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Memo

To Board of Education

From Dr. Kyla Trammell – Superintendent
Andrea Epps – Attorney, Office of the General Counsel

Board Meeting Date November 14, 2018

Subject Resolution No. 1819-0012 – Adopting Written Findings In Support of Denial of Education for Change – EPIC Middle Charter School - Petition and Proposed Charter (Renewal) - Grades 6-8 - July 1, 2019 - June 30, 2024

Action Requested and Recommendation Approval by the Board of Education of Resolution No. 1819-0012 - Adopting Written Findings In Support of Denial of Education for Change – EPIC Middle Charter School - Petition and Proposed Charter (Renewal) - Grades 6-8 - July 1, 2019 - June 30, 2024.

Background and Discussion On November 7, the Board denied Epic Charter Academy’s charter renewal petition citing the following reasons which were noted as areas of growth in the staff report. This resolution adopts the written findings in support of denial of the Charter Renewal Petition of Epic Charter Academy. The Written Findings in support of the denial identify the following reasons for the denial:

- The school has historically underperformed in both ELA and Math, relative to district schools serving similar student populations. Specifically, Epic underperformed in both ELA and Math, when compared to comparison school median, for three of the four year evaluated.
- Low academic performance for African American students, as of the five key subgroups considered, this is the only group at the school



that continued to underperform relative to the Oakland Unified District average.

- Chronic absenteeism rates, particularly for African American students and students with disabilities.
- Decreases in enrollment, a decrease of 115 students in two school years, impacting fiscal sustainability and reflect a decreasing demand among Oakland families for this school's particular educational program.
- High teacher turnover with only 7 of 15 teachers returning from the 2017-18 school year.
- Three years of a negative fund balance necessitating a \$1.1 million dollar donation from the Home Office.

Fiscal Impact

N/A.

Attachments

- Resolution 1819-0012
- Written Findings Supporting Denial of Charter Renewal Petition

RESOLUTION
OF THE
BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
NO. 1819-0012

Adopting Written Findings In Support of Denial of Education for Change – EPIC Middle Charter School - Petition and Proposed Charter (Renewal) - Grades 6-8 - July 1, 2019 - June 30, 2024

WHEREAS, by enacting the Charter Schools Act (Ed. Code §§ 47600, *et seq.*), the Legislature has declared its intent to provide opportunities to teachers, parents, pupils and community members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein; and

WHEREAS, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged, and that charter schools are part of and under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools; and

WHEREAS, although charter schools are exempt from many of the laws governing school districts, in return for that flexibility they are accountable for complying with the terms of their charters and applicable law; and

WHEREAS, Education Code Section 47607 charges authorizing school district governing boards with the responsibility of reviewing renewal charter petitions to determine whether they meet the legal requirements for renewal; and

WHEREAS, Education Code Section 47607(b), establishes a prerequisite for charter renewal in which a charter school must meet at least one of five specified criteria before the charter renewal may be considered; and

WHEREAS, the five criteria set forth in Education Code Section 47605(b) require that the charter school: (1) Attain its Academic Performance Index (API) growth target in the prior year or in two of the last three years both schoolwide and for all groups of pupils served by the charter school; or (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years; or (3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years; or (4) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school; or (5) Qualified

for an alternative accountability system pursuant to subdivision (h) of Section 52052; and

WHEREAS, STAR testing was suspended in 2014 under AB 484 and AB 97; therefore, only criteria (4) and (5) listed above shall be the applicable prerequisites for consideration for charter renewal; and

WHEREAS, EPIC CHARTER ACADEMY failed to meet the prerequisite threshold to be considered for charter renewal; and

WHEREAS, renewal charter petitions are governed by the standards and criteria set forth in Education Code Section 47605; and

WHEREAS, Education Code section 47607(a)(3)(A) requires that “[t]he authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal”; and

WHEREAS, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in education Code Section 47605(b)(5)(A)-(O), renewals and material revisions of charters are governed by the standards and criteria in Section 47605; and

WHEREAS, Title 5, Section 11967.5 of the California Code of Regulations (“Regulations”) contains the State Board of Education’s adopted criteria for the required elements for a charter petition as set forth in Education Code Section 47605(b) and although these criteria for the State Board of Education’s use in reviewing charter petitions are not binding on school districts they may provide instructive guidelines for school districts’ review of charter petitions; and

WHEREAS, a governing board may deny renewal of a petition for a charter school if it makes written findings to support its finding that the following standards and criteria were not met: (1) an analysis of the extent to which the school has met its measurable pupil outcomes and an evaluation of its educational program; (2) an analysis of the effectiveness and viability of the school; (3) a review of the school’s performance and operations to evaluate the extent to which the school has been faithful to the terms of its charter; and (4) an evaluation of whether the petitioners have presented a “reasonably comprehensive” description of the 15 elements related to the school’s operation; and

WHEREAS, on or about September 12, 2018 the District received a renewal petition submission for a charter for EPIC CHARTER ACADEMY (“Renewal Petition”), a public charter school serving grades 6-8 with current enrollment of 318 students; and

WHEREAS, on or about October 10, 2018, the Board held a public hearing on the Renewal Petition as required by Education Code Section 47605(b); and

WHEREAS, on or about November 7, 2018, the Board denied a motion to approve the Renewal Petition by a vote of 4-2 because the Board concluded that EPIC is demonstrably unlikely to successfully implement a sound educational program for all students who may enroll in the school based upon:

- Historical underperformance in both ELA and Math for the majority of the term of the original charter, relative to District schools serving similar student populations;
- Low academic performance for African American students, including lack of increases in pupil performance in ELA and Mathematics, as of the five key subgroups considered this is the only group at the school that continued to underperform relative to the Oakland Unified District average;
- Chronic absenteeism rates, particularly for African-American students and students with disabilities;
- Decreases in enrollment that are impacting fiscal sustainability and reflect a decreasing demand among Oakland families for EPIC's educational program;
- High teacher turnover creating a further unstable educational program;
- Three years of a negative fund balance necessitating a \$1.1 million dollar donation from the Home Office; and
- Three years during which Epic failed to serve students with special needs in a percentage consistent with the District average.

WHEREAS, the Board of Education, under Education Code Section 47605(b), now adopts written findings in support of the denial of the Renewal Petition.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Governing Board of the Oakland Unified School District adopts the findings as set forth herein and in the attached report incorporated by reference herein in support of the denial of the Renewal Petition under Education Code Section 47605(b) on the grounds that EPIC CHARTER ACADEMY (1) presents an unsound educational program for the pupils to be enrolled in the charter school; (2) is demonstrably unlikely to successfully implement the program set forth in the petition and has not submitted a renewal petition containing reasonably comprehensive descriptions of all of the fifteen elements set forth in Education Code section 47605(b)(5). The specific findings supporting the decision are enumerated in the attached report and the key supporting findings summarized below:

- The school has historically underperformed in both ELA and Math, relative to district schools serving similar student populations. Specifically, Epic underperformed in both ELA and Math, when compared to comparison school median, for three of the four year evaluated.
- Low academic performance for African American students, as of the five key subgroups considered, this is the only group at the school that continued to underperform relative to the Oakland Unified District average. African American

students represent only 14% of the Epic student population compared to the District average of 24%.

- Chronic absenteeism rates, particularly for African American students and students with disabilities.
- Decreases in enrollment, a decrease of 115 students in two school years, impacting fiscal sustainability and reflect a decreasing demand among Oakland families for this school’s particular educational program.
- High teacher turnover with only 7 of 15 teachers returning from the 2017-18 school year.
- Three years of a negative fund balance necessitating a \$1.1 million dollar donation from the Home Office.

THE BOARD HEREBY FINDS that EPIC CHARTER ACADEMY has not met the requirements of Education Code Section 47605(b) in that the Petition does not satisfy the criteria set forth in Education Code Section 47605(b), specifically, EPIC CHARTER ACADEMY (1) presents an unsound educational program for the pupils to be enrolled in the charter school; (2) is demonstrably unlikely to successfully implement the program set forth in the petition and has not submitted a renewal petition containing reasonably comprehensive descriptions of all of the fifteen elements set forth in Education Code section 47605(b)(5).

Passed by the following vote:

PREFERENTIAL AYE: Student Director Josue Chavez

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Jody London, Roseann Torres, Shanthi Gonzales, and President Aimee Eng

NOES: James Harris and Vice President Jumoke Hinton Hodge

ABSTAINED: Nina Senn

RECUSE: None

ABSENT: Student Director Yota Omo-Sowho

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District, held on November 14, 2018.

Legislative File Info.	
File ID Number:	18-2031
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Enactment Number:	18-1756
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OAKLAND UNIFIED SCHOOL DISTRICT



Aimee Eng
President, Board of Education



Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

FINDINGS OF FACT SUPPORTING DENIAL OF EPIC MIDDLE SCHOOL - PETITION AND PROPOSED CHARTER (RENEWAL) - GRADES 6-8 - JULY 1, 2019 - JUNE 30, 2024

I. INTRODUCTION

Epic Charter Academy (“Epic” or the “charter school”) was founded in 2014. The school is located in the Fruitvale neighborhood of East Oakland (District 5, Fremont High School Attendance Area) and currently serves students in grades 6-8.

On September 12, 2018, Epic presented to the Governing Board of Oakland Unified School District (“Board”) a petition for renewal of its charter school serving grades 6-8. Epic submitted its renewal petition in violation of the Board’s policy (Board Policy 0420.4) governing the timing of filing renewal petitions but requested that the Board waive its policy on behalf of Epic. On September 26, 2018, the Board granted Epic’s waiver request and accepted the submission.

