



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the Superintendent

1025 Second Avenue, Room 301

Oakland, CA 94606

Phone (510) 879-8200

Fax (510) 879-8800

TO: Board of Education  
FROM: Anthony Smith, Ph.D., Superintendent  
Gail Greely, Coordinator, Office of Charter Schools  
DATE: March 28, 2012  
RE: Lazear Charter Academy  
Charter Petition Request

Legislative File

File ID No.: 12-0451

Introduction Date: 1/25/2012

Enactment No.: 12-1040

Enactment Date: 4-25-12

By: [Signature]

#### ACTION REQUESTED

**Approve the denial** petition and charter to establish Lazear Charter Academy. The petition presents an **unsound** educational program; 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. The petition does contain the required signatures and affirmations.

#### SUMMARY

Staff recommends that the OUSD Board of Education **approve the denial** of the petition for Lazear Charter Academy proposed to begin operation fall 2012, serving students in grades K-8. Staff recommends denial based on factual findings specific to this petition and set forth in the attached staff report and petition evaluation.

Education for Change, a charter management organization, currently operates three (3) charter schools in Oakland (Cox Academy, World Academy and Achieve Academy), and is the CMO partner of OUSD conversion charter schools ASCEND and Learning Without Limits (approved March 7, 2012). The petition for Lazear Charter Academy is to convert Lazear Elementary School into a charter school using components of the educational program currently in place at Cox, World and Achieve. Information regarding the demographics and performance of Lazear Elementary School and the other EFC schools was considered in preparation of this report.

#### PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted a petition for the Lazear Charter Academy on January 25, 2012 at a regularly scheduled Board of Education meeting. The petition proposes to convert the existing

district school, Lazear Elementary School, to a charter school within the charter management **organization (CMO)**, Education for Change (EFC), with changes to the grade configuration and educational program.

- 2) Staff conducted two petitioner interviews on February 16, 2012, with participants from two groups, respectively: the founding group/design team (including parent leaders and representatives of the CMO) and with the CMO's management team and some governing board members. The current leadership and teachers of Lazear Elementary School did not participate in the petitioner interviews. (Staff did not conduct an introductory meeting with the lead petitioners, as both the parent leaders and CMO representatives had participated in orientation to the petition review process earlier in the year.)
- 3) A public hearing was held on February 8, 2012. Representatives from the CMO and parent leadership group presented.

## **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 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 two interviews in an attempt 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. One interview was with founding parent leadership group from

the school with representatives from the Education for Change; another was with members of the Education for Change governing board and management staff. The current principal of Lazear and current teachers were not part of the founding team. (At the time of the Petitioner Interviews, the current principal had made no commitment to lead the charter school and the Petitioners were considering alternatives.)

Lazear Charter Academy proposes to open in fall 2012 as a direct-funded charter school, operating at its current location at 824 29th Avenue in Region 2. The school proposes to serve approximately 368 students in grades K-6 in its first year (2012-13), expanding to grades K-8 in its third year. Lazear Elementary School current serves 240 students in grades K-5. The first year's enrollment, in addition to serving students currently enrolled at Lazear and other K-5 students to be recruited, is planned to include four (4) classes of 6<sup>th</sup> grade students, including two (2) classes (52 students) proposed to be recruited from EFC's Achieve Academy.

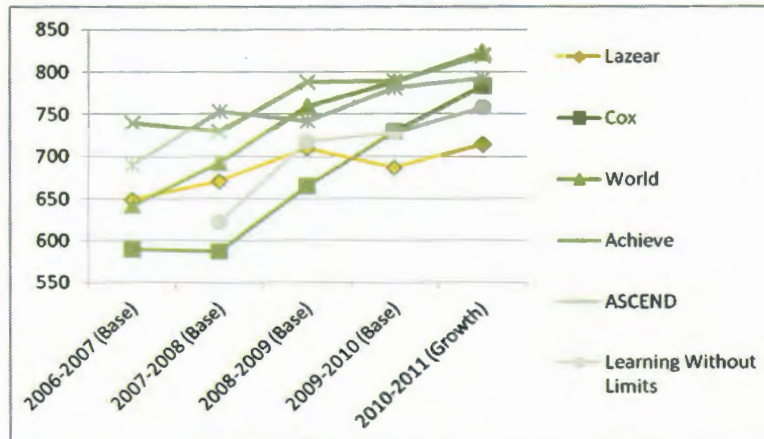
The Lazear Charter Academy petition proposes an educational program that carries forward some aspects of the current Lazear Elementary School (science using FOSS), eliminates others (bilingual education), substitutes some elements of EFC's program from the Cox, Achieve and World Academies (modifications of Open Court ELA and EnVision Math), and adding some new elements (engineering and technology to create an integrated STEM curriculum). As described in the petition, the program will include eight (8) key elements:

- A coherent standards-driven instructional program provides the tools for high quality instruction.
- High quality instruction and high expectations allow teachers to use a variety of strategies to support learners.
- Frequent and varied standards-aligned assessments are used to monitor progress and inform instruction.
- Science, Technology, Engineering and Math (STEM) will spark students' imagination and engage them in intellectually rigorous content.
- Family and Community partnerships are prioritized in order to support students.
- Students receive academic and social/emotional interventions.
- The after-school program extend student learning.
- Professional development and collaboration drives instructional improvement.

