3. <i>The decision provided greater weight to performance on measurements of academic performance (if applicable).</i></li> </ol> <p>May also be denied with a written finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to a finding which demonstrates either:</p> <ol style="list-style-type: none"> <li>A. <i>Substantial fiscal or governance concerns; or</i></li> <li>B. <i>The school is not serving all pupils who wish to attend, as documented by data provided by the CDE or by any substantiated complaints that the charter school has not complied with suspension, expulsion, or involuntary disenrollment procedures.</i></li> </ol> <p>A chartering authority may only deny for either of the two reasons listed above only after it has provided <b>at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school.</b> The chartering authority may deny renewal only by making either of the following findings:</p> |

<sup>3</sup> For the 2022 California School Dashboard, due to the COVID-19 pandemic, status "levels" were assigned to each indicator in place of colors. For the tier analysis, the State used these levels as a proxy for colors, as expressed in Criterion 1. For more information, please see Appendix B.

<sup>4</sup> "Academic indicators" refer to the ELA, Math, English Learner Progress, and College and Career Readiness Indicators on the California School Dashboard.

<sup>5</sup> Charter school performance categories for all California charter schools can be found here: <https://www.cde.ca.gov/sp/ch/performcategorydf.asp>

|   |  |
|---|--|
|   | <p>A. <i>The corrective action proposed by the charter school has been unsuccessful; or</i></p> <p>B. <i>The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.</i></p>  |
| <p><b>Verified Data<sup>6</sup></b><br/><i>(Optional)</i></p> | <p>If the charter school chooses to submit, the authorizing entity shall also consider clear and convincing evidence, demonstrated by verified data, showing either:</p> <p>A. <i>The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school; or</i></p> <p>B. <i>Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.</i></p> |

Source: Education Code §47607.2(b)

**Procedure**

1. The OUSD review team conducted an interview with 2 members of the AMPS Governing Board on July 15, 2024, after 3 members submitted a self-evaluation to assess strengths and gaps in the Governing Body.
2. The OUSD review team conducted a site visit on September 17, 2024. This site visit involved classroom observations and focus group interviews with students, families, teachers, and school leadership.
3. The Charter School submitted a renewal petition to the District on November 5, 2024.
4. On November 13, 2024, the OUSD Board of Education issued OCHS a Notice pursuant to Education Code section 47607(e) outlining concerns that OCHS was demonstrably unlikely to successfully implement the program due to significant governance and fiscal concerns.
5. The review team conducted a review of the school’s documents, policies, financials, academic performance, and renewal petition to assist in developing the staff report.
6. The initial public hearing was held on December 9, 2024.
7. Staff findings were made public by the 15-day posting requirement, which was December 18, 2024.
8. The decision public hearing is being held on January 2, 2025.

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<sup>6</sup> Ed Code §47607.2(c) defines verified data as data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. The State Board of Education established criteria to define verified data and identify an approved list of valid and reliable assessments that shall be used for this purpose. For more information, please review the CDE’s Verified Data website page: <https://www.cde.ca.gov/sp/ch/verifdata.asp>

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# I. Renewal Criteria I: Has the Charter School Presented a Sound Educational Program?

In order for a charter school’s renewal petition to be approved, it must present a sound educational program for its students. As mentioned previously, for schools in the Middle Tier, the District is required to consider the school’s performance on California School Dashboard indicators, providing greater weight to performance on academic indicators. To provide a comprehensive overview of the educational program, the evaluation below includes evidence from the California School Dashboard as well as results from the CAASPP state assessments, graduation data, ELPAC results, a summary of the renewal site visit, and verified data submitted by the Charter School.

## A. School Performance Analysis

The District’s School Performance Analysis (“SPA”) was developed to serve as a tool for determining whether schools meet a minimum performance threshold on a variety of indicators based on the California School Dashboard and, if applicable, CORE Academic Growth<sup>7</sup>. For each indicator, the school may meet the threshold both (a) schoolwide, and (b) for an “equity” category consisting of a combination of historically underserved student groups. In order to be considered “Met”, an indicator must have either a California School Dashboard Color Orange / Low Status Level or higher or CORE Growth Level “Average” or higher (i.e. growth > 30<sup>th</sup> percentile). Schools meeting more than 50% of indicators/categories for which data is available are generally considered to be meeting the minimum performance level for purposes of renewal. Please note, due to the impacts of the COVID-19 pandemic, colors were not assigned to indicators for the 2022 Dashboard, so status level was used as a proxy for each. A summary of the SPA analyses for the 2021-22 and 2022-23 school years is shown below (for more information about the California School Dashboard Indicators and for the full SPA analyses, please see Appendix B). As shown in the table below:

- OCHS has met the minimum performance threshold for both the 2021-22 and 2022-23 school years.
- In both 2021-22 and 2022-23, OCHS met all the schoolwide and equity indicators for which there is data available.

Figure 3: School Performance Analysis (SPA) Summary – 2022 and 2023

| Indicator                | 2022                            |   | 2023                            |   |
|--------------------------|---------------------------------|---|---------------------------------|---|
|                          | SCHOOLWIDE                      | EQUITY  | SCHOOLWIDE                      | EQUITY  |
| English Language Arts    | Met<br><i>Dashboard: Medium</i> | Met<br><i>Dashboard: 2 of 2 student groups ≥ Low</i>  | Met<br><i>Dashboard: Orange</i> | Met<br><i>Dashboard: 2 of 2 student groups ≥ Orange</i> |
| Mathematics              | Met<br><i>Dashboard: Medium</i> | Met<br><i>Dashboard: 2 of 2 student groups ≥ Low</i>  | Met<br><i>Dashboard: Orange</i> | Met<br><i>Dashboard: 1 of 2 student groups ≥ Orange</i> |
| English Learner Progress | Met<br><i>Dashboard: Low</i>    | N/A   | Met<br><i>Dashboard: Orange</i> | N/A   |
| Suspension               | Met<br><i>Dashboard: Medium</i> | Met<br><i>Dashboard: 4 of 4 student groups ≥ High</i> | Met<br><i>Dashboard: Orange</i> | Met<br><i>Dashboard: 4 of 4 student groups ≥ Orange</i> |
| Graduation               | Met                             | Met   | Met                             | Met   |

<sup>7</sup> The CORE Academic Growth Model measures the year-over-year growth of students on state tests, compared to similar students across the state based on prior test score history and several demographic factors.

|   |                                  |  |                                    |  |
|---|----------------------------------|--|------------------------------------|--|
|   | Dashboard: High                  | Dashboard: 2 of 2 student groups ≥ Low | Dashboard: Orange                  | Dashboard: 2 of 2 student groups ≥ Orange      |
| <b>College/Career<sup>8</sup></b>   | N/A                              | N/A                                    | Met<br>Dashboard: High             | Met<br>Dashboard: 2 of 2 student groups ≥ High |
| <b>Total</b><br>To meet, school must meet >50% of schoolwide/equity indicators for each year. | <b>Met</b><br>(Met 100%; 9 of 9) |  | <b>Met</b><br>(Met 100%; 11 of 11) |  |

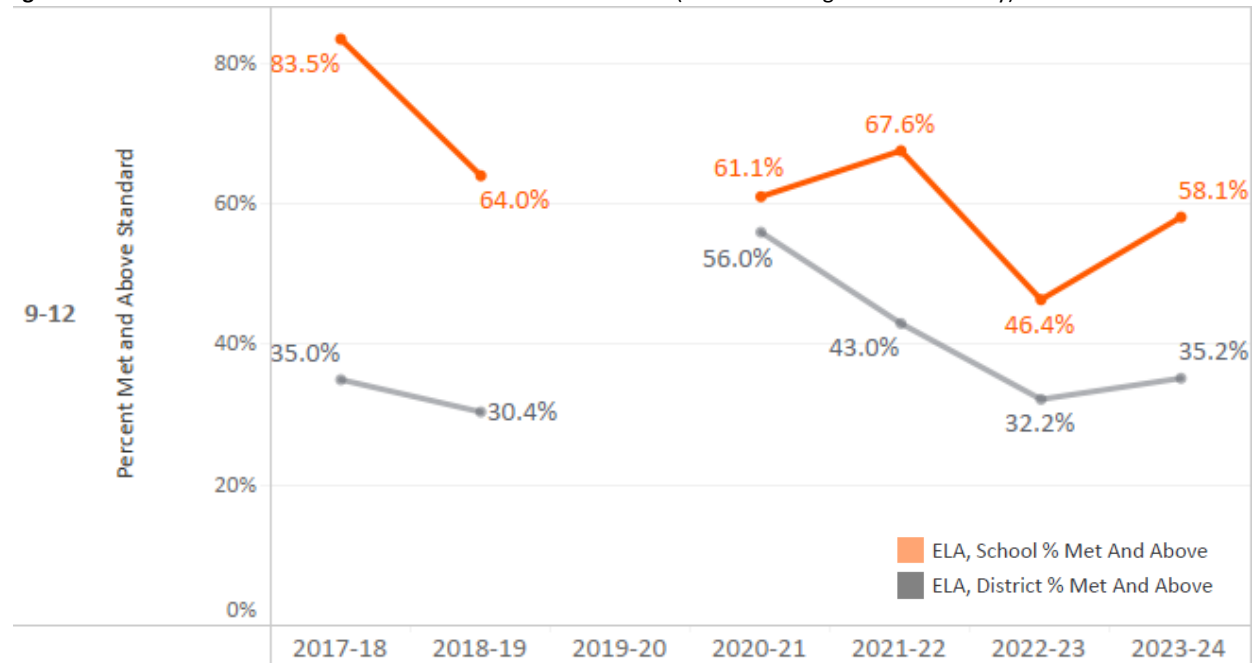
Source: California School Dashboard; CORE Insights Dashboard

## B. Schoolwide Academic Performance

To supplement the information provided in the California School Dashboard, the results from the California Assessment of Student Performance and Progress (“CAASPP”) Smarter Balanced Summative Assessments (“SBAC”) are provided below. Specifically, the figures include results for both OCHS and OUSD schools which serve students in grades 9-12. As shown below:

- **ELA**
  - OCHS’s proficiency rates have been consistently higher than the District average, although there were two years with significant declines.
  - In 2022-23, OCHS’s proficiency rate decreased significantly, by about 21 percentage points. However, the following year OCHS’s proficiency rate increased about 12 percentage points and was about 23 percentage points higher than the District average.

Figure 4: Schoolwide ELA SBAC Results Over Time – OCHS and OUSD (Schools Serving Grades 9-12 Only)\*



Source: Downloadable CAASPP Research Files

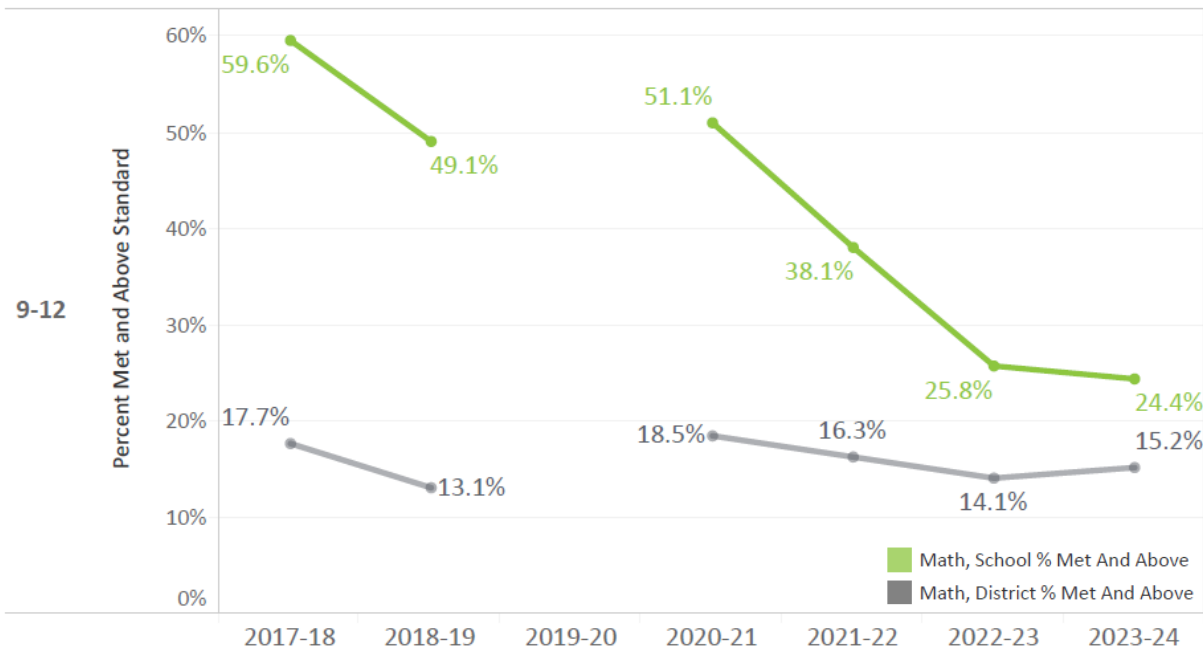
\*Testing for 2019-20 was cancelled due to COVID-19. Testing for 2020-21 was optional.

<sup>8</sup> Due to the COVID-19 pandemic, the College/Career Indicator was not reported in the 2022 California School Dashboard. Therefore, the indicator was not assigned a color in the 2023 California School Dashboard and was reported as “Status only”.

- **Math**

- *OCHS’s proficiency rates have been consistently higher than the District average.*
- *Overall, OCHS’s proficiency rates have following a downward trend. In 2018-19, OCHS’s proficiency rate decreased about 11 percentage points, although remained 36 percentage points higher than the District average.*
- *In 2020-21, OCHS’s proficiency rate was similar to its pre-pandemic proficiency rate but has since been declining each year. In 2021-22 and 2022-23, OCHS’s proficiency rate, though higher than the District average, declined about 13 percentage points each year. In 2023-24, OCHS’s Math proficiency rate declined about 1 percentage point and was 9 percentage points higher than the District average.*

**Figure 5:** Schoolwide Math SBAC Results Over Time – OCHS and OUSD (Schools Serving Grades 9-12 Only)\*



**Source:** Downloadable CAASPP Research Files

\*Testing for 2019-20 was cancelled due to COVID-19. Testing for 2020-21 was optional.

### C. Key Student Group Academic Performance

The following comparison of academic performance is included to assess whether the Charter School’s educational program is sound for *all* students. The figures below compare the school’s performance on the ELA and Math SBAC to the District average for the respective student groups (including only schools which serve students in grades 9-12 for the following student groups: Socioeconomically disadvantaged students, Hispanic/Latino students, and English Learners). Please note, despite the comparisons below, students within the same group may be quite different from one another (e.g. severity of disability for special education students, progress levels for English Learners). Additionally, results for the California Alternate Assessments (CAAs) were not included as OCHS did not surpass the required threshold of tested students and, therefore, no data is available. As shown in the figures below:

- **ELA**

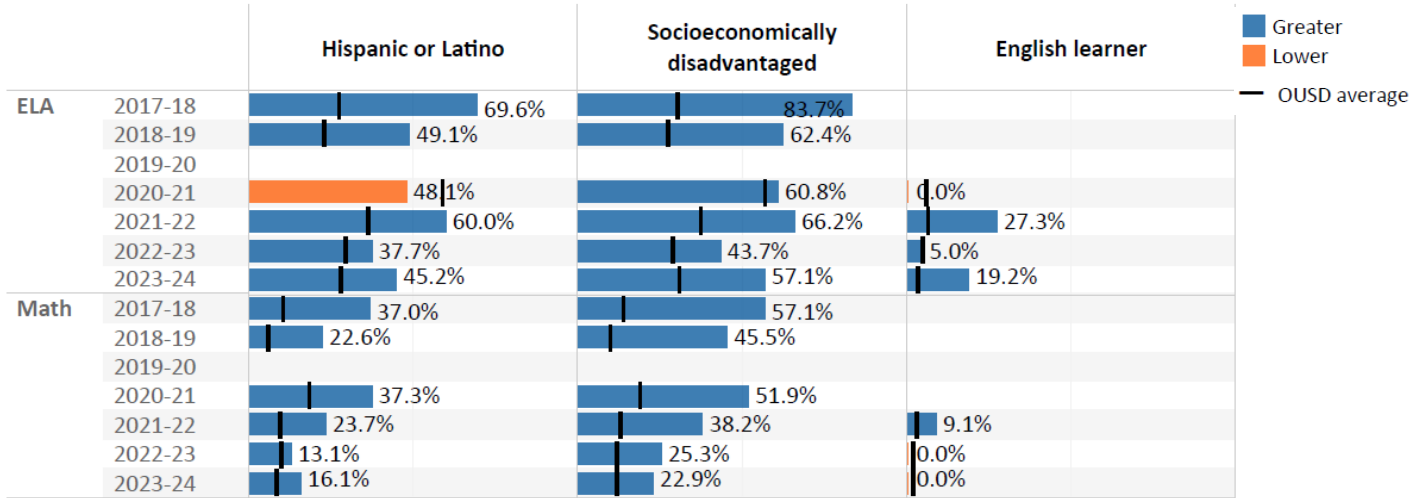
- *For all years of the charter term, the majority of student groups at OCHS outperformed the respective District groups in ELA (with the exception of 2020-21, when testing was optional).*
- *In 2023-24, ELA proficiency rates significantly increased for all three student groups.*



- **Math**

- Both the Hispanic or Latino and Socioeconomically disadvantaged student group at OCHS outperformed the respective District groups in Math for all years of the charter term.
- In both 2022-23 and 2023-24, English Learners had a proficiency rate of 0% in Math.

**Figure 6: 2023 SBAC Results Over Time by Student Group – OCHS and OUSD (Schools serving Grades 9-12) Only\***



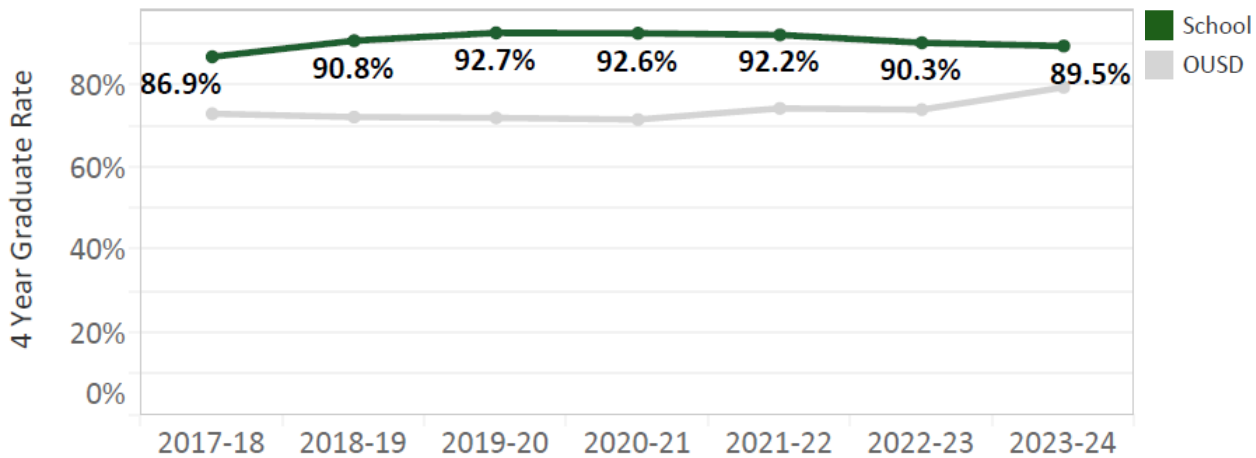
Source: Downloadable CAASPP Research Files

## D. Graduation Metrics

The figures below compare the four-year cohort graduation and A-G graduation rates between OUSD and OCHS. As shown below:

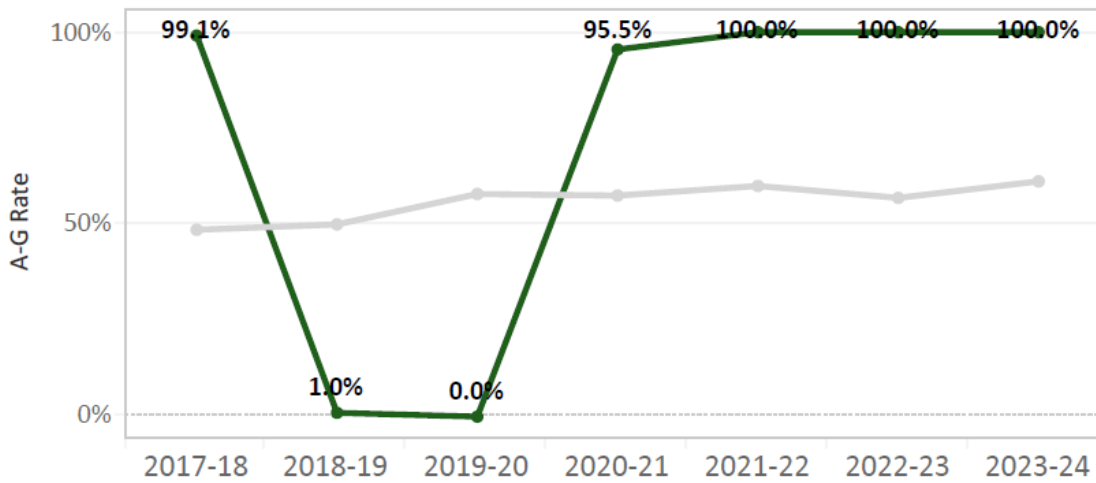
- OCHS’s four-year cohort graduation rate and A-G graduation rates have been higher than the OUSD graduation and A-G rate for all years of the charter term.
- In 2023-24, OCHS’s four-year cohort graduation and A-G graduation rates were higher than its respective OUSD rate for all key student groups.