On October 10, 2018, a public hearing was held regarding Epic’s Renewal Petition. The hearing lasted more than one hour, during which time the Board extensively analyzed Epic’s data and educational plan supporting its renewal petition. (Video of Hearing available at http://ousd.granicus.com/player/clip/1332?view_id=4&meta_id=487592 beginning at 19:07). On November 7, 2018, the Board denied the petition to renew Epic’s charter.

II. STANDARD OF REVIEW FOR RENEWAL PETITIONS

The California Charter Schools Act of 1992 (“Act”) sets forth the standards and criteria for petition review and renewal. Educ. Code § 47605(b). It provides that, in considering whether to grant or renew a charter petition, a school district governing board “shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with **sound educational practice**.” The charter school must submit a renewal petition application that, upon review, is determined to be educationally sound, reasonably comprehensive, and demonstrably likely to be successfully implemented. (Ed. Code §§ 47607(a) and 47605.) Charter renewal petitions must demonstrate that the charter meets at least one of the criteria specified in Education Code section 47607(b) relating to performance standards and contain a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Title 5, California Code of Regulations (“5 CCR”), section 11966.4, subdivision (a).)

The term “sound educational practice” is not precisely defined and data can be analyzed differently. Pursuant to the requirements of SB 1290, the District “shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.” (Ed. Code § 47607(a)(3)(A).) Furthermore, the District “shall consider the **past performance** of the school’s academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any.” (5 CCR § 11966.4.) The charter must show with **clear and**

convincing data that its academic performance is at least equal to the academic performance of the public schools that the charter pupils would otherwise have been required to attend as well as the academic performance of the schools in the school district in which the charter is located taking into account the composition of the pupil population that is served at the charter school. Educ. Code 47607(b).

III. FINDINGS OF FACT SUPPORTING DENIAL

In this instance, District staff recommended approval of Epic's renewal petition. The Board acknowledged and appreciated the staff report's analysis. However, after thorough consideration, discussion at the public hearing, and debate, the Board properly exercised its independent discretion as a charter authorizer to deny the petition on the grounds set forth below. In general, the staff recommendation relied more heavily upon the 2017-18 performance of Epic while the Board's decision was based on the past performance over past four years of the charter period and likelihood of future results. The staff report identified "areas of growth" for the charter which the Board believed outweighed the charter's strengths and demonstrated sufficient grounds for denial. Moreover, based upon the past performance of Epic and the testimony of Epic at its public hearing, the Board did not believe that it was likely to be successful in implementing the areas of growth.

The Board hereby adopts these Findings of Fact for the Denial of the Epic Charter Renewal as detailed further below:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain reasonably comprehensive descriptions of all of the fifteen elements set forth in Education Code section 47605(b)(5).

In determining its recommendation, the Board has endeavored to give the requisite extra weight to increases in student academic achievement for all groups of pupils served by the school required by SB 1290.

ACADEMIC PERFORMANCE

Epic Does Not Demonstrate With Clear and Convincing Evidence That During Its Charter It Performs Equal To or Better Than Comparative Schools Across All Subgroups

As discussed above, charter schools that have operated for at least four years must first meet one of the minimum academic performance criteria listed in Education Code section 47607, subdivision (b) or Education Code sections 52052(e)(2)(F) and 52052(e)(4)(C) before

the renewal request is analyzed further. (Cal. Code Regs., tit. 5, § 11966.4; Ed. Code, § 47607, subd. (b).)

1. Minimum Criteria for Renewal. Based on a comprehensive review of the renewal petition and the school's record of performance over the totality of its petition, the Board has concluded that Epic has not met the minimum criteria for renewal eligibility and standards and criteria for renewal.

Performance Standard Required By Education Code 47607(b)/ CCR 5 sec. 11966.4 (must meet at least one)	Yes/No
Has the charter school attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, both schoolwide and for all significant subgroups?	N/A (API no longer given)
Has the charter school ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years?	N/A
Has the charter school ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years?	N/A
Has the charter school presented clear and convincing evidence of academic performance that is at least equal to or greater than the academic performance of the District's similar schools?	No

Epic has historically underperformed in both ELA and Math, relative to district schools serving similar student populations. Specifically, Epic underperformed in both ELA and Math, when compared to comparison school median, for three of the four years evaluated. When averaging Epic's **past performance** over its charter petition period with the 17 comparison schools listed in its renewal petition, it is the 7th worst in Math and below average in ELA. In addition, Epic has consistently low academic performance for African American students and continues to underperform relative to the Oakland Unified District average for African American students. Also, African American students represent only 14% of the Epic student population compared to the District average of 24%.

Epic's performance relative to that of comparison schools has varied from year to year. The inconsistency of the results and the testimony at Epic's public hearing reflect significant instability within the education program, school leadership, teaching staff, and enrollment. Further, in addition to inconsistent results, Epic performed below the ELA median at the comparison schools for the majority of the term of its charter. Specifically, EPIC performed below the comparison schools median for three out of four consecutive school years (2014-15, 2015-16, and 2016-17). Similarly, Epic performed below the comparison schools' Math median for three of the four years evaluated. The percent of Epic students meeting or exceeding

standards on the Math SBAC remained flat over the first three years. During this time period, Epic performed below four of the six comparison schools with less than 10% of their students meeting or exceeding standards on the Math SBAC. Similarly, for three consecutive years, ELA SBAC data indicates that Epic performed below four of the six comparison schools.

This past performance data suggests that Epic is demonstrably unlikely to successfully implement a sound educational program. Based on the data, the Board does not conclude that granting the renewal charter petition is consistent with sound educational practice.

2017-18 Academic Performance Comparison – Middle School SBAC								
School	ELA				Math			
	14-15	15-16	16-17	17-18	14-15	15-16	16-17	17-18
Madison Upper (6-8 grade only)	29%	23%	27%	23%	19%	16%	20%	14%
Greenleaf (6-8 grade only)	25%	42%	49%	50%	16%	20%	36%	34%
Elmhurst Community Prep	11%	19%	18%	15%	5%	6%	5%	8%
Life (6-8 grade only)	23%	30%	30%	24%	8%	11%	11%	12%
Roosevelt	22%	26%	24%	23%	17%	27%	21%	25%
United for Success	8%	11%	13%	14%	4%	6%	7%	10%
Comparison Schools Median	22%	25%	25%	23%	12%	13%	16%	13%
Epic Charter	11%	15%	22%	27%	8%	8%	8%	18%