As noted in the petition, Lazear Elementary School's API has risen slowly in the past 10 years:

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
API	629	628	643	658	648	670	709	687	714

APIs of other EFC schools (Cox, World and Achieve) and of the District schools recently approved to convert to charter status as part of EFC (ASCEND and Learning Without Limits) have shown more accelerated growth.



The staff report and charter petition evaluation contained herein review the educational program, proposed school operations, as well as an articulation of strengths and foreseeable challenges, pursuant to the petition review process.

It is important to note that although this petition identifies itself as a “conversion” of an existing District school, it is unlike the recent petitions from EFC for conversion of ASCEND and Learning Without Limits<sup>1</sup>.

- As acknowledged in the petition, at the public hearing, and in petitioner interviews, the charter conversion process was not initiated by school leadership and teachers. It was pursued by Lazear parents who sought out a CMO partner (eventually choosing EFC).
- The charter petition was not written by Lazear school leadership or teachers, but by home office staff of EFC. (Petitioner Interviews)
- The charter petition does not propose to continue the existing school program, but describes changes (such as elimination of bilingual classes) that were “negotiated” between the parent group and EFC. (Petitioner Interviews) The petition also proposes to change grade configuration from K-5 to K-8, beginning with the addition of the 6<sup>th</sup> grade in the first year. (EFC’s current schools are K-5 only.)
- Unlike the ASCEND and Learning Without Limits petitions, which were developed over a period of at least 9 months, the Lazear Charter Academy petition was put together in less than 2 months with limited engagement of teachers and the larger parent community. (Petitioner Interviews)
- The charter petition did not meet the timelines for eligibility for new charters to receive facilities under Proposition 39.<sup>2</sup> It was also submitted after the deadline recommended for new petitions in Board Policy 0420.4, and after which the Board reserves the right to delay opening by a year.<sup>3</sup>

<sup>1</sup> There is a technical legal question as to whether a non-charter district school that is slated to close in June can be “converted” by approval of a charter that won’t be effective until July 1<sup>st</sup>. This report does not address this issue, which primarily effects the allocation of facilities under Proposition 39.

<sup>2</sup> “5 CCR § 11969.9. Procedures and Timelines for the Request for, Reimbursement for, and Provision of, Facilities.

(a) A charter school must be operating in the school district as defined in Education Code section 47614 before it submits a request for facilities. A new or proposed new charter school is operating within the school district and, therefore, eligible to request facilities for a particular fiscal year only if it submitted its charter petition pursuant to Education Code sections 47605, 47605.5, 47605.6, or 47605.8 on or before November 1 of the fiscal year preceding the year for which facilities are requested. A new charter school is entitled to be allocated and/or provided access to facilities only if it receives approval of the petition before March 15 of the fiscal year preceding the year for which facilities are requested.”

The staff report does not base its recommendation for denial of the petition on these differences. They do, however, provide important context for this evaluation. For example, the lack of meaningful involvement of current school leadership and teachers in the preparation of the petition means that implementation will require additional time and effort to secure staff support. Similarly, the changes to the educational program, including development of the STEM component and changes to ELA and math instruction, will need to be incorporated into the implementation work this summer. (Board Policy and charter regulations encourage the submission of petitions for new charters in the fall prior to opening because time is needed for adequate planning and preparation.) The implications of the manner in which this petition was developed are reflected in the attached Charter Petition Evaluation.

## RECOMMENDATION

Staff recommends that the Oakland Unified School District's Board of Education **deny** the petition for Lazear Charter Academy 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*:

- (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 petition; ...*
- (5) The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.*

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<sup>3</sup> "Petitioners are strongly encouraged to file no later than November 15 of the year prior to their proposed school opening. In the case of petitions received after that date, the Governing Board reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation."

## Oakland Unified School District Charter Petition Evaluation

<b>School Name:</b> Lazear Charter Academy	<b>Submission Date:</b> January 25, 2012
	<b>Public Hearing Date:</b> February 8, 2012
<b>Lead Petitioners:</b> Hae-Sin Thomas (for Education for Change) and Rocio Gonzalez (for Padres Unidos)	<b>Orientation Date:</b> waived
<b>School Leader:</b> to be determined	<b>School Observation Date:</b> N/A
<b>Design Team/Petitioning Group (attending):</b> Hae-Sin Thomas, Amanda Klein, Jessica Evans, Fabiola Harvey, and Francis Abbatantuono (EFC) and Patricia deLeon Cervantes, Rocio Gonzalez (Padres Unidos)	<b>Petitioner Interview Date:</b> February 16, 2012
<b>Governing Board/CMO Management (attending):</b> Antonio Cediel, Nick Driver, Hae-Sin Thomas, Fabiola Harvey, and Rich McNeel (EFC)	<b>Governing Board Interview Date:</b> February 16, 2012
	<b>Decision Date:</b> March 28, 2012 (deadline per agreed extension: April 24, 2012)

**Recommendation:**

**Denial** of the charter petition to establish Lazear Charter Academy. The petition presents an unsound educational program and the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