**Figure 7: Four Year Graduation Rate – Charter School and OUSD**



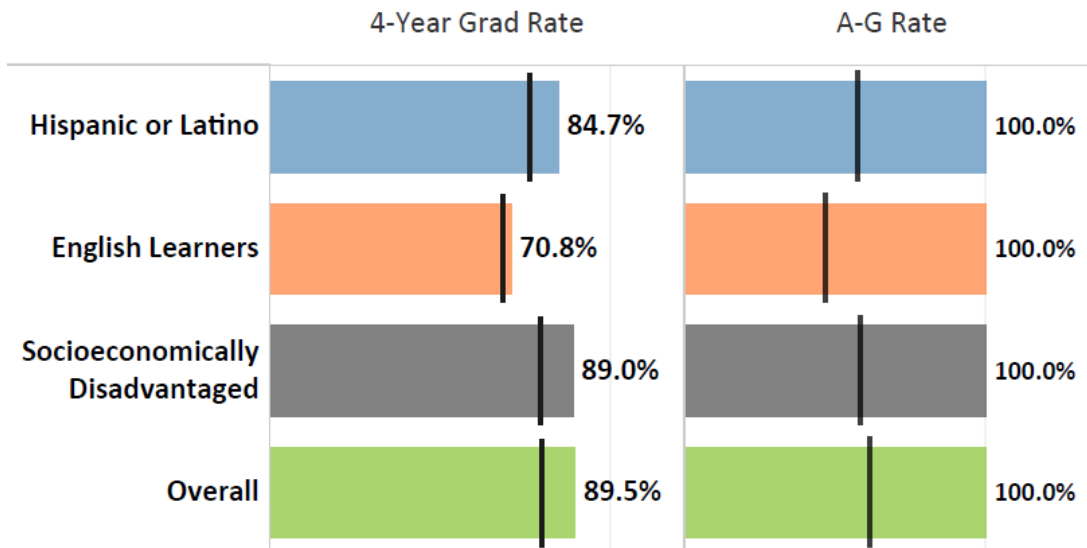
Source: CDE Downloadable Data Files

**Figure 8:** Four Year A-G Graduation Rate – Charter School and OUSD<sup>9</sup>



Source: CDE Downloadable Data Files

**Figure 9:** 2023-24 Four Year Graduation Rate – Charter School and OUSD



Source: CDE Downloadable Data Files

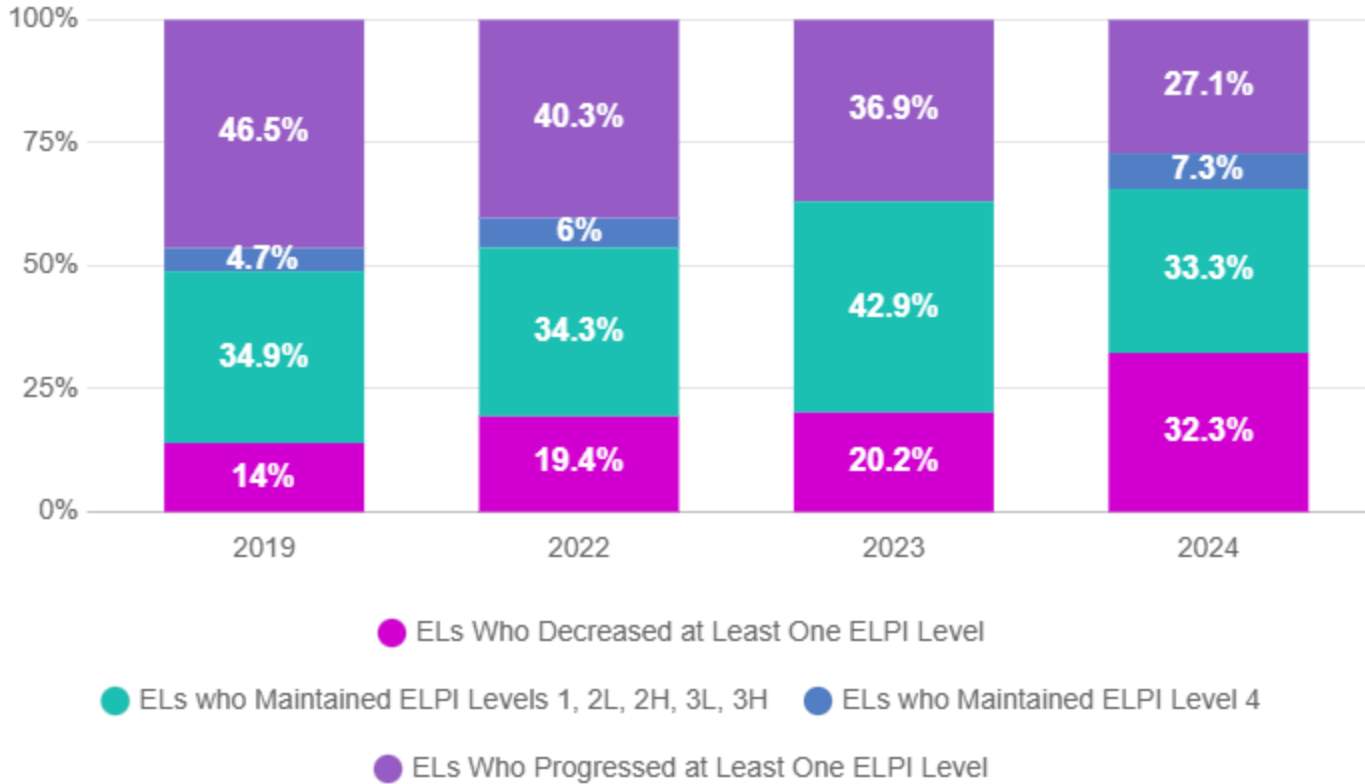
## F. English Learner Progress

In the 2018-19, 2021-22, 2022-23 and 2023-24 school years, OCHS tested 43, 67, 85, and 96 students on the Summative English Language Proficiency Assessment (ELPAC), respectively. The figure below shows the percentage of these students who progressed at least one English Learner Progress Indicator (ELPI) level, maintained ELPI level 4, maintained lower ELPI levels, and decreased at least one ELPI level. As shown below:

<sup>9</sup> Staff inquired with OCHS regarding the drop in their A-G rate in 2018-19 and 2019-20. OCHS shared the following explanation: “The CDE data file shows a drastic drop in A-G Graduation rates due to a reporting error in the 18-19 and 19-20 school year. AMPS changed student information systems in 2019 from Illuminate Ed to Infinite Campus and then again in 2020 from Infinite Campus to Powerschool and the A-G information was not populated in the Grad Rate data file and consequently not reported correctly for those two years.”

- In 2023-24, approximately 34.4% of English Learner students at OCHS made progress towards English language proficiency, representing a 3.3% decrease from 2022-23<sup>10</sup>.
- The percentage of English Learner students at OCHS making progress towards English language proficiency has declined each year for the four years of data available, from 51.2% in 2018-19 to 34.4% in 2023-24.

Figure 10: Summative ELPAC Results



Source: California School Dashboard

## G. Renewal Site Visit Summary

### School Quality Review Rubric Report

Charter school renewal site visits are guided by the District’s School Quality Review (SQR) process. The process is based on a rubric<sup>11</sup> which describes three key domains (Mission and Vision, Quality Program Implementation, and Collective Leadership and Professional Learning) which are further broken into three threads (Instruction, Culture, and Systems and Structures). In order to gather evidence for each of these domains, the OUSD Review Team conducted classroom observations, document reviews, an interview with Charter School leadership, and focus groups with students, families, and teachers. Following the renewal site visit, the OUSD Review Team rated each domain and sub-domain collaboratively using the SQR Rubric Ratings range from 1 (low) to 4 (high): 1 = Emerging, 2 = Developing, 3 = Implementing, and 4 = Sustaining.

<sup>10</sup> This decrease does not align with Figure 10 below from the California State Dashboard because the figure does not include students who took the Alternative ELPAC. In the 2022-23 school year, 1 student at OCHS took the Alternative ELPAC and made progress.

<sup>11</sup> The School Quality Review Rubric can be found here: <https://www.ousd.org/officeofcharterschools/for-charter-school-staff/charter-petitions#renewal>

**Figure 11:** Renewal Site Visit Summary

| OCHS Renewal Site Visit, September 17, 2024   |                              |  |   |
|---|------------------------------|--|---|
| <b>OUSD Review Team:</b> Kelly Krag Arnold (OCS Director), Madison Thomas (OCS Deputy Director), Guadalupe Nuño (OCS Community Liaison), Marwa Doost (OCS Compliance Specialist), Jason Yamashiro (Academic Consultant) |                              |  |   |
| SQR Domains and Threads   | Domain 1: Mission and Vision | Domain 2: Quality Program Implementation | Domain 3: Collective Leadership and Professional Learning |
| Thread A: Instruction   | 3.2                          | 3.2                                      | 2.8   |
| Thread B: Culture   | 2.7                          | 2.9                                      | 2.8   |
| Thread C: Systems and Structures  | 2.5                          | 2.6                                      | 2.8   |

Within each Domain and Thread in the SQR Rubric, there are multiple “sub-domains”. The following represent the three highest rated and the three lowest rated sub-domains for OCHS.

**Figure 12:** Highest and Lowest Rated SQR Sub-Domains

| Highest Rated Sub-Domains |   |   |
|---------------------------|---|---|
| Score                     | Sub-Domain  | Description of Sub-Domain   |
| 3.6                       | <b>2A.4:</b> Engaging Extra Curricular and Enrichment Opportunities | Students have access to enrichment opportunities that nurture their sense of joy and curiosity, honor their identities, and provide an outlet for creative expression.  |
| 3.6                       | <b>3A.3</b> Coaching, Observation, and Feedback                     | Teachers are regularly observed and provided with specific and actionable feedback in order to improve teaching and learning in their classroom and across the school. Educators receive regular 1:1 coaching to reflect on impact and improve practice.  |
| 3.6                       | <b>3C.4</b> Student Leadership/Voice                                | School has a structure for leveraging student leadership/voice in decision making.  |
| Lowest Rated Sub-Domains  |   |   |
| Score                     | Sub-Domain  | Description of Sub-Domain   |
| 2                         | <b>1C.3</b> Annual Site-Based Planning Process                      | The school uses the annual site-based planning process to identify a clear set of long-term priorities and plans that contain measurable student goals, key strategies, and sufficient resources. This plan is reviewed and adjusted annually using relevant school data.   |
| 2                         | <b>2C.1</b> Multi-tiered System of Support                          | The school develops and implements a Multi Tiered System of Support Plan that guides the delivery of quality instruction, social emotional learning, behavioral guidelines and mental health supports. Tiered support structures are in place, utilizing available resources (time, people, and processes) to provide targeted instruction to students who need more support to reach grade-level standards. Classroom and school-wide systems are in place to identify which students are struggling and why they are struggling; efficiently provide needed academic, social-emotional and/or behavioral supports; monitor their effectiveness; and adjust. |
| 2.2                       | <b>3C.1</b> Distributed Leadership                                  | School implements distributed leadership to form key teams across the school. School leadership teams (e.g. ILT, SSC, COST, PLCs, Attendance Team, School Culture Team) are made up of members with diverse backgrounds and skills, have clearly established roles and responsibilities, meet regularly, focus on the site vision for equity, and foster a culture of collective responsibility.  |

## ***Renewal Site Visit Strengths and Areas for Improvement***

The OUSD Review Team noted the following strengths and areas for improvement based on the evidence collected throughout the site visit.

### **Strengths**

1. OCHS has established a strong culture of staff support for student learning. Teachers were consistently observed moving between students and groups at work time supporting students during class, all teachers hold office hours, and students spoke about staff support for learning in focus groups.
2. Overall student performance on assessments, including AP participation and performance, remains strong at OCHS. All focus groups spoke to this as part of the draw of the school, as well as a source of pride.
3. OCHS has developed a large number of clubs and sports for students to participate in. Students expressed confidence that they could find a staff sponsor for nearly any club they were interested in establishing and a large number of students participate in an after-school sport.
4. Significant efforts are made to ensure that parents are in the communication loop at OCHS. 100% of the parents are reported to be on ParentSquare and parents confirmed that they receive regular ParentSquare and email updates. In addition, staff is dedicated to updating grades in PowerSchool and parents expressed confidence in their ability to use PowerSchool.

### **Areas for Improvement**

1. Compared with other OUSD and Oakland charter high schools, OCHS is lagging in establishing career pathway opportunities for students. Leadership is networking with other schools and exploring pathway opportunities which will hopefully be established in the near future.
2. The Charter School has been operating without standardized intervention systems to support students with academic or behavioral challenges. While the new leadership at AMPS and OCHS has developed a Multi-Tiered System of Support (MTSS) for the 2024-25 school year, this framework had not yet been implemented fully at the time of the site visit. Although staff have outlined a detailed plan for the 2024-25 school year, the absence of a structured support system for students prior to this year is a significant concern.
3. There were some facilities concerns at OCHS. Some classrooms appeared too small for the number of students in them and there is an ongoing concern regarding the street crossing between buildings, which is not always monitored by an adult staff member. Students expressed a desire for more space at lunch and better athletic facilities. While not all of these are easily solved in the short term, they are worth considering to improve student safety and wellbeing.
4. While it was clear that the new leadership team was working to stabilize the staff and bring more consistency to OCHS, implementation is a work in progress, since many new teachers have been hired in the last two years. Supports for language learners were evident in some classrooms, but not others, and class sizes varied widely.

## **H. Additional Verified Data Provided by the School**

### ***Verified Data Background***

For schools in the Middle or Low renewal tiers, Education Code requires that the District consider clear and convincing evidence, demonstrated by verified data, showing either of the following:

- The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or
- Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

The California State Board of Education (“SBE”) adopted a list<sup>12</sup> of academic progress indicators and post-secondary indicators that met the established criteria outlined in Education Code Section 47607.2 and that may be used in the renewal process. Assessments or data sources that are not on this list may not be used as verified data. To be eligible for inclusion as verified data, a data source must include the results of at least 95 percent of eligible students.

The Charter School provided the District with NWEA MAP Growth data for grades 9-12 to be considered as academic progress indicators, for the purposes of verified data. The Charter School also provided the District with the Charter School’s National Student Clearinghouse StudentTracker packet to be considered as postsecondary indicators, for the purposes of verified data. Upon review, OCHS did surpass the 95 percent participation threshold for all verified data submissions, and thus, the District’s analysis is included below. Additionally, the Charter School’s Performance Report, included in the renewal petition, includes the Charter School’s own analysis of the results.

**Verified Data Analysis – NWEA MAP (Grades 9-12), Academic Progress Indicator**

NWEA MAP utilizes Conditional Growth Index (CGI) values for individual students or groups of students. The CGI is an indicator of how much individual students or groups of student growth deviates from their respective norms. A CGI of zero means a student showed gains that were equivalent to the growth norms. A positive CGI means a student’s growth was above the norm, while a negative CGI means a student’s growth was below the norm. **For both the student and school CGI values, a CGI range of –0.2 to 0.2 (or greater) could be used as an approximation of one year’s growth** (or more) in a subject and indicates that the growth observed is generally consistent with the amount of growth observed by students in the same grade and subject with the same starting achievement level receiving a similar amount of instructional exposure.

Figure 13 below shows OCHS’ school CGI values by grade level, excluding grade 11 that was not assessed and student group results which were not included in OCHS’ submission. Figure 14 below shows the percentage of students with a student CGI value of -0.2 or higher. According to this data, the analysis is below:

- *In 2023-24, OCHS’ school and grade level CGI values were above the -0.2 threshold in both Math and Reading which can be approximated as one year’s growth for students tested in grade 9, 10, and 12.*

**Figure 13:** 2023-2024 School CGI Values by Grade Level; MAP Growth by NWEA, Grades 9, 10 , &12

| Student Group | Grade | Math<br>2023-2024 | Reading<br>2023-2024 |
|---------------|-------|-------------------|----------------------|
| All Grades    | 9     | 0.26              | 0.45                 |
|               | 10    | 0.51              | 0.08                 |
|               | 12    | 2.16              | 2.89                 |

Source: Verified Data submitted to OUSD by OCHS

**Figure 14:** 2023-2024 Percent of Students with a Student CGI Value of -0.2 or Higher by Grade Level; MAP Growth by NWEA, Grades 9, 10, & 12

| Grade        | Math<br>2023-2024 | Reading<br>2023-2024 |
|--------------|-------------------|----------------------|
| 9            | 58.0%             | 60.0%                |
| 10           | 53.0%             | 50.0%                |
| 12           | 59.0%             | 67.0%                |
| All students | 56.6%             | 58.2%                |

Source: Verified Data submitted to OUSD by OCHS

<sup>12</sup> A full list of the adopted academic progress and postsecondary indicators can be found here: <https://www.cde.ca.gov/sp/ch/verifdataacadprogress.asp>

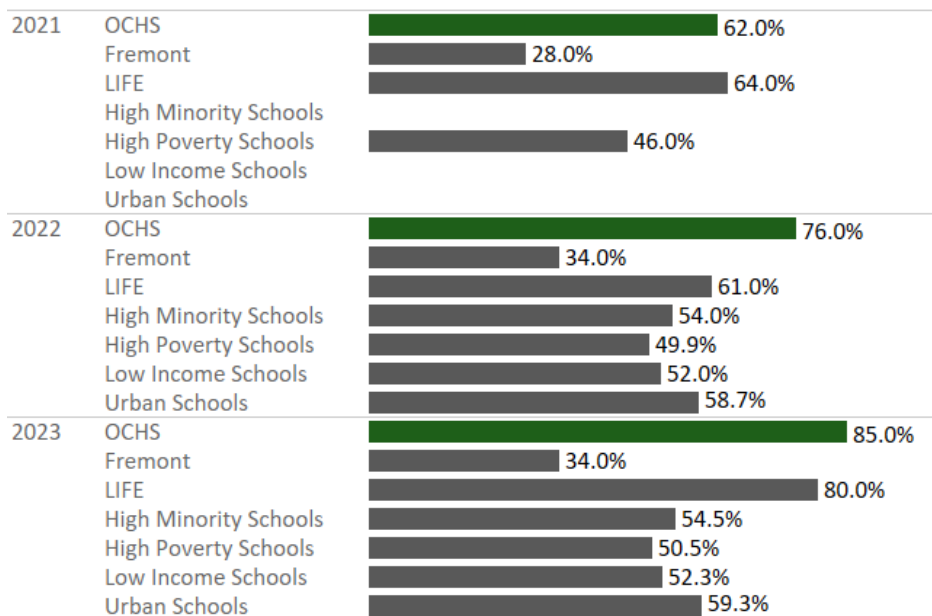
**Verified Data Analysis – National Student Clearinghouse StudentTracker, Postsecondary Indicator**

The National Student Clearinghouse (NSC) offers longitudinal data to analyze the outcomes of high school graduates through its StudentTracker report. This data can be used to track and analyze the college enrollment, persistence, and completion of high school students at postsecondary institutions. Per the California State Board of Education November 2020 Agenda Item #14, “In the Charter School Data Landscape Survey, stakeholders reported using the NSC High School Benchmarks reports...the report presents charts on national results by high schools that serve different student populations, including high-poverty, low-income, and high-minority schools. In addition, the report provides data results for individual high schools, including public charter high schools, to use to better understand the meaning of their students’ college access and persistence outcomes.” In order to evaluate evidence of strong postsecondary outcomes equal to similar peers, the District considered the Charter School’s comparisons as well as comparisons to District schools in the Charter School’s High School attendance area, Fremont, for additional context.