Table 2. Source: CDE SBAC Research Files

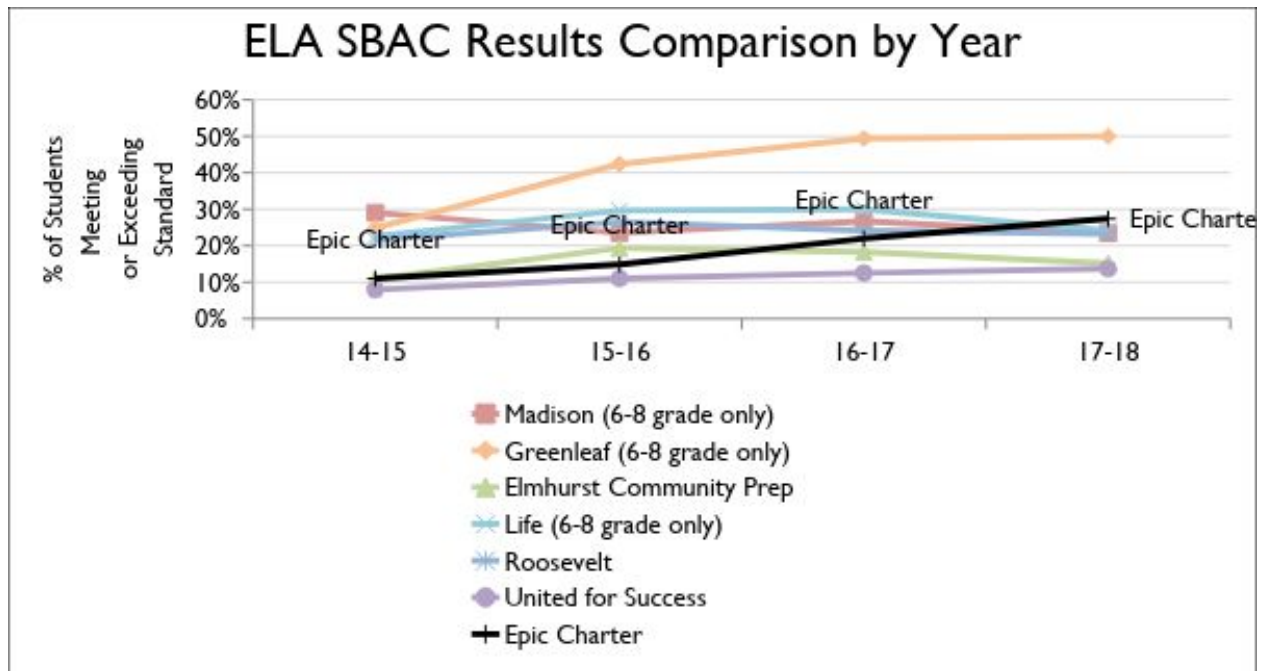


Figure 1. Source: CDE SBAC Research Files

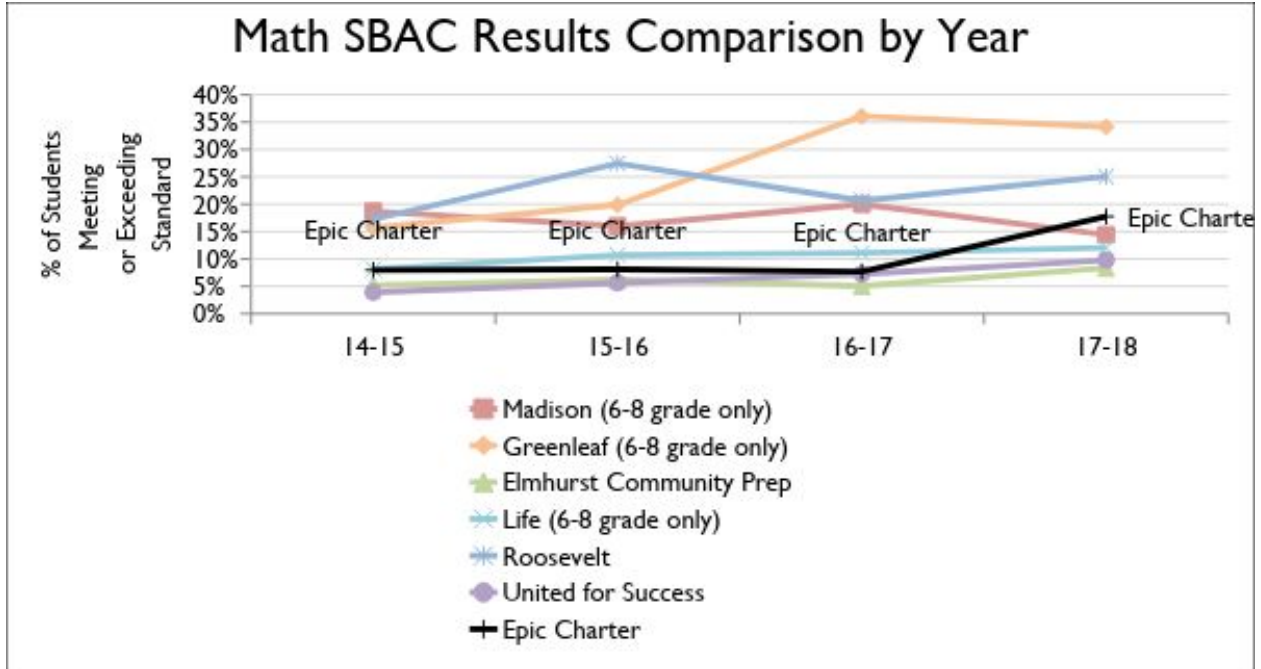


Figure 2. Source: CDE SBAC Research Files

As shown in the figure below, Epic has struggled on the Math SBAC with just 8% of students meeting or exceeding standards each year between 2014-15 to 2016-17.

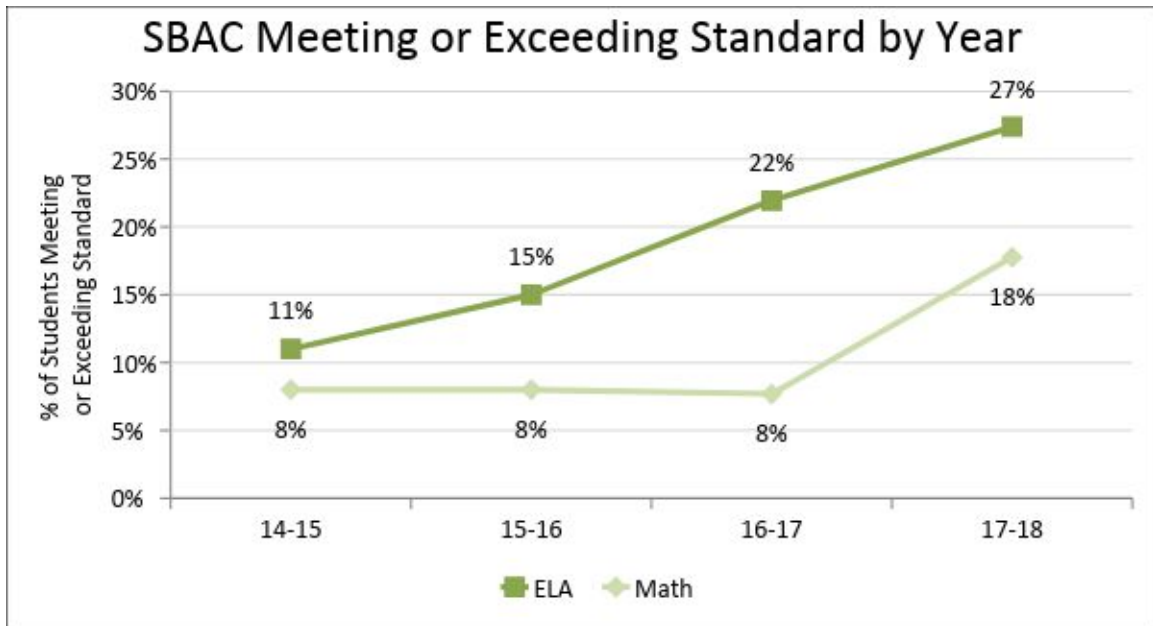


Figure 5. Source: CDE SBAC Research Files

2017-18 (“INVESTMENT YEAR”) RESULTS VS COMPARISON CHARTER SCHOOLS

Epic relies heavily on its SBAC improvements in 2017-18 to attempt to mitigate its comparatively poor performance in the prior years of its charter. In its hearing and petition, Epic describes these gains as the result of investing heavily in the basics of common core instruction, including

without limitation, math coaches and intensive new teacher support for the first 6 weeks of school. As explained further in the finances section below, it is unclear whether this growth can be sustained without the substantial fiscal donation of \$1.1 million dollars that Epic relied on in 2017-18.

Moreover, even considering Epic's improvements in 2017-18, it did not perform equal to or better than the District's comparative charter schools. The table below shows subgroup enrollment and the percentage of students meeting or exceeding SBAC standards on the 2017-18 ELA and Math SBAC for comparison charter schools. The comparison charter schools shown below were selected by considering charter schools in Oakland that serve similar grade level spans with comparable populations of students along three factors: percent of students who qualify for free and reduced price meals (FRPM), percent of students who are English Learners, and percent of students with disabilities. Even considering its significant one year gains in 2017-18, Epic performed worse than 5 of 6 comparison charter schools on the ELA SBAC and 3 of 6 comparison charter schools on the Math SBAC. As the District assesses its overall portfolio of schools and strives to invest in high-quality options for Oakland's students, the evidence submitted by Epic does not demonstrate with clear and convincing evidence that it has performed equal to or greater than comparative schools.

School	2017-18 SBAC % Meeting or Exceeding Standard (grades 6-8 only)		2017-18 Subgroup Enrollment		
	ELA	Math	FRPM-Eligible (schoolwide)	English Learner (grades 6-8 only)	Special Education (schoolwide)
Aspire ERES	34%	14%	93%	34%	13%
Aspire Lionel Wilson	34%	27%	90%	32%	11%
Aspire Golden State	42%	22%	90%	29%	9%
Oakland Unity Middle	29%	17%	85%	33%	8%
Lighthouse	46%	27%	85%	39%	12%
Oakland Military Institute	26%	14%	83%	30%	10%
Comparison Charter Middle Schools Median	34%	19%	88%	33%	11%
Epic Charter	27%	18%	94%	32%	11%

Table 6. Source: CDE SBAC Research Files

SUBGROUP SBAC RESULTS BY YEAR

The following tables show how the school's performance (average of ELA and Math) compares to the District average for the following five subgroups: African American students, Hispanic students, economically disadvantaged students, students with disabilities, and English Learners. The District average is calculated using a similar grade span to the charter school. Even in a year of substantial investment, Epic's outcomes for African American students is below OUSD's.

Black or African American

Epic's African American students have underperformed on the SBAC each year when compared with the District-wide average for 6th-8th grade African American students. See Pupil Subgroup Scores, attached herein as Exhibit A.

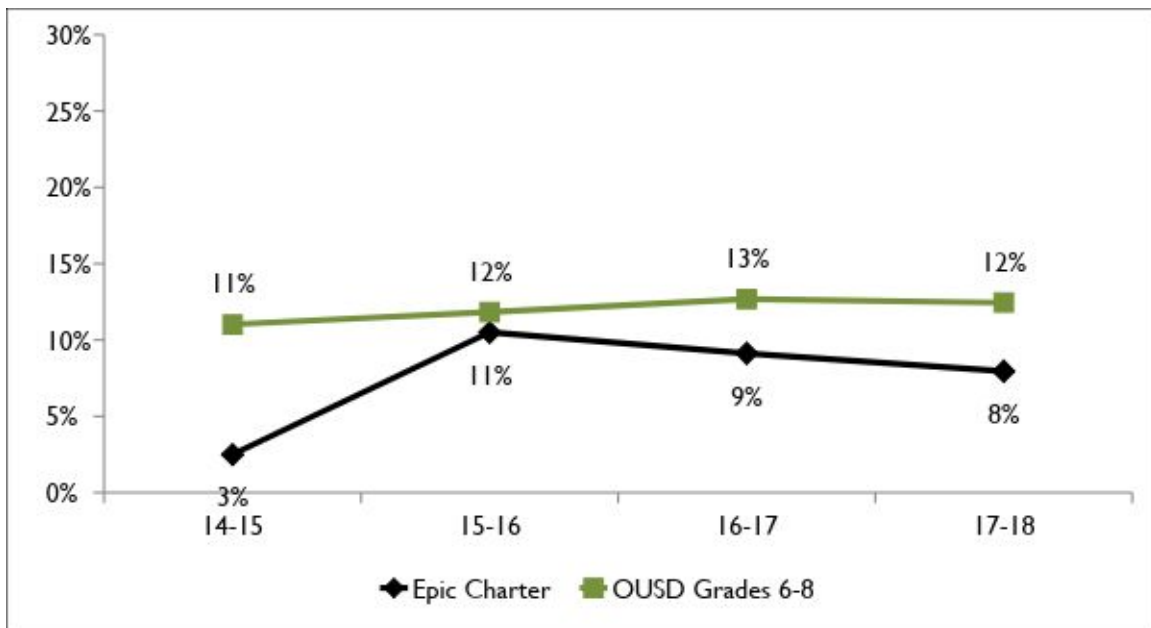


Figure 6. Source: CDE SBAC Research Files

Hispanic or Latino

For the first three years of the current charter term, Epic’s Latino students have underperformed relative to the District-wide average for 6th-8th grade Latino students. Although in 2017-18, this trend reversed as Epic’s Latino students outperformed relative to the district-wide 6th-8th grade average for Latino students, one year of improved performance data does not overcome low performance data for the majority of charter’s term.

