



OAKLAND UNIFIED SCHOOL DISTRICT

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TO: Board of Education

FROM: Gary Yee, Ph.D., Superintendent  
Silke Bradford, Director of Quality Diverse Providers

DATE: November 15, 2013

RE: Conservatory of Vocal/Instrumental Arts High School (COVAH)  
Charter Petition Request

Legislative File

File ID No.: 13-2226

Introduction Date: 9/11/13

Enactment No.: \_\_\_\_\_

Enactment Date: \_\_\_\_\_

By: \_\_\_\_\_

## **ACTION REQUESTED**

**Approve the denial** petition and charter to establish Conservatory of Vocal/Instrumental Arts High School. The petition presents that the petitioners are demonstrably **unlikely** to successfully implement the program set forth in the petition and the petition **does not contain** reasonably comprehensive descriptions of all of the 16 elements required by the California Charter Schools Act.

## **SUMMARY**

Staff recommends that the OUSD Board of Education **approve the denial** of the petition for Conservatory of Vocal/Instrumental Arts High School proposed to begin operation fall 2014, serving 60 students in grades 9 and 10, and growing to 300 students, grades 9 through 12. Staff recommends denial based on factual findings specific to this petition and set forth in the attached staff report and petition evaluation.

The petition for Conservatory of Vocal/Instrumental Arts High charter school is to create a high school to provide a comprehensive academic and performing arts program. The petition states that through music and performing arts, "... every student will develop greater self-discipline, confidence, and a sense of community."

The petition does not meet standards both procedurally, with the absence of several legally required elements, as well as with the instructional program as outlined. There is a significant amount of information that is not provided and the petition, overall, lacks a level of detail and thoughtfulness to be considered reasonably comprehensive, and demonstrates a lack of preparation required to implement a successful program.

## PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted a petition for the Conservatory of Vocal/Instrumental Arts High School (COVAH) on September 11, 2013 at a regularly scheduled Board of Education meeting. The petition proposes to create a middle school of 300 students, beginning in 2014-2015 with an opening 9<sup>th</sup> and 10<sup>th</sup> grade class of 60 students total.
- 2) A public hearing was held on October 9, 2013. Representatives from the petitioning group presented.
- 3) Staff conducted an orientation to OUSD's charter review process for the lead petitioner on September 17, 2013. At this meeting the petitioners also agreed in writing, to an extension of the statutory deadline for action to 90 days from the date of submission of the petition.
- 4) One petitioner interview was held on October 10, 2013, with participants from two groups, respectively: the founding group and the proposed governing board members. Due to the proposed governing board having not been fully established, a consolidated interview was held with the lead petitioner/director and two governing board member of COVA K-8 charter school.

## STATUTORY BACKGROUND

### *Pursuant to Education Code §47605:*

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

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

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

## DISCUSSION

Staff convened a petition review team comprised of leaders within and outside the District, which subsequently conducted an evaluation of the petition pursuant to the Charter Schools Act and with the application of the Oakland Unified School District Petition Evaluation Rubric. During the petition review process, staff conducted one interview in an effort to clarify various aspects of the petition, as well as to evaluate the capacity of the petitioners to successfully implement the program as set forth in the petition. Because the governing board has not been fully established, a consolidated interview was held with the lead petitioner/director, a governing board member of COVA K-8, and a proposed governing board member for COVAH. Due to the proposed governing board having not been fully established, the opportunity to evaluate capacity was significantly diminished.

COVAH proposes to open in fall 2014 as a direct-funded charter school, with no specific location cited in the petition. A partnership with Peralta Colleges was named in the petition, but during interviews, petitioners were unable to identify a lead contact at the college and stated that they work with several deans as part of the K-8 program. The petition states that the school will enroll approximately 60 students in grade 9 -12 during Year 1, expanding to full capacity, 300 students, within five years. During the interviews, petitioners elaborated upon the grade break down, in that in Year 1, they would only serve grades 9<sup>th</sup> and 10<sup>th</sup>. Features of the proposed program include:

- Common Core Standards-based academic program
- Concurrent college courses
- Music/Performing Arts courses

## EVALUATION SUMMARY

The charter petition evaluation that follows summarizes the consensus of the District reviewers with respect to the educational program and proposed school operations, as well as an articulation of strengths and foreseeable challenges, pursuant to the petition review process.

- 1) The areas in which the petition *failed* to meet established standards and provide a reasonably comprehensive description of the educational program include, but are not limited to, the following deficiencies:
  - Lack of identification of a target population or a description of its educational needs
  - Lack of a curriculum development plan
  - Lack of scope and sequence for any grades
  - Lack of college advisement
  - Lack of a clear plan for students performing below or above grade level is not reasonably comprehensive
  - Lack of any information regarding facilities
  - Enrollment process requiring application/interview after the random public lottery thus jeopardizing the integrity of the lottery, as a student(s) could lose their space at the school

- MPOs lack specificity and provide no school based assessments/accountability in the absence of SBAC
- Incomplete outline of proposed governing board members

### SIXTEEN ELEMENTS TABLE

<b>Element</b>	<b>Evaluation Reference</b>	<b>Inadequate</b>	<b>Reasonably Comprehensive</b>	<b>Statutory Reference</b>
Description of the educational program of the school, including what it means to be an “educated person” in the 21 <sup>st</sup> century and how learning best occurs.	<i>Section I, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<i>Section I, G</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(B)
Governance structure	<i>Section II, A</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section II, C</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(J)
Manner for covering STRS, PERS, or Social Security	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(K)
Attendance alternatives for pupils residing within the district	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(L)
Employee rights of return, if any	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(M)
Dispute resolution	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C.

procedure for school-authorizer issues				§ 47605(b)(5)(N)
<b>Element</b>	<b>Evaluation Reference</b>	<b>Inadequate</b>	<b>Reasonably Comprehensive</b>	<b>Statutory Reference</b>
Statement regarding exclusive employer status of the school	<i>Section II, C</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(O)
Procedures for school closure	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(P)
Facilities to be utilized by school	<i>Section II, E</i>	X FAILED TO INCLUDE IN PETITION	<input type="checkbox"/>	E.C. § 47605(g)
Manner in which administrative services are to be provided	<i>Section II, B</i>	X FAILED TO INCLUDE IN PETITION	<input type="checkbox"/>	E.C. § 47605(g)
Potential civil liability effects	<i>Section II, B</i>	X FAILED TO INCLUDE IN PETITION	<input type="checkbox"/>	E.C. § 47605(g)
Proposed first year operational budget	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(g)
Cash flow and financial projections for 3 years	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(g)