Figures 15 and 16 below show the percentage of students enrolled in college the first Fall immediately after high school and percentage of students enrolled in college at any time during the first year after high school, respectively. Figure 17 below shows the percent of students enrolled in college the first year after high school who returned for a second year, or freshmen to sophomore year persistence. Figure 18 below shows the percent of the 2016 and 2017 high school graduate class who completed a degree within six years. According to this data, the analysis is below:

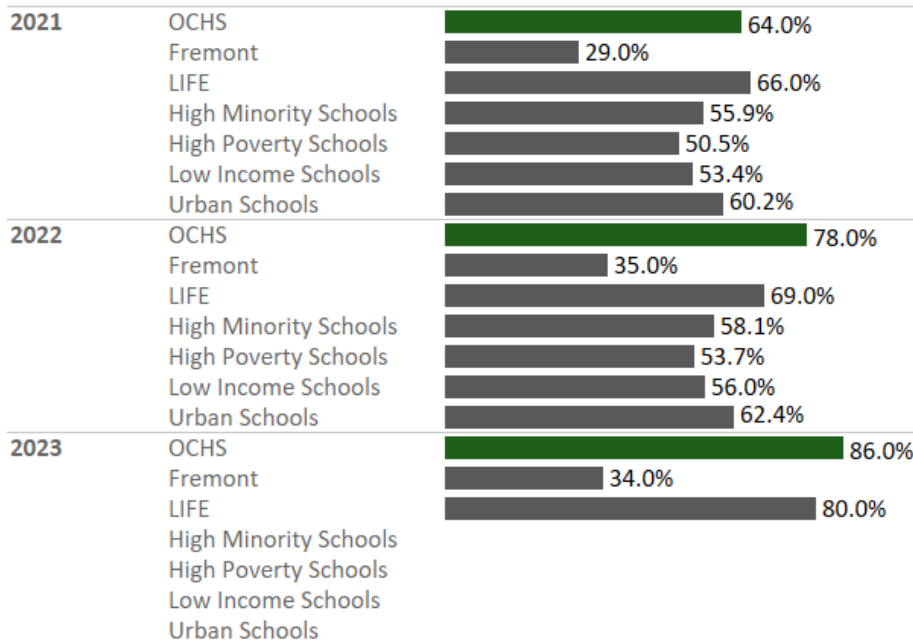
- **College Enrollment**
  - *For the graduating classes of 2021, 2022 and 2023, OCHS’ college enrollment rate in the first Fall after high school and college enrollment rate any time the first year after high are consistently similar or above the comparison OUSD District schools and the national averages for high minority, high poverty, low income, and urban schools for which there is data available.*
- **College Persistence**
  - *The freshman to sophomore year persistence for OCHS’ graduating class of 2021 was higher than 1 of 2 comparison OUSD District schools and 3 of the 4 comparison national averages.*
- **College Completion**
  - *OCHS’ graduating classes of 2016 and 2017 had a higher completion rate than their comparison OUSD District Schools and a higher completion rate than the comparison national averages.*

**Figure 15:** College Enrollment the first Fall after High School, National Student Clearinghouse



Source: Verified Data submitted to OUSD by OCHS; National Student Clearinghouse

**Figure 16:** College Enrollment Any Time the First Year after High School, National Student Clearinghouse



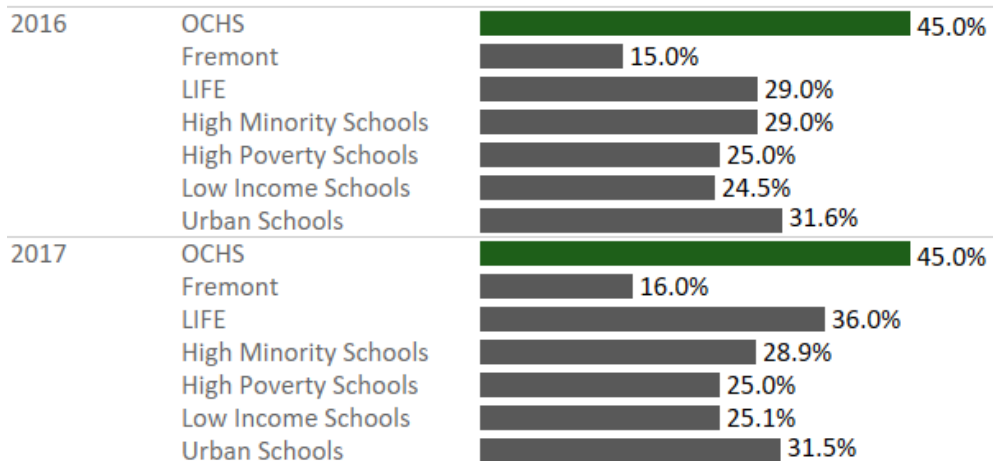
Source: Verified Data submitted to OUSD by OCHS; National Student Clearinghouse

**Figure 17:** Freshman to Sophomore Year Persistence, National Student Clearinghouse

|                       | 2016         | 2017         | 2018         | 2019         | 2020         | 2021         | 2022         |
|-----------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>OCHS</b>           | <b>93.0%</b> | <b>86.0%</b> | <b>87.0%</b> | <b>77.0%</b> | <b>91.0%</b> | <b>83.0%</b> | <b>92.0%</b> |
| Fremont               | 84.0%        | 81.0%        | 77.0%        | 60.0%        |              | 63.0%        |              |
| LIFE                  | 86.0%        | 79.0%        | 79.0%        | 65.0%        |              | 85.0%        |              |
| High Minority Schools |              |              |              |              | 77.4%        | 80.3%        |              |
| High Poverty Schools  | 77.0%        | 76.0%        | 76.0%        | 72.7%        | 71.7%        | 76.0%        |              |
| Low Income Schools    |              |              |              |              | 74.9%        | 78.3%        |              |
| Urban Schools         |              |              |              |              | 80.8%        | 83.3%        |              |

Source: Verified Data submitted to OUSD by OCHS; National Student Clearinghouse

**Figure 18:** Six Year Completion Rate, National Student Clearinghouse



Source: Verified Data submitted to OUSD by OCHS; National Student Clearinghouse



## II. Renewal Criteria II: Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?

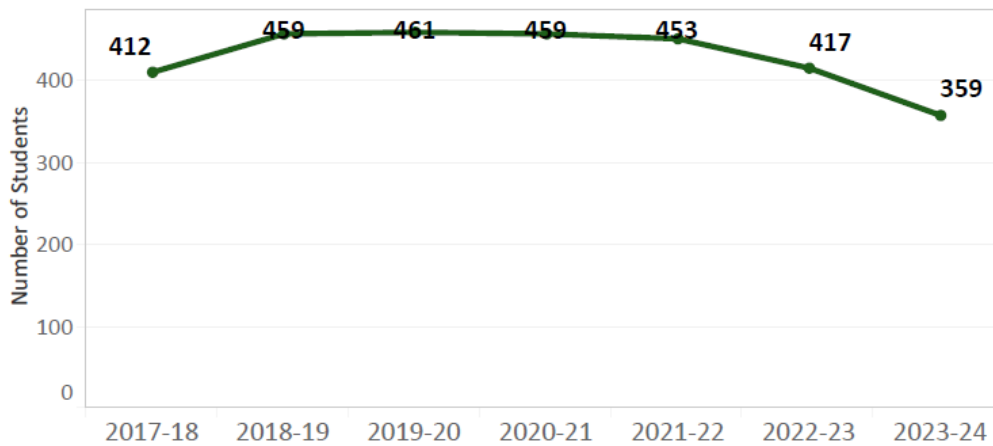
In order for a charter school's renewal petition to be approved, it must be demonstrably likely to successfully implement the program set forth in the petition.<sup>13</sup> Evidence considered for this criterion include an analysis of the Charter School's financial condition, enrollment, enrollment demographics, compliance with regulatory elements (Notices of Concern), board health and effectiveness, and staffing and credentialing.

### A. Enrollment

#### Total Enrollment by Year

The Charter School's total enrollment remained steady through 2021-22 but has recently decreased. As of Census Day, October 2, 2024, the Charter School reported an enrollment of 331 for the current school year, representing a 28.1% decrease since 2020-21.

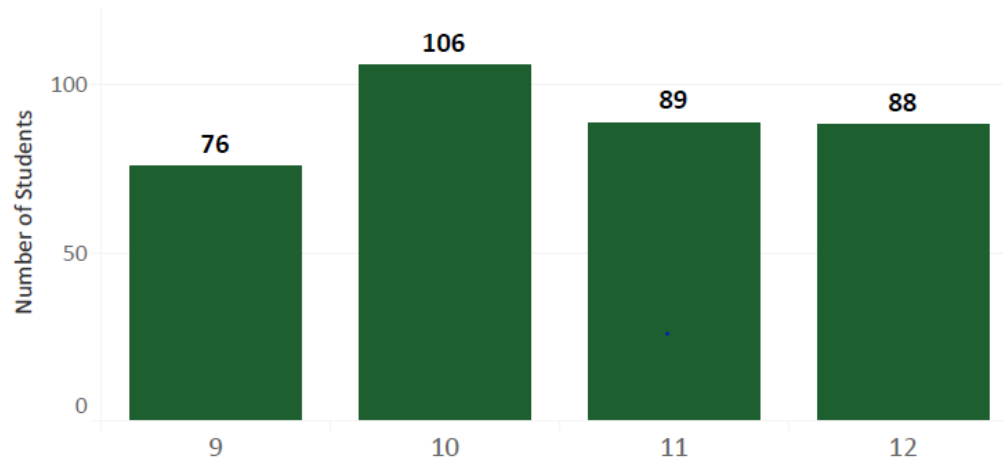
Figure 19: Total Enrollment Over Time



Source: 2017-18 through 2023-24 Enrollment – CDE Downloadable School Enrollment Data Files

#### Enrollment by Grade Level

Figure 20: 2023-24 Enrollment by Grade Level



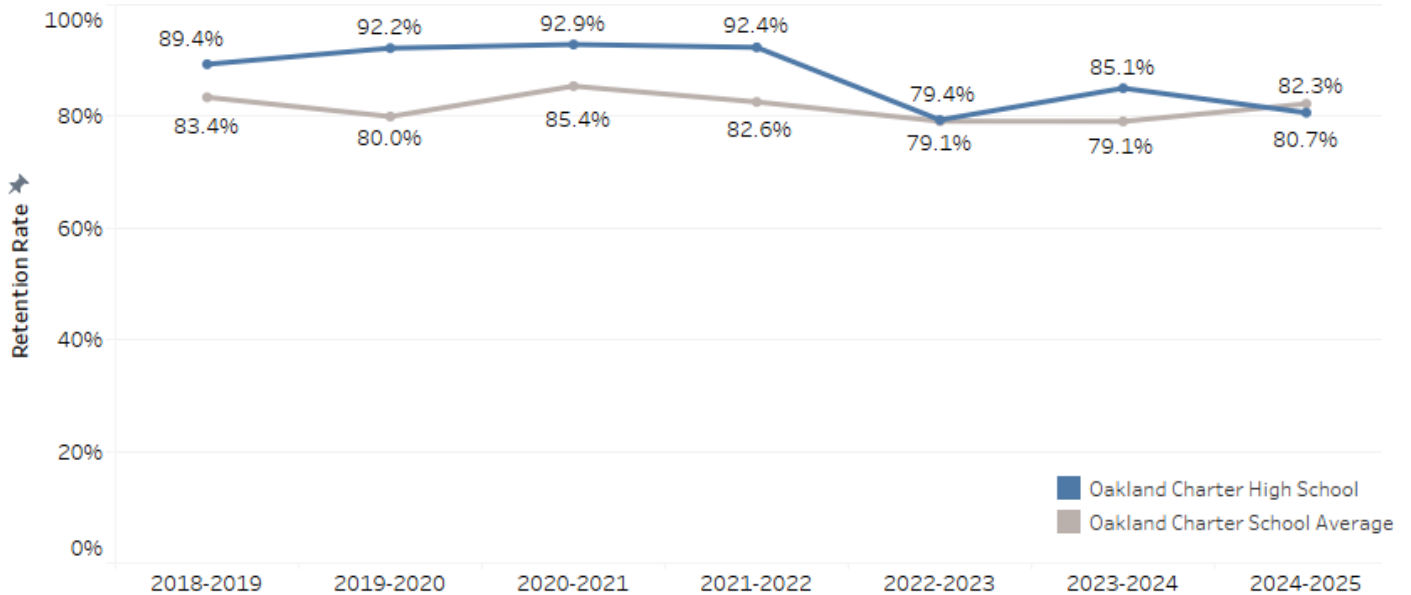
Source: 2023-24 Enrollment – CDE Downloadable School Enrollment Data Files

<sup>13</sup> EC §47605(c)(2)

## Student Retention

The figure below shows the Charter School’s student retention rate, or the percent of students who were at the school in the prior year and returned (excluding graduating grade levels). As shown below, the Charter School’s retention rate has decreased significantly in 2022-23 and dropped slightly below the Oakland charter school average in 2024-25.

Figure 21: Annual Student Retention Rate



Source: Annual Fall Census Day student-level enrollment reports submitted to OUSD

## B. Financial Condition

The Charter School is in good financial standing with a large fund balance. Throughout the charter term, there has been no deficit spending and the school has maintained a 3% reserve with a debt ratio of less than 1. Its most recent unaudited actuals reported an ending fund balance of \$10,426,149 for the Charter School. The Charter School’s fund balance represented approximately 130% of their total annual revenue, which is the highest reserve to revenue ratio of any charter school authorized by OUSD in 2023-24. The Charter School’s Budget Narrative included with the renewal petition does not provide information about any spending goal for this sizable amount of money, nor a plan to spend down any portion of this reserve.

The two most recent annual financial audits, from 2021-22 and 2022-23, each identified a material weakness<sup>14</sup> over financial reporting. Specifically, the AMPS organization required material audit adjustments to the financial statements and did not ensure accurate or reliable year-end accounting records, which delayed the audit completion timeline.

OCS issued a Notice of Concern (“NOC”) on May 9, 2024, related to this repeat audit finding, as well as the fact that AMPS repeatedly requested multiple extensions well beyond the State’s annual December 15 deadline to submit annual audit reports to OUSD, and submitted the 2021-22 audit more than six months late on June 30, 2023, additionally submitting the 2022-23 audit more than five months late, on May 28, 2024. On December 6, 2024, AMPS again requested an extension for the completion of the prior year’s annual audit, asking to submit the 2023-24 audit by February 28.

As noted in the NOC, the delays were due to AMPS’ failure to meet the auditor requests in a timely manner, rather than any issues related to staffing within the audit firm. The 2022-23 audit report states that, “The Organization did not ensure accurate or reliable year-end accounting records,” further stating, “the Organization did not have sufficient experience and background to help maintain accurate and reliable financial records during the year end audit and

<sup>14</sup> A material weakness, as defined by the 2022-23 audit report, is “a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected, on a timely basis.”

ensure a timely closure of year end accounting records.” Timely audits are essential for ensuring financial accountability and transparency and fulfilling regulatory responsibilities; AMPS’ repeated inability to ensure a timely financial closing process raises significant concerns about the organization’s financial recordkeeping capacity.

In response to the NOC, AMPS provided OCS with a description of their plans to remedy the concern, which included contracting with Charter Impact for back-office services, hiring a Chief Operations Officer to manage fiscal operations, and changing auditing firms from Bakertilly to Christy White. The full version of AMPS’ response is included as Appendix D.

Although annual audits are, per Education Code Section 41020 (h)(1), due no later than December 15 of each year, AMPS requested an extension to February 28, 2025, as mentioned above. As such, Staff is unable to conduct an analysis the Charter School’s *audited* 2023-24 finances. The *unaudited* figures for 2023-24 are shown below in Figure 22.

**Figure 22:** Financial Analysis

| Financial Indicator   | 2018-19     | 2019-20     | 2020-21     | 2021-22           | 2022-23     | 2023-24<br>(unaudited) |
|---|-------------|-------------|-------------|-------------------|-------------|------------------------|
| <b>Ending Fund Balance</b><br><i>Typically represents unrestricted funds, although in some cases, restricted funds that were not fully spent in previous years may be included.</i>   | \$5,631,372 | \$6,009,780 | \$6,921,554 | \$8,093,585       | \$9,172,128 | \$10,426,149           |
| <b>Deficit Spending</b><br><i>Deficit spending is indicated by a number in parentheses. A school’s fund balance and reserves are depleted when expenditures exceed revenues, and over time could lead to insolvency.</i>                    | \$0         | \$0         | \$0         | \$0               | \$0         | \$0                    |
| <b>Deficit-to-Ending Fund Balance Ratio</b><br><i>This ratio measures how large the deficit spending is in relation to the overall fund balance. The larger the ratio, the faster the fund balance is being depleted.</i>                   | 0.00%       | 0.00%       | 0.00%       | 0.00%             | 0.00%       | 0.00%                  |
| <b>Debt Ratio</b><br><i>A ratio less than 1 indicates the school has lower debts than assets, representing a low level of financial risk.</i>   | 0.04        | 0.09        | 0.1         | 0.2               | 0.25        | 0.17                   |
| <b>3% Reserve</b><br><i>A minimum 3% reserve is standard as a set aside for to prepare for potential liabilities. Below 3% is indicative of a poor financial condition.</i>   | Yes         | Yes         | Yes         | Yes               | Yes         | Yes                    |
| <b>Audit Opinion</b><br><i>“Unmodified” indicates compliance with required accounting standards. “Qualified” indicates there are material misstatements found, where the auditors are unable to obtain sufficient appropriate evidence.</i> | Unmodified  | Unmodified  | Unmodified  | Unmodified        | Unmodified  | N/A                    |
| <b>Major Audit Finding</b><br><i>Any major or repeat audit findings are described in the paragraph above.</i>   | No          | No          | No          | Yes <sup>15</sup> | Yes         | N/A                    |

**Source:** 2018-19 through 2022-23 Annual Audit Reports and 2023-24 unaudited actuals

The enrollment projections in the multi-year budget projection are aligned to the projected enrollment listed in Element 1 of the charter petition. The school’s enrollment projections rely on annual enrollment increases from the school’s current enrollment of 331 to a projected 345, 353, and 401 students in the next three school years, respectively. However, the school’s enrollment has declined significantly in each of the last three years (see Figure 19 above). The school’s budget, which is based on these enrollment projections, therefore likely does not accurately project the financial reality for the

<sup>15</sup>2021-22 and 2022-23 audits both identified a material weakness over financial reporting.

2025-26, 2026-27, and 2027-28 school years. However, given the school’s very large fund balance, the school can absorb a substantial amount of deficit spending, if necessary.

**Figure 23:** Multi-Year Budget Projection Summary

|   | 2025-26     | 2026-27     | 2027-28     |
|---|-------------|-------------|-------------|
| <b>Projected Enrollment</b>               | 345         | 353         | 401         |
| <b>Projected ADA</b>                      | 327.75      | 335.35      | 380.95      |
| <b>Projected Total LCFF Entitlement</b>   | \$5,537,194 | \$5,840,088 | \$6,853,006 |
| <b>Projected LCFF Entitlement per ADA</b> | \$16,895    | \$17,415    | \$17,989    |

*Source: Multiyear Budget Projections submitted with Renewal Petition*

Similarly, the Charter School’s governing board has repeatedly approved budgets that overproject enrollment, resulting in a significant difference between the enrollment on which the adopted budget was based and the school’s actual enrollment. Figure 24 below shows the enrollment in the adopted budget, actual census day enrollment, and the enrollment in the first and second interims for the three most recent school years. The difference between the enrollment on which the adopted budget was based and the actual census day enrollment demonstrates a concerning pattern of the school’s governing board approving budgets that rely on unrealistic enrollment figures.

