



**Request for Charter Withdrawn by
Petitioner - No Action**

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 *MS*
Gail Greely, Coordinator, Office of Charter Schools

DATE: August 22, 2012

RE: Legacies of Excellence Charter Schools
Charter Petition Request

Legislative File

File ID No.: 12-1747

Introduction Date: 6/13/2012

Enactment No.: _____

Enactment Date: _____

By: *[Signature]*

ACTION REQUESTED

Approve the denial petition and charter to establish Legacies of Excellence Charter School. 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 Legacies of Excellence Charter School proposed to begin operation fall 2013, serving 80 students in grade 6, and growing to 240 students, grades 6 through 8. Staff recommends denial based on factual findings specific to this petition and set forth in the attached staff report and petition evaluation.

The petition for Legacies of Excellence Charter School is to create a middle school to address the social and academic needs of the students who may lack continuity in their education due to poverty and/or family support. Staff recognizes the strong potential of the petitioning group to develop and implement a program that would serve a high needs population within Oakland. Previously, an effort was made to determine if a program with some features of Legacies could be developed through a partnership between this petitioning group and the District, rather than as a charter school. For various reasons, however, the petitioners determined that the charter school model best suits their vision. In resubmitting a charter school petition, the petitioners have engaged in substantial revision of the text and reconfiguration of the program to address some of the areas in which previous petitions were found not to satisfy the District's charter school standard. However, the changes are not sufficient to meet established criteria for quality charter school authorizing.

PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted a petition for the Legacies of Excellence Charter School on June 13, 2012 at a regularly scheduled Board of Education meeting. The petition proposes to create a middle school of 240 students, beginning in 2013-2014 with an opening 6th grade class of 80 students. The petitioners have previously applied for a charter, most recently in June 2011. Earlier charter petitions have been withdrawn prior to decision.
- 2) A public hearing was held on June 27, 2012. Representatives from the petitioning group presented and agreed verbally at the hearing, and again in writing, to an extension of the statutory deadline for action to 90 days from the date of submission of the petition.
- 3) Staff conducted an orientation to OUSD's charter review process for the lead petitioner on July 17, 2012. Two petitioner interviews were held on August 14, 2012, with participants from two groups, respectively: the founding group and with the governing board members.

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 effort to clarify various aspects of the petition, as well as to evaluate the capacity of the petitioners to successfully implement the program as set forth in the petition. One interview was with the founding leadership group and design team; another was with members of the Legacies of Excellence governing board.

Legacies of Excellence Charter School proposes to open in fall 2013 as a direct-funded charter school, operating at 8024 Rudsdale Street (between 80th and 81st, across from Acorn/Woodland). The school proposes to serve approximately 80 students in grade 6 in its first year (2013-14), expanding to grades 6-8 in its third year, for a total of 240 students. Features of the proposed program include:

- Standards-based curriculum
- Self-contained middle school classrooms
- Individualized learning plans
- Integration across the curriculum of agriculture, culinary arts and healthy living
- Responsive to Intervention with scheduled periods for academic support
- Behavioral supports, including Aggression Replacement Training
- Engagement of community organizations and public agencies

The charter petition evaluation that follows summarizes the consensus of the District reviewers with respect to the educational program and proposed school operations, as well as an articulation of strengths and foreseeable challenges, pursuant to the petition review process. Among the areas in which the petition failed to meet the established standard are:

- Research base for selected educational program
- Alignment of the program to the identified target population
- Plan for implementation of the program, as proposed
- Plan for meeting the charter school's obligations with respect to students with disabilities
- Basis for selection of pupil outcome targets for the identified student population
- Missing components of governance and operations plan
- Underdeveloped management and financial structure
- Absence of start-up budget
- Incorrect cash flow assumptions and understated expenses
- Inconsistencies among program description, budget narrative and budgets

In addition, the proposal of the school to occupy the premises at 8024 Rudsdale Street raises serious conflict of interest and funding issues that the petitioners have failed to resolve. As clarified during the interviews, the building was constructed and owned by the Legacies lead petitioner (who is also listed as a board member in the petition's text), and will be leased to the school (apparently through an intermediary organization) with the lead petitioner being responsible for finishing the construction and serving as a facilities manager. The arrangement appears to be in conflict with California Government Code Section 1090, provisions of the Fair Political Practices Act, and the Internal Revenue Code provisions governing 501(c)(3) non-profit corporations. (The situation is similar to that described in the recent FCMAT extraordinary audit of American Indian Model Schools.) Violation of these statutes would threaten the school's eligibility for federal and state funding. The petition lacks a clear description of the legal relationships among the various parties and fails to address relevant law and policy.