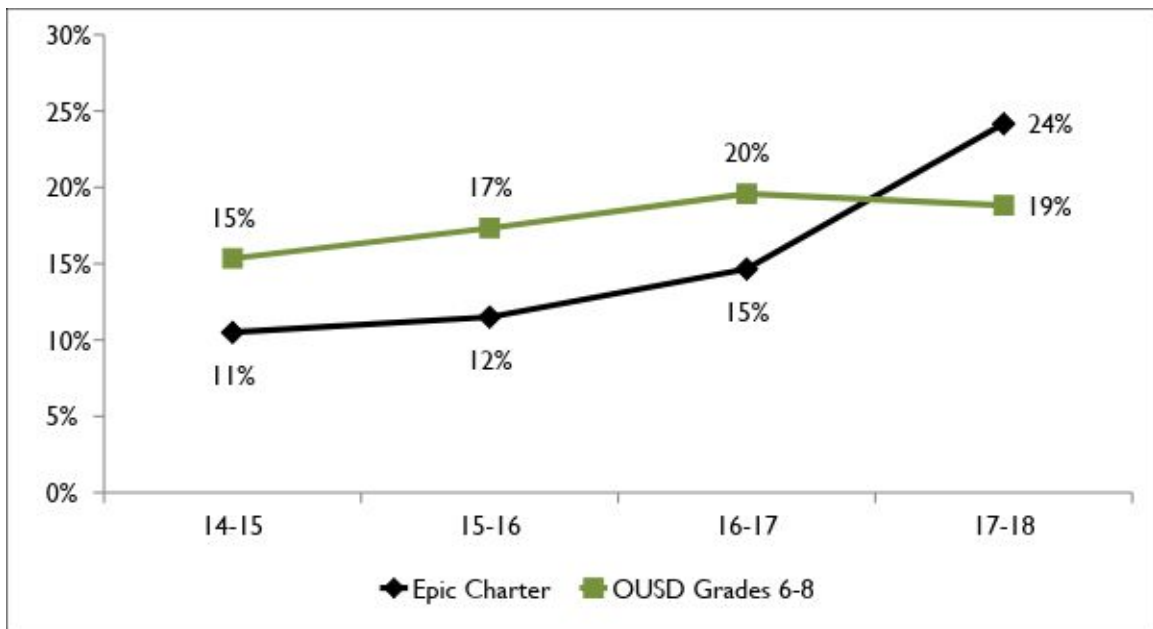


Figure 7. Source: CDE SBAC Research Files

Students with Disability

Epic’s Students with Disabilities underperformed relative to the District-wide average for the Students with Disabilities in 6th-8th grade over the first two years of the current charter term. However, Epic has outperformed the districtwide average during each of the past two years. Notably, Epic has not served students with disabilities in the same percentage as the OUSD average. Specifically, based on the CDE Data Office, in 2017-2018, 13% of OUSD students are students eligible for special education, compared to District charters serving about 8%. See, Exh. B. Epic has historically served less than 12% with the exception of just one school year. Proportionately, Epic also has served students with less severe disabilities than OUSD. Epic is a part of the El Dorado SELPA which serves fewer students with disabilities, particularly students with higher needs, than OUSD.

Epic’s petition and testimony at hearing describes that all students with disabilities are served in an inclusion model in the general education classroom through a Multi-tiered System of Support (MTSS). The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. section 1400 et seq., requires that students with disabilities receive an individualized education plan, specific to each student’s needs. The petition fails to sufficiently describe how Epic will meet the needs of students with disabilities whose individualized needs may warrant a different approach or setting.

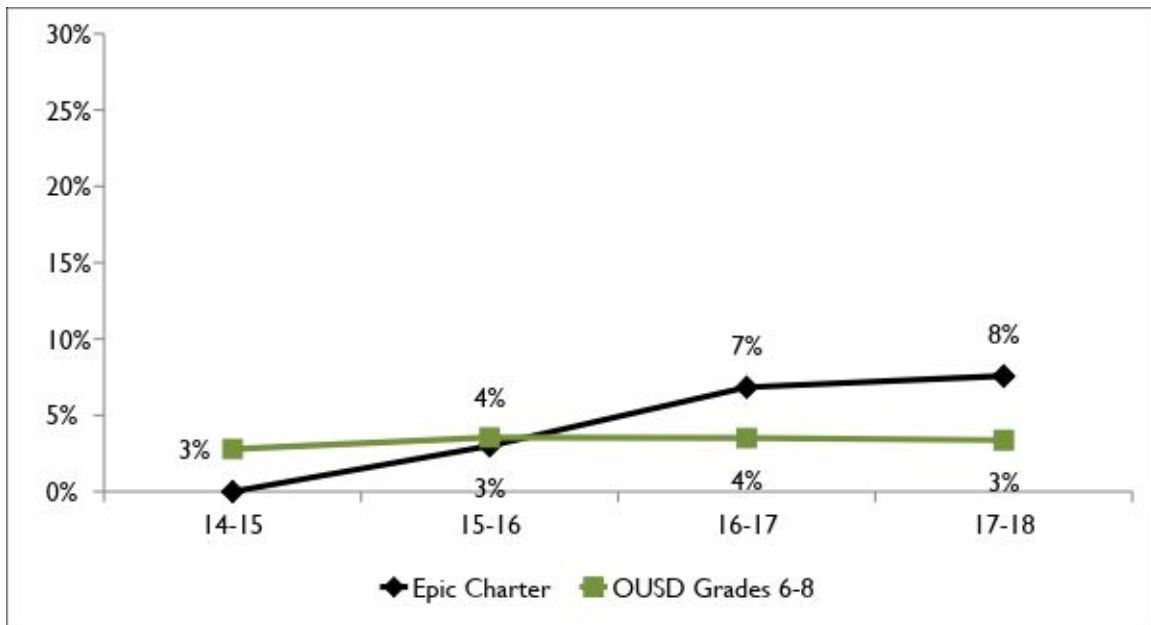


Figure 8. Source: CDE SBAC Research Files

Economically Disadvantaged

For the first three years of the current charter term, Epic’s Economically Disadvantaged students have underperformed relative to the District-wide average for Economically Disadvantaged 6th-8th grade students; however, in 2017-18, after significant cash infusion from Epic’s home office, this changed for a single year as a higher percentage of Epic’s Economically Disadvantaged students met or exceeded standards.

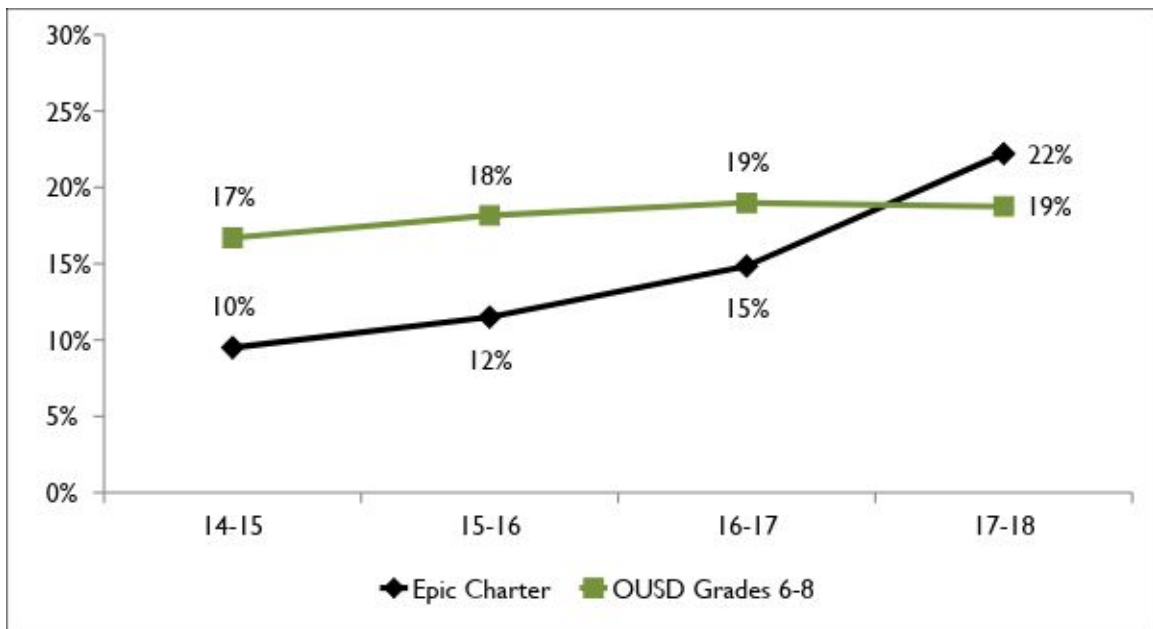


Figure 9. Source: CDE SBAC Research Files

English Learner

Although a slightly higher percentage of Epic’s English Learners met or exceeded standards in 2017-18, this subgroup performed similarly to the District-wide average for English Learners in grades 6-8 over the first 3 years of the charter term.