**Figure 24:** Budgeted enrollment at budget adoption compared to action enrollment at Census Day, 1<sup>st</sup> interim, and 2<sup>nd</sup> interim

|  | 2022-23 | 2023-24 | 2024-25           |
|--|---------|---------|-------------------|
| <b>Budgeted enrollment in adopted budget</b>         | 450     | 460     | 350 <sup>16</sup> |
| <b>Census day enrollment</b>                         | 417     | 359     | 331               |
| <b>Budgeted enrollment in 1<sup>st</sup> interim</b> | 450     | 357     | 330               |
| <b>Budgeted enrollment in 2<sup>nd</sup> interim</b> | 422     | 359     | N/A               |

*Source: Budget, First interim, and Second Interim reports submitted to OUSD for each of the above years*

### C. Enrollment Demographics

Per California Education Code Section 47605(c)(5)(G), a charter school must include in the renewal petition a reasonably comprehensive description of “*the means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted*”. This description is included on page 223-227 of the charter petition. The current section includes a summary of the school’s enrollment demographic data for further context.

#### **Enrollment Demographics Comparison**

Enrollment demographics for the 2023-24 school year are included in the table below. Although Education Code specifies that a charter school should aspire to achieve a demographic balance which is reflective of the *entire* District, the average enrollment demographics of the District schools which serve a similar grade span and are located in the High School Attendance Area (HSA) in which the majority of the Charter School’s students reside, Fremont, is included for reference.

<sup>16</sup> The MYP approved by the OCHS governing board on June 12, 2024 and submitted to OUSD uses a projected enrollment of 350 for 2024-25. However, the MYP included in the charter petition uses an enrollment of 331 for 2024-25.

**Figure 25: 2023-24 Enrollment Demographics**

| Student Group Type   | Student Group                   | Charter School | OUSD schools in Comparison HSA <sup>17</sup> | OUSD                        |
|----------------------|---------------------------------|----------------|--|-----------------------------|
| Race/<br>Ethnicity   | Hispanic/Latino                 | 63.8%          | 78.5%  | 47.3%                       |
|                      | Black/African American          | 5.6%           | 12.4%  | 20.1%                       |
|                      | Asian                           | 27.0%          | 2.6%   | 9.8%                        |
|                      | White                           | 1.1%           | 2.5%   | 11.5%                       |
|                      | Two or More Races               | 0.8%           | 0.7%   | 6.8%                        |
|                      | Other Race/Ethnicity            | 1.8%           | 2.2%   | 1.9%                        |
|                      | Not Reported                    | 0.0%           | 1.2%   | 2.6%                        |
| Other Student Groups | Socioeconomically Disadvantaged | 67.4%          | 99.0%  | 81.4%                       |
|                      | English Learners                | 29.2%          | 49.7%  | 32.9%<br>(9-12 only: 28.5%) |
|                      | Special Education               | 10.9%          | 16.3%  | 16.3%<br>(9-12 only: 18.1%) |

*Source: Ethnicity/English Learners – CDE Downloadable Data Files (School Enrollment, English Learners); Socioeconomically Disadvantaged/Special Education – CDE DataQuest School Enrollment by Subgroup Report*

**English Learner Enrollment**

As shown previously, during the 2023-24 school year, 29.2% of OCHS’s total enrollment were English Learners. The following tables are included to further disaggregate this data to give a fuller context of the English Learners served at OCHS and their level of need. As a note, this data does not provide any indication as to how well the Charter School is serving these students. The English Learner Progress Indicator on the California School Dashboard is a more appropriate metric for evaluating the strength of the English Learner program. As shown below:

- *The Charter School has a larger percentage of English Learner students who were placed in a higher ELPAC level compared with OUSD in the same grade span.*
- *Over 50% of OCHS students are considered Reclassified Fluent English students.*
- *The Charter School has a lower percentage of students who have been English learners between 0-3 years compared to OUSD, which may suggest a smaller newcomer population. The Charter School does have a larger percentage of English Learners classified as Long-Term English Learners than OUSD.*

**Figure 26: 2023-24 ELPAC Levels – Charter School vs. OUSD (Grades 9-12 only)**

| ELPAC Level                    | Charter School | OUSD (Grades 9-12 Only) |
|--------------------------------|----------------|-------------------------|
| Level 4 – Well Developed       | 17.8%          | 5.7%                    |
| Level 3 – Moderately Developed | 29.7%          | 17.7%                   |
| Level 2 – Somewhat Developed   | 32.7%          | 19.6%                   |
| Level 1 – Minimally Developed  | 19.8%          | 56.9%                   |

*Source: 2023-24 Summative ELPAC Results*

<sup>17</sup> Includes 2 OUSD-operated schools serving students in grades 9-12 located in the Fremont HSA. Specifically, Fremont and Life Academy.

**Figure 27:** 2023-24 Enrollment by English Language Acquisition Status and Grade

| Grade        | English Only (EO) | Initial Fluent English Proficient (IFEP) | English Learner (EL) | Reclassified Fluent English (RFEP) | To Be Determined (TBD) |
|--------------|-------------------|--|----------------------|------------------------------------|------------------------|
| 9            | 13.2%             | 5.3%                                     | 32.9%                | 48.7%                              | 0.0%                   |
| 10           | 15.1%             | 0.9%                                     | 34.9%                | 49.1%                              | 0.0%                   |
| 11           | 6.7%              | 2.2%                                     | 30.3%                | 60.7%                              | 0.0%                   |
| 12           | 11.4%             | 4.5%                                     | 18.2%                | 65.9%                              | 0.0%                   |
| <b>Total</b> | <b>11.7%</b>      | <b>3.1%</b>                              | <b>29.2%</b>         | <b>56.0%</b>                       | <b>0.0%</b>            |

Source: CDE Downloadable Data Files

**Figure 28:** 2023-24 English Learner Breakdown by Grade Span and Category

|                         | EL 0-3 Years | At-Risk 4-5 Years | LTEL 6+ Years | EL 4+ Years Not At-Risk or LTEL |
|-------------------------|--------------|-------------------|---------------|---------------------------------|
| <b>Charter School</b>   | 12.4%        | 10.5%             | 47.6%         | 29.5%                           |
| <b>OUSD (9-12 Only)</b> | 39.1%        | 11.7%             | 34.9%         | 14.3%                           |

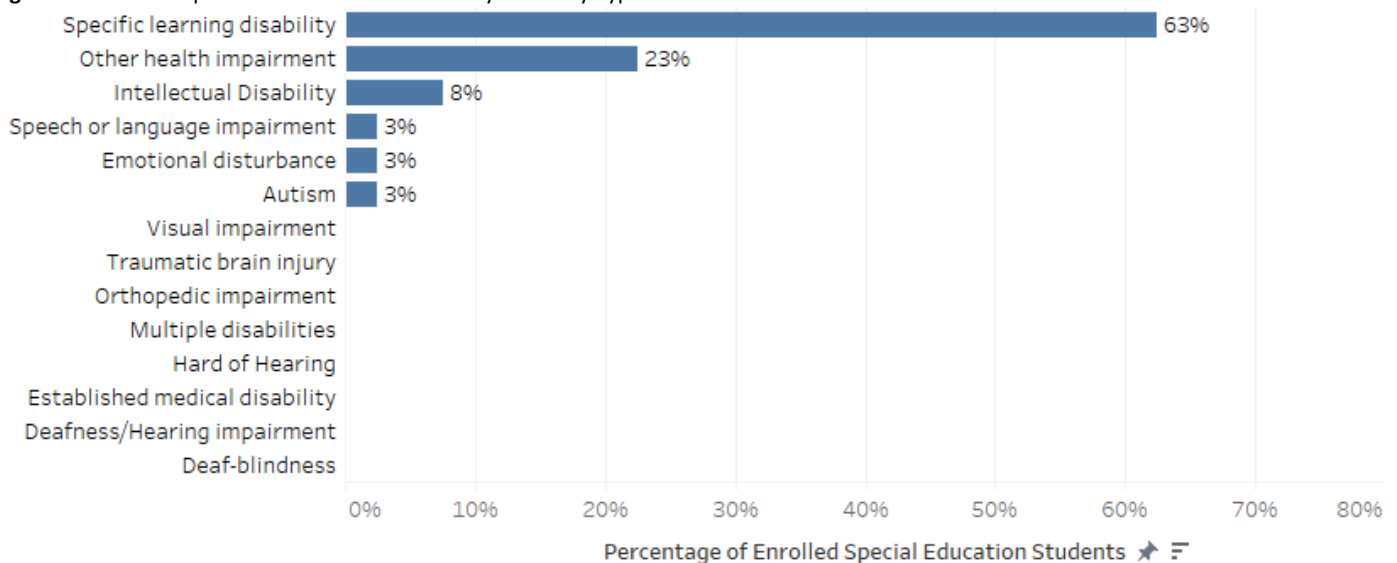
Source: CDE Downloadable Data Files

### Special Education Enrollment

As shown previously, during the 2023-24 school year, 10.9% of OCHS’s total enrollment were students with disabilities. The following figures are included to further disaggregate this data to give a fuller context of the students with disabilities served at OCHS and their level of need. As shown below:

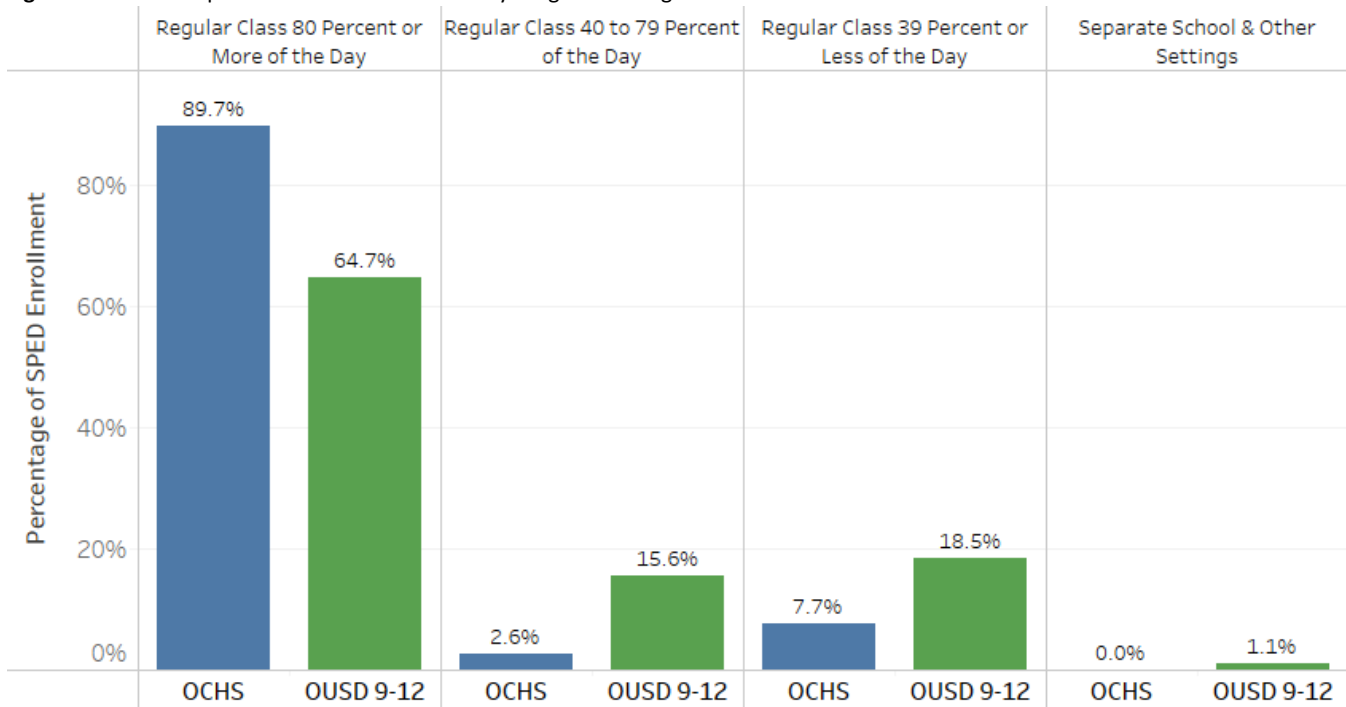
- *Approximately 60% of students with disabilities at OCHS have a specific learning disability as the primary disability.*
- *Approximately 90% of students with disabilities at OCHS are in a regular classroom setting for 80 percent or more of the school day.*
- *OCHS did not serve any students in 2022-23 or 2023-24 who received more than 450 service minutes weekly.*

**Figure 29:** 2023-24 Special Education Enrollment by Disability Type



Source: CALPADS 2023-24 End-of-Year SELPA 16.12 Report - Students with Disabilities – Education Plan by Primary Disability (EOY 4)

**Figure 30: 2023-24 Special Education Enrollment by Program Setting**



Source: CDE Downloadable Data Files

**Figure 31: Special Education by Placement and Weekly Service Minutes**

|  | 2022-23 | 2023-24 |
|--|---------|---------|
| Percentage of students with IEPs receiving fewer than 450 <sup>18</sup> service minutes weekly | 100%    | 100%    |
| Percentage of students with IEPs receiving more than 450 service minutes weekly                | 0%      | 0%      |
| Percentage of students with IEPs in nonpublic school (NPS) placement                           | 0%      | 0%      |

Source: Charter School Performance Report

### D. Notices of Concern and/or Notices to Cure and Correct

If credible evidence suggests that a charter school has violated state or federal law or the terms of its charter petition, the Office of Charter Schools will send the school, charter school board, or charter management organization a Notice of Concern regarding the issue, which includes remedies the charter school must implement to rectify the issue and resolve the Notice of Concern.<sup>19</sup> OCHS has received 0 Notices of Concern over the course of the current charter term. Furthermore, the Charter School’s CMO, Amethod Public Schools, has been issued 6 Notices of Concern during the current charter term.

<sup>18</sup> The 450-minute threshold was chosen as a conservative estimate of the point at which a student may be considered to have moderate needs.

<sup>19</sup> If, after sending a Notice of Concern, the Office of Charter Schools determines that the violation listed in the notice did not occur, the notice may be rescinded. In such instances, the notice is removed from the school’s record.

**Figure 32:** Notices of Concern and/or Notices to Cure and Correct

| School Year | Notices of Concern | Area(s) of Concern   | Remedy   |
|-------------|--------------------|--|--|
| 2017-18     | 0                  | --   |  |
| 2018-19     | 2                  | Uniform Complaint Procedures;<br>Ombudsperson Conflict of Interest           | AMPS acknowledged the concern and responded to remedies, including revising their UCP and redistributing it to families; AMPS disputed the conflict of interest and provided alternative information on ombudsperson placements. |
| 2019-20     | 2                  | Failure to respond to Directives issued by the District; Brown Act Violation | AMPS responded to remedies, including providing requested documentation in accordance with deadlines; AMPS acknowledged concerns and incorporated all remedies, including retraining staff on the Brown Act.                     |
| 2020-21     | 0                  | --   |  |
| 2021-22     | 0                  | --   |  |
| 2022-23     | 0                  | --   |  |
| 2023-24     | 2                  | Fiscal Delinquency;<br>47607(e) Notice re: Fiscal and Governance Concerns    | AMPS acknowledged the concern and responded to remedies, including contracting with Charter Impact and hiring a COO to ensure proper fiscal tracking; AMPS submitted a Corrective Action Plan                                    |

Source: OUSD Office of Charter Schools Notice of Concern documentation

## E. Board Health and Effectiveness

A charter school governing board’s decisions have a significant impact on the health and viability of its schools, as well as the quality of education students receive. Governing boards are responsible for decisions on the operations, vision, and policies of the charter school. Most importantly, governing boards are also responsible for ensuring that the charter school and its charter management organization (if applicable) is serving the best interest of students. The below table provides an overview of the Amethod Public Schools Governing Board and its composition.

**Figure 33:** Charter School Governing Board Overview and Composition

| Amethod Public Schools Governing Board Overview    |               |                                 |                |
|--|---------------|---------------------------------|----------------|
| Schools Overseen                                   | 6             | Total Enrollment of all Schools | 1,898 students |
| Required Minimum # of Members                      | 5             | Current # of Members            | 5              |
| Regular Meeting Frequency                          | Monthly       | Committees                      | None           |
| Amethod Public Schools Governing Board Composition |               |                                 |                |
| Name, Role   | Time on Board | Name, Role                      | Time on Board  |
| Gilbert Lopez, Jr., Chair                          | 5 years       | Edgar Quiroz, Vice Chair        | 6 years        |



|                                  |          |                               |         |
|----------------------------------|----------|-------------------------------|---------|
| <b>Andres Emmanuelli, Member</b> | 2 years  | <b>Elisa Gallegos, Member</b> | 2 years |
| <b>Monica Moncada, Member</b>    | 6 months |                               |         |

Source: Charter School Board Self-Evaluations submitted to OUSD; Charter School Website; CDE Dataquest

As part of the renewal process, Staff evaluates the governing board’s overall health and effectiveness using the Charter School’s performance report, a governing board interview, governing board audits, a board self-evaluation tool, and Element 4 of the charter renewal petition (along with any supporting documentation). These components are used as evidence in order to evaluate the Charter School governing board on the “Board Effectiveness Core Competencies” found below. The scale used for rating is aligned with the SQR Rubric Ratings, where the scores range from 1 (low) to 4 (high): 1 = Emerging, 2 = Developing, 3 = Implementing, and 4 = Sustaining.

Figure 34: Board Core Competency Ratings

| Core Competency             | Description  | Score |
|-----------------------------|--|-------|
| <b>Board Composition</b>    | Board members possess a diversity of backgrounds and an array of appropriate and relevant skills with which to oversee the school/CMO.   | 2     |
| <b>Mission Alignment</b>    | Board members have a shared understanding of and commitment to the school’s mission and vision.  | 2.33  |
| <b>School Familiarity</b>   | Board members are knowledgeable about the school’s operations, successes, and challenges.  | 2     |
| <b>Role Familiarity</b>     | Board members demonstrate an understanding of their role in providing oversight to the charter school.   | 2     |
| <b>Community Engagement</b> | Board members actively engage with school staff, families, and community members in order to govern effectively.   | 2     |
| <b>Accessibility</b>        | All governing board meetings are accessible to the community and the decision-making process is clear and transparent.   | 3     |
| <b>Compliance</b>           | The board complies with (and has systems in place to ensure compliance with) its own board policies and bylaws as well as with applicable state and federal laws regarding governance. The board is free of real or perceived conflicts of interest. | 2.67  |
| <b>Effectiveness</b>        | The governing board is an effective decision-making body which is active and meets its governance obligations.   | 2     |

Source: Staff evaluation of Charter School performance report, Charter School renewal petition, Charter School board member self-evaluations, Charter School board member interview, Charter School board observations

## F. Staffing and Teacher Credentialing

Education Code section 47605(l)(1) requires all charter school teachers to hold the credential required for their assignment. Pursuant to Education Code Section 44258.9, all charter schools must participate in annual teacher assignment monitoring through the California Statewide Assignment Accountability System (“CalSAAS”). The OUSD Office of Charter Schools acts as the “Monitoring Authority” for all charter schools authorized by OUSD, which requires the annual review of educator assignments. The figures below represent the CalSAAS results for educator assignments in the 2022-23 school year, the most recent year for which data is available. As shown below:

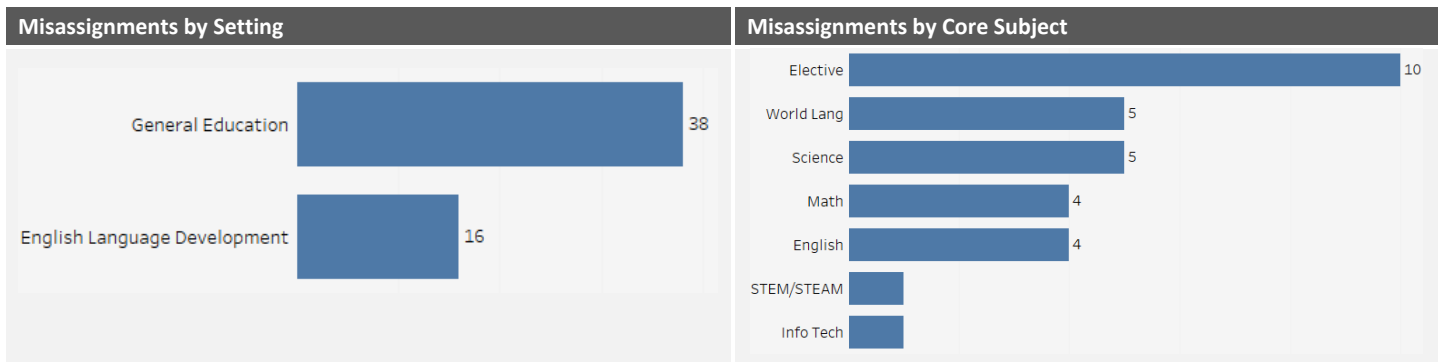
- During the 2022-23 school year, 45.5% of assignments at OCHS were authorized by an educator holding a clear or preliminary credential or by a local assignment option. Another 45.5% of assignments were considered “Ineffective”, or were authorized by an emergency credential, variable term waiver, or substitute permit, which is above the OUSD average.
- During the 2023-24 school year, there were 54 total misassignments at OCHS out of 103 total assignments.

