

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

Resolution No. 0910-0180

**DENYING CHARTER RENEWAL PETITION OF EDUCATION FOR CHANGE AT COX
ACADEMY AND WRITTEN FINDINGS IN 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") contain 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, Education Code Section 47607(a)(2) provides that renewals of charter petitions are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed; and

WHEREAS, a governing board may deny a petition to renew 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, Education Code Section 47607(b) provides that a charter school that has been in operation for at least four years shall meet at least one of four specified performance criteria prior to receiving a charter renewal; and

WHEREAS, Education for Change at Cox Academy was a conversion charter school which began operating in 2005 and is in its fifth year of operation; and

WHEREAS, on or about December 16, 2009 the District received a petition to renew the charter for Cox ("Petition"), a public charter school serving grades K-5 with an approximate enrollment of 516 students in grades K-5 during the 2009-2010 school year; and

WHEREAS, on or about March 10, 2010, 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 its submission.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Governing Board of the Oakland Unified School District that the renewal Petition be DENIED because as provided in Education Code Section 47605(b)(1) and (2), Cox Academy presents an unsound educational program for the pupils enrolled in the charter school and is demonstrably unlikely to successfully implement the program set forth in the petition. The specific findings supporting the decision are enumerated below:

1. Cox' Academic Performance Index (API) is 75 points below the median API performance of Oakland charter schools in 2009 serving both similar grades and a demographically similar population based on student socio-economic status.
2. Cox' API is 96 points below the median API performance of Oakland charter schools in 2008 serving both similar grades and a demographically similar population based on student socio-economic status.
3. Cox' API is below the median performance of Oakland district schools in 2009 serving both similar grades and a demographically similar population based on student socio-economic status.
4. Cox' API is below the median performance of Oakland district schools in 2008 serving both similar grades and a demographically similar population based on student socio-economic status.
5. Cox' API of 665 in 2009 is below the State average.

6. Cox has not met its Adequate Yearly Progress (AYP) targets for four of the past four years.
7. Cox retains the same Program Improvement (PI) status it had prior to conversion to a charter school and is now in PI Year 4.
8. Cox is in the lowest fifth of the 67 elementary schools in the Oakland Unified School District.
9. Cox has not addressed the achievement gap of its African American students. Cox did not meet the AYP for African-American students in 2008 or 2009.
10. Cox has not implemented a new English language development (ELD) program with daily instruction for English language learners as set out in its charter.
11. Overall English Language Arts (ELA) results at Cox are low and 73 percent of the students have not gained ELA proficiency.
12. Cox currently has no library on site.
13. The Charter Renewal Site Visit Review Report prepared by Cambridge Education, an independent, third party review evaluation also found:
 - a) The lack of a clear understanding of the under achievement of different subgroups within Cox, particularly African-Americans, hampers the school's efforts in planning to meet the needs of these students.
 - b) There is little evidence to indicate that lessons are differentiated in order to meet the learning needs of lower and higher achieving students.
 - c) There is inconsistency in teachers' use of higher ordering questioning skills that promote critical thinking.
 - d) Breadth and balance in the curriculum is limited and most students do not have access to visual or performing arts in line with the original Charter petition.
 - e) Parents do not have an active voice in the strategic management or decision making process of the school. There are too few opportunities for parents to participate in the Cox' and Education for Change strategic planning and decision-making.
 - f) Education for Change does not involve the school community in decision-making and has not developed a long-term strategic plan to secure the future improvement of the school.
 - g) Currently there is no long-term strategic plan for the school or the means to monitor the school's effectiveness in raising student achievement.

h) The Board of Education for Change has yet to develop a more rigorous overview of financial matters. The lack of a long-term strategic plan hampers the monitoring of finances and the sustainability of the organization's financial commitment.

THE BOARD HEREBY FINDS that Cox has not met the performance requirements of Education Code Section 47607(b)(1) and (2) to qualify for renewal and that under Education Code Section 47605(b):

- (1) The Petition presents an unsound educational program for the pupils to be enrolled in the Charter School; and
- (2) The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition; and

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 March 10, 2010, by the Governing Board of the Oakland Unified School District by the following vote:


AYES: Jody London, David Kakishiba, Alice Spearman, Vice President Christopher Dobbins, President Gary Yee

NOES: Jumoke Hodge, Noel Gallo

ABSTENTIONS: None

ABSENCES: None

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


Edgar Rakestraw, Jr.
Secretary of the Governing Board
OAKLAND UNIFIED SCHOOL DISTRICT

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