<b>Proposed location of school</b>	Proposes current district facility occupied by the Lazear Elementary School, 824 29 <sup>th</sup> Avenue, Oakland (Pgs. 146-147) but includes three (3) alternative sites (App. G)
<b>Composition of petitioner group</b>	Founding team includes: parent leadership of Padres Unidos and management of Education for Change CMO. The CEO and other members of the CMO management team and board have experience with new school start-up within OUSD; the CMO has experience with charter school management, non-profit management, teacher education, and facilities. (Current principal and members of the staff of Lazear Elementary School were not identified as founding petitioners and did not attend the petitioner interviews.)
<b>Grade levels to be served in year 1</b>	K-6
<b>Anticipated enrollment in year 1</b>	368

<b>Grade levels to be served at full-capacity</b>	K-8
<b>Anticipated enrollment at full capacity</b>	444
<b>Target student population</b>	<p>“As a converted charter school, Lazear Charter Academy will continue to serve the same student population being served by the current Oakland Unified School District school.... The great majority of EFC students are, and Lazear Charter Academy will be, students from low-income families:</p> <ul style="list-style-type: none"> <li>❖ Students who primary home language is not English</li> <li>❖ Students living in communities with low-performing schools and low college-going rates</li> <li>❖ Students who would be the first in their families to attend college”</li> </ul> <p>(Pgs. 16-17)</p>

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

“Education for Change and the Lazear Charter Academy community hold that learning best occurs when our team aligns expectations, curriculum, assessment, and interventions with research-based instructional practices. We believe that high student achievement results when rigorous instruction is coupled with a coherent, standards-based instructional program in an environment focused on collaboration and continual improvement. Central to this approach is the idea that students will receive targeted instructional responses in the classroom and that all struggling students will receive needs-focused interventions. We believe that a focus on Science, Technology, Engineering and Math will inspire students to engage in meaningful learning and spark their curiosity.” (Pg. 21)

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

Mission statements for the current Lazear Elementary School and the proposed Lazear Charter Academy were not included. The mission of EFC is stated at pg. 16 of the petition:

“The mission of Education for Change is straightforward. We will provide a superior public education to Oakland’s most underserved children by creating a system of public schools that relentlessly focuses on **our students’ academic achievement**. We believe that high quality instruction, and its continuous refinement, will lead to success for our students. When our students succeed, they will be prepared to make thoughtful and informed choices that will set them on a path for a successful life. Through the success of our students, we will create a catalytic change across the country that will help to transform urban public schools into high performing organizations for the children that are most dependent upon them. When we succeed in building a high performing system of public schools serving the most underserved students, we will make the changes necessary for success to be replicated across every urban public school.”

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

Yes  No  If Yes, Name of CMO: Education for Change (operator of 3 existing charter schools: Cox, World and Achieve Academies; also partner with recently-approved conversion charters ASCEND and Learning Without Limits).

**Signature Verification:**

**EC 47605. (a) (1)** Except as set forth in paragraph (2), a petition for the establishment of a charter school within any school district may be circulated by any one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after either of the following conditions are met:  
 (A) The petition has been signed by a number of parents or guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.

(B) The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

**(2)** In the case of a petition for the establishment of a charter school through the conversion of an existing public school, that would not be eligible for a loan pursuant to subdivision (b) of Section 41365, the petition may be circulated by any one or more persons seeking to establish the converted charter school. The petition may be submitted to the governing board of the school district for review after the petition has been signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

**(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 #
X Parents / Guardians <sup>4</sup>	X		Pgs. 3-6 (incompletely numbered)
<ul style="list-style-type: none"> <li>○ # aligned with proposed opening enrollment</li> <li>○ Prominent statement</li> </ul>			
X Teachers: Conversion Charter	X		Pgs. 2-3 (incompletely numbered)
<ul style="list-style-type: none"> <li>○ # aligned with 50% of permanent status teachers</li> <li>○ Prominent statement</li> </ul>			

<sup>4</sup> The petition included several pages of signatures from parents "meaningfully interested in re-enrolling their students". The Charter School Act specifically requires petitions to convert an existing public school to a charter school must be "signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted." Education Code §47605(a)(2). Parent signatures are therefore not required, but are relevant to the likelihood of the school enrolling sufficient students in its initial year. In this case, not all parents signing the petitions included the number of children and none included grade level. It was therefore difficult to determine how many potential 12-13 enrollees are represented by the signatures submitted. We estimate that the list includes 186 potential students of the 368 projected first year enrollment or 50.5%.



According to information provided by the district's Human Resources Department, Lazear Elementary School currently employs seven (7) full-time, permanent classroom teachers, seven (7) of whom signed the petition. (Lazear Elementary School also employs two (2) probationary classroom teachers who signed the petition; and one other permanent teacher holding non-classroom assignments who did not sign.)

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# Oakland Unified School District

## Charter Petition Evaluation

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### 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.