2) The areas in which the petition *failed* to meet established standards and demonstrated that the petitioners are demonstrably unlikely to successfully implement the program include, but are not limited to, the following:

- Lack of adequate resources and professional support needed for effective implementation
- Lack of a description of professional development for teachers or staff
- Lack of awareness or mention of English Learners and educational needs in the petition
- Lacks a description of the manner in which stakeholders will act upon and make use of pupil performance data
- Lack of a plan for recruitment, selection, development, and evaluation of staff

## RECOMMENDATION

Staff recommends that the Oakland Unified School District's Board of Education **deny** the petition for Conservatory of Vocal/Instrumental Arts High School under the California Charter Schools Act. The factual findings in this report demonstrate that the petition meets the following **conditions for denial** of *Education Code § 47605*:

- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in petition; ...*
- (5) The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.*

ATTACHMENT 1 – CHARTER PETITION EVALUATION

Oakland Unified School District  
**Charter Petition Evaluation**

**School Name:** Conservatory of Vocal/Instrumental Arts High School

**Submission Date:** September 11, 2013

**Public Hearing Date:** October 9, 2013

**Lead Petitioner/s:** Valerie Abad

**Petitioner Interview Date:** October 10, 2013

**Governing Board:** No members listed in Petition

**Decision Date:** November 20, 2013

<b>Proposed location of school</b>	No Location Named in Petition
<b>Composition of petitioner group</b>	The Conservatory of Vocal/Instrumental Arts High School founding team consists of the lead petitioner, two current COVA K-8 teachers, and two current COVA K-8 Board members. There was no parent representation in the petitioner group.
<b>Grade levels to be served in year 1</b>	9 <sup>th</sup> and 10 <sup>th</sup>
<b>Anticipated enrollment in year 1</b>	60
<b>Grade levels to be served at full-capacity</b>	9 <sup>th</sup> through 12 <sup>th</sup>
<b>Anticipated enrollment at full capacity</b>	300 students
<b>Target student population</b>	COVAH will attract high school students from Oakland and the surrounding Bay Area communities, aiming to attract a diverse population that reflects the demographics of Oakland. COVAH seeks to enroll students interested and with documented experience in music. COVAH will target students from inner city Oakland schools in PI status or "Persistently Lowest Achieving Schools Eligible for SIG". (p. 2, 4)

**Brief description of the kind of school to be chartered.**

“COVAH is designed to integrate music and the arts into the academic CORE curriculum, and provide high quality vocal and instrumental music training for students in grades 9 - 12. COVAH supports music education as an instructional delivery system to develop competent and

motivated learners. COVAH will provide students with a Common Core based academic program which will support matriculation into college.” (p. 2)

**Brief explanation of the mission of proposed charter school**

“The Conservatory of Vocal/Instrumental Arts High (COVAH) provides structured music and performing arts trainings combined with a rigorous academic program designed to prepare students for academic, career, and life success. COVAH believes that through participation in music and performing arts, every student will develop greater self-discipline, confidence, and sense of community. COVAH will provide music and performing arts training for high school students inclined towards lifelong participation in music careers or community music. COVAH emphasizes academic achievement through a rigorous curriculum in preparation for college and career success. COVAH students will develop self-discipline, cooperation, teamwork, and perseverance through participation in music and performing groups.” (p .4)

**Planning to work with a charter management organization (CMO)**

Yes    No   X  

**Signature Verification:**

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

	Y	N	PG #
<input type="checkbox"/> Parents / Guardians			
<input type="checkbox"/> # aligned with proposed opening enrollment			N/A
<input type="checkbox"/> Prominent statement			N/A
<input checked="" type="checkbox"/> Teachers			
<input type="checkbox"/> # aligned with proposed opening enrollment	X		Appendix Appendix
<input type="checkbox"/> Prominent statement	X		
*See concerns enumerated in “Evaluation Summary” section (p.5-6)			
<input checked="" type="checkbox"/> Students			
<input type="checkbox"/> # aligned with proposed opening enrollment		X	Appendix
<input type="checkbox"/> Prominent statement	X		Appendix
*See concerns enumerated in “Evaluation Summary” section (p.5-6)			



## STATEMENT OF ASSURANCES

ASSURANCES	Y	N	PG #
1. Will not charge tuition, fees, or other mandatory payments for attendance at the charter school or for participation in programs that are required for students.	X		Appendix p. 110- 111
2. Will enroll any eligible student who submits a timely and complete application, unless the school receives a greater number of applications than there are spaces for students, in which case a lottery will take place in accordance with California charter laws and regulations.	X		Appendix p. 110- 111
3. Will be non-secular in its curriculum, programs, admissions, policies, governance, employment practices, and all other operations.	X		Appendix p. 110- 111
4. Will be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement.	X		Appendix p. 110- 111
5. Will not base admission on the student's or parent's/guardian's place of residence, except that a conversion school shall give admission preference to students who reside within the former attendance area of the public school.	X		Appendix p. 110- 111
6. Will offer at least the minimum amount of instructional time at each grade level as required by law.	X		Appendix p. 110- 111
7. Will provide to the Office of Charter Schools information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be used by the school, including where the school intends to locate, the manner in which administrative services will be provided, and potential civil liability effects, if any, upon the school and authorizing board.	X		Appendix p. 110- 111
8. Will adhere to all applicable provisions of federal law relating to students with disabilities, including the Individuals with Disabilities Education Act; section 504 of the Rehabilitation Act of 1974; and Title II of the Americans with Disabilities Act of 1990.	X		Appendix p. 110- 111
9. Will adhere to all applicable provisions of federal law relating to students who are English language learners, including Title VI of the Civil Rights	X		Appendix p. 110-