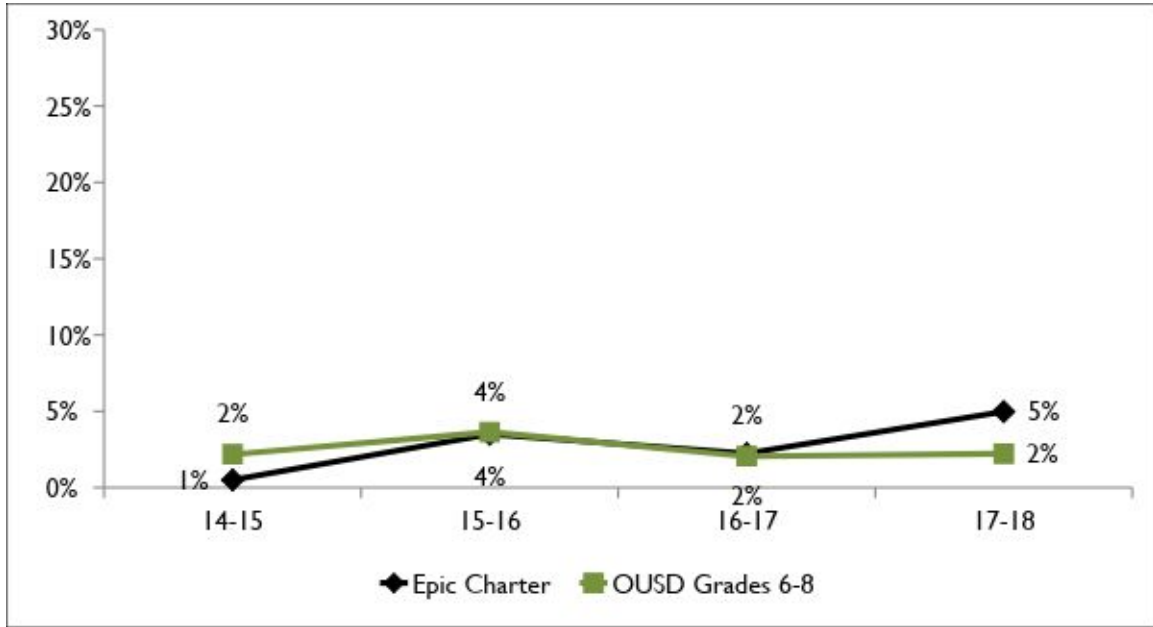


Figure 10. Source: CDE SBAC Research Files

Subgroup SBAC Results Summary Table

Subgroup Type	Subgroup	% Meeting or Exceeding Standard							
		ELA				Math			
		14-15	15-16	16-17	17-18	14-15	15-16	16-17	17-18
All Students	All Students	11	15	22	27	8	8	8	18
Disability Status	Students with No Reported Disability	12	16	23	29	9	9	8	19
	Students with Disability	0	3	8	9	0	3	6	6
Economic Status	Economically Disadvantaged	11	15	22	26	8	8	8	18
	Not Economically Disadvantaged	*	16	22	47	*	10	6	13
English-Language Fluency	Fluent-English Proficient and English Only	19	23	31	37	13	12	11	24
	English Learner	0	4	4	6	1	3	1	4
	Reclassified-Fluent English Proficient (R-FEP)	20	22	36	46	13	18	14	32
	English Only	11	19	20	20	8	5	4	8
	English Learners Enrolled in School in the U.S. 12 Months or More	0	5	4	6	1	3	1	4
	Initially-Fluent English Proficient (I-FEP)	45	*	57	*	27	*	36	*
Ethnicity	Black or African American	5	18	16	9	0	3	2	7
	Hispanic or Latino	12	15	22	30	9	8	7	19
Ethnicity for Economically Disadvantaged	Black or African American	6	20	18	8	0	3	2	8
	Hispanic or Latino	12	14	22	29	9	7	7	19
Ethnicity for Not Economically Disadvantaged	Hispanic or Latino	*	20	27	*	*	16	9	*

Gender	Males	6	15	20	22	8	8	8	18
	Females	17	15	25	34	8	8	8	17
Parent Education	Not a High School Graduate	7	15	21	30	2	7	6	17
	High School Graduate	5	11	16	25	2	6	2	16
	Some College (Includes AA Degree)	26	17	26	25	20	8	11	15
	College Graduate	*	38	38	29	*	13	7	14
	Parent Education -- Declined to State	12	9	24	24	18	14	15	19

Table 5. Source: CDE SBAC Research Files

* In order to protect student confidentiality, SBAC scores are not publicly available for any subgroup of 10 or fewer students. Subgroups with 10 or fewer students for all four years were excluded from the table above.

CHRONIC ABSENTEEISM

Epic’s Inability to Reduce Chronic Absenteeism And High Suspension Rates Within Subgroups Demonstrates an Unsound Educational Program and Unlikelihood to Successfully Implement the Program Set Forth in the Petition

Epic has a large number of students who are absent for more than 10% of the school year (“chronically absent”). This rate is disproportionately higher for African American students and Students with Disabilities. Epic set a target goal that no more than 8% of its students would be chronically absent, but has consistently failed to meet that target during the charter term. Because absenteeism directly relates to funding; Epic’s failure to meet its enrollment projections and high absenteeism rates demonstrate a fiscally unsound program and potential lack of demand or engagement for its program. This chronic absenteeism rates are reflected below:

Chronic Absenteeism (10% or more of year absent)	2015-16	2016-17	2017-18
Overall	12%	16%	19%
Hispanic or Latino	12%	14%	15%
Black or African American	17%	27%	31%
English Learners	16%	20%	13%
Low-income students	13%	15%	19%
Students with disabilities	28%	29%	29%

In addition, Epic’s data reflects a concerning level of suspensions, 10.8% in 2016-17 (the most recent data available from CDE) compared to the District’s average of 4.1% and 6.9% in 2015-16 compared to the District’s average of 4.1%. Epic also has a high disproportionate rate

of suspension for African American students. In 2016-17, based on CDE data, suspended African Americans at a concerning rate of 31.8%; 52.4% of the African American students at Epic had more than one suspension. See, Exh. B. Epic's suspension data in 2015-16 reflected similar disproportionate outcomes for African American students, with a suspension rate of 19.6% and 44.4% of African American students serving more than one suspension.

SIGNIFICANTLY DECLINING ENROLLMENT

Epic's Significant Decreases In Enrollment Reflect a Material Departure From Its Charter Petition, Unsound Educational Program, and Unlikeliness to Successfully Implement the Program Set Forth in the Petition

Epic's charter petition reflected that it would have class sizes of approximately 42 students per 2 adults in "houses," with 504 students in grades 6-8. (Original petition, p. 13). Epic has not sought a material revision of its charter. However, in its charter hearing, Epic acknowledged that it had deviated substantially from its petition by only enrolling only 342 students in 2017-18 and decreasing further in 2018-19 to 318 students. Epic lost about 26% of its enrollment, 115 students, between the 2016-17 and 2018-19 school year. In its public hearing, Epic noted that teachers and potentially families were opposed to the larger class size which was a key design element of its original petition. Epic leaders also noted that its facilities had been explicitly designed with these larger "Montessori" concept classrooms in mind. The decreased enrollment in the past two academic years represents a significant decrease in enrollment that suggests a lack of demand for the educational program offered at Epic. It also reflects a material departure from Epic's charter petition without a material revision.

Additionally, decreases in enrollment raise questions regarding the ongoing fiscal sustainability of the Epic program. In addition, class size to staffing ratios has important budget implications not addressed in the petition. As described below in the "Finances and Operations" section, Epic has operated at a budget deficit during most of its charter term and relied upon a \$1.1 million infusion to implement its program in 17-18.

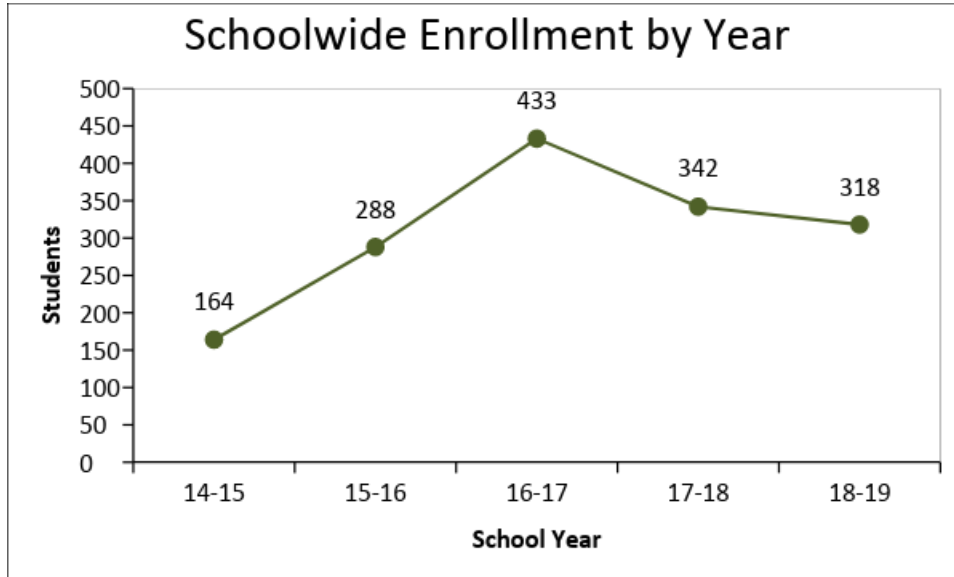


Figure 3. Source: CDE Downloadable School Enrollment Data Files for 2014-15 thru 2017-18; 2018-19 based on first end-of-month enrollment report submitted to OUSD (as of 9/14/18)

Epic’s 2018-19 enrollment varies slightly by grade level with 8th grade being the smallest cohort and 7th grade the largest.