## 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		9
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		9
3. Will be non-secular in its curriculum, programs, admissions, policies, governance, employment practices, and all other operations.	X		9
4. Will be open to all students, on a space available basis, and shall not discriminate on the basis of characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).	X		9
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		9
6. Will offer at least the minimum amount of instructional time at each grade level as required by law.	X		9
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		126, 145-148
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		9
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 Act of 1964; the Equal Educational Opportunities Act of 1974; MGL c. 76, § 5; and MGL c. 89, 71 § (f) and (l).	X		83
10. Will comply with all other applicable federal and state laws and regulations.	X		10
11. Will submit an annual report (SARC) and annual independent audits to the OUSD Office of Charter Schools by all required deadlines.	X		125

<b>12.</b> Will submit required enrollment data to the OUSD Office of Charter Schools by the required deadlines.	X	<b>10, 123-124</b>
<b>13.</b> Will operate in compliance with generally accepted government accounting principles.	X	<b>125</b>
<b>14.</b> Will maintain separate accountings of all funds received and disbursed by the school.	X	<b>125-126</b>
<b>15.</b> Will participate in the California State Teachers' Retirement System as applicable.	X	<b>140</b>
<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	<b>146-148</b>
<b>17.</b> Will at all times maintain all necessary and appropriate insurance coverage.	X	<b>124, 146</b>
<b>18.</b> Will provide financial statements that include a proposed first-year 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.	X	<b>123-124, App. E</b>
<b>19.</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	<b>App. B</b>

**EVALUATION:**

The Lazear Charter Academy petition contains all legally mandated assurances.

**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.

Petition Section/s

**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
<input type="checkbox"/>	X	<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>• Description includes general statements regarding academic performance of current Lazez students, but never states what specifically is needed to improve outcomes. There is no analysis of why Lazez has not performed as well as the EFC schools or other district programs with similar student</li> </ul>	

		<p>characteristics.</p> <ul style="list-style-type: none"> <li>• Although the projected enrollment exceeds the current Lazear enrollment, there is no discussion of the non-Lazear students to be recruited, their needs, or alignment of the program to them.</li> <li>• There is no a mission statement for the school (either current or as a charter), so no alignment with the target population.</li> <li>• The petition text is not clear about what is currently in place at Lazear and what is proposed to be changed or added.</li> <li>• The section of the petition on “why EFC makes sense for Lazear” identifies similarities between current Lazear and EFC students and lists elements of the curriculum the schools have in common (Open Court, en Vision Math, etc.). However, it never states why Lazear needs what EFC has to offer or provides a theory of change that supports its assertion that Lazear, as part of EFC, will achieve results similar to other EFC schools.</li> </ul>	<p>Pg. 11</p> <p>Pg. 11</p> <p>Pgs. 77-79</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:

Petition Section/s  
Pgs. 16-90

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
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

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

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<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>• The mission and philosophy of EFC are compelling, including the description of what it means to be an educated person in the 21<sup>st</sup> Century.</li> <li>• Research and EFC experience are shown to support the 8 key elements of the proposed program.</li> </ul>	<p>Pg. 20</p> <p>Pgs. 21-26 (summary)</p>	<p>Mission Alignment</p> <ul style="list-style-type: none"> <li>• While there is a statement of alignment with the overall EFC mission, there is no mission statement for Lazear Charter Academy, despite the fact that, as proposed, it will differ from the programs of current EFC schools, which do not include grades 6 through 8 and do not feature a STEM component.</li> </ul> <p>Population Alignment</p> <ul style="list-style-type: none"> <li>• The petition includes evidence that demographically similar students at other EFC schools have higher levels of academic achievement than the existing Lazear Elementary School that the petition seeks to convert. However, it fails to provide an explanation of how the proposed charter conversion and programmatic changes will raise student achievement. Factors inhibiting student performance at Lazear are not identified; the proposed program is not tailored to identified needs or shortcomings.</li> <li>• During petitioner interviews, one EFC participant speculated that</li> </ul>	<p>Pgs. 24, 55-70, Petitioner Interviews</p> <p>Pgs. 17-21, 77-79</p> <p>Petitioner Interview</p>



		lagging student achievement at Lazear may have been the result of past staffing practices, but the petition does not discuss this or propose changes to the teaching staff in the first year of operation.	
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**C. CURRICULUM FRAMEWORK**  *Mark this box on behalf of the curriculum that has already been selected/developed:*

Petition Section/s  
Pgs. 26-49, 55-70 Apps. A-1  
thru A-8

The description of the curriculum should provide the reviewer with a sense not only of *what* the school will teach but also of *how* and *why*. It must present research, applicant experience and/or reasoning sufficient to convince the reviewer that the applicants have already made sound educational decisions.

A description of the Curriculum Framework excels if it has the following characteristics:

**1. Alignment:** *Is the selection well-reasoned and aligned with the mission, state standards and student needs?*

- o A clear description of the framework and research, experience and/or sound reasoning that demonstrates alignment with the school's mission, state standards and anticipated student needs;

**2. Implementation:** *Does the plan demonstrate the resources, scheduling and professional support needed for effective implementation?*

- o An implementation plan showing persuasively the resources, daily schedule, annual calendar and professional development that support effective implementation; and
- o A clear description of the manner in which the school will prioritize the implementation of those elements of the proposed educational program that will ensure likely achievement of the goals of the program;

**3. Evaluation:** *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*

- o Effective strategies for evaluating the effectiveness of implementation and responding when student performance falls short of goals.