Act of 1964; the Equal Educational Opportunities Act of 1974; MGL c. 76, § 5; and MGL c. 89, 71 § (f) and (I).		111
<b>10.</b> Will comply with all other applicable federal and state laws and regulations.	X	Appendix p. 110-111
<b>11.</b> Will submit an annual report and annual independent audits to the OUSD Office of Charter Schools by all required deadlines.	X	Appendix p. 110-111
<b>12.</b> Will submit required enrollment data each March to the OUSD Office of Charter Schools by the required deadline.	X	Appendix p. 110-111
<b>13.</b> Will operate in compliance with generally accepted government accounting principles.	X	Appendix p. 110-111
<b>14.</b> Will maintain separate accountings of all funds received and disbursed by the school.	X	Appendix p. 110-111
<b>15.</b> Will participate in the California State Teachers' Retirement System as applicable.	X	Appendix p. 110-111
<b>16.</b> Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health and safety within the building(s) and on school property.	X	Appendix p. 110-111
<b>17.</b> Will at all times maintain all necessary and appropriate insurance coverage.	X	Appendix p. 110-111
<b>18.</b> Will submit to the OUSD Office of Charter Schools the names, mailing addresses, and employment and educational histories of proposed new members of the Governing Board prior to their service.	X	Appendix p. 110-111
<b>19.</b> Will, in the event the Governing Board intends to procure substantially all educational services for the charter school through a contract with another person or entity, provide for approval of such contract by the Board of Education in advance of the beginning of the contract period.	X	Appendix p. 110-111
<b>20.</b> Will provide financial statements that include a proposed first-year	X	Appendix

operational budget with start-up costs and anticipated revenues and expenditures necessary to operate the school, including special education; and cash-flow and financial projections for the first three years of operation.		p. 110-111
<b>21.</b> Will provide to the Office of Charter Schools a school code of conduct, Governing Board bylaws, an enrollment policy, and an approved certificate of building occupancy for each facility in use by the school, according to the schedule set by the Office of Charter Schools but in any event prior to the opening of the school.	X	Appendix p. 110-111

**EVALUATION:**

The Conservatory of Vocal/Instrumental Arts High charter petition contains all legally mandated assurances.

### Criteria Reference

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

## I. EDUCATIONAL PROGRAM

Statutory References:

E.C. § 47605(b)(1)

E.C. § 47605(b)(5)(A)-(C)

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

### A. TARGET POPULATION

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

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

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

### TARGET POPULATION

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

### ANALYSIS: TARGET POPULATION

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i>	Reference
		<ul style="list-style-type: none"> <li>• Petition fails to include description of target population</li> <li>• Description of “whom the school will educate” states only that the school will serve high school students from Oakland and surrounding communities who are interested in “persuing (sic)</li> </ul>	p.4

		<p>music...where opportunities for music development are limited or unavailable.” No further information about how these communities will be identified or what the specific needs of the target population to be served.</p> <ul style="list-style-type: none"> <li>• Petition abstract states “COVAH will target students from inner city Oakland schools in PI status or "Persistently Lowest Acheiving (sic) Schools Eligible for SIG." This is the sole mention of targeting students from schools in PI status and there is no corroborating detail, or research cited in the petition, as to how the educational program will address the educational needs of the target population.</li> <li>• Petition fails to include breakdown of expected population by race/ethnicity, ELL, free and reduced lunch, or special education status</li> <li>• Petition states, “In the first year, COVAH intends to serve 60 students in grades 9-12, growing to 300 students in it’s (sic) 5<sup>th</sup> year.” However, during the interview, petitioners stated they intended to begin only with 9<sup>th</sup> and 10<sup>th</sup> grades.</li> </ul>	<p>p. 2</p> <p>p. 4</p>
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**B. PHILOSOPHY AND APPROACH TO INSTRUCTION**

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

**1. Rationale:** *Is the rationale compelling?*

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

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

- Alignment with mission and vision; and

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

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

**1. Rationale:** *Is the rationale compelling?*

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

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

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

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

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

**ANALYSIS: EDUCATIONAL PHILOSOPHY AND APPROACH TO INSTRUCTION**

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i>	Reference
<p>Rationale</p> <ul style="list-style-type: none"> <li>Petition cites research that connects music participation to academic learning.</li> </ul>	<p>p. 5</p>	<p>Mission Alignment</p> <ul style="list-style-type: none"> <li>Petition fails to address how high-achieving or low-achieving students will be served</li> <li>Petition fails to make any reference to college advising or the college admissions process. It is unknown how students will be assisted as they research and apply for college.</li> </ul> <p>Population Alignment</p> <ul style="list-style-type: none"> <li>Because petitioners did not include a comprehensive description of the target population, it is difficult to assess how the program will improve learning for the target population</li> <li>Petition’s description of what it means to be an “educated person” in the 21<sup>st</sup> century makes no reference to technology</li> <li>Petition states, “COVA’s (sic) vision of 21<sup>st</sup> century skills includes “Community Service” yet there is no reference to community service anywhere else in the petition or how it will be embedded in the educational program</li> <li>Petition states that teachers will receive training in “necessary pedalogical (sic) techniques which are used to increase student achievement in the learning process...” but fails to</li> </ul>	<p>p. 5</p> <p>p. 5</p> <p>p. 20</p> <p>p. 20</p>



		<p>identify or describe these techniques.</p> <ul style="list-style-type: none"> <li>• Petition states “through continuing teacher inservice and training COVAH’s teachers grow in the process of becoming master teachers” yet fails to identify what training teachers will receive, what topics will be covered or how/by who will training be delivered.</li> <li>• Petition states, “COVAH’s philosophy was developed by intensive review of literature regarding the benefits of education and learning”; aside from stating that participation in music has positive benefits on certain aspects of student performance, no educational philosophy is identified or described; no further research was cited.</li> </ul>	<p>p. 20</p>
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**C. CURRICULUM FRAMEWORK**    **X** Mark this box on behalf of the curriculum that has yet to be developed:

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

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

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

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

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

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

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

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

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

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

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

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

**ANALYSIS: CURRICULUM FRAMEWORK**

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i>	Reference
		<p>Plan</p> <ul style="list-style-type: none"> <li>• The petition does not include a curricular framework; for each core content area there is a vague one-paragraph description and then a series of course descriptions which are identical to OUSD High School course descriptions.</li> <li>• The petition does not name specific curriculum or any specific resources to be used other than a “literature” based curriculum in ELA</li> <li>• No scope or sequence provided for any courses, at any grade level</li> <li>• During the petitioner interview, the lead petitioner stated that she will use books from the District warehouse, in addition to books that the K-8 already owns.</li> <li>• There is no reference to teaching methods, materials, or technology</li> <li>• There is no discussion of how the instructional method, which is not described, will enable the students to achieve the identified objectives</li> <li>• The petition states “COVAH will expand that collaboration to allow High School students to enroll in equivalent college</li> </ul>	<p>Interview, p. 17</p> <p>p. 6</p>

		<p>courses at the Community College for Concurrent High School/College Credit.” However, Peralta College states on its concurrent enrollment website “units earned may be used for high school credit or college credit, but not both.”</p> <ul style="list-style-type: none"> <li>• It is unclear whether the lead petitioner is aware of the above restriction on credits earned at the community college level, as it was stated that students would take many of their courses at the community college. Further, the daily schedule in the petition indicates that for each core course, students would take either a “COVAH or College Classes”.</li> <li>• Petitioners were unable to name a contact person for the community college partnership, stating that COVA K-8 works with various academic deans with respect to the eight (8) students who currently attend classes</li> <li>• The petition provides no discussion of how student readiness for college courses will be assessed. No clearly defined indicators were identified for either academic or behavioral readiness.</li> <li>• During the interview, petitioners stated that benchmarks assessments will be used to identify students prepared for college courses, but could not describe the</li> </ul>	<p>Interview</p> <p>Interview</p>
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		<p>performance level required for enrollment in college courses.</p> <p>Schedule</p> <ul style="list-style-type: none"> <li>• The petition does not include an implementation plan for the educational program or the development of curriculum</li> <li>• The petition fails to identify any plan for professional development.</li> <li>• The daily schedule does not include the tutorials and seminars referenced in the petition. It is unclear when students will participate in these, or how they will be assigned.</li> <li>• Petition states, “students enrolled in college courses would follow their course schedule and would participate in small group tutorials for Common Core instruction in each academic area” but fails to provide any further description of the role of the tutorials, the curriculum, or the assessments.</li> <li>• Petitioners stated that math courses are “easier ones to do at college” but that they will “supplement at the school with Algebra”. Petitioners were not able to clarify how the delineation between college courses and high school level course offerings would be made.</li> <li>• Education Code requires “If the proposed charter school will enroll high school pupils, a</li> </ul>	<p>p. 19</p> <p>Interview</p>
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		<p>description of the manner in <u>which the charter school will inform parents regarding the transferability of courses</u> to other public high schools”; the petition fails to contain this required description, stating only that credits will be transferable.</p> <p>Responsibilities</p> <ul style="list-style-type: none"> <li>• Petition fails to identify a plan or strategies for evaluating the effectiveness of the implementation of the education program and does not describe how the school will respond when student performance falls short of goals</li> <li>• The petition does not acknowledge how curriculum will be developed or who will be tasked with the responsibility</li> </ul>	<p>p. 19</p>
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**D. SPECIAL POPULATIONS: SPECIAL EDUCATION**

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

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

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

**ANALYSIS: SPECIAL EDUCATION**

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i>	Reference
		<ul style="list-style-type: none"> <li>• Though petitioners described a SST process during the petitioner interview, the petition itself fails to provide an overview of the SST process beyond the statement “If the SST recommends evaluation, the student will be referred for Special Education assessment.” There is no reference to tiered support services for Special Education students and those being considered for testing, and the petition lacks any reference to a Response to Intervention model.</li> <li>• The petition states that “the school will monitor incoming students with academic skills below proficient” but provides no description of how it will do so.</li> </ul>	<p>p. 18</p> <p>p. 18</p>

		<ul style="list-style-type: none"> <li>• The petition does not describe a plan for, and understanding of, implementation of Section 504 of the Rehabilitation Act.</li> <li>• When questioned about the lack of a description of intervention services for struggling students, petitioners stated that they believe students should “participate in the full grade level curriculum and then receive supports whether it’s tutoring or something else to help them be successful. Our goal number 1 is to be based on the Merritt campus. So access to student tutors and other resources will go way up if we make a deal with Merritt.” Petitioners also described the cycle of benchmark tests and data analysis that will be used for all students, but did not link this specifically to struggling students.</li> <li>• This above description fails to demonstrate a comprehensive framework for how low-performing students will be served. Providing tutors that may or may not be available based on an agreement with Merritt, who may or may not have any qualifications beyond being a college student, does not sufficiently demonstrate that those students most in need of service will receive such services that will improve their performance.</li> <li>• The petition fails to include a description of how students in need of intervention will be identified. When asked about this during the interview, petitioners stated that it is handled on an individual basis and could not identify any set of</li> </ul>	Interview
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		<p>criteria or performance levels on benchmarks that would result in a student receiving intervention services.</p> <ul style="list-style-type: none"> <li>• No standardized assessment performance goals were cited in the petition related to SPED students; particularly concerning since many in charter settings, with mild disabilities, still participate in school wide/standardized testing</li> <li>• In total, the two paragraphs in the petition describing Special Education and 504s, did not provide enough detail to show capacity in this area</li> </ul>	<p>p. 18</p>
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**E. SPECIAL POPULATIONS: ENGLISH LEARNERS**

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

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

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

**ANALYSIS: ENGLISH LEARNERS**

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i>	Reference
		<ul style="list-style-type: none"> <li>• The petition does not contain any information regarding English Learners. It does not reference identification of EL students, anticipated needs of EL students or how it will respond to these needs.</li> <li>• The sole petition reference to English Language Learners is in Measurable Pupil Outcome #3, which states “Sixty percent of Special Education and ELL students who are enrolled at COVAH for two or more years will demonstrate proficiency in English and Mathematics based on tests identified in their IEP or ELL plan.”</li> </ul>	p. 24