**Figure 35: 2022-23 Educator Credentials by Type**

|   | Charter School | OUUSD |
|---|----------------|-------|
| <b>Clear</b><br><i>Authorized by clear or preliminary credential or by local assignment option</i>  | 45.5%          | 60.9% |
| <b>Intern</b><br><i>Authorized by intern credential</i>   | 4.9%           | 3.9%  |
| <b>Out-of-Field</b><br><i>Authorized by GELAP, SELAP, short-term waiver, emergency EL permit, or Local Assignment Option</i>                        | 0.0%           | 1.2%  |
| <b>Ineffective</b><br><i>No legal authorization or authorized by emergency credential (PIP, STSP), variable term waivers, or substitute permits</i> | 45.5%          | 31.6% |
| <b>Incomplete</b><br><i>Missing or incorrect information was reported to CALPADS about the assignment</i>   | 5.5%           | 2.3%  |

*Source: CDE Teaching Assignment Monitoring Outcomes by FTE Report*

**Figure 36: 2023-24 California Statewide Assignment Accountability System (“CalSAAS”) Results**



*Source: 2023-24 CalSAAS Monitoring Audit Report*

In addition to the CalSAAS results, the Charter School submitted information regarding educator retention as part of its Renewal Performance Report. As shown below:

- *The Charter School has had inconsistent teacher retention rates throughout the course of its charter term.*
- *The Charter School has had minimal mid-year separations throughout the course of the charter term with the exception of 2021-22.*

**Figure 37: Educator Retention Over Time (Self-Reported)**

|  | 2018-19 | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 |
|--|---------|---------|---------|---------|---------|---------|---------|
| <b>Percent of Educators Retained from Prior Year</b> | 73.9%   | 60.9%   | 80.0%   | 100%    | 30.4%   | 85.7%   | 59.1%   |
| <b>Early Separations</b>                             | 0/23    | 1/20    | 0/16    | 7/23    | 1/21    | 2/22    | -       |

*Source: Charter School Renewal Performance Report*

### III. Renewal Criteria III: Is the Petition Reasonably Comprehensive?

In order for a charter school’s renewal petition to be approved, the petition must include all of the following, which are described in detail in this section:

- Reasonably comprehensive descriptions of all 15 required elements
- All other information required by the Ed Code
- All OUSD-specific requirements

Evidence considered for this criterion includes a review of the corresponding sections of the charter petition, including changes made from the prior petition, as well as checks for any additional requirements enacted since the charter was last approved.

#### A. The Required Fifteen Elements

All charter petitions must include a “reasonably comprehensive” description of 15 required elements related to the school’s operation.<sup>20</sup> The following table summarizes staff findings related to whether this standard was met for each element.

**Figure 38:** Petition Element Analysis

| Element   | Reasonably Comprehensive? |
|---|---------------------------|
| 1. Description of the educational program of the school, including what it means to be an “educated person” in the 21st century and how learning best occurs. | Yes                       |
| 2. Measurable student outcomes  | Yes                       |
| 3. Method by which student progress is to be measured   | Yes                       |
| 4. Governance structure   | Yes                       |
| 5. Qualifications to be met by individuals employed at the school   | Yes                       |
| 6. Procedures for ensuring health and safety of students  | Yes                       |
| 7. Means for achieving a balance of racial and ethnic, English learner, and special education students  | Yes                       |
| 8. Admission policies and procedures  | Yes                       |
| 9. Manner for conducting annual, independent financial audits and manner in which audit exceptions and deficiencies will be resolved                          | Yes                       |
| 10. Suspension and expulsion procedures   | Yes                       |
| 11. Manner for covering STRS, PERS, or Social Security  | Yes                       |
| 12. Attendance alternatives for students residing within the district   | Yes                       |
| 13. Employee rights of return, if any   | Yes                       |
| 14. Dispute resolution procedure for school-authorizer issues   | Yes                       |
| 15. Procedures for school closure   | Yes                       |

*Source: Ed Code §47605(c)(5) subsection (A) thru (O) and staff analysis of the charter renewal petition*

#### B. Other Required Information

In addition to the required 15 elements, the Education Code also requires all charter petitions to include the following information.

<sup>20</sup> EC §47605(c)(5)

**Figure 39:** Other Required Information

| Required Information   | Included in Petition? |
|--|-----------------------|
| An affirmation of each of the conditions described in EC §47605(h).  | Yes                   |
| A declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Government Code §3540 thru 3540.2.   | Yes                   |
| Information regarding the proposed operation and potential effects of the charter school on the authorizer, including: <ul style="list-style-type: none"> <li>• The facilities to be used by the charter school, including specifically where the charter school intends to locate.</li> <li>• The manner in which administrative services of the charter school are to be provided.</li> <li>• Potential civil liability effects, of the charter school on the authorizer.</li> </ul> | Yes                   |
| Financial statements that include the annual operating budget and 3-year cashflow and financial projections, backup and supporting documents and budget assumptions (i.e. anticipated revenues and expenditures, including special education, and projected average daily attendance).   | Yes                   |
| If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.   | Yes                   |

*Source: Ed Code §47605(c)(4), §47605(c)(6), and §47607(g); staff analysis of the charter renewal petition*

### C. OUSD-Specified Requirements

**Figure 40:** OUSD-Specified Requirements

| OUSD-Specified Requirement         | Included in Petition? |
|------------------------------------|-----------------------|
| District Required Language         | Yes                   |
| Charter Renewal Performance Report | Yes                   |

*Source: Staff analysis of the charter renewal petition*

## IV. Renewal Criteria IV: Is the Charter School Serving All Students Who Wish to Attend?

In order for a charter school’s renewal petition to be approved, the school must be serving all students who wish to attend.<sup>21</sup> By State law, evaluation of this criteria is limited to consideration of two sources of information (1) State-provided enrollment data and (2) any substantiated complaints related to noncompliance with suspension/expulsion requirements included in law and/or the charter school’s procedures. Denial under this criterion may only occur if (1) there is sufficient evidence in the abovementioned information sources demonstrating that the charter school is not serving all students who wish to attend and (2) the school has been given a reasonable opportunity to cure the violation. Therefore, evidence considered for this criterion includes:

<sup>21</sup> EC §47607(e)

- State-provided enrollment data
- Substantiated complaints and notices of concern related to noncompliance with suspension/expulsion requirements

## A. State-Provided Enrollment Data

State law mandates that, upon request, the State provide charter school authorizers with certain aggregate data, specified in the law, reflecting student enrollment patterns for authorized charter schools. The State does not provide any guidance regarding how this data should be interpreted. This data includes the following for each year of the charter term<sup>22</sup>:

- **Data Set 1:** The percentage of students enrolled at any time between the beginning of the school year and the census day who were not enrolled at the end of the same school year, and the average State test results for these students from the prior school year, if available.
- **Data Set 2:** The percentage of students enrolled during the prior school year who were not enrolled as of the census day of the school year in question (excluding students who completed the highest grade served by the school), and the average State test results for these students from the prior year, if available.

The tables below summarize the data provided by the State. To avoid exposing potentially personally identifiable information, State test results are excluded for any group with fewer than 11 students. Additionally, it is important to note the data provided is limited in that it can only show correlation, *not causation*. Therefore, while an analysis is included below, the data, on its own, cannot definitively show whether or not the school is serving all students who wish to attend. With this limitation in mind, the analysis is below:

- **Data Set 1:** For the first set of data, the Charter School did not have a numerically significant number with State test results for any year of the charter term.
- **Data Set 2:** For the first set of data, the Charter School did not have a numerically significant number with State test results for any year of the charter term.

**Figure 41:** Charter School Enrollment Data – Education Code Section 47607(d)(1)(B)

| Data Set 1   | 2017-18              | 2018-19              | 2019-20              | 2022-23              |
|--|----------------------|----------------------|----------------------|----------------------|
| Percent of students enrolled at the Charter School between start of the school year and census day who were not enrolled at the end of the school year | 5.97%<br>(29 of 486) | 5.07%<br>(24 of 473) | 3.38%<br>(16 of 474) | 6.65%<br>(30 of 451) |
| Number of these students with State test results from the prior year   | 0                    | 2                    | 1                    | 4                    |
| <b>ELA:</b> Difference between average DFS of unretained students and schoolwide average   | N/A*                 | N/A*                 | N/A*                 | N/A*                 |
| <b>Math:</b> Difference between average DFS of unretained students and schoolwide average  | N/A*                 | N/A*                 | N/A*                 | N/A*                 |

*Source:* Aggregate enrollment-pattern data provided by the State

\* Data excluded due to an insufficient number of students with results for this group

<sup>22</sup> At the time of this report, the State provided data for 2016-17 through 2019-20 and 2022-23. Due to the impact of the COVID-19 pandemic, there was insufficient data available for the 2020-21 and 2021-22 school years.

**Figure 43:** Charter School Enrollment Data – Education Code Section 47607(d)(1)(C)

| Data Set 2  | 2017-18                | 2018-19              | 2019-20              | 2022-23               |
|---|------------------------|----------------------|----------------------|-----------------------|
| Percent of students enrolled at the Charter School during the prior school year who were not enrolled as of the census day for the specified year (excluding graduating students) | 25.61%<br>(115 of 449) | 6.58%<br>(32 of 486) | 5.29%<br>(25 of 473) | 14.22%<br>(65 of 457) |
| Number of these students with State test results from the prior year  | 6                      | 4                    | 5                    | 4                     |
| <b>ELA:</b> Difference between average DFS of unretained students and schoolwide average  | N/A*                   | N/A*                 | N/A*                 | N/A*                  |
| <b>Math:</b> Difference between average DFS of unretained students and schoolwide average   | N/A*                   | N/A*                 | N/A*                 | N/A*                  |

*Source:* Aggregate enrollment-pattern data provided by the State

\* Data excluded due to an insufficient number of students with results for this group

## B. Substantiated Complaints and Notices of Concern Related to Noncompliance with Suspension / Expulsion Requirements

During the current charter term, the Office of Charter Schools did not receive any substantiated complaints related to noncompliance with suspension and/or expulsion requirements for the charter school.

## V. OUSD Board Notices and Proposed Corrective Action Plan

Education Code section 47607, subdivision (e) provides, in relevant part, that, regardless of tier, *“the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or is not serving all pupils who wish to attend.”* To deny a charter renewal petition based on the standard set forth in Education Code section 47607, subdivision (e), a charter authorizer must have provided “at least 30 days’ notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school.”

On January 30, 2024, the OUSD Office of Charter Schools (“OCS”) was informed by the AMPS Chief Executive Officer (“CEO”), Jaime Mata, that he had concerns of fiscal irregularities, retaliation, and potential fraud at AMPS. Specifically, he alleged that he discovered evidence that the AMPS Board has contracted with a number of vendors in which there were clear conflicts of interest and that these vendors routinely billed for services without any evidence the services were being provided. According to Mr. Mata, he reported these concerns to the AMPS Board Chair, Mr. Gilbert Lopez. Shortly after, former AMPS CEO and Founder Jorge Lopez, cousin of Board Chair Lopez Jr., allegedly attempted to intimidate Mr. Mata into withdrawing his allegations. Mr. Mata was subsequently removed from his position at AMPS effective January 31, 2024. Upon receiving this complaint from Mr. Mata, the District began a review of whether the allegations of fiscal irregularities and fraud were supported by evidence.

Following this investigation, and in light of significant evidence giving rise to substantiated concerns that OCHS is demonstrably unlikely to successfully implement the program due to significant fiscal and governance concerns, the

OUSD Board issued a Notice<sup>23</sup> (“Notice”), pursuant to Education Code section 47607(e), on November 13, 2024. In response, OCHS submitted a Corrective Action Plan (“CAP”) to OUSD on December 12, 2024, which is included in Appendix E.

Pursuant to Education Code section 47607(e), the chartering authority may deny renewal for these concerns by making either of the following findings:

- 1. The corrective action proposed by the charter school has been unsuccessful.**
- 2. The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.**

**Finding 1: OCHS is demonstrably unlikely to implement the program set forth in the petition due to substantial governance concerns.**

### ***Background***

The Notice concluded that AMPS is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial governance factors, including allowing a number of conflicts of interest and poor oversight by AMPS leadership. Specifically, the District concluded that both former and current public officials in leadership positions at AMPS likely violated two conflict of interest statutes, including Government Code Section 1090 and the Political Reform Act (“PRA”).

As outlined in the Notice, Ms. Evelia Villa was the CEO of AMPS from March 2021 to December 2023 and Ms. Sylvia Flores became the Interim CEO in February 2024. The District found substantial evidence to support that both individuals engaged in activities that violated California’s conflict of interest laws. Ms. Villa appears to have violated both the PRA and Government Code section 1090 when she, as AMPS CEO, entered a contract with EdNova Group, LLC (“EdNova”) in which she had a financial interest due to the position her husband, Mr. Jorge Lopez, held as co-owner and manager of EdNova. Ms. Flores appears to have violated both the PRA and Government Code section 1090 when, shortly after she was hired as an advisor on staffing needs, EdNova, which she co-owned with Mr. Lopez, was hired to fulfill those needs.

In light of these violations, the District noted serious concerns regarding the AMPS Board of Directors’ (“AMPS Board”) failure to provide adequate oversight of the organization’s leadership. The AMPS Board should have recognized the potential conflicts in the EdNova contract, given that EdNova was formed by AMPS’s former CEO (Mr. Jorge Lopez) and former Senior Director of Operations (Ms. Flores), and the contract was approved by Mr. Lopez’s wife (Ms. Villa). While the contract didn’t require full Board approval due to being under \$100,000, it did need Board Chair authorization, yet the Chair (cousin of Mr. Jorge Lopez) apparently failed to identify these concerning relationships.

Additionally, the District outlined concerns regarding the Board’s oversight of Ms. Flores’s employment arrangements. After leaving her position as Senior Director of Operations, Ms. Flores received an eight-month severance package worth over \$100,000, was later rehired as an independent contractor, and then became CEO. The District found this sequence particularly troubling as severance packages are typically not given to employees who leave in good standing, as AMPS claims Ms. Flores did. This suggests the severance may have been an unjustified use of public funds.

The District concludes that these oversight failures, particularly allowing such clear violations of Government Code and the PRA to occur, demonstrate the Board’s ineffective governance and make it unlikely that AMPS can successfully implement its program as outlined in their renewal petition.

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<sup>23</sup> The full Notice, including the investigation results and scope, can be found here:

### **Relevant OCHS CAP Actions:**

In response to the concerns listed above, OCHS proposed or completed the following action steps, summarized by OUSD. Please note, only action steps which were taken by OCHS following the initial concerns were included below, as any actions taken prior were already in place at the time of the concerns and therefore were insufficient as a remedy. For a full review of action steps, please see the OCHS CAP and subsequent updates.

1. **CEO Transition:** The former AMPS CEO, Sylvia Flores, was replaced with an Interim CEO on December 13, 2024. In the Spring of 2025, AMPS will conduct a nationwide search to find a permanent CEO.
2. **Advisory Committee:** AMPS will establish an Advisory Committee to the CEO to support their leadership. The committee will consist of the Chief Operations Officer, Chief Academic Officer, Chief Strategy and Compliance Officer, and one member of the AMPS Board.
3. **Board Leadership Changes:** The former AMPS Board Chair, Gil Lopez Jr., stepped down from his position as Chair, while remaining on the Board, and was replaced by Edgar Quiroz, the former AMPS Vice Chair.
4. **Board Assessment:** AMPS will conduct a comprehensive needs assessment, facilitated by BoardOnTrack, of its Board, by January 31, 2025, to identify areas for growth and to initiate a search for additional Board members.
5. **Leadership Coaches:** By April 1, 2025, AMPS will retain both a Leadership Coach and a Governance Coach to work with the Board and leadership to enhance governance practices and accountability.
6. **Board and Staff Training:** All Board members and administrators will participate in a two-day ethics training and a conflict of interest training.
7. **Revised Policies:** By January 15, 2025, AMPS will revise its fiscal policies to ensure all contracts over \$50,000, or employment contracts over \$100,000, will require Board approval. AMPS will also revise its conflict of interest code to align with best practices and will approve a nepotism policy no later than March 1, 2025.
8. **Forensic Audit:** By June 2025, AMPS will commission KPMG Forensics to conduct a forensic audit of conflicts of interest, familial control, and accountability on contractual oversight covering the last four years. AMPS will terminate any contracts which violate conflict laws.

### **OUSD Preliminary Analysis and Guidance**

In evaluating whether the CAP's proposed and completed action steps will be successful in resolving the governance concerns outlined in the Notice issued by the OUSD Board, Staff encourages the OUSD Board to utilize the following questions. Below each, Staff included its analysis for the OUSD Board's consideration.

1. ***Does the CAP adequately identify the root causes of the conflict of interest violations outlined in the Notice and propose effective solutions to address them?***

Although AMPS continues to contest the allegations of any conflict of interest violations outlined in the Notice, which Staff finds concerning, the CAP does include a commitment to partner with a neutral, third-party entity, KPMG Forensics, to conduct a forensic audit. While the CAP does not specifically identify the root causes of the violations, it is reasonable to believe that a forensic audit would be sufficient to uncover any practices or patterns which may leave AMPS susceptible to further mismanagement. Additionally, given the Notice raises ineffective governing board oversight as a serious concern regarding the conflict of interest violations outlined, Staff appreciates the action proposed by AMPS to revise their fiscal policy for improved oversight over contracts throughout the organization.

2. ***Does the CAP hold accountable those individuals who committed the violations?***

In the CAP, AMPS outlines steps already taken to replace the CEO, Sylvia Flores, and for Gilbert Lopez to turn over his position as Board Chair (while remaining on the board). Both were not only named in conflict of interest concerns, but the latter of whom was responsible for leading governing board oversight when the violations occurred.



Staff has remaining concerns regarding the composition and size of the AMPS Governing Board. Specifically, former Board Chair Gil Lopez, Jr., cousin of former CEO Jorge, remains on the AMPS Governing Board, despite his role in the violations outlined in the Notice. Moreover, the membership of the AMPS Governing Board has remained the same, despite clear shortcomings in oversight. Although the CAP specifically names “New Board Members” as a proposed action item, the actual plan states they will conduct a comprehensive needs assessment with BoardOnTrack to recruit new Board members “*should Board vacancies arise.*” Given the oversight concerns and the already small Board membership for the organization’s size, OUSD is concerned the Board is not making active plans to recruit additional members, and thus is not adding additional expertise to the Board.

**3. Does the CAP establish stronger governance procedures to present future oversight failures?**

The CAP outlines several proposed action steps to establish stronger governance procedures. In particular, the CAP proposes multiple trainings for the Board and CMO leadership, including conflict of interest and ethics trainings, revisions to the conflict of interest code to align with best practices, and the creation of a new nepotism policy which shall be separate from the conflict of interest policy. In addition, the CAP proposes the retention of two new coaches, for both the Board and CMO leadership, and the formation of an Advisory Committee to support further oversight, governance, and leadership development.

**4. Are the violations sufficiently severe and pervasive as to render a corrective action plan unviable?**

The violations are limited to what is included in the November 13, 2024 47607(e) Notice. As such, there is minimal evidence to conclude that the violations are associated with individuals beyond the several high-level administrators identified in the Notice who have since left the organization or are on leave from the organization. However, it should be noted that all the members of the AMPS Board during the events covered by the Notice currently remain on the AMPS Board.

**Finding 2: OCHS is demonstrably unlikely to implement the program set forth in the petition due to substantial fiscal concerns.**

**Background**

The Notice concluded that AMPS is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal concerns. Specifically, the investigation revealed a troubling pattern of inconsistent bookkeeping, poor fiscal guardrails, and ineffective oversight which has led to an environment ripe for fraudulent activities and misspent public funds.

Specifically, the investigation revealed troubling patterns of inconsistent bookkeeping, where identical expenses were categorized differently across accounts without any clear rationale. For instance, charter bus expenses for field trips were variously recorded under transportation, field trips, or travel categories, making it nearly impossible to effectively track spending patterns. Even more concerning were the significant irregularities found in the organization's ledgers, including discrepancies between bank records, general ledgers, and disbursement ledgers. Notable examples include \$1.3 million in loan payments that appeared in bank records and the general ledger but were absent from the disbursement ledger, and substantial variations in payment amounts recorded for vendors across different financial records.