**1. Alignment:** *Is the selection well-reasoned and aligned with the mission, state standards and student needs?*

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

**2. Implementation:** *Does the plan demonstrate the resources, scheduling and professional support needed for effective implementation?*

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

**3. Evaluation:** *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*

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



<p>Evaluation</p> <ul style="list-style-type: none"> <li>Description of the curriculum framework includes a variety of assessments and strategies.</li> </ul>	<p>Pgs. 26-49</p>	<p>curriculum (to be piloted at Lazear)</p> <ul style="list-style-type: none"> <li>Enhancements to en Vision Math and Open Court</li> <li>The petition does not include proposed professional development or assessment calendars for Lazear for 2012-2013 to address the program and organizational changes. This will be needed because current Lazear teachers were not part of the educational program design.</li> <li>The petition does not include proposed daily/weekly class schedules by subject for grades K-5.</li> <li>There is a matrix of the stages of development of individual teacher capacity, but on its own it provides little information on the time and resources needed to bring the school's teachers (whoever they may be) to the desired level of mastery.</li> </ul>	<p>App. A-1</p> <p>App. C</p> <p>App. A-1</p>
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**D. SPECIAL POPULATIONS: SPECIAL EDUCATION**

Petition Section/s  
Pgs. 79-82

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
<input type="checkbox"/>	X	<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>• Although the petition is for conversion of an existing District school and proposes to serve the same population of students, the petition includes no information on the current number of students with IEPs or 504 plans, the range of disabilities, or the current program.</li> <li>• While the petition includes a good overview of EFC’s current relationships with the El Dorado County Office of Education Charter School SELPA and service provider SENECA, there are no specifics on how special needs students will be staffed or served at Lazear.</li> </ul>	Pgs. 79-82

		<ul style="list-style-type: none"><li>• Only one of EFCs schools is currently served through Seneca and EDCOE SELPA in what is described as a “pilot”. The petition does not address how this will expand to incorporate not only the other current EFC schools (World and Achieve), but also the recent ASCEND and Learning Without Limits conversions, in addition to Lazear.</li><li>• The petition does not include an implementation plan (including professional development for Lazear teachers) for the expansion of the Rtl pilot to Lazear.</li></ul>	
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**E. SPECIAL POPULATIONS: ENGLISH LANGUAGE LEARNERS**

Petition Section/s  
Pgs. 83-87

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 language learners excels if it has the following characteristics:

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

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

**ANALYSIS: ENGLISH LANGUAGE 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>• Demonstrates understanding of student population and compliance requirements.</li> <li>• Solid description of the program, which includes explicit ELD instruction at elementary and middle school levels.</li> <li>• Reclassification criteria clear and documented.</li> </ul>	<p>Pgs. 17, 83-84</p> <p>Pgs. 84-86 (also 32-33)</p> <p>App. C</p>		

**F. PUPIL OUTCOMES**

Petition Section/s  
Pgs. 90-96

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 timebound;
- 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
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

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

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

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

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





**G. PUPIL PROGRESS**

Petition Section/s  
Pgs. 96-103, App. A-1

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
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

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

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

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

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<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>Assessments</p> <ul style="list-style-type: none"> <li>Multiple assessments included in comprehensive table of MPOs.</li> </ul> <p>Instructional Improvement</p> <ul style="list-style-type: none"> <li>Petition describes EFC cycle of inquiry.</li> </ul> <p>Reporting</p> <ul style="list-style-type: none"> <li>Reporting consistent with proposed approach to governance and parent/stakeholder involvement.</li> </ul>	<p>Pgs. 97-99 (also within curriculum framework)</p> <p>Pg. 102</p> <p>Pgs. 102-103</p>		

### EDUCATIONAL PROGRAM SUMMARY

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

#### EDUCATIONAL PROGRAM SUMMARY

##### Strengths

##### Concerns and Additional Questions

Although some areas are well-supported, the petition fails to meet the standard in key areas where, as a conversion of an existing school, the proposal should be strong. These include:

- Inadequate identification of the needs of the target population (current Lazear students and need students to be recruited).
- Failure to describe how the proposed program – both existing elements to be maintained and changes brought by EFC – responds to the specific needs of the school and its students.
- Absence of specific information on serving students with special needs and the resources needed to serve them.
- Failure to include an implementation plan covering the schedule, resources and support necessary to implement the proposed program for the 2012-2013 academic year. This is particularly important given the short time available to complete the substantial amount of work associated with adding middle school, changing ELA and math curricula and strategies, developing STEM components, hiring a principal, hiring and training teachers (as needed), and transitioning operations from District to charter.

Given that the petition was submitted late, was not written with substantial staff involvement (principal or teachers), proposes material changes to the current program, and will add elements (STEM and middle school) with which EFC does not have experience, the **absence of a well-considered and thoughtfully-prioritized plan for the next 4 ½ months is particularly significant.**

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## II. 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

Petition Section/s Pgs. 103-114
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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"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

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

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<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
<input type="checkbox"/>	<input type="checkbox"/>	X	<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
Legal Structure <ul style="list-style-type: none"> <li>• EFC has committed to enhance family involvement in governance with a well-considered plan for formation of a Family Leadership Council that will include members from all EFC schools, including Lazear.</li> <li>• A Staff Leadership Council will provide important perspectives from teachers and others.</li> </ul>	Pgs. 108-109  Pg. 108		
Experience and Expertise <ul style="list-style-type: none"> <li>• Existing EFC governing board and management includes members with experience in a range of fields, including extensive education background.</li> </ul>	App. B		
Operating Plan			