		<ul style="list-style-type: none"> <li>• When asked during the interview how EL proficiency referenced in the Measurable Pupil Outcome would be measured, petitioners stated that they would use the CELDT, as “It’s the only thing we can legally give to determine if they meet the criteria for EL.”</li> <li>• The petition fails to include a plan for assessing EL student progress on a more frequent basis than the annual administration of the CELDT. When asked about this during the interview, petitioners stated that the SST process would be used.</li> <li>• Given the legal requirement that the school attempt to attain a racial and ethnic balance among its pupils that is reflective of the district, it is logical to expect that the school will enroll English Learners. Over the past four years, COVA K-8 has had an average of 1.5 English Learners. Thus, staff has serious concerns about the population that would be served at the school and whether the school intends to seek to enroll English Learners, based largely on the fact petitioners failed to include any plan for serving English Learners in its petition.</li> </ul>	Interview
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## F. PUPIL OUTCOMES

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

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

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

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

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

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

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

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

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

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

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

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

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



		<p>students will keep a planner listing all homework and assignments during the year.”</p> <ul style="list-style-type: none"> <li>• The purpose of Measurable Pupil Outcomes is to measure the extent to which students attain the skills and knowledge identified in the charter as goals of the educational program. Many of the Measurable Pupil Outcomes in this charter largely fail to do so, as they focus solely on participation rates.</li> <li>• MPO #3 attempts to address EL and Special Education students and states that students “enrolled at COVAH for two or more years will demonstrate proficiency in English and Mathematics based on tests identified in their IEP or ELL plan.” This goal assumes that the IEP or ELL plans include reference to assessments. Given that petitioners were unable to describe an EL plan when questioned, it is unclear how this MPO is a reliable and valid measure of student progress. Further, this MPO excuses the school from being held accountable for students who may only attend the school for one year, and does not measure English Language Development.</li> <li>• MPO #3 states, “Through the SELPA, COVAH will track IEP or ELL services to SpEd and ELL students.” It is unclear what it meant by “tracking services” as a pupil outcome. Further, the SELPA would not</li> </ul>	<p>p. 24</p> <p>p. 24</p>
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		<p>track EL data, but only that of students with IEPs.</p> <ul style="list-style-type: none"> <li>• The petition fails to consider the implementation of Smarter Balanced Assessments and a recalculation of API.</li> <li>• There are no Measurable Pupil Outcomes tracking performance in history or science, only participation in assessments.</li> <li>• Petition fails to identify MPO based on physical fitness assessment</li> </ul> <p>Measurement</p> <ul style="list-style-type: none"> <li>• Lack of rubric samples in order to determine validity and rigor of assessments being used as the tool of measurement</li> <li>• With the exception of the English Learner MPO based on CELDT, no measures tracking individual gains are identified in the petition</li> <li>• Lack of varied measures; petition does not include relative performance measures or year-to-year matched cohort growth, as the petition requires students to have attended for two years before growth is considered</li> </ul> <p>Performance Level</p> <ul style="list-style-type: none"> <li>• Performance levels are not considered annually and are not graduated over the term of the charter</li> <li>• Petition fails to include promotion or graduation criteria</li> </ul>	<p>p. 23-26</p> <p>p. 23-26</p>
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## PUPIL PROGRESS

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

Formative evaluations measure student performance for the purpose of determining students' learning needs and to inform instructional strategies. In other words, they are used to determine what students still need to learn.

A plan for evaluating Pupil Progress excels if it uses both formative and summative and includes the following characteristics:

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

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

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

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

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

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

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



**ANALYSIS: PUPIL PROGRESS**

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i>	Reference
<p>Instruction Improvement</p> <ul style="list-style-type: none"> <li>Though not included in the petition, petitioners described a system using Triand Benchmarks whereby teachers create benchmarks and use the data from these assessments to drive their instruction</li> </ul>	<p>Petitioner Interview</p>	<p>Assessments</p> <ul style="list-style-type: none"> <li>Petition states, “Documnetation (sic) of tutoring or interventions for students not reaching proficiency will be documented, and year to year progress documented” without any description of the methods used to assess progress. The intervention curriculum and associated assessments are not defined.</li> <li>Petition states that benchmarks will be used to assess student progress, but does not provide any information or detail about their usage.</li> <li>The majority of the range of assessments cited are “internal” and no descriptions or samples were provided in the petition. Frequency of said assessments is not described. There is no way for staff to determine the reliability or the validity of the assessments and their alignment to the standards and or content to be assessed.</li> <li>The annual frequency of assessments related to ELs is a vague and</li> </ul>	<p>p. 24</p> <p>p. 24</p> <p>p. 23-26</p> <p>p. 24</p>

		<p>infrequent data point that cannot effectively inform instructional decisions.</p> <p>Instruction Improvement</p> <ul style="list-style-type: none"> <li>• Petition fails to identify a strategy or plan for using student assessment and performance data to evaluate and inform instruction on an ongoing basis</li> </ul> <p>Reporting</p> <ul style="list-style-type: none"> <li>• Petition fails to identify a plan to communicate student performance to school staff, parents, or students</li> <li>• Petition fails to contain any description of the manner in which stakeholders will act upon and make use of the performance information gathered</li> </ul>	
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## EDUCATIONAL PROGRAM SUMMARY

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

### EDUCATIONAL PROGRAM SUMMARY

#### Strengths

The petitioning group seeks to provide a high school option for students interested in music that leverages the current relationship with Merritt College to allow students exposure and access to early college courses.