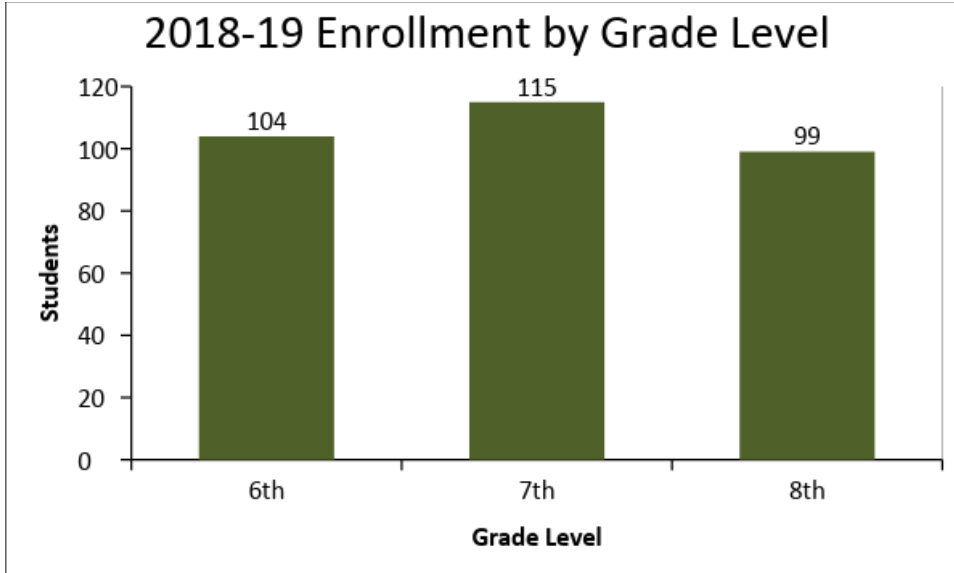


Figure 4. Source: First month enrollment report to OUSD (enrollment as of 9/14/18)

As shown in the following table, for 2017-18, Epic enrolled a higher percentage of Hispanic or Latino and FRPM-eligible students, a similar percentage of English Learners and Special Education students, and a lower percentage of African Americans than the OUSD average.

2017-18 Epic vs. OUSD Subgroup Enrollment Comparison		
ETHNICITY	Epic	OUSD Grades 6-8
Hispanic or Latino	80%	46%
African American	14%	24%
Asian	3%	13%
White	1%	10%
Other Ethnicities	1%	4%
GENDER		
Male	56%	52%
Female	44%	48%
OTHER SUBGROUPS		
Free/Reduced Price Meal-Eligible	94%	76%*
English Language Learners	32%	31%
Special Education	11%	12%*

Table 3. Source: ETHNICITY/GENDER/FRPM/EL – CDE Downloadable Data Files (School Enrollment, Free and Reduced Meals Program, English Learners); CHARTER SPECIAL EDUCATION – CDE DataQuest School Enrollment by Subgroup Report; OUSD SPECIAL EDUCATION – OUSD Department of Research, Assessment, and Data

*Grade-level-specific data not publicly available. These numbers represent the overall OUSD average.

The table below shows Epic’s enrollment by subgroup over the course of the current charter term.

% of Total Enrollment by Year (number enrolled in parentheses)					
Subgroup	14-15	15-16	16-17	17-18	18-19 ¹
ETHNICITY					
Hispanic or Latino	83% (136)	80% (230)	79% (341)	80% (272)	73% (231)
African American	11% (18)	12% (34)	15% (63)	14% (48)	16% (52)
Asian	2% (4)	1% (4)	2% (8)	3% (10)	4% (12)
White	1% (2)	2% (5)	2% (8)	1% (2)	1% (4)
Other Ethnicities	2% (4)	5% (15)	3% (13)	3% (10)	6% (18)
GENDER					
Male	56% (92)	60% (173)	59% (256)	56% (191)	56% (178)
Female	44%	40%	41%	44%	44%

¹ All 2018-19 data self-reported by the charter school. Enrollment data provided in Epic’s performance report included errors. The school provided corrected/updated numbers as of September 26, 2018 via email to OUSD staff.

	(72)	(115)	(177)	(151)	(139)
OTHER SUBGROUPS					
Free/Reduced Price Meal-Eligible	93% (152)	90% (259)	96% (414)	94% (321)	*
English Language Learners	44% (72)	41% (117)	37% (161)	32% (110)	40% (128)
Special Education	8% (13)	10% (30)	9% (39)	11% (36)	12% (37)
TOTAL	164	288	433	342	317

Table 4. Source: ETHNICITY/GENDER/FRPM/EL – CDE Downloadable Data Files (School Enrollment, Free and Reduced Meals Program, English Learners); SPECIAL EDUCATION – CDE Dataquest (School Enrollment by Subgroup Report); ALL 2018-19 DATA – Self-Reported

* Data not yet available

ATTRITION RATES

High Administrator And Teacher Turnover With Only 7 Of 15 Teachers Returning From The 2017-18 School Year Reflects That Epic Is Demonstrably Unlikely To Successfully Implement The Program Set Forth In The Petition

During its four-year charter term, Epic has had three different principals. Its founding principal resigned after about 2.5 years, followed by an interim principal, followed by the current principal. Similarly, Epic's teacher retention rate for 2018-19 was 47%; the school retained 7 of 15 teachers from 2017-18. School leadership stated high staff turnover for 2018-19 resulted from changes in the school leadership and program design. At its public hearing, Epic leadership testified that it had undergone much "soul-searching" over the course of the charter term and had shifted from a model based on autonomy and innovation to focusing on common-core instruction and teacher preparedness. (Transcript at 1:13). They attributed high turnover rates from previous years to weak schoolwide systems and an ambitious original charter. In addition, Epic leadership noted that teachers were opposed to the large class size/ Montessori classroom school design as stated in its original petition and provided for in its facilities. This high turnover does not demonstrate with clear and convincing evidence that Epic is likely to successfully implement a sound educational program. With decreasing enrollment and less demand for the Epic program, resulting in fewer required staff and less funding to maintain current staffing levels it appears unlikely that high teacher turnover will not continue to be an issue at Epic.

FINANCES AND OPERATIONS

Epic's Declining Enrollment, High Chronic Absenteeism and Deficit Spending During Most of Its Charter Term Reflects An Unsound Educational Program and and Unlikeliness to Successfully Implement the Program Set Forth in the Petition

Epic's Average Daily Attendance (ADA) and enrollment decreased substantially in 2017-18 and declined further this year. The school had a negative fund balance for the last three fiscal years. The Education for Change Home Office provided a one-time donation of \$1.1M to to "get right quick" and "double down on Epic" and bring Epic's fund balance back into the positive. The charter management organization's leaders indicated the one-time nature of this fiscal assistance by describing that its charters needed to balance their budgets and engage in "belt-tightening." In its petition and at public hearing, charter management described its investments in early literacy and other strategies which would not likely directly impact Epic within the next few years. Epic leaders also noted that the shift to focusing on common core instruction and teacher development instead of autonomy, innovation, and creativity, was not fancy, not sexy and was not likely to get grants. The impact of three years of a negative fund balance simultaneously with three years of poor academic performance data and decreasing enrollment suggests that Epic has been unable to successfully implement a sound educational program for the majority of the term of its original charter. One year of improved data with a continuing decrease in enrollment and a \$1.1 million dollar donation does not make Epic suddenly likely to successfully implement a sound educational program.

Fiscal Year	P2 ADA	Cumulative Attendance %	P2 Enrollment in April	Ending Fund Balance per Audit - June 30
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2018-19 (Projected)	300.67	94.71%	323	\$205,640 (Projected)
2017-18	313.95	92.87%	328	\$203,206 (Projected)
2016-17	402.21	93.65%	418	(\$496,098)
2015-16	275.25	94.69%	301	(\$387,169)
2014-15	157.97	85.84%	167	(\$38,074)

Table 10. Source: Audit, Attendance, and State P2 Reports

DESCRIPTION OF KEY ELEMENTS IN PETITION

The Petition Fails To Describe Key Elements Of Epic’s Program

As described above, Epic’s original petition described a “house” model in which classes would be comprised of large groups of students with two staff which Epic leadership described as similar to an exciting Montessori model for middle school. Epic has not implemented that model. Similarly, Epic’s petition heavily emphasizes technology in its program. However, in its public hearing, Epic leadership noted that schools had “thrown money” at personalized learning through technology in the hopes that it would be a huge lever to drive student success. Epic leaders acknowledged that Epic had grappled with the right role for technology in its classrooms and have rethought how technology is used. At the public hearing, Epic leaders described a departure from the “Hero’s Journey” gaming narrative set forth in its petition and stated that in practice the concept was more representative of a student’s personal agency over their education. The petition does not reasonable describe the program that Epic is actually implementing.

As described above, Epic’s charter petition fails to describe how Epic will implement a program to serve the needs of all students with disabilities, including those whose IEPs may provide for a program other than inclusion.

DENIAL SUMMARY

In order to determine if the charter school has adequately fulfilled a renewal standard, the Board of Education considered evidence gathered from the school's petition and supporting documentation, the two-day site visit conducted by District staff, the school's performance during its previous charter term, and information presented at the charter petition hearing.

RENEWAL STANDARD I: IS THE SCHOOL ACADEMICALLY SOUND?