The District also uncovered questionable payment practices, particularly instances where AMPS paid for services that were not documented or delivered. For example, J&V Integrated received monthly payments of \$8,850 plus an \$11,800 upfront payment yet couldn’t provide evidence of services for ten months. Similarly, LEAF was paid \$16,250 monthly starting November 2023, but did not begin services until February 2024. Adding to these concerns, Mr. Jorge Lopez was

found to be receiving full-time compensation from AMPS while apparently holding simultaneous full-time positions at other organizations.

As stated in the Notice, responsible financial management is key to AMPS's ability to successfully implement the program set forth in the OCHS petition. As described above, AMPS's poor bookkeeping, fiscal guardrails, and oversight has led to an environment ripe for fraudulent activities, and misspent public funds. The District is concerned that this financial mismanagement will make AMPS unlikely to successfully implement the program set forth in OCHS's petition for renewal.

### ***Relevant OCHS CAP Actions:***

In response to the concerns listed above, OCHS proposed or completed the following action steps, summarized by OUSD. Please note, only action steps which were taken by OCHS following the initial concerns were included below, as any actions taken prior were already in place at the time of the concerns and therefore were insufficient as a remedy. For a full review of action steps, please see the OCHS CAP and subsequent updates.

- 1. Fiscal Guardrails:** AMPS has implemented new fiscal guardrails to strengthen financial oversight, including strict spending limits, strengthened invoice review, enhanced approval workflows, and updated fiscal policies.
- 2. Procurement Software:** AMPS is working to implement Procurify, a new software to streamline purchasing processes and improve budget visibility.
- 3. Contract Review:** By July 1, 2025, AMPS will conduct a comprehensive review of all current contracts to ensure compliance and identify areas for improvement. Moving forward, AMPS will require more detailed invoices and supporting documentation for all work performed by contractors.
- 4. Staff Training:** AMPS will establish training for the finance department and all staff involved in approvals and purchasing processes.
- 5. Vendor Deliverables:** By July 1, 2025, AMPS will implement a comprehensive tracking system to collect and review all work associated with vendor agreements.
- 6. Termination of Leaf Contract:** AMPS has terminated the LEAF contract, effective January 5, 2025.

### ***OUSD Preliminary Analysis and Guidance***

In evaluating whether the CAP's proposed and completed action steps will be successful in resolving the fiscal concerns outlined in the Notice issued by the OUSD Board, Staff encourages the OUSD Board to utilize the following questions. Below each, Staff included its analysis for the OUSD Board's consideration.

- 1. Does the CAP adequately identify the root causes of the fiscal mismanagement and inconsistent bookkeeping outlined in the Notice and propose effective solutions to address them?**

Although the CAP does not specifically identify the root causes of the fiscal mismanagement, the CAP does propose a variety of solutions to address the concerns outlined in the Notice. Specifically, the CAP notes that AMPS has implemented or will implement new fiscal guardrails to strengthen financial oversight, new software to better review both purchases and vendor deliverables, and staff training to ensure improved compliance and fiscal processes moving forward.

While the action steps noted above appear to be reasonable preliminary steps, many of these proposed items are overly vague or do not include specific timelines. For example, the "Fiscal Guardrails" item does not specify the new spending limits nor the new process for scrutinizing invoices. As another example, while the CAP proposes new "Staff Training" for the finance department, it does not specify who will be facilitating the training, how often the training will occur, or when it will occur. Overall, while the proposed action steps appear promising, further inquiry into the details of these items is necessary to ensure accountability of the CAP.

**2. Does the CAP propose effective fiscal safeguards to prevent the misuse of public funds in the future?**

In addition to the items outlined above in Question 1, AMPS has also proposed they will work with legal counsel to conduct a comprehensive review of all current contracts and scopes of work to ensure compliance and identify areas for improvement in the future. This audit, coupled with the forensic audit to be conducted by KPMG Forensics, should be effective in identifying weaknesses in AMPS operations which may lead to the misuse of public funds.

**3. Does the CAP establish monitoring systems to verify that contractors are delivering services according to their contractual agreements?**

The CAP proposes a variety of solutions to ensure that contractors are delivering required services moving forward. First, the CAP includes a review of all current contracts to ensure all services are currently being delivered in accordance with the scopes of work outlined in the approved contracts. Second, the CAP states that AMPS is implementing a new contract management software to improve contract management processes. Finally, the CAP proposes a new vendor deliverable system which outlines plans to improve the storage, maintenance, monitoring, and tracking of all vendor deliverables.

**4. Are the violations sufficiently severe and pervasive as to render a corrective action plan unviable?**

The violations are limited to what is included in the November 13, 2024, 47607(e) Notice. As such, there is minimal evidence to conclude that the violations are associated with individuals beyond the several high-level administrators identified in the Notice who have since left the organization or are on leave from the organization. However, it should be noted that all the members of the AMPS Board during the events covered by the Notice currently remain on the AMPS Board.

## CAP Analysis Summary and Conclusion

OCHS and AMPS have proposed a comprehensive set of action steps to address the concerns outlined in the Notice. Staff specifically appreciates AMPS's proposed action steps which utilize neutral, third-party entities to assist in identifying areas for improvement in AMPS's governance and fiscal processes, such as a partnership with KPMG Forensics and BoardOnTrack. Additionally, the new software systems, such as Procurify and the new contract management software, are promising solutions to prevent future financial mismanagement. Finally, Staff appreciates AMPS' commitment to ensuring that all future vendors are providing the agreed upon services so that AMPS students can benefit from every dollar spent at AMPS.

At the same time, Staff continues to have concerns regarding the composition of the AMPS Governing Board, including the continuation of former-Board Chair Gilbert Lopez Jr. and an unclear commitment towards recruiting new members and expanding the Board. Additionally, many of the action items included in the CAP appear to be overly vague, bringing into question the implementation of the CAP as written.

As the items outlined in the CAP are only a plan at this point, should the OUSD Board vote to approve OCHS's renewal, Staff recommend the OUSD Board obtain a commitment from the AMPS Board to provide OUSD with the following, also included as Benchmarks in the Staff recommendation:

- A. A quarterly progress report on the contents of the CAP until all items included have been fully implemented; and
- B. The results from both the KPMG Forensic Audit and the internal Contract Review.

## VI. Recommendation Summary

To determine if the Charter School has adequately met each renewal criteria, Staff considered evidence gathered from the school’s petition and supporting documentation, the site visit, and the school’s performance during its previous charter term. The following section outlines the Charter School’s identified strengths and challenges related to each renewal criteria, as well as a determination of whether the Charter School adequately met the criteria for purposes of renewal.

### A. Renewal Criteria I: Has the Charter School Presented a Sound Educational Program?

| Strengths  | Challenges  |
|--|---|
| <ul style="list-style-type: none"> <li>School met all SPA academic indicators, both schoolwide and equity, for both years.</li> <li>The school’s ELA proficiency has been consistently higher than the OUSD average, with growth of more than 11 percentage points between 2022-23 and 2023-24, and nearly all student groups scoring well above their respective OUSD student group average in each year of the charter term.</li> <li>Math proficiency, while declining over the course of the charter term, has remained above the OUSD average, with Hispanic/Latino and socioeconomically disadvantaged student groups performing well above their respective OUSD student group average in each year of the charter term.</li> <li>High graduation rates throughout charter term.</li> <li>Very high A-G completion rates with the exception of 2018-19 and 2019-20, which appear to have been reported incorrectly as 1% and 0%.</li> <li>Verified Data shows strong postsecondary success, including college enrollment, persistence, and completion.</li> </ul> | <ul style="list-style-type: none"> <li>The percentage of English Learners making progress towards English proficiency has declined during the course of the charter term.</li> <li>Compared with other OUSD and Oakland charter high schools, OCHS is lagging in establishing career pathway opportunities for students.</li> <li>The site visit revealed the lack of a standardized intervention system to support students with academic or behavioral challenges.</li> </ul> |

#### **Determination**

Based on this analysis, OCHS has presented a sound educational program.

### B. Renewal Criteria II: Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?

| Strengths  | Challenges   |
|--|--|
| <ul style="list-style-type: none"> <li>Although enrollment has declined by almost 28% from its peak, the school remains at a sustainable size.</li> <li>The school has had a very high ending fund balance and no deficit spending throughout the charter term.</li> </ul> | <ul style="list-style-type: none"> <li>OUSD Board issued OCHS a Notice on November 13, 2024, regarding substantial governance and fiscal concerns, pursuant to Education Code section 47607(e).</li> <li>The most recent annual audits (2021-22 and 2022-23) both identified material weaknesses over</li> </ul> |

- The CAP includes a comprehensive set of actions steps which appear to address the concerns outlined in the 47607(e) Notice.
- financial reporting due to not maintaining accurate and reliable accounting records, with the audit reports being submitted more than six and five months late, respectively.
  - The multi-year budget relies on unrealistically high projected enrollment, thus likely not accurately projecting the financial reality in the coming years.
  - Pattern of Board-approved budgets which substantially over project enrollment and therefore revenue.
  - Enrollment demographics and key student groups do not reflect the diversity of OUSD as a whole, nor the diversity of OUSD schools in the comparison attendance area. The school serves a lower percentage of Black/African American students and socioeconomically disadvantaged students than the OUSD average.
  - Despite a relatively high enrollment rate of students with disabilities, school appears to serve a minimal number of students with moderate/severe disabilities based on service minutes/time in regular classroom setting.
  - Six Notices of Concern (including the 47607(e) notice) over the course of the charter term.
  - Governing board has low scores in many core competencies, including board composition, school familiarity, role familiarity, community engagement, and effectiveness.
  - High turnover at the CMO level, with five CEOs or interim CEOs in less than four years.
  - The AMPS board members, who were on the board during the period of governance concerns highlighted in the 47607(e) notice, remain on the governing board. The CAP includes an unclear commitment to recruiting new and additional board members.
  - No governing board turnover since the violations noted in the 47607(e) Notice.

***Determination***

While there are significant concerns about the CMO’s governance and effectiveness, based on the analysis in this report **OCHS is not demonstrably unlikely to successfully implement the proposed educational program.**

### C. Renewal Criteria III: Is the Petition Reasonably Comprehensive?

| Strengths   | Challenges |
|---|------------|
| <ul style="list-style-type: none"> <li>Charter petition contains reasonably comprehensive descriptions of the required 15 elements.</li> <li>OUSD-specified requirements are included in the petition.</li> </ul> | N/A        |

**Determination**

Based on this analysis, the petition for OCHS is reasonably comprehensive.

### D. Renewal Criteria IV: Is the School Serving All Students Who Wish to Attend?

| Strengths   | Challenges |
|---|------------|
| <ul style="list-style-type: none"> <li>No evidence in State-provided enrollment data that suggests the school is failing to serve all students who wish to attend.</li> <li>There have been no substantiated complaints or Notices of Concern related to noncompliance with suspension/expulsion requirements.</li> </ul> | N/A        |

**Determination**

Based on this analysis, OCHS is serving all students who wish to attend.

### E. Analysis of Other Public School Options if Renewal is Denied

When determining whether to recommend denial, District staff consider other public school options available to the charter school’s current students, and denial findings for a middle tier school must demonstrate, in part, that closure is in the best interest of students<sup>24</sup>. The following provides an overview of the attendance areas where OCHS students live, where students who have transferred from the school enroll in the subsequent year, and how nearby schools serving high school students perform relative to OCHS.

**OCHS Students Attendance Areas**

Students attending OCHS in 2023-24 lived in 6 different OUSD attendance areas. Additionally, 20 of its students reside outside of Oakland. The table below shows all elementary and middle school attendance areas where at least 20 OCHS students lived.

**Figure 44:** Charter School Enrollment by Attendance Area and Grade Span

| Attendance Area Grade Level | Attendance Area         | Number of 2023-24 OCHS Students Living in Attendance Area (Percent of Total Enrollment) |
|-----------------------------|-------------------------|---|
| <b>High</b>                 | Fremont                 | 175 (49.3%)   |
|                             | Oakland High            | 53 (14.9%)  |
|                             | Castlemont/CCPA/Madison | 45 (12.7%)  |
|                             | Skyline                 | 40 (11.3%)  |

Source: OUSD Department of Research, Assessment, and Data Live/Go Dashboard

<sup>24</sup> Ed Code 47607.2(b)(6)

## Performance Comparison with Nearby Schools/Target Student Population Area

In order to evaluate the performance of OCHS relative to other public-school options available to the Charter School's current students, the following list of comparison schools was created to include (A) any schools serving similar grade spans within the High School Attendance Area(s) for which at least 20 students currently live and (B) any schools serving similar grade spans within the High School Attendance Area (HSAA) for which the school is located. The Figure below summarizes 2022-23 State test outcomes (in terms of Distance from Standard (DFS)) and 2022-23 Four-Year Adjusted Cohort Graduation Rates for these schools, comparing outcomes to OCHS. The table also includes some demographic information from that same year for additional context.

- **Math:** OCHS had a DFS which was greater than 17 of 18 comparison schools.
- **ELA:** OCHS had a DFS which was greater than 16 of 18 comparison schools.
- **Graduation Rate:** OCHS had a higher graduation rate than 8 of 17 comparison schools.

Figure 45: Performance Comparison of Nearby Schools

| School                 | Grade Span  | % SED      | % EL       | % SWD      | Math DFS     | ELA DFS     | Grad Rate    |
|------------------------|-------------|------------|------------|------------|--------------|-------------|--------------|
| <b>OCHS</b>            | <b>9-12</b> | <b>86%</b> | <b>24%</b> | <b>10%</b> | <b>-79.2</b> | <b>-5.1</b> | <b>90.3%</b> |
| Fremont                | 9-12        | 97%        | 56%        | 14%        | -251.7       | -177.1      | 76.0%        |
| Life Academy           | 6-12        | 95%        | 36%        | 21%        | -84          | -26.5       | 96.8%        |
| Latitude               | 9-12        | 68%        | 30%        | 22%        | -80          | -11.3       | 81.8%        |
| CCPA                   | 6-12        | 97%        | 46%        | 21%        | -132.6       | -63.9       | 93.4%        |
| Castlemont High        | 9-12        | 98%        | 48%        | 19%        | -280.5       | -222.7      | 61.3%        |
| Madison 6-12           | 6-12        | 97%        | 44%        | 16%        | -163.9       | -83.4       | 87.2%        |
| Lighthouse High        | 9-12        | 96%        | 31%        | 12%        | -159.2       | 1.6         | 92.4%        |
| Aspire Golden State    | 6-12        | 86%        | 25%        | 14%        | -137.7       | -58.8       | 91.3%        |
| Alternatives in Action | 9-12        | 91%        | 59%        | 15%        | -250.5       | -191.8      | 61.5%        |
| Lodestar               | K-11        | 92%        | 45%        | 12%        | -115.3       | -80.7       | N/A          |
| LPS Oakland R&D        | 9-12        | 72%        | 39%        | 13%        | -117.8       | -66.9       | 94.5%        |
| Bay Tech               | 6-12        | 84%        | 26%        | 16%        | -117.7       | -55.1       | 92.9%        |
| Aspire Lionel Wilson   | 6-12        | 85%        | 27%        | 14%        | -120.2       | -40.9       | 97.2%        |
| Skyline                | 9-12        | 73%        | 15%        | 18%        | -196         | -122.5      | 85.1%        |
| Oakland Unity High     | 9-12        | 92%        | 29%        | 15%        | -89.6        | 14.5        | 92.0%        |
| Oakland High           | 9-12        | 88%        | 24%        | 15%        | -189.3       | -101.1      | 82.0%        |
| Metwest High           | 9-12        | 75%        | 21%        | 25%        | -162.7       | -79         | 82.8%        |
| EBIA                   | 6-12        | 26%        | 8%         | 18%        | -51.6        | -6          | 98.4%        |

Source: English Learners – CDE Downloadable Data Files (School Enrollment, English Learners); Socioeconomically Disadvantaged/Special Education – CDE DataQuest School Enrollment by Subgroup Report; OUSD Special Education/Distance From Standard/CORE Growth Percentile – OUSD Department of Research, Assessment, and Data

## F. Recommendation

The analysis in this report finds that the school has met Renewal Criteria I: The Charter School has presented a sound educational program, Renewal Criteria III: The Petition is reasonably comprehensive, and Renewal Criteria IV: The Charter School is serving all students who wish to attend.

While Staff continue to have significant concerns regarding the governance of the school's Charter Management Organization, it is Staff's opinion that there is not sufficient evidence at this time to conclusively demonstrate that the corrective action proposed by the charter school has been unsuccessful, nor that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. As such, the analysis in this report finds that OCHS is not demonstrably unlikely to successfully implement the proposed educational program and thus meets Renewal Criteria II.

Therefore, Staff recommends approval of the renewal petition for Oakland Charter High School for five years, beginning July 1, 2025 until June 30, 2030. If approved, Staff additionally recommends the following as benchmarks for the OUSD Board to monitor progress on the challenges referenced:

1. Provide quarterly written updates to OCS and the OUSD Board, detailing progress on each action step as identified in the Corrective Action Plan ("CAP").
2. Deliver annual in-person updates to the OUSD Board or Charter Committee, reviewing progress on implementing the CAP.
3. Share the results of the forensic audit and contract audit with OCS.
4. Expand the AMPS Board by adding two additional board members by the end of the 2024-25 school year.



## VII. Appendices

### Appendix A. Complete Renewal Tier Analysis

#### Summary of State Renewal Tier Analysis

As mentioned previously, Education Code Section 47607 outlines a three-tiered system of performance categories for most<sup>25</sup> charter schools seeking renewal. In this system, charter schools are placed into one of three categories (“High Tier”, “Low Tier”, or “Middle Tier”) based on an evaluation of student outcomes over the prior two years. Two criteria determine the performance category of a charter school. Criterion 1 is based on the **colors** received for all the **schoolwide** state indicators in the Dashboard. Criterion 2 is based on the **status** for all **academic** indicators with 30 or more students, using **both** schoolwide and student-group data (Criterion 2a and 2b, respectively). Analyses of both for OCHS can be found below, including more detailed descriptions of each criterion.

#### Criterion 1 Analysis

Criterion 1 is based on the performance colors or “levels”<sup>26</sup> received for **all** the state indicators on the Dashboard for the two previous State Dashboard years. Per Education Code, if all state indicators are Blue/Very High or Green/High, the charter school is assigned to the High Tier. If all state indicators are Orange/Low or Red/Very Low, the charter school is assigned to the Low Tier. In all other circumstances, an evaluation of Criterion 2 is necessary to determine the charter school’s tier. As shown in Figure 46 below, OCHS did not fit the requirements for Low Tier or for High Tier in Criterion 1, thus, an evaluation of Criterion 2 is necessary.

Figure 46: Criterion 1 Analysis – Schoolwide Results

| Indicator       | 2022   | 2023   |
|-----------------|--------|--------|
| ELA             | Medium | Orange |
| Math            | Medium | Orange |
| EL Progress     | Low    | Orange |
| College/Career  | N/A    | High   |
| Graduation Rate | High   | Orange |
| Suspension Rate | Medium | Orange |

Source: California School Dashboard

#### Criterion 2 Analysis

Criterion 2 is based on the “Status” (or the current year data) for all **academic** indicators (ELA, Mathematics, EL Progress, and College/Career) with a performance color for the two previous Dashboard years. Performance determinations are then based on the overall status compared with the statewide averages for the previous two Dashboard years. Criterion 2 is broken into two sub-criteria – Criterion 2a evaluates the Charter School’s schoolwide performance and Criterion 2b evaluates the Charter School’s student group performance, specifically for student groups which scored below the

<sup>25</sup> The three-tiered system does not apply to schools that qualify for the Dashboard Alternative School Status (DASS) program.

<sup>26</sup> For the 2022 California School Dashboard, due to the COVID-19 pandemic, status “levels” were assigned to each indicator as a proxy for colors (See Appendix B for more details).

statewide average<sup>27</sup>. Per Education Code, if (Criterion 2a) all **schoolwide** academic indicators are same or higher than the statewide average *and* (Criterion 2b) the majority of eligible student groups are higher than their group’s respective statewide average, then the Charter School is placed in the High Tier. If (Criterion 2a) all **schoolwide** academic indicators are same or lower than the statewide average *and* (Criterion 2b) the majority of eligible student groups are lower than their respective statewide average, then the Charter School is placed in the Low Tier. In all other circumstances, the Charter School is placed in the Middle Tier. As shown in Figure 47 and Figure 48 below, the Charter School did not meet the requirements for High Tier or for Low Tier, thus, OCHS is placed in the Middle Tier.