#### Concerns and Additional Questions

The educational program does not contain reasonably comprehensive descriptions or meet legal requirements or the quality standard in most areas:

- Lack of any identified curriculum or resources; lack of plan to develop
- Lack of daily ELD, Math, and ELA intervention courses
- Lack of any scope or sequence in any grade
- Lack of a professional development plan to support implementation of curriculum and instruction
- Absence of sample rubrics to determine validity of measurements
- No graduation (promotion) criteria provided, yet MPOs reference it as a measurement
- Named assessments for English Learner placement and progress monitoring are limited to CELDT

## PETITIONER CAPACITY

### Statutory References:

E.C. § 47605(b)(2)

E.C. § 47605(b)(5)(D)-(P)

E.C. § 47605(c)(2)

E.C. § 47605(g)

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

### A. GOVERNANCE CAPACITY

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

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

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

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

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

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

- Demonstrated understanding of the board’s responsibility for the educational and fiscal integrity of the school and for fulfilling the terms of the charter;
- Clear, reasonable selection and removal procedures, term limits, meeting schedules, and powers and duties for members of the governing body;
- Demonstrated understanding and assurance of compliance with open meetings requirements;
- Reasonable conflict of interest policy;

- Adequate plan for insurance;
- A plan for meaningful involvement or input of parents and community members in the governance of the school;
- Clear, sensible delineation of roles and responsibilities of parent councils, advisory committees or other supporting groups; and
- Clear, sensible definition of governing body roles and responsibilities in relation to management.

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

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

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

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

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

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

**ANALYSIS: GOVERNANCE CAPACITY**

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i>	Reference
		<p>Legal Structure</p> <ul style="list-style-type: none"> <li>Critical documents, including the bylaws, appear to be those of COVAH K-8 charter school with an ‘H’ added to ‘COVA’ in some places. It is not clear that separate documents for the high school have been created or filed. The founding Board identified in the bylaws has not been stated to be the founding Board of COVAH. Articles of Incorporation were stamped in 1984.</li> </ul> <p>Charter School Governance Experience and Expertise</p> <ul style="list-style-type: none"> <li>The complete governing board has not yet been identified, therefore it is not possible to analyze the experience and expertise of the board. Two of the four individuals named in the petition were not at the interviews and their term ends 01/30/14.</li> </ul> <p>Operating Plan</p> <ul style="list-style-type: none"> <li>No liability insurance document provided.</li> <li>Petition fails to delineate roles and responsibilities of parent councils, advisory committees, or other supporting groups</li> <li>Ed Code requires the petition to include a description of “the process to be followed by</li> </ul>	<p>Appendix D, E</p> <p>Appendix D p. x</p> <p>p. 2</p>

		<p>the school to ensure parental involvement.”; the petition fails to include any plan for parent involvement in the school. There is a single line in the petition abstract that states, “COVAH will develop a strong Parent Council and parent support groups.” And that there will be a “parent involvement policy,” but no details were provided</p>	<p>p. 41</p>
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## MANAGEMENT CAPACITY

A leadership plan excels if it has the following characteristics:

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



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

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

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

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

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

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

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

**ANALYSIS: MANAGEMENT CAPACITY**

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i>	Reference
		Enrollment Procedures <ul style="list-style-type: none"> <li>• Petition references an “outreach program that includes attending a variety of community festivals throughout Oakland” but details are not included in the petition.</li> </ul>	p. 30

		<ul style="list-style-type: none"> <li>• The petition states that COVAH will perform at events that “involve school communities directly in COVAH target enrollment areas” but never identifies these “target enrollment areas.”</li> <li>• Petition states it will enroll students from “Oakland and the surrounding (sic) Bay Area communities and...strives to attract a diverse population reflecting the demographics of Oakland.” Elsewhere, the petition states, “it is the vision of the school to attract a regional population to the school, while attracting a demographic population reflecting the demographic population of Oakland (sic).”</li> <li>• Given the school’s stated desire to attract a regional population, yet with Oakland demographics, there is no reference in the petition to serving EL students, as this is a significant population in Oakland.</li> <li>• Petition states “COVAH will do outreach into Spanish and Asian communities to ensure ethnic balance.” However, as the EL population at COVA K-8 is limited to 2 students (2012-2013), it is clear that current outreach into these communities has not achieved an ethnic balance representative of Oakland.</li> </ul>	<p>p. 30</p> <p>p. 4</p> <p>p. 30</p>
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		<ul style="list-style-type: none"> <li>• The petition lacks a clear and compelling student recruitment plan likely to attract projected enrollment, particularly in Year 1; when the student signatures in the petition were verified, 34 of the signatures were found to be of COVAH students at ineligible grade levels, and some of those students were represented by more than one signature; further, there were multiple signatures for several individual 8<sup>th</sup> grade students.</li> <li>• The petition contains a lengthy admissions process that includes a completed application, an interview and/or audition, a short essay, participation in an orientation, and documentation of participation in music or performing arts. Such a lengthy process raises concerns with respect to access and equity. Further, during petitioner interviews, it was stated that the school will collect applications, then hold a lottery, and then follow the remaining steps in the admissions process. When staff pointed out that this process essentially meant students would be offered a seat and then potentially that seat would be withdrawn if they failed the subsequent steps (i.e. documentation of arts experience), petitioners admitted that they had not thought of the inherent</li> </ul>	<p>p. 31, Interview</p>
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		<p>problem in the timing of the process. Petitioners stated, “We haven’t determined the admission process or documentation process, that’s something we need to go back and research to see legally, what we can do.”</p> <ul style="list-style-type: none"> <li>• Petition states that currently enrolled COVA 8<sup>th</sup> graders will be required to “demonstrate a desire to continue with music or the performing arts, and have demonstrated progress in music and/or the performing arts.” The petition fails to describe how students will demonstrate the above, though petitioners stated during the petitioner interview that “passing grades in music courses” will be used to make the determination.</li> </ul> <p>Operating Procedures</p> <ul style="list-style-type: none"> <li>• Petition lacks a clearly articulated discipline policy with suspension and expulsion procedures that are fully explained consistent with the school’s mission, educational philosophy and applicable law.</li> <li>• The petition states “COVAH has developed a clear, effective model of discipline practices and meaningful policies and procedures to address student behavior. These practices and procedures will be outlined in the Parent Student Handbook.” However, the</li> </ul>	<p>p. 32</p> <p>p. 34</p> <p>p. 34</p>
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		<p>petition does not include a copy of the aforementioned handbook, thus is it impossible to evaluate these policies and procedures.</p> <p><b>Management Structure</b></p> <ul style="list-style-type: none"> <li>• Petition lacks defined management roles and responsibilities for all positions within the administration of the school</li> <li>• Petition lacks a clear plan for recruitment, selection, development and evaluation of staff including the school leader</li> <li>• Petition lacks description of verifiable internal procedures and controls to ensure conformance with the approved budget</li> <li>• Petition lacks an organizational chart</li> <li>• Petition lacks any delineation of roles and responsibilities for implementing the school program including clearly defined roles for parent councils, advisory committees and other supporting groups</li> <li>• Petition lacks management job descriptions identifying key roles, responsibilities and accountability</li> <li>• Petition makes no reference to any allocation of time, financial resources and personnel that is sufficient for planning and start-up prior to the school’s opening beyond a “consulting</li> </ul>	<p>p. 34</p> <p>Appendix A p.5</p>
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		<p>services” and equipment budget line items</p> <ul style="list-style-type: none"> <li>• Petition fails to include any reference to the manner in which administrative services are to be provided.</li> <li>• Petition fails to include a reference to any potential civil liability effects on the school or the district.</li> <li>• Petition fails to provide any information regarding transportation. Given the central focus of students enrolling concurrently at Merritt College, it is expected that the school would have contemplated transportation needs, yet no information is provided.</li> </ul>	
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## B. EMPLOYMENT CAPACITY