- High chronic absenteeism (19%), disproportionately high chronic absenteeism for African-American students (31%) and Students with Disabilities (29%)
- Stagnant growth on Math SBAC prior to 2017-18
- Low academic performance for African American students, as of the five key subgroups considered, this is the only group at the school that continued to underperform relative to the Oakland Unified District average.
- For three of four years, Epic's Math SBAC and ELA SBAC data demonstrate that Epic performed below the applicable comparison school medians
- High staff turnover

Renewal Standard I:

Based on an analysis of Epic Charter Academy's performance outcomes, an evaluation of its educational program over the past four years, noting that three years of the pertinent data were below comparison school medians the school is not deemed academically sound for the purposes of renewal.

RENEWAL STANDARD II: IS THE SCHOOL AN EFFECTIVE, VIABLE ORGANIZATION?

- Enrollment has decreased substantially over the past two with a loss of 115 students in two school years
- Current trend appears to suggest a decrease in demand for the Epic program
- Required one-time donation of \$1.1 million from CMO Home Office in 2017-18
- Epic had a negative fund balance for three consecutive school years

Renewal Standard II:

Based on this analysis, Epic Charter Academy is not deemed an effective, viable organization for the purposes of charter renewal.

RENEWAL STANDARD III: HAS THE SCHOOL BEEN FAITHFUL TO THE TERMS OF ITS CHARTER?

In the case of Epic Charter Academy, it is worth noting that the Proposed Educational Program has shifted significantly from the previous charter petition. Based on Epic leaders' description at

its public hearing, Epic has not implemented its “house” model/ Montessori classroom approach of 42 students to 2 adults. It also has not implemented technology or “Hero’s Journey” in the manner described in the petition. This shift in the proposed educational program strips the program of the innovative program that was originally represented as being offered at Epic.

Renewal Standard III:

Based on the review of the school’s records and performance and information provided at public hearing, it appears that Epic Charter Academy has not been faithful to all of the terms of its charter, especially as it pertains to the innovative design of the Epic program.

RENEWAL STANDARD IV: DOES THE CHARTER PETITION CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF THE REQUIRED ELEMENTS?

Fifteen Elements Table – E.C. §§ 47605(b)(5)(A) to (P)

The Charter Schools Act requires authorizers to evaluate whether the petitioners have presented a “reasonably comprehensive” description of the 15 elements related to a school’s operation.

Renewal Standard IV: Petition as submitted, with appendices, does not contain reasonably comprehensive descriptions of the educational program as its being implemented or how the charter will serve the needs of special education students whose IEPs provide for an alternative model than inclusion.

CONCLUSION

The Board of Education, based on its analysis of the charter school’s performance, denied the charter renewal petition for Epic Charter Academy, because the charter school has not sufficiently met the standards and expectations set forth in the OUSD Charter Renewal Standards, as well as the standards and criteria set forth in the California Charter Schools Act, Education Code 47605, which governs charter school renewals.

EXHIBIT A

Test Results for:

School: Epic Charter

CDS Code: 01-61259-0129403

District: Epic Charter

County: Alameda

Select a Grade and Student Group to View Historical Data

Select End Year: 2018 Select Grade: 8th Grade Select Student Group: Ethnicity **Apply Selections**

Smarter Balanced Results

Results by Ethnicity

ENGLISH LANGUAGE ARTS/LITERACY

▼ Black or African American

Achievement Level Distribution Over Time

Achievement Level	6th Grade (2016)	7th Grade (2017)	8th Grade (2018)
Mean Scale Score	2398.5	2416.2	2438.5
Standard Exceeded: Level 4 ⁱ	0 %	0.00 %	0.00 %
Standard Met: Level 3 ⁱ	14 %	15.79 %	5.88 %
Standard Nearly Met: Level 2 ⁱ	10 %	5.26 %	23.53 %
Standard Not Met: Level 1 ⁱ	76 %	78.95 %	70.59 %

[English Language Arts/Literacy Achievement Level Descriptors](#)

[English Language Arts/Literacy Scale Score Ranges](#)

Areas

Area Achievement Level Descriptors provide a more detailed look at students' performance on the overall assessment. The results in these key areas for each subject are reported using the following three indicators: below standard, near standard, and above standard. The sum of the achievement level percentages may not add to 100% due to rounding.


[English Language Arts/Literacy Area Achievement Level Descriptors](#)

READING: How well do students understand stories and information that they read?


Area Performance Level	6th Grade (2016)	7th Grade (2017)	8th Grade (2018)
------------------------	------------------	------------------	------------------

	Above Standard ⁱ	0 %	0.00 %	0.00 %
	Near Standard ⁱ	29 %	26.32 %	41.18 %
	Below Standard ⁱ	71 %	73.68 %	58.82 %


WRITING: How well do students communicate in writing?

	Area Performance Level	6th Grade (2016)	7th Grade (2017)	8th Grade (2018)
	Above Standard ⁱ	0 %	0.00 %	0.00 %
	Near Standard ⁱ	14 %	26.32 %	23.53 %
	Below Standard ⁱ	86 %	73.68 %	76.47 %

LISTENING: How well do students understand spoken information?

	Area Performance Level	6th Grade (2016)	7th Grade (2017)	8th Grade (2018)
	Above Standard ⁱ	5 %	0.00 %	0.00 %
	Near Standard ⁱ	52 %	26.32 %	35.29 %
	Below Standard ⁱ	43 %	73.68 %	64.71 %

RESEARCH/INQUIRY: How well can students find and present information about a topic?

	Area Performance Level	6th Grade (2016)	7th Grade (2017)	8th Grade (2018)
	Above Standard ⁱ	0 %	0.00 %	0.00 %
	Near Standard ⁱ	38 %	36.84 %	41.18 %
	Below Standard ⁱ	62 %	63.16 %	58.82 %

▶ [Asian](#)

▶ [Filipino](#)

▶ [Hispanic or Latino](#)

▶ [White](#)

▶ [Two or more races](#)

Achievement Level Distribution Over Time

Achievement Level	6th Grade (2016)	7th Grade (2017)	8th Grade (2018)
Mean Scale Score	2400.6	2399.6	2408.1
Standard Exceeded: Level 4 ⁱ	5 %	0.00 %	0.00 %
Standard Met: Level 3 ⁱ	0 %	0.00 %	5.88 %
Standard Nearly Met: Level 2 ⁱ	19 %	17.65 %	17.65 %
Standard Not Met: Level 1 ⁱ	76 %	82.35 %	76.47 %

[Mathematics Achievement Level Descriptors](#)

[Mathematics Scale Score Ranges](#)

Areas

Area Achievement Level Descriptors provide a more detailed look at students' performance on the overall assessment. The results in these key areas for each subject are reported using the following three indicators: below standard, near standard, and above standard. The sum of the achievement level percentages may not add to 100% due to rounding.

[Mathematics Area Achievement Level Descriptors](#)

CONCEPTS & PROCEDURES: How well do students use mathematical rules and ideas?

Area Performance Level	6th Grade (2016)	7th Grade (2017)	8th Grade (2018)
Above Standard ⁱ	5 %	0.00 %	0.00 %
Near Standard ⁱ	14 %	5.88 %	23.53 %
Below Standard ⁱ	81 %	94.12 %	76.47 %

PROBLEM SOLVING AND MODELING & DATA ANALYSIS: How well can students show and apply their problem solving skills?

Area Performance Level	6th Grade (2016)	7th Grade (2017)	8th Grade (2018)
Above Standard ⁱ	0 %	0.00 %	0.00 %
Near Standard ⁱ	14 %	11.76 %	29.41 %
Below Standard ⁱ	86 %	88.24 %	70.59 %

COMMUNICATING REASONING: How well can students think logically and express their thoughts in order to solve a problem?

Area Performance Level	6th Grade (2016)	7th Grade (2017)	8th Grade (2018)
Above Standard ⁱ			



	5 %	0.00 %	0.00 %
Near Standard ⁱ	43 %	35.29 %	23.53 %
Below Standard ⁱ	52 %	64.71 %	76.47 %

▶ Asian

▶ Filipino

▶ Hispanic or Latino

▶ White

▶ Two or more races

EXHIBIT B

California Department of Education

[DataQuest Home](#) / [Enrollment Report](#)

2017-18 Enrollment by Subgroup for Charter and Non-Charter Schools

Oakland Unified District Report (01-61259)

[+ Report Description](#)
[+ Report Options and Filters](#)

Subgroup	Charter School Enrollment	Non-Charter School Enrollment	Total Enrollment
English Learners	3,581	12,085	15,666
Foster Youth	34	161	195
Homeless Youth	106	803	909
Migrant Education	3	21	24
Students with Disabilities	1,123	4,849	5,972
Socioeconomically Disadvantaged	10,124	27,945	38,069
All Students	13,135	37,096	50,231

EXHIBIT C

California Department of Education

DataQuest Home / Discipline Report

2015-16 Suspension Rate

Epic Charter School Report (01-61259-0129403)
Disaggregated by Ethnicity[+ Report Description](#)[+ Report Glossary](#)[+ Report Options and Filters](#)