<ul style="list-style-type: none"> <li>• Petition commits organization to Brown Act compliance.</li> <li>• Petition commits to compliance with Fair Political Practices Commission standards.</li> <li>• Job descriptions and responsibilities are clear and reasonable. EFC has a specific plan for expanding its capacity to meet the needs of the organization when enlarged by the addition of Lazear Charter Academy.</li> </ul>	<p>Pg. 107</p> <p>Pg. 113</p> <p>Apps. B and E</p>		
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## B. MANAGEMENT CAPACITY

Petition Section/s  
Pgs. 114-143

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
<input type="checkbox"/>	X	<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
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

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

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<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 states that students will be recruited from Achieve to fill 2 additional 6<sup>th</sup> grade classes, and that students on World, Achieve and Cox wait lists will be able to enroll at Lazear. While not stated as an explicit enrollment preference, it is unclear how this will be consistent with lottery requirement.</li> <li>• Petition projects 2012-2013 enrollment (368) in excess of</li> </ul>	Pgs. 15, 122, App. D, Petitioner Interview  Pgs. 15, App. D,

<p>Operating Procedures</p> <ul style="list-style-type: none"> <li>• Appropriate health and safety components included. Comprehensive safety plan included in appendix.</li> <li>• Discipline plan and suspension and expulsion procedures are fully developed; consistent with Education Code.</li> <li>• Attendance alternatives statement is included.</li> <li>• Reasonable dispute resolution and parent/community complaint procedures are included.</li> <li>• School closure procedures are compliant with charter law.</li> </ul>	<p>Pgs. 119-120, App. C</p> <p>Pgs. 127-140</p> <p>Pg. 141</p> <p>Pg. 141-142</p> <p>Pg. 144-145</p>	<p>current Lazear enrollment (240 at P-1) not made up by addition of 6<sup>th</sup> grade (104). Because students from Lazear have already been assigned to schools for 2012-2013 through a preferential placement process, 100% enrollment in an EFC Lazear program is unlikely. (Signatures gathered in late January represent 50 % of projected level, at most.)</p> <ul style="list-style-type: none"> <li>• Recruitment strategies are identified, but no timeline or targets are included. Petition includes no discussion of recruitment and enrollment for additional students needed to meet targets.</li> </ul> <p>Management Structure</p> <ul style="list-style-type: none"> <li>• Although EFC has an experienced home office staff and established procedures and protocols for many management areas, the petition for Lazear Charter Academy lacks some elements important to successful conversion and start-up: <ul style="list-style-type: none"> <li>○ Conversion charter</li> </ul> </li> </ul>	<p>Petitioner Interview</p> <p>Pg. 122</p> <p>App. B</p>
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		<p>will not retain current school leader.</p> <ul style="list-style-type: none"> <li>○ Petition does not describe how the EFC growth plan will absorb Lazear, along with the partnership schools ASCEND and Learning Without Limits.</li> <li>○ The petition does not contain an implementation plan for any aspect of the conversion, operational or educational. There is no schedule, allocation of resources, assignment of responsibility or budget for start-up/transition expenses.</li> </ul>	<p>(org charts), Petitioner Interviews</p> <p>Apps. A-1, D and Petitioner Interviews</p>
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**C. EMPLOYMENT CAPACITY**

Petition Section/s  
Pgs. 114-119,  
Apps. A-1, B, D and E

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
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

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

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<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"/>	<input type="checkbox"/>	X	<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
<p>Qualifications and Responsibilities</p> <ul style="list-style-type: none"> <li>• Qualifications of key employees are described, as well as recruitment and hiring process.</li> </ul> <p>Compensation Plan</p> <ul style="list-style-type: none"> <li>• Budget narrative reflects reasonable compensation assumptions.</li> </ul> <p>Policies and Assurances</p> <ul style="list-style-type: none"> <li>• Petition includes description of employee evaluation process.</li> <li>• Employee handbook reflects reasonable and appropriate personnel policies.</li> <li>• Assurances as to staff credential requirements are included.</li> <li>• State Teachers' Retirement System and Public Employees' Retirement System participation is specified.</li> <li>• Employee return rights correctly described, per OUSD contracts.</li> <li>• Exclusive public school employer statement included.</li> <li>• Criminal background and other required health and safety checks are described.</li> </ul>	<p>Pgs. 114-117, App. E</p> <p>Apps. C and D, Petitioner Interviews</p> <p>App. A-1</p> <p>App. F</p> <p>Pg. 116-117</p> <p>Pg. 140</p> <p>Pg. 141</p> <p>Pg. 143</p> <p>Pg. 119</p>		

**D. FINANCIAL CAPACITY**

Petition Section/s  
Pgs. 123-126, App. D

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, etc.);
  - Clear evidence and track record of sustainability, in the event there is an enduring reliance on “soft” money (e.g., donations, grants, etc.);
  - 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
<input type="checkbox"/>	X	<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
<input type="checkbox"/>	<input type="checkbox"/>	X	<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>3-year budget includes conservative assumptions, given current state funding uncertainty.</li> <li>Appropriate reserve included. Revenue reflects reasonable assumptions of enrollment and attendance.</li> </ul>	App. D, Petitioner Interviews	<p>Revenues</p> <ul style="list-style-type: none"> <li>Enrollment assumptions not supported: projection in excess of current Lazear enrollment despite likely transfer of current Lazear students to other assigned schools.</li> <li>Likely enrollment below economically sustainable level, per petitioners.</li> <li>No explicit plan to cover start-up costs with grant or other designated revenue.</li> </ul>	App. D  Petitioner Interview
<p>Expenditures</p> <ul style="list-style-type: none"> <li>Assumptions and budget consistent with class sizes.</li> <li>Budget projections of expense cover all major operating expense categories, although some expense categories assume school retains current facility, with furniture and equipment.</li> <li>Teacher salary assumptions cover reasonable range.</li> </ul>	App. D		