An employment plan excels if it has the following characteristics:

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

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

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

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

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

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

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

**ANALYSIS: EMPLOYMENT CAPACITY**

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i>	Reference
Policies and Assurances <ul style="list-style-type: none"> <li>Assurances included</li> </ul>		Qualifications and Responsibilities <ul style="list-style-type: none"> <li>Petition lacks any description of the qualifications for and responsibilities of key employees of the school, including the instructional leader and other key school administration positions.</li> <li>Petition references hiring non-certificated instructional staff for its non UC A-G music, non-core elective and arts classes, but makes no reference of who will teach required A-G arts courses</li> </ul> Compensation Plan <ul style="list-style-type: none"> <li>Petition states “ideal COVAH teacher will have 2 or more single subject credentials, the demonstrated ability to provide instruction to a spectrum of grade levels and abilities, experience in the arts, and knowledge of the arts as powerful force in society” yet the petition does not contain any staff recruitment plan nor a</li> </ul>	<p>p. 29</p> <p>p. 28</p>



		compensation plan.  Policies and Assurances <ul style="list-style-type: none"><li>• Petition includes neither personnel policies nor a plan for their development.</li></ul>	
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## C. FINANCIAL CAPACITY

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

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

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

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

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

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

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

- Spending priorities that align with the school's mission, educational program, management structure, professional development needs, and growth plan;
- A budget narrative explaining key expense assumptions;
- Realistic expense projections addressing major operating expenses including staffing and benefits, special education, facility, materials and equipment, and contracted services;
- Budgeting to meet minimum insurance requirements; and
- Evidence to support key assumptions including that compensation is sufficient to attract qualified staff and that facilities budget is adequate.

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

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

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

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

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

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

**ANALYSIS: FINANCIAL CAPACITY**

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i>	Reference
<p>Financial Operation</p> <ul style="list-style-type: none"> <li>Petition contains an audit assurance and plan with adequate budget allocations</li> <li>Petition contains, within the school closure procedures, a plan for dissolution of assets in the event of closure</li> </ul>		<p>Expenditures</p> <ul style="list-style-type: none"> <li>The budget includes a line for “Personal Services of Instructional Consultants.” When questioned regarding this role, the lead petitioner stated that her salary is paid out of this line item. However the lead petitioner is also the proposed school director/principal, which has its own line item. It is therefore unclear why there are two separate salary sources in the budget.</li> <li>\$6000 is budgeted for new textbooks, which is a small amount for 60 students in year one, especially for an English Language Arts structure that uses literature as its primary focus. When asked about the thought behind this allocation, petitions said that COVA K-8 already has several sets of books</li> </ul>	<p>Budget, Interview</p> <p>Budget, Interview</p>

		<p>and that the school plans to go to the OUSD warehouse and pick up more books. This explanation does not demonstrate a sound and thoughtful plan towards designing a curricular framework. Moreover, petitioners did not have an explanation as to how the school could afford to purchase all necessary books, and stated it would probably need to increase the amount budgeted.</p> <ul style="list-style-type: none"> <li>• There is no technology allocation in the budget. When questioned about this, petitioners stated that all teachers will have laptops and the lead petitioner stated that she is “in negotiation with a company that provides computers to foreign countries, or the school may use a lab model” and that teachers would also be able to check out projectors. It is unclear where the funding source for technology will come from, given its absence in the budget and, similarly, the absence of any reference to technology in the petition. This is especially problematic given the online nature of the forthcoming Smarter Balanced Assessments.</li> <li>• Petitioners failed to include budget narrative with petition submission, though provided this to staff at a later time.</li> </ul>	<p>Budget, Interview</p>
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## D. FACILITIES PLAN

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

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

*Non-district facility*

*District facility (Prop 39)*

### Select One

#### **X Non-district facility anticipated**

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

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

#### **X District facility anticipated pursuant to Prop 39**

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

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

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

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

**ANALYSIS: FACILITIES PLAN**

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i>	Reference
		<ul style="list-style-type: none"> <li>• Petition fails to provide any information regarding the facilities to be used by the school, as is required by law. No information is provided regarding anticipated facility needs.</li> <li>• Because the petition failed to provide information about the facility, it is not possible to evaluate the adequacy of the amount budgeted for facilities.</li> <li>• The petitioners stated they intend to be co-located on the Merritt College campus, yet provided no evidence that such discussions were underway and were unable to identify a primary point person with respect to the facility.</li> <li>• Petition fails to identify a schedule for securing a facility, potential sites and the viability assessment of these sites, or a point person in charge of securing the facility.</li> </ul>	Interviews

**PETITIONER CAPACITY SUMMARY**

Based on the information presented in the petition, how would you rate the likelihood that petitioners will successfully implement the proposed program? Your comments should identify the most significant strengths and weaknesses with respect to petitioner capacity.