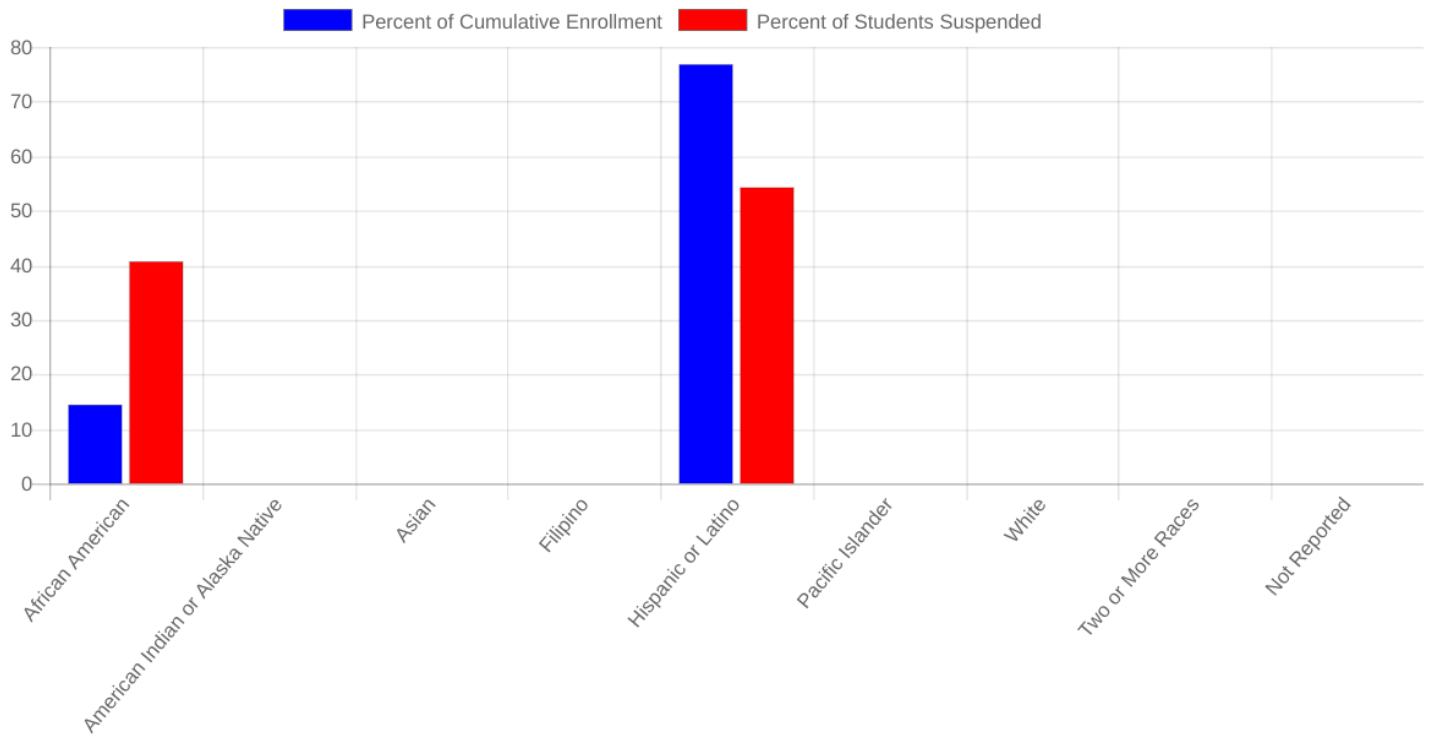
Ethnicity	Cumulative Enrollment	Total Suspensions	Unduplicated Count of Students Suspended	Suspension Rate	Percent of Students Suspended with One Suspension	Percent of Students Suspended with Multiple Suspensions
African American	46	14	9	19.6%	55.6%	44.4%
American Indian or Alaska Native	*	*	*	*	*	*
Asian	*	*	*	*	*	*
Filipino	*	*	*	*	*	*
Hispanic or Latino	245	17	12	4.9%	66.7%	33.3%
Pacific Islander	*	*	*	*	*	*
White	*	*	*	*	*	*
Two or More Races	*	*	*	*	*	*
Not Reported	*	*	*	*	*	*

Report Totals

Name	Cumulative Enrollment	Total Suspensions	Unduplicated Count of Students Suspended	Suspension Rate	Percent of Students Suspended with One Suspension	Percent of Students Suspended with Multiple Suspensions
Epic Charter	319	33	22	6.9%	59.1%	40.9%
Oakland Unified	51,955	3,526	2,120	4.1%	67.4%	32.6%
Alameda County	234,268	12,373	7,541	3.2%	68.5%	31.5%
Statewide	6,410,668	396,755	234,175	3.7%	67.5%	32.5%

Note: Data may be suppressed (*) to protect student privacy ([Data Suppression](#)).

Cumulative Enrollment vs Students Suspended



Ethnicity	Percent of Cumulative Enrollment	Percent of Students Suspended
African American	14.4%	40.9%
American Indian or Alaska Native	*	*
Asian	*	*
Filipino	*	*
Hispanic or Latino	76.8%	54.5%
Pacific Islander	*	*
White	*	*
Two or More Races	*	*
Not Reported	*	*
Total	319	22

California Department of Education

DataQuest Home / Discipline Report

2016-17 Suspension Rate

Epic Charter School Report (01-61259-0129403)
Disaggregated by Ethnicity+ [Report Description](#)+ [Report Glossary](#)+ [Report Options and Filters](#)

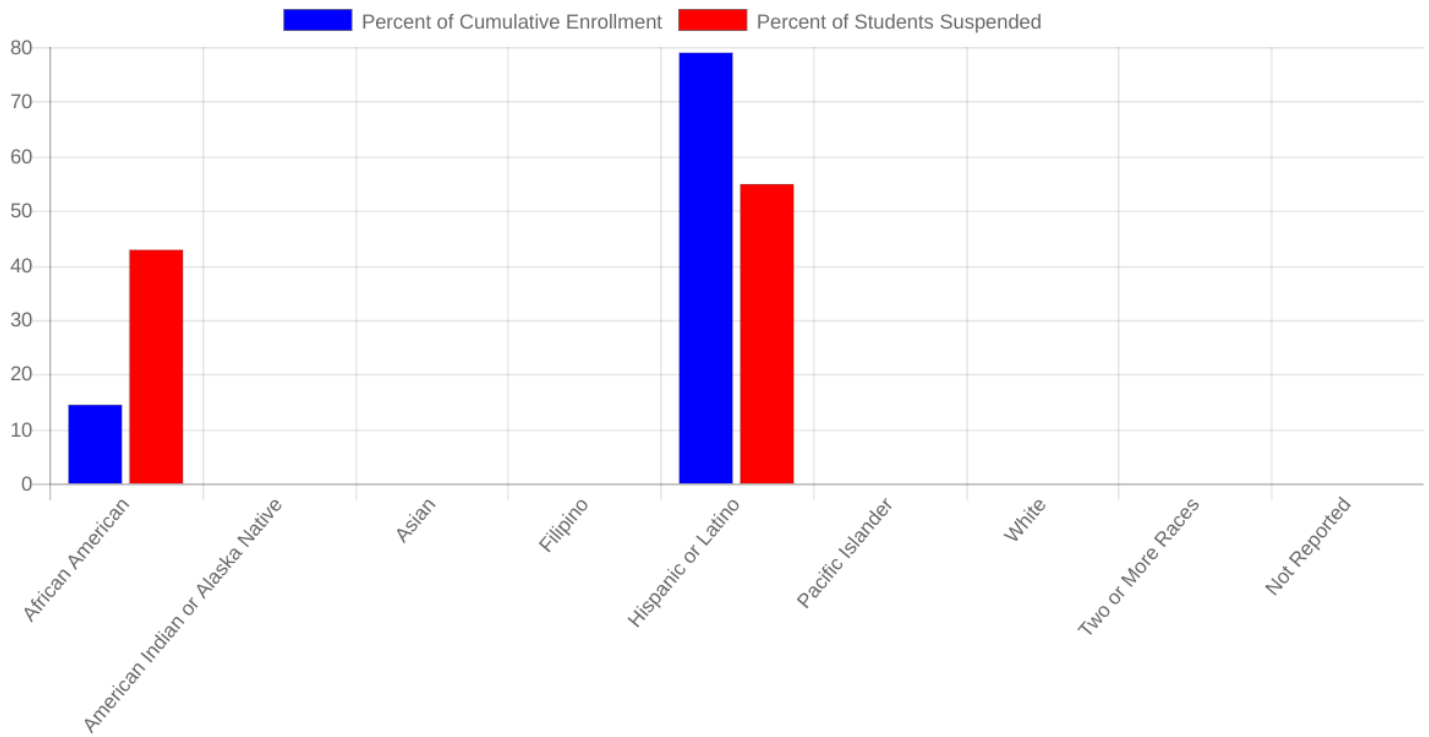
Ethnicity	Cumulative Enrollment	Total Suspensions	Unduplicated Count of Students Suspended	Suspension Rate	Percent of Students Suspended with One Suspension	Percent of Students Suspended with Multiple Suspensions
African American	66	42	21	31.8%	47.6%	52.4%
American Indian or Alaska Native	*	*	*	*	*	*
Asian	*	*	*	*	*	*
Filipino	*	*	*	*	*	*
Hispanic or Latino	359	38	27	7.5%	74.1%	25.9%
Pacific Islander	*	*	*	*	*	*
White	*	*	*	*	*	*
Two or More Races	*	*	*	*	*	*
Not Reported	*	*	*	*	*	*

Report Totals

Name	Cumulative Enrollment	Total Suspensions	Unduplicated Count of Students Suspended	Suspension Rate	Percent of Students Suspended with One Suspension	Percent of Students Suspended with Multiple Suspensions
Epic Charter	454	81	49	10.8%	63.3%	36.7%
Oakland Unified	52,758	3,367	2,176	4.1%	70.5%	29.5%
Alameda County	235,470	12,367	7,753	3.3%	70.3%	29.7%
Statewide	6,405,496	381,845	233,478	3.6%	69.3%	30.7%

Note: Data may be suppressed (*) to protect student privacy ([Data Suppression](#)).

Cumulative Enrollment vs Students Suspended



Ethnicity	Percent of Cumulative Enrollment	Percent of Students Suspended
African American	14.5%	42.9%
American Indian or Alaska Native	*	*
Asian	*	*
Filipino	*	*
Hispanic or Latino	79.1%	55.1%
Pacific Islander	*	*
White	*	*
Two or More Races	*	*
Not Reported	*	*
Total	454	49