Figure 47: Criterion 2a Analysis

| Academic Indicator | 2022          |              |        | 2023          |              |        |
|--------------------|---------------|--------------|--------|---------------|--------------|--------|
|                    | School Status | State Status | Result | School Status | State Status | Result |
| ELA                | 28.9          | -12.2        | Higher | -5.1          | -13.6        | Higher |
| Math               | -45.7         | -51.7        | Higher | -79.2         | -49.1        | Lower  |
| EL Progress        | 46.3%         | 50.3%        | Lower  | 37.6%         | 48.7%        | Lower  |
| College / Career   | N/A           | N/A          | N/A    | 62.3%         | 43.9%        | Higher |

Source: California School Dashboard

Figure 48: Criterion 2b Analysis

| Indicator      | Student Group   | 2022          |              |        | 2023          |              |        |
|----------------|-----------------|---------------|--------------|--------|---------------|--------------|--------|
|                |                 | School Status | State Status | Result | School Status | State Status | Result |
| ELA            | Hispanic/Latino | -3.6          | -38.6        | Higher | -37.1         | -40.2        | Higher |
|                | SED             | 26.8          | -41.4        | Higher | -11.9         | -42.6        | Higher |
| Math           | Hispanic/Latino | -88.1         | -83.4        | Lower  | -123.2        | -80.8        | Lower  |
|                | SED             | -44.2         | -84          | Higher | -86.7         | -80.8        | Lower  |
| College/Career | Hispanic/Latino | N/A           | N/A          | N/A    | 55.6%         | 35.5%        | Higher |
|                | SED             | N/A           | N/A          | N/A    | 62.6%         | 35.4%        | Higher |
| EL Progress    |                 | 46.3%         | 50.3%        | Higher | 37.6%         | 48.7%        | Lower  |

Source: California School Dashboard

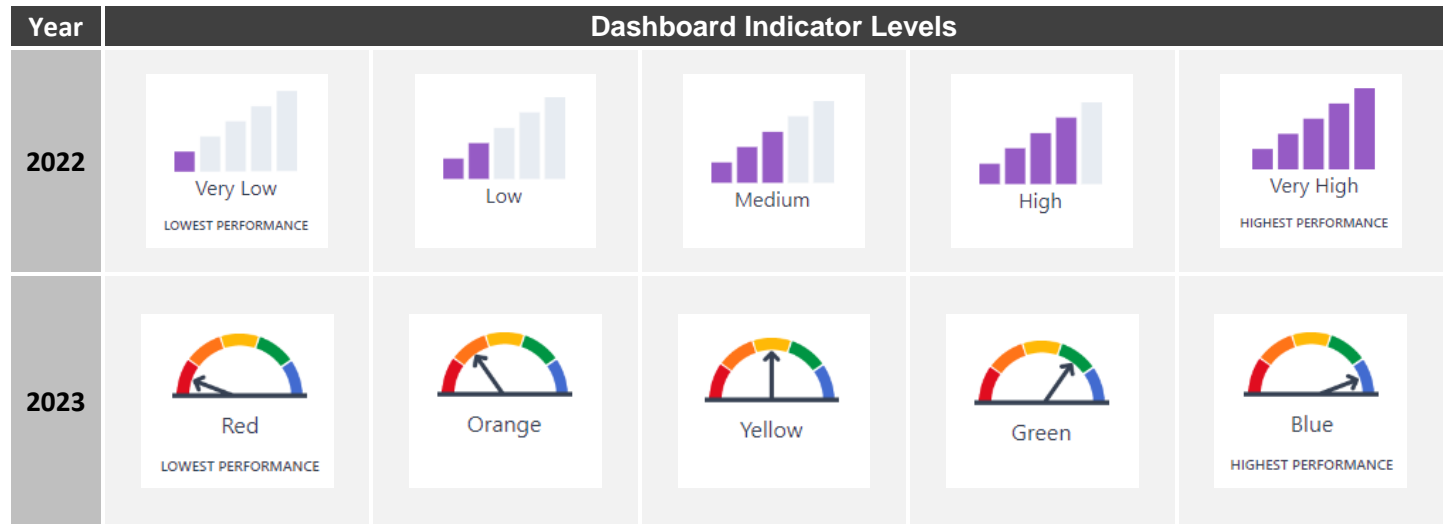
## Appendix B. Additional California School Dashboard Analyses – including SPA and Local Indicators

### Impact of COVID-19 Pandemic on California School Dashboard Indicators

Typically, the California School Dashboard displays colors for each indicator (see below) which are assigned based on two factors: the current year’s data and the difference between the current year’s data and the prior year’s data, or “Change”. Due to the impacts of the COVID-19 pandemic on statewide testing and accountability systems, there was insufficient data to calculate “Change” for the 2022 California School Dashboard, and thus the 2022 California School Dashboard displayed “Status levels” (Very High, High, Medium, Low, and Very Low) in place of colors. For purposes of the Renewal Tier Analysis and the School Performance Analysis, these Status Levels were used as proxies for color as shown below.

<sup>27</sup> For more information regarding which student groups are included in the analysis for Criterion 2b, please see the CDE’s Performance Categories Flyer: <https://www.cde.ca.gov/sp/ch/documents/categoryflyer.pdf>

**Figure 49:** 2022 and 2023 California School Dashboard Indicator Levels



Source: California School Dashboard

The only exceptions to the categorization rules above are the Chronic Absenteeism and Suspension Indicators for which the 2022 scale is reversed such that “Very High” corresponds to the lowest performance, or the “Red” color. Additionally, there was insufficient data to assign a status level to the College and Career Readiness indicator for the 2022 California School Dashboard, so the indicator is not available for the 2022 California School Dashboard and is categorized using a status level, not a color, for the 2023 California School Dashboard. For more information about the California School Dashboard, please visit the CDE’s support page at [www.cde.ca.gov/ta/ac/cm/index.asp](http://www.cde.ca.gov/ta/ac/cm/index.asp).

### Complete School Performance Analyses – Schoolwide and Equity

The School Performance Analysis (SPA) Summary is found in Part 1 of this Staff Report. The below analyses represent the Schoolwide and Equity SPAs for 2022 and 2023. As a reminder, in order to be considered “Met” in the SPA, an indicator must have either a California School Dashboard Color Orange / Low Status Level or higher **or** CORE Growth Level Medium or higher (i.e. growth > 30<sup>th</sup> percentile).

For the Schoolwide SPA to be considered as “Met”, the school must meet the threshold for greater than 50% of the available indicators. For the Equity SPA to be considered as “Met”, the school must meet the thresholds for greater than 50% of available student groups.

**Figure 50:** 2022 and 2023 Schoolwide School Performance Analyses

|                                  |                       | 2022                         |             | 2023  |             |
|----------------------------------|-----------------------|------------------------------|-------------|---|-------------|
| Indicator                        | Data Source           | Performance                  | Met/Not Met | Performance                                     | Met/Not Met |
| English Language Arts State Test | Dashboard Color/Level | Medium<br>DFS = 28.9         | Met         | Orange<br>DFS = -5.1; decreased 34 points       | Met         |
| Mathematics State Test           | Dashboard Color/Level | Medium<br>DFS = -45.7        | Met         | Orange<br>DFS = -79.2; decreased 33.6 points    | Met         |
| English Learner Progress         | Dashboard Color/Level | Low<br>46.3% making progress | Met         | Orange<br>37.6% making progress; decreased 7.3% | Met         |
| Suspension                       | Dashboard Color/Level | Medium<br>2% suspended       | Met         | Orange<br>2.4% suspended; increased 0.5%        | Met         |

|                              |                       |                                  |            |   |            |
|------------------------------|-----------------------|----------------------------------|------------|---|------------|
| <b>Graduation</b>            | Dashboard Color/Level | High<br>92.2% graduated          | <b>Met</b> | Orange<br>90.4% graduated; decreased 1.8% | <b>Met</b> |
| <b>College/Career</b>        | Dashboard Color/Level | N/A                              | -          | High<br>62.3% prepared                    | <b>Met</b> |
| <b>Schoolwide SPA Result</b> |                       | <b>Met</b><br>(Met 100%; 5 of 5) |            | <b>Met</b><br>(Met 100%; 6 of 6)          |            |

Source: California School Dashboard, CORE Insights Dashboard

Figure 51: 2022 Equity School Performance Analysis

| Indicator                               | Data Source                                | Student Group           |                  |                  |                                 |                 |                   |          |              | Met/Not Met                       |            |
|---|--|-------------------------|------------------|------------------|---------------------------------|-----------------|-------------------|----------|--------------|-----------------------------------|------------|
|   |  | Black/ African American | Hispanic/ Latino | Pacific Islander | Socioeconomically Disadvantaged | English Learner | Special Education | Homeless | Foster Youth |                                   |            |
| <b>English Language Arts State Test</b> | Dashboard Color (DFS; change)              | N/A                     | Low -3.6         | N/A              | Medium 26.8                     | N/A             | N/A               | N/A      | N/A          | <b>Met</b><br>(2 of 2)            | <b>Met</b> |
| <b>Mathematics State Test</b>           | Dashboard Color (DFS; change)              | N/A                     | Low -88.1        | N/A              | Medium -44.2                    | N/A             | N/A               | N/A      | N/A          | <b>Met</b><br>(2 of 2)            | <b>Met</b> |
| <b>Suspension</b>                       | Dashboard Color (% suspended once; change) | N/A                     | Medium 3%        | N/A              | Medium 2.1%                     | High 6.7%       | Medium 2.5%       | N/A      | N/A          | <b>Met</b><br>(4 of 4)            |            |
| <b>Graduation</b>                       | Dashboard Color (% graduated; change)      | N/A                     | High 92.5%       | N/A              | High 92.2%                      | N/A             | N/A               | N/A      | N/A          | <b>Met</b><br>(2 of 2)            |            |
| <b>College/ Career</b>                  | Dashboard Color (% prepared; change)       | N/A                     | N/A              | N/A              | N/A                             | N/A             | N/A               | N/A      | N/A          | -                                 |            |
| <b>Equity SPA Result</b>                |  |                         |                  |                  |                                 |                 |                   |          |              | <b>Met</b><br>(Met: 100%; 4 of 4) |            |

Source: California School Dashboard, CORE Insights Dashboard

Figure 52: 2023 Equity School Performance Analysis

| Indicator                               | Data Source                                | Student Group           |                        |                  |                                 |                    |                       |          |              | Met/Not Met            |  |
|---|--|-------------------------|------------------------|------------------|---------------------------------|--------------------|-----------------------|----------|--------------|------------------------|--|
|   |  | Black/ African American | Hispanic/ Latino       | Pacific Islander | Socioeconomically Disadvantaged | English Learner    | Special Education     | Homeless | Foster Youth |                        |  |
| <b>English Language Arts State Test</b> | Dashboard Color (DFS; change)              | N/A                     | Orange -37.1<br>↓-33.4 | N/A<br>N/A       | Orange -11.9<br>↓-38.7          | No Color           | N/A                   | N/A      | N/A          | <b>Met</b><br>(2 of 2) |  |
| <b>Mathematics State Test</b>           | Dashboard Color (DFS; change)              | N/A                     | Red -123.2<br>↓-35.1   | N/A              | Orange -86.7<br>↓-42.5          | No Color           | N/A                   | N/A      | N/A          | <b>Met</b><br>(2 of 2) |  |
| <b>Suspension</b>                       | Dashboard Color (% suspended once; change) | No Color                | Yellow 2.9%<br>↓-0.1%  | N/A              | Orange 2.6%<br>↑0.5%            | Green 2.7%<br>↓-4% | Yellow 2.3%<br>↓-0.2% | N/A      | N/A          | <b>Met</b><br>(4 of 4) |  |

|                          |                                       |     |                   |     |                     |                 |                 |     |     |                                   |
|--------------------------|---------------------------------------|-----|-------------------|-----|---------------------|-----------------|-----------------|-----|-----|-----------------------------------|
| <b>Graduation</b>        | Dashboard Color (% graduated; change) | N/A | Yellow 90.5% ↓-2% | N/A | Yellow 90.7% ↓-1.5% | No Color        | No Color        | N/A | N/A | <b>Met</b><br>(2 of 2)            |
| <b>College/ Career</b>   | Dashboard Color (% prepared; change)  | N/A | High 55.6%        | N/A | High 62.6%          | No Status Level | No Status Level | N/A | N/A | <b>Met</b><br>(2 of 2)            |
| <b>Equity SPA Result</b> |                                       |     |                   |     |                     |                 |                 |     |     | <b>Met</b><br>(Met: 100%; 5 of 5) |

Source: California School Dashboard, CORE Insights Dashboard

### California School Dashboard Local Indicators

Charter schools are required to report annually on five State Board of Education (SBE)-approved local indicators aligned to State priority areas where other State data is not available. In order to meet each local indicator, the SBE requires charter schools to (1) annually measure their progress based on locally available data, (2) report the results at a public charter school board meeting, and (3) report the results to the public through the California School Dashboard. The school uses self-reflection tools included within the California School Dashboard to report its progress on the local indicators. If a charter school does not submit results to the California School Dashboard by the given deadline, including completing the self-reflection tool, the school’s California School Dashboard will reflect *Not Met* for the indicator by default. Earning a performance level of *Not Met* for two or more years for a given local indicator may be a factor in being identified for differentiated assistance, provided by an outside agency (typically the local school district or county office of education) as required by State law.<sup>28</sup> OCHS was not identified for differentiated assistance during the current charter term.

Figure 53: California School Dashboard Local Indicators

| Local Indicator  | 2017 | 2018 | 2019 | 2022    | 2023 |
|--|------|------|------|---------|------|
| <b>Basics: Teachers, Instructional Materials, Facilities</b> | Met  | N/A  | Met  | Not Met | Met  |
| <b>Implementation of Academic Standards</b>                  | Met  | N/A  | Met  | Not Met | Met  |
| <b>Parent and Family Engagement</b>                          | Met  | N/A  | Met  | Not Met | Met  |
| <b>Local Climate Survey</b>                                  | Met  | N/A  | Met  | Not Met | Met  |
| <b>Access to a Broad Course of Study</b>                     | N/A  | N/A  | Met  | Not Met | Met  |

Source: California School Dashboard

## Appendix C. Additional Program Implementation Information

### Proposed Charter School Projected Student Enrollment and Grade Levels Served (as outlined in Petition)

In its renewal petition (pg. 76), OCHS is proposing to serve a maximum enrollment of 448 and a projected student enrollment at each grade level and at all grade levels combined in each of the years of the term of the Charter as follows:

Figure 54: Projected Enrollment

| Projected Student Enrollment for Each Year<br>by Grade Level and Total Enrollment |        |        |        |        |        |
|---|--------|--------|--------|--------|--------|
| Grade Level   | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
| <b>9</b>  | 100    | 108    | 108    | 108    | 108    |
| <b>10</b>   | 90     | 100    | 108    | 108    | 108    |
| <b>11</b>   | 60     | 90     | 100    | 108    | 108    |

<sup>28</sup> Detailed criteria for differentiated assistance can be found at <https://www.cde.ca.gov/ta/ac/cm/leaproposedcrit.asp>.

|              |     |     |     |     |     |
|--------------|-----|-----|-----|-----|-----|
| 12           | 95  | 55  | 85  | 95  | 103 |
| <b>Total</b> | 345 | 353 | 401 | 419 | 427 |

Source: OCHS Renewal Petition

**Admissions Preferences**

In the event of a public random drawing, the OCHS admissions preferences are as shown below:

Figure 55: OCHS Admissions Preferences

| # | Admissions Preference   |
|---|---|
| 1 | Siblings of students admitted to or attending the Charter School  |
| 2 | Students who are enrolled in the immediate prior grade level of another Amethod Public Schools charter school |
| 3 | Children of the Charter School’s teachers and staff (not to exceed 10% of the Charter School’s enrollment)    |
| 4 | Residents of the District   |
| 5 | All other students  |

Source: OCHS Renewal Petition

**Charter School Enrollment Demographics Over Time**

Figure 56: Learning Without Limits Enrollment Demographics

| Student Group Type   | Student Group                   | 17-18 | 18-19 | 19-20 | 20-21 | 21-22 | 22-23 | 23-24 |
|----------------------|---------------------------------|-------|-------|-------|-------|-------|-------|-------|
| Ethnicity            | Hispanic/Latino                 | 55%   | 51%   | 57%   | 58%   | 58%   | 62%   | 64%   |
|                      | Black/African American          | 4%    | 4%    | 5%    | 6%    | 6%    | 5%    | 6%    |
|                      | Asian                           | 37%   | 36%   | 35%   | 2%    | 32%   | 29%   | 27%   |
|                      | White                           | 2%    | 0%    | 2%    | 1%    | 3%    | 1%    | 1%    |
|                      | Two or More Races               | 0%    | 0%    | 2%    | 1%    | 3%    | 1%    | 1%    |
|                      | Other Race/Ethnicity            | 2%    | 1%    | 1%    | 2%    | 1%    | 2%    | 2%    |
|                      | Not Reported                    | 0%    | 7%    | 0%    | 0%    | 0%    | 0%    | 0%    |
| Other Student Groups | Socioeconomically Disadvantaged | 77%   | 90%   | 88%   | 87%   | 76%   | 86%   | 67%   |
|                      | English Learners                | 18%   | 11%   | 13%   | 15%   | 19%   | 24%   | 29%   |
|                      | Special Education               | 5%    | 8%    | 7%    | 8%    | 9%    | 10%   | 11%   |

Source: ETHNICITY/SOCIOECONOMICALLY DISADVANTAGED/ENGLISH LEARNERS/SPECIAL EDUCATION – CDE Dataquest (School Enrollment by Subgroup Report)

**2024-25 Charter School Educator Demographics**

Figure 57: 2024-25 Educator Demographics

| Race / Ethnicity       | 24-25 |
|------------------------|-------|
| Hispanic/Latino        | 17.6% |
| Black/African American | 17.6% |
| Asian                  | 23.5% |

|                             |       |
|-----------------------------|-------|
| <b>White</b>                | 35.3% |
| <b>Other Race/Ethnicity</b> | 5.9%  |

Source: Charter School Performance Report

### Charter School Complaints to OUSD

The OUSD Office of Charter Schools logs the complaints it receives for OUSD-authorized charter schools. However, unless the allegations meet specific criteria<sup>29</sup> or identify a potential violation of local, state, or federal law, the Office of Charter Schools typically refers the complainant to school leadership, who is ultimately responsible for addressing the complaint in compliance with its adopted complaint policy. Therefore, complaints included in the table below may not necessarily have been substantiated. Instead, the table is a record of what has been reported to the Office of Charter Schools staff. Additionally, some complainants may not know that they can submit complaints to the Office of Charter Schools. Therefore, the absence (or a low number) of complaints does not necessarily mean that other complaints were not reported directly to the school or charter management organization.

During the current seven-year charter term, the Office of Charter Schools received 45 complaints regarding OCHS and AMPS CMO.

Figure 58: Oakland Charter High School Complaints to OUSD

| School Year | Complaints | Areas of Concern   |
|-------------|------------|--|
| 2017-18     | -          | -  |
| 2018-19     | 23         | SpEd, Discrimination, Retaliation, Student Discipline, FERPA Violation, Hiring/Staffing, Financial Mismanagement, Governance                               |
| 2019-20     | 14         | Discrimination, Retaliation, Sexual Harassment, Hiring/Staffing, SpEd, Public Records, Brown Act, Conflict Resolution, Financial Mismanagement, Governance |
| 2020-21     | 3          | Public Records, Brown Act  |
| 2021-22     | 1          | Communication, Student Health/Safety   |
| 2022-23     | 0          | -  |
| 2023-24     | 3          | Retaliation, Communication, School Practice, Governance, Financial Mismanagement   |
| 2024-25     | 1          | Communication, Disenrollment, Grading  |

Source: OUSD Office of Charter Schools Complaint Records

### Charter School English Learners by Language

Figure 59: 2023-24 Language Group Data

| Language  | English Learners (EL) | Fluent English Proficient (FEP) Students | Percent of Total Enrollment that is EL and FEP |
|---|-----------------------|--|--|
| Spanish; Castilian                              | 91                    | 116                                      | 57.66%   |
| Cantonese                                       | 4                     | 59                                       | 17.55%   |
| Vietnamese                                      | 1                     | 16                                       | 4.74%  |
| Uncoded languages (Other non-English languages) | 6                     | 7  | 3.62%  |
| Arabic  | 1                     | 4  | 1.39%  |
| Mayan languages                                 | 1                     | 1  | 0.56%  |

<sup>29</sup> Complaints where Office of Charter School staff will become involved include those alleging a severe or imminent threat to student health or safety, employee discrimination per Title 5 of the California Code of Regulations, or violations outlined in Education Code §47607(c).

|  |   |   |       |
|--|---|---|-------|
| <b>Mon-Khmer languages (Cambodian)</b>           | 0 | 2 | 0.56% |
| <b>Other Sino-Tibetan languages (Taishanese)</b> | 0 | 2 | 0.56% |
| <b>Yao (Mien)</b>                                | 0 | 2 | 0.56% |
| <b>Persian (Farsi)</b>                           | 0 | 2 | 0.56% |
| <b>Thai</b>                                      | 0 | 1 | 0.28% |
| <b>Tonga (Tonga Islands)</b>                     | 1 | 0 | 0.28% |

Source: CDE Dataquest

## Appendix D. AMPS Response to OCS Notice of Concern

On the next page.