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

**PETITIONER CAPACITY SUMMARY**

<b>Strengths</b>

<b>Criteria Not Sufficiently Addressed, Concerns &amp; Additional Questions</b>
<ul style="list-style-type: none"> <li>• Lack of a clear recruitment plan to meet enrollment targets</li> <li>• Lack of a comprehensive plan for communication of individual student performance data to staff, parents, or students</li> <li>• Lack of a description of how the school intends to meaningfully involve parents</li> <li>• Lack of a description of qualifications for and responsibilities of key employees of the school, including the instructional leader and other key school administration positions.</li> <li>• Lack of a description of staff recruitment, selection, and evaluation processes</li> <li>• Lack of suspension and expulsion procedures</li> <li>• Errors in the submitted budget with misalignment to the educational program in critical areas</li> <li>• Failure to include a facilities plan or any information with respect to where the school intends to locate</li> <li>• Lack of an alternate facilities plan in the event the school cannot co-locate on the Merritt College campus, as was the stated goal during interviews</li> </ul>

**RESOLUTION OF THE GOVERNING BOARD  
OF THE OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 1314-0059**

**DENYING CHARTER PETITION OF CONSERVATORY OF  
VOCAL/INSTRUMENTAL ARTS HIGH SCHOOL  
AND WRITTEN FINDINGS OF SUPPORT THEREOF**

**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 47605(b) charges school district governing boards with the responsibility of reviewing charter petitions to determine whether they meet the legal requirements for a successful charter petition; and

**WHEREAS**, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in education Code Section 47605(b)(5)(A)-(Q), as well as the affirmations and other requirements set forth in Education Code 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 a petition for a charter school if it makes written findings to support any of the following under Education Code Section 47605(b): (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 an affirmation of each of the conditions described in Education Code Section



47605, subdivision (d); and (4) the petition does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q); and

**WHEREAS**, on or about September 11, 2013 the District received a petition for a charter for Conservatory of Vocal/Instrumental Arts High (“Petition”), a public charter school serving grades 9-12 with a proposed enrollment of 60 students in grades 9 and 10 in its initial year of operation (2014-2015); and

**WHEREAS**, on or about October 9, 2013, the Board held a public hearing on the renewal petition as required by Education Code Section 47605(b); and

**WHEREAS**, the Board of Education, under Education Code Section 47605(b), is obligated to take action to grant or deny the renewal petition within 60 days of submission, unless Petitioner agrees to an extension of up to 30 days;

**NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED** by the Governing Board of the Oakland Unified School District that the charter petition be **DENIED** because as provided in Education Code Section 47605(b)(1) and (2), Conservatory of Vocal/Instrumental Arts High petition presents that petitioners demonstrably unlikely to successfully implement the program set forth in the petition, and does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q). The specific findings supporting the decision are enumerated in the Charter Petition Evaluation prepared by the District staff, with some key findings summarized below:

1) The areas in which the petition *failed* to meet established standards and provide a reasonably comprehensive description of the educational program include, but are not limited to, the following deficiencies:

- Lack of identification of a target population or a description of its educational needs
- Lack of a curriculum development plan
- Lack of scope and sequence for any grades
- Lack of college advisement
- Lack of a clear plan for students performing below or above grade level is not reasonably comprehensive
- Lack of any information regarding facilities
- Enrollment process requiring application/interview after the random public lottery thus jeopardizing the integrity of the lottery, as a student(s) could lose their space at the school
- MPOs lack specificity and provide no school based assessments/accountability in the absence of SBAC
- No proposed governing board members outlined in the petition

**SIXTEEN ELEMENTS TABLE**

<b>Element</b>	<b>Evaluation Reference</b>	<b>Inadequate</b>	<b>Reasonably Comprehensive</b>	<b>Statutory Reference</b>
Description of the educational program of the school, including what it means to be an “educated person” in the 21 <sup>st</sup> century and how learning best occurs.	<i>Section I, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<i>Section I, G</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(B)
Governance structure	<i>Section II, A</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section II, C</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(J)
Manner for covering STRS, PERS, or Social Security	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(K)
Attendance alternatives for pupils residing within the district	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(L)
Employee rights of return, if any	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(M)
Dispute resolution procedure for school-	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(N)

authorizer issues				
<b>Element</b>	<b>Evaluation Reference</b>	<b>Inadequate</b>	<b>Reasonably Comprehensive</b>	<b>Statutory Reference</b>
Statement regarding exclusive employer status of the school	<i>Section II, C</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(O)
Procedures for school closure	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(P)
Facilities to be utilized by school	<i>Section II, E</i>	X FAILED TO INCLUDE IN PETITION	<input type="checkbox"/>	E.C. § 47605(g)
Manner in which administrative services are to be provided	<i>Section II, B</i>	X FAILED TO INCLUDE IN PETITION	<input type="checkbox"/>	E.C. § 47605(g)
Potential civil liability effects	<i>Section II, B</i>	X FAILED TO INCLUDE IN PETITION	<input type="checkbox"/>	E.C. § 47605(g)
Proposed first year operational budget	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(g)
Cash flow and financial projections for 3 years	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(g)

2) The areas in which the petition *failed* to meet established standards and demonstrated that the petitioners are demonstrably unlikely to successfully implement the program include, but are not limited to, the following:

- Lack of adequate resources and professional support needed for effective implementation
- Lack of a description of professional development for teachers or staff
- Lack of awareness or mention of English Learners and educational needs in the petition
- Lacks a description of the manner in which stakeholders will act upon and make use of pupil performance data
- Lack of a plan for recruitment, selection, development, and evaluation of staff

**THE BOARD HEREBY FINDS** that COVAH has not met the requirements of Education Code Section 47605(b) in that:

2. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition;
5. The Petition does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q).

The Board is therefore compelled to deny the Petition under the provisions of the Charter Schools Act. The Petition is hereby denied.

**PASSED AND ADOPTED** on November 20, 2013, by the Governing Board of the Oakland Unified School District by the following vote:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENT:**

We declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.

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David Kakishiba, President  
Governing Board  
Oakland Unified School District

Gary Yee, Ed. D., Secretary  
Governing Board  
Oakland Unified School District