**E. FACILITIES PLAN**

Petition Section/s  
Pgs. 146-147

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?***

**X Non-district facility**

**X District facility (Prop 39)**

*Note: Petition proposes to occupy the same facility as Lazear Elementary School as a “conversion” charter, however Petitioners acknowledged that they had no met the proscribed deadlines for a Proposition 39 allocation of District facilities (Petitioner Interview). Therefore, an alternative plan to “lease or purchase a private facility” was also included (p. 146).*

**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 facilities 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 facilities needs;
- Adequate budget based on district Prop. 39 facilities fee;
- 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?**

Inadequate	Approaches	Meets	Excels
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
		<p>The feasibility of the alternative sites identified in App. G raised questions addressed in the Petitioner Interviews:</p> <ul style="list-style-type: none"> <li>• Properties 1 and 2 are 3.5 and 4 miles, respectively, from the current Lazear campus. At the Public Hearing, parents stressed the importance of having a school within walking distance of their homes. Impact on likely enrollment of these locations is not addressed in the petition. Petitioners stated that busing was being investigated, had not been factored into the budget.</li> <li>• Property 3 was described in the petition as “ready to occupy” in July 2012, but during Petitioner Interviews, it was acknowledged that it could not be ready until the middle of the academic year at the earliest.</li> <li>• No detail is provided on the extent of modifications necessary to prepare the facilities for fall 2012, including requirements for E Occupancy. No timelines, cost estimates or budget impacts are included for any of the alternative sites.</li> </ul>	<p>App. G, Petitioner Interviews, Public Hearing testimony</p>

**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
<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>

**PETITIONER CAPACITY SUMMARY**

<b>Strengths</b>

<b>Criteria Not Sufficiently Addressed, Concerns &amp; Additional Questions</b>
<p>EFC is an established organization with competent leadership. However, the petition demonstrates that there has been <b>insufficient planning</b> for a successful conversion of Lazear Elementary School to Lazear Charter Academy within EFC and that projections of enrollment and budget are <b>unrealistic</b>. Capacity to complete the many tasks associated with becoming a charter school, shifting administration to EFC, and making significant changes in the academic program is not established. Aspects of the petition that are lacking include:</p> <ul style="list-style-type: none"> <li>• Enrollment projections are unrealistic.</li> <li>• The context of major EFC expansion to include ASCEND and Learning Without Limits, in addition to Lazear, is not addressed.</li> <li>• No implementation plan or start-up budget are included.</li> <li>• Revenue projections are undermined by enrollment assumptions, raising doubts about sustainability.</li> <li>• Facilities plan is inadequate, given the late filing of the petition.</li> </ul>

**SIXTEEN ELEMENTS TABLE**

Statutory Reference: E.C. §§ 47605(b) (5) (A) to (P).

The Charter Schools Act requires authorizers to evaluate whether the petitioners have presented a “reasonably comprehensive” description of 16 elements related to a school’s operation (the “16 Elements.”

Element	Evaluation Reference	Inadequate	Reasonably Comprehensive	Statutory Reference
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>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<i>Section I, H</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(C)
Governance structure	<i>Section II, A</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section II, B</i>	<input type="checkbox"/>	X	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>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section II, D</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section II, B</i>	<input type="checkbox"/>	X	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-authorizer issues	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(N)
Statement regarding exclusive employer status of the school	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(O)
Procedures for school closure	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C.

				§ 47605(b)(5)(P)
Facilities to be utilized by school	<i>Section II, E</i>	X	<input type="checkbox"/>	E.C. § 47605(g)
Manner in which administrative services are to be provided	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Potential civil liability effects	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Proposed first year operational budget	<i>Section II, D</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Cash flow and financial projections for 3 years	<i>Section II, D</i>	<input type="checkbox"/>	X	E.C. § 47605(g)

**ANALYSIS: SIXTEEN ELEMENTS**

*Comment on strengths and concerns about specific elements only to the extent that you have not already provided the relevant analysis in an earlier section.*

Strengths	Reference

Criteria Not Sufficiently Addressed, Concerns & Additional Questions	Reference
As discussed in the evaluation of the educational program, the description lacks a reasonably comprehensive description of how the mission and vision align with the needs of the target population because it fails to include an analysis of how the proposed changes to the existing program respond to the challenges currently limiting student achievement. The educational program description also lacks a clear and specific implementation plan, which is critical for a school that plans to open in the fall 2012. In addition, the petition's description of support for students with disabilities includes no analysis of the current population of students with IEPs or 504 plans and what specific staffing and structure will support them. The description of facilities is also not reasonably comprehensive, given that the school is ineligible for Proposition 39 due to late filing and has only a few months available to secure and prepare an acceptable site.	Pgs. 17-25  App. A-1 Pgs. 79-82  Pgs. 146-147