June 17, 2024

Via Email  
minh.co@ousd.org

Minh Co, Accounting Manager  
Oakland Unified School District  
900 High Street  
Oakland, CA 94601

**RE: Response to Notice of Concern Regarding Delinquent Filing of 2022-23 Annual Audit**

Dear Mr. Co,

Amethod Public Schools (“AMPS”) is in receipt of a Notice of Concern (tier level moderate) (the “Notice”) from the Oakland Unified School District (“OUSD”), dated May 9, 2024, regarding delinquency in filing of AMPS’ annual financial audit for the 2022-23 fiscal year. We write in response.

At the outset, please be advised that Education Code Section<sup>1</sup> 41020, cited in your letter, does not apply to charter schools, due to the “mega-waiver,” Section 47610. Section 41020 mentions local educational agencies, which might include charter schools, but then clarifies that it seeks to “strengthen[] fiscal accountability at the school district, county, and state levels.” That does not include charter schools. Charter schools, instead, are subject to the annual audit requirements found in Sections 47605(c)(5)(l) and (m).

AMPS responds to the directives in the Notice as follows:

- *AMPS shall investigate and identify the reasons why AMPS has been unable to submit the audit by the required deadline of December 15 for the 21/22 and 22/23 audit. Please submit these findings to OCS.*

---

<sup>1</sup> All statutory citations herein are to the Education Code, unless otherwise specified.

# AMPS

HONOR HARD WORK

AMPS' management has investigated its failure to meet the statutory audit deadline of December 15 for both the 2021-22 and 2022-23 fiscal years. It has identified reasons for prior missed deadlines, and it has identified steps to remedy any future timeline concerns, as well as full reviews of its financial reporting, internal controls, and closing processes.

AMPS contracted with Baker Tilly for its 2021-22 and 2022-23 annual audits. Baker Tilly is a large international tax and accounting firm that does not specialize in K-12 education. Additionally, AMPS has had turnover in key fiscal positions between 2021-2024, including its Chief Financial Officer, Director of Finance, and Accounting Manager roles. The Director of Finance position was vacant from October 2021 until March 2022. The CFO stepped down in June 2022, after training the new Director of Finance from March 2022 - June 2022. The Director of Finance subsequently exited AMPS as of December 2023, and was replaced in June 2024 by the COO. The Accounting Manager position was vacant from March 2023 to September 2023.

There were also delays on the part of the audit firm, as the lead contact with Baker Tilly was out of office on paternity leave, and other audit contacts were outsourced and working internationally (with a 12-hour time difference). AMPS staff also used the Suralink portal, as required by Baker Tilly, to upload requested documents, but Baker Tilly staff did not regularly use this portal. This created a perceived delay by AMPS, when the delay was indeed on behalf of Baker Tilly. On multiple occasions, the Baker Tilly audit team asked for information that had previously been provided by AMPS staff. In addition to the delays on behalf of Baker Tilly, the turnover in AMPS staff created a backlog of accounting entries, as well as a lack of management to drive the fiscal year closing process in 2022-23.

- *AMPS shall submit a narrative detailing plans and timelines moving forward to remedy the concern, including providing procedure/policy updates over financial reporting and adhering to reporting deadlines.*

The AMPS Board of Directors has taken swift action to address these concerns. In addition to hiring a CEO with extensive charter school and AMPS-specific experience, the Board identified a need for expertise and consistency in its accounting and finance functions. AMPS has since:

- Contracted with Christy White, a professional accountancy corporation, based in California with expertise in performing financial audits for California charter schools.

# AMPS

HONOR HARD WORK

- Contracted with Charter Impact for back office services as of May 2024, which includes (but is not limited to): bank reconciliation and general ledger maintenance, monthly financial reporting, accounts receivable/payable processing and accrual, and audit preparation and management.
- As of June 2024, hired a Chief Operations Officer with over a decade in experience working with charter schools throughout the state, and extensive experience in managing financial teams in Oakland and Bay Area charter schools. The COO is now managing the internal and external fiscal operations, including supervision of finance staff, audit process management, and compliance with best practices across all school sites.
- *AMPS shall identify and share with OCS steps to improve internal control and closing processes and to meet audit requests timely.*

The partnership between Charter Impact and the COO will include the following plan and timelines, to remedy the concern regarding meeting audit timelines and to ensure proper fiscal tracking and internal controls in 2024-25, as well as for the 2023-24 annual audit:

## Summer 2024:

- Review existing school site and home office policies and make recommendations to the board for an update of the Fiscal Policies and Procedures by August 2024.
- Create internal plans for ensuring the Fiscal Policies and Procedures are fully implemented at all sites.
- Train leadership team (including School Site Directors) on AMPS' Fiscal Policies and Procedures.
- Review reporting calendars with Charter Impact and AMPS Home Office, assigning appropriate subject area leads, work flows, and internal timelines to meet reporting deadlines.
- Complete initial audit requests and respond to auditor selections in a timely manner.

# AMPS

HONOR HARD WORK

## Fall 2024:

- Train all Home Office and School Site staff in AMPS Fiscal Policies and Procedures, including appropriate tracking of transactions and timely submission of all documentation.
- Finance staff will check-in with school sites on a regular basis to ensure compliance with all policies and procedures.
- Closeout of 2023-24 financials, preparing for final audit samples and requests.
- Complete Unaudited Actuals report for 2023-24.
- Prepare for First Interim Report

## Winter 2024/2025:

- Complete First Interim Report by 12/01/2024.
- Complete Audited Financial Statements by 12/15/2024.
- Continue training of staff to ensure compliance with all policies and procedures.

## Spring 2025:

- Complete Second Interim Report by 3/01/2025.
- Complete initial 2024-25 audit meeting with Christy White.
- Begin 2024-25 pre-audit tasks and selections.

Steps to improve internal control and closing processes are included in the above narrative and plan, specifically:

- Hiring a consultant and staff to ensure fiscal compliance.
- Updating Fiscal Policies and Procedures.
- Training all staff.
- Creating proper internal timelines to meet external reporting deadlines.

AMPS remains confident that it has turned the corner on these matters. Should you have further questions, please do not hesitate to contact me.

Sincerely,

*Gilbert Lopez, Jr.*

Gilbert Lopez, Jr., Board Chair

Appendix E. Corrective Action Plan submitted by OCHS on December 12, 2024

On the next page.



LAW OFFICES OF YOUNG • MINNEY • CORR LLP

**PAUL C. MINNEY ESQ.**

FOUNDER/PARTNER ■ ATTORNEY AT LAW

pminney@ymclegal.com

DECEMBER 12, 2024

**VIA: ELECTRONIC MAIL ONLY**  
KELLY.KRAGARNOLD@OUSD.ORG

Kelly Krag-Arnold, Director  
Oakland Unified School District  
Office of Charter Schools  
1011 Union Street  
Oakland, CA 94607

**Re: Amethod Public School’s Response to Oakland Unified School District’s  
Oakland Charter High School Section 47607(e) Notice Approved by Board  
Nov. 13, 2024**

Dear Ms. Krag-Arnold:

Amethod Public Schools (“AMPS”) is in receipt of Oakland Unified School District’s (“OUSD”) Section 47607(e) Notice for Oakland Charter High School, which was approved by the OUSD Board on November 13, 2024 (“Notice”). AMPS’s Board has asked me to respond on its behalf.

As you are aware, AMPS worked cooperatively and transparently with OUSD in responding to its initial letter of inquiry on March 5, 2024. That letter of inquiry raised issues which have clearly been refuted by AMPS (e.g., that Sylvia Flores “filed a large claim” against AMPS; that the former CEO Jorge Lopez was acting as a “representative of LEAF”; that Jorge Lopez was providing services to AMPS with “no evidence that the required services were being provided”; that the former CEO Jaime Mata was released in relation for raising concerns<sup>1</sup>, etc.) Thereafter, six months went by before AMPS heard from OUSD. In your August 28, 2024 Letter of Inquiry you asked a series of new questions and asked for new information and documentation. AMPS again timely and transparently responded.

---

<sup>1</sup>AMPS has demonstrated that it has more than sufficient cause to release Mr. Mata and that Mr. Mata did not raise any concerns with AMPS operations (indeed he signed an audit management letter stating he had no concerns) until AFTER he was aware that AMPS had concerns with his performance and was being placed on administrative leave for, among other things, hiring a CFO with a criminal record for theft (and concealing that information from the Board) and ignoring a Board directive to have the CFO contract approved by the Board, and engaged in conflicts of interest in directing AMPS to hire his daughter. (See, AMPS April 2, 2024, Response to the OUSD Notice of Inquiry.)

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Despite AMPS's consistent efforts to engage with OUSD and provide clear explanations, OUSD continues to lodge conflict of interest allegations against AMPS's former and current CEOs. These allegations focus on a single contract that was not approved by the Board, yet OUSD has failed to present any direct evidence to substantiate its claims. In fact, the District acknowledges this lack of evidence, stating that the "District does not have direct evidence regarding the negotiation process with EdNova" (Notice, p. 4.). And then stemming from these unfounded claims and with no evidence of AMPS's Board failure in any regard or knowledge of any wrongdoing, OUSD concludes that the AMPS Board breached its fiduciary duties and asserts systemic failures within the organization. AMPS firmly rejects these accusations and reaffirms its commitment to integrity, transparency, accountability, and sound governance. AMPS presents the below corrective action plan ("CAP") which clearly demonstrates its commitment to operational excellence, compliance and accountability.

## **I. Leadership Adjustments**

AMPS recognizes the value of strong leadership in maintaining confidence and ensuring accountability. Over the past nine months, AMPS has implemented numerous positive changes to its leadership structure and organizational practices, reflecting its commitment to operational excellence and governance improvement. These changes include the introduction of new administrators, enhanced oversight mechanisms, new policies and procedures, and a renewed focus on transparency and collaboration. Moreover, Adrienne Barnes, Chief Operations Officer, and Kimberly Palmore, Senior Director of Finance & Administration are both CSDC and CASBO-trained and certified leaders. Building on this progress, in response to OUSD's concerns, AMPS is committed to the following:

- 1. CEO Transition:** Tomorrow December 13, 2024, AMPS will hold a special meeting at 5pm to appoint an Interim CEO. We will update you on the Interim CEO after the meeting.
- 2. Mutual Agreed Upon Leadership Coach/Advisor:** By April 1, 2025, AMPS will retain an Executive Administrator who is mutually agreed upon by OUSD and AMPS. The person will be a current, retired, or former administrator of a successful charter school or former successful school district superintendent or administrator that served a similar student demographic as AMPS.
- 3. Nationwide CEO Search:** AMPS will conduct a nationwide search in the spring of 2025 to find a permanent Chief Executive Officer. The search will prioritize candidates with expertise and experience in successful public school leadership; AMPS will be looking for a candidate with the vision to lead AMPS effectively, strengthen governance, and support the success of all students and staff.
- 4. Advisory Committee:** To further support leadership, no later than March 1, 2025, AMPS will also establish an advisory committee to the Chief Executive Officer, providing additional perspectives and guidance to ensure alignment with organizational goals. The Advisory Committee will be comprised of the following administrative

officers with a focus on compliance: Chief Operations Officer, Chief Academic Officer, Chief Strategy and Compliance Officer, and one member of the AMPS Board.

- 5. Expenditure Oversight:** No later than January 15, 2025, AMPS shall revise its fiscal policies to ensure that all contracts in excess of \$50,000 are required to be approved by the Board. Additionally, the current policy will be revised so that all employment contracts over \$100,000 will go to the Board. These adjustments reflect a commitment to tighter fiscal controls and increased oversight of significant financial decisions.

## II. Governance Enhancements

AMPS's Board has consistently exercised its fiduciary responsibilities in accordance with nonprofit governance standards, California law, and AMPS policies. While AMPS disagrees with OUSD's assertion that its Board failed to exercise proper oversight (e.g., the contract that is at the heart of OUSD's Notice [i.e., EdNova] was never brought to the Board's attention), the organization remains committed to implementing additional governance measures to strengthen accountability and compliance. To assuage any remaining concerns, AMPS is willing to make significant changes to its Board structure as follows.

- 1. Board Leadership Changes:** At the December 11, 2024, Board meeting Gilbert Lopez stepped down as Board Chair, and Edgar Quiroz (prior Vice Chair) assumed the position. Mr. Quiroz brings over 30 years of leadership experience in Bay Area organizations, coupled with strong academic credentials, including a Master's Degree in Public Health from UC Berkeley and a Bachelor's Degree in Ethnic Studies and Social Welfare from San Francisco State University, where he graduated Magna Cum Laude. Additionally, his completion of the Executive Leadership Program at Harvard Business School equips him with strategic oversight and organizational leadership skills. As Board Chair, Edgar will focus on strengthening governance, supporting AMPS's leadership, and fostering a commitment to serving all students effectively.
- 2. New Board Members:** AMPS will conduct a comprehensive needs assessment of its Board, facilitated by BoardOnTrack (<https://boardontrack.com/>), by January 31, 2025. This will identify strengths and areas for growth in recruiting any new Board members should Board vacancies arise. AMPS will adopt the BoardOnTrack recommendations and consider further Board training and development. Further, AMPS will use this needs assessment to initiate a robust search for new board members with strong professional connections, educational backgrounds, and the cultural awareness necessary to serve the diverse community effectively.
- 3. OUSD Board Appointment:** AMPS would welcome the replacement of the former OUSD appointee to the AMPS Board pursuant to Education Code Section 47604(c).



4. **Governance Coaching:** By April 1, 2025, AMPS will also engage a governance coach to work closely with the Board and leadership to enhance governance practices and accountability. The person will be a retired or former administrator of a successful charter school or former success school district superintendent or administrator that served a similar student demographic as AMPS. AMPS has already begun connecting with a number of experienced former public school administrators.
5. **Board and Staff Training:** All Board members and administrators will also undergo a mandatory two-day ethics training to reinforce best practices, accountability, and zero tolerance for conflicts of interest. This will be in addition to the required annual Brown Act and Conflicts of Interest trainings (all administrators will attend the Conflicts of Interest training) and best governance practices. These trainings will be supplemented by periodic workshops addressing emerging issues in charter school governance. No later than March 1, 2025, we will also engage Dr. Brian Carpenter who is a recognized national expert in effective board governance for charter schools (<https://www.briancarpenter.com/>).

### III. Operational/Fiscal Enhancements

AMPS is equally committed to addressing operational concerns and enhancing fiscal accountability. Key plans include as follows:

1. **Forensic Audit:** AMPS will commission KPMG Forensics (<https://kpmg.com/us/en/capabilities-services/advisory-services/forensic.html>) to conduct a forensic audit of conflicts of interest, familial control, and accountability on contractual oversight dating back four school years, underscoring its commitment to transparency and addressing any lingering concerns comprehensively. The audit will be conducted by June 2025. Any contracts found to violate conflict laws or any other law or policy of AMPS will be terminated.
2. **Conflict of Interest Training:** By February 28, 2025, AMPS will conduct comprehensive conflict of interest training for all administrators. This training will reinforce AMPS's zero-tolerance policy regarding conflicts of interest and outline the severe consequences of violating these regulations, which may include termination of employment. Staff will gain a clear understanding of their responsibilities and the importance of maintaining ethical integrity within the organization.
3. **Fiscal Guardrails:** AMPS has implemented new fiscal guardrails to strengthen financial oversight, ensure responsible spending, and mitigate risks. These measures include strict spending limits, scrutinizing every invoice, enhanced approval workflows and approvals, updated policies, and ongoing financial monitoring, which has already begun and will be finalized by July 1, 2025.

4. **Procurement Software:** AMPS is implementing Procurify (<https://www.procurify.com/>), a procurement software system to streamline purchasing processes, ensure proper approvals, enhance transparency, and provide real-time budget visibility. Procurify will be fully implemented by April 1, 2025.
5. **Back-Office Support:** AMPS has already retained a well-known back-office provider to ensure separation of duties, with outsourced accounts payable and accounting staff providing additional layers of oversight and expertise.
6. **New Auditor:** AMPS has already engaged Christy White as its new auditor, anticipating improved responsiveness and accountability in financial reporting and compliance. At present, Christy White is auditing the 2023-2024 school year.
7. **Policy Updates:** In July 2024, AMPS adopted new fiscal policies to reflect its strengthened fiscal practices. A revised version is also being drafted and is expected in January 2025. AMPS will also revise its Conflict of Interest Code to ensure alignment with best governance standards and will approve a Nepotism Policy that is distinct from its Conflict of Interest Code no later than March 1, 2025.
8. **Contract Review:** No later than July 1, 2025, AMPS will conduct a comprehensive review of all current contracts and scopes of work (i.e., all current contracts over \$50,000). Legal counsel will oversee an in-depth examination of current contracts, ensuring compliance and identifying areas for improvement. Counsel will be looking for noncompliance with the contracts, lack of supporting documentation etc. Going forward, professional service providers and independent contractors will have to provide detailed invoices and/or supporting documentation for all work performed for AMPS.
9. **Contract Management Software:** AMPS is implementing a contract management software solution to improve the efficiency of managing contracts, enhance compliance monitoring, and maintain accurate records of contractual obligations. The software will be fully implemented no later than May 1, 2025.
10. **Staff Training:** AMPS will establish training for the finance department and all staff involved in approvals and purchasing processes on updated procedures and provide a school-site finance handbook to ensure compliance at all levels. Training will be ongoing and has already begun.
11. **Vendor Deliverables:** No later than July 1, 2025, AMPS will implement a comprehensive tracking system to ensure proper oversight and accountability for all materials, presentations, and deliverables produced by contractors. This system will standardize the process for collecting, storing, and reviewing work products associated with vendor agreements. It will include:
  - a. **Centralized Repository:** A dedicated platform will be used to store deliverables. This repository will allow authorized personnel to access and review documentation in real-time.

- b. Performance Monitoring: The system will include tracking templates to compare vendor deliverables against contractual obligations. This ensures that vendors fulfill their commitments and deliver value to AMPS.
- c. Contractor Transparency: AMPS will create a standard contract template requiring contractors to submit a summary of work performed, along with supporting materials, on a set schedule.
- d. Periodic Reviews: Administrators and legal counsel will periodically review the repository to assess vendor performance, compliance with contractual terms, and alignment with AMPS's operational goals.

**12. Termination of LEAF Contract:** While OUSD has acknowledged that there is no evidence to support a conflict of interest in the Latino Education and Advancement Foundation ("LEAF") contract, to avoid all further alleged concerns AMPS has terminated its contract with LEAF which will take effect January 5, 2025.

\* \* \*

Under Education Code section 47607(e), a charter school's renewal may only be denied upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as documented pursuant to Education Code section 47607(d). The law further requires that the chartering authority provide at least 30 days' notice of the alleged violations and a reasonable opportunity to cure the violation through a proposed corrective action plan before it can take action to deny the renewal of the charter school. AMPS's detailed and actionable corrective action plan clearly demonstrates its capability and commitment to resolving any identified issues and successfully continuing to implement its educational program. AMPS respectfully requests that OUSD recognize the sufficiency of the changes provided in this Corrective Action Plan and, as per Section 47607(d), allow AMPS a reasonable opportunity to cure the alleged violations outlined in the Notice.

AMPS looks forward to working collaboratively with OUSD to resolve these matters and to maintain our focus on the success of our students and community.

Very truly yours,  
**LAW OFFICES OF YOUNG,  
MINNEY & CORR, LLP**



PAUL C. MINNEY  
ATTORNEY AT LAW

CC: AMPS Board via email

4871-2009-7533, v. 13