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

**Resolution No. 1112-0203**

**DENYING CHARTER PETITION OF LAZEAR CHARTER ACADEMY  
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**, the Board's policy on charter schools (BP 0420.4) established a timeline for charter petitions that strongly encourages submission of new petitions by November 15 of the year prior to their proposed school opening and reserves the Board's right consider a one-year delay in the commencement of charter school operation; and

**WHEREAS**, on or about January 25, 2012 the District received a petition for a charter for Lazear Charter Academy ("Petition"), a public charter school conversion of Lazear Elementary School to serve grades K-8 with a proposed enrollment of 386 students in grades K-6 in its initial year of operation (2012-2013); and

**WHEREAS**, on or about February 8, 2012, 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), Lazear Charter Academy presents an unsound educational program for the pupils enrolled in the charter school, is demonstrably unlikely to successfully implement the program set forth in the petition and does not contain reasonably comprehensive descriptions of the required elements. 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. As acknowledged by Board policy, adequate planning is an important factor in successful charter school start-up. The Lazear Charter Academy Petition contains no implementation plan identifying tasks, timelines, resources or responsibilities for the work of preparing to open in fall 2012. It contains no start-up budget for activities prior to school opening. The unique circumstances of this Petition make thoughtful implementation planning particularly important:
  - a. Petitioner Education for Change has recently received approval for conversion of two other District schools to charter status for fall 2012.
  - b. The conversion of those schools (ASCEND and Learning Without Limits) is subject to an innovative agreement between EFC and the District creating a different charter-district relationship that will involve work by both parties to successfully implement.
2. The Petition proposes to open with enrollment higher than current Lazear enrollment, which requires recruitment of a significant number of additional students. There is no plan for immediate recruitment to make up these numbers.

3. The Petition proposes to open the charter school in the fall with four (4) classes at grade 6, which is a grade level not offered at Lazear or by any of the current EFC schools. There is no evidence of prior success and no implementation plan for hiring, curriculum development and training.
4. The Petition proposes changes to the current Lazear educational program, including supplements to current ELA and math curricula, and development of an integrated STEM curriculum for all grades. STEM component has not been implemented at any current EFC school and there is no evidence of prior success with this curriculum. No implementation plan for the STEM program is included.
5. The Petition was written by EFC staff with limited involvement of current Lazear leadership and teaching staff. The current Lazear principal will not remain as principal of the charter school. The Petition contains no plan for hiring a new principal, developing staff buy-in and providing professional development specific to Lazear.
6. The Petition does not contain an analysis of the underlying causes of the slower growth in student achievement at Lazear, compared to schools with similar student populations, and therefore does not provide reasoning and research to support the proposed changes to the educational program.
7. The Petition contains no information about the educational needs of other students who will be recruited to the school to meet the enrollment projections (including 6<sup>th</sup> grade students to be recruited from Achieve and elsewhere).
8. The Petition does not provide information on the population of students with special needs at the District school to be converted to charter status, and includes no description of the specific plans (types of services, staffing, etc.) at the charter school to serve these students.
9. Enrollment projections for the proposed first year are unrealistic and undermine the reliability of the budget. The projected charter enrollment exceeds the total current enrollment of the school to be converted (240 current; 368 proposed), assumes all current Lazear students will remain at the school as a charter regardless of alternative placements already made within the District, and assumes recruitment of 104 students to a new 6<sup>th</sup> grade. Half of the 6<sup>th</sup> grade students are assumed not to continue at Lazear Charter Academy for 7<sup>th</sup> grade.
10. The Petition contains no plan for the operational transition from current District school to charter school operation within the EFC CMO, including human resources, accounting, student records, and other key functions.

11. The Petition did not meet the regulatory timelines for allocation of District facilities to charter schools under Proposition 39 and the feasibility of the alternative sites identified in the Petition is not supported.
  - a. The Petitioners do not have a signed lease for space or plans for needed modifications.
  - b. One possible site was confirmed to be unavailable for fall 2012; the other two are located 3 to 4 miles from the neighborhood identified as the target population.
  - c. Information on feasibility of having these spaces ready for fall 2012 was insufficient and the budget impact was not fully factored into the financial projections.
  
12. The Petition does not contain a reasonably comprehensive description of the educational program with respect to the academic needs of the target population, the alignment of the chosen educational program with those needs, and the manner in which students with special needs would be served.

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

1. The Petition 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; and
3. The Petition does not contain reasonably comprehensive descriptions of the required elements.

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 April 25, 2012, by the Governing Board of the Oakland Unified School District by the following vote:

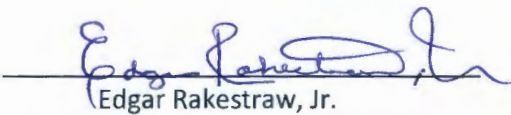
**AYES:** David Kakishiba, Gary Yee, Christopher Dobbins,  
Vice President Jumoke Hinton Hodge and President Jody London

**NOES:** Noel Gallo and Alice Spearman

**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.

A handwritten signature in blue ink, appearing to read "Edgar Rakestraw, Jr.", written over a horizontal line.

Edgar Rakestraw, Jr.  
Secretary of the Governing Board  
Oakland Unified School District