RECOMMENDATION

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

- (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.*

Oakland Unified School District Charter Petition Evaluation

School Name: Legacies of Excellence Charter School

Submission Date: June 13, 2012

Public Hearing Date: June 27, 2012

Lead Petitioner/s: Robert Coleman

Petitioner Interview Date: August 14, 2012

Governing Board: Francise Olivia Shakir, Gary L. Bell, Arthur J. Hatchett, Robert L. Newell, Norma Francisco, Mark Alexander, Hayward Dourressea

Governing Board Interview Date: August 14, 2012

Decision Date: August 22, 2012

Proposed location of school	8024 Rudsdale Street (between 80 th and 81 st Avenue, across from ACORN/Woodland)
Composition of petitioner group	Petitioning group represents a core group of dedicated individuals with extensive backgrounds supporting underserved students in Oakland. Members of the petitioning group and Board of Directors have been added since the group's previous petition. Current petitioning team members are listed as: Robert Coleman, Nabeehah Shakir, Jason Newell, Lynn Martindale, Alison Wohlgemouth, David Roach, Andrea Lee, Fred Clay, and Joe Coats
Grade levels to be served in year 1	6th
Anticipated enrollment in year 1	80
Grade levels to be served at full-capacity	6th through 8th
Anticipated enrollment at full capacity	240 (some text references are to a total of 300)
Target student population	"LEGACIES shall actively recruit and focus its educational program on those students who have experienced trauma or neglect; are part of the foster care system; have been expelled or are at high risk of expulsion from their neighborhood public schools; who are chronically truant; or who are involved with or at risk of involvement with the juvenile justice system. We will also recruit students who have consistently struggled academically, have fallen behind, and could benefit from a school with additional resources for credit recovery."

Brief description of the kind of school to be chartered.

“Through a comprehensive and innovative approach to working with this population that includes standards-based lesson plans, agricultural science electives in the future, blended digital learning, and emotional and mental health services, LEGACIES will offer the support needed for these students to thrive. This support will include increased access to mental health counseling, a social and emotional skills curriculum, as well as a mental health therapist on site regularly.” (Pg. 7)

Brief explanation of the mission of proposed charter school.

“LEGACIES of Excellence Charter School is dedicated to providing a California standards-based curriculum in a safe environment that focuses on academics and success. It is specifically designed to prepare underserved populations of grades 6-8 students for high school, providing for their social, emotional, mental health needs, and the opportunity to recover from any academic deficiencies as well as to then continue to accelerate their learning. Sustainable agricultural science and technology coupled with healthy living will be incorporated during the school day and eventually be the focus of the elective courses.” (Pg. 7)

Planning to work with a charter management organization (CMO)

Yes No

Signature Verification:

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

The proposed charter shall be attached to the petition.

		Y	N	PG #
<input type="checkbox"/>	Parents / Guardians			
	o # aligned with proposed opening enrollment			N/A
	o Prominent statement			N/A
<input checked="" type="checkbox"/>	Teachers			
	o # aligned with proposed opening enrollment	X		Attachment
	o Prominent statement	X		Attachment

STATEMENT OF ASSURANCES

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

13. Will operate in compliance with generally accepted government accounting principles.	X	Appendix B
14. Will maintain separate accountings of all funds received and disbursed by the school.	X	Appendix B
15. Will participate in the California State Teachers' Retirement System as applicable.	X	Appendix B
16. Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health and safety within the building(s) and on school property.	X	Appendix B
17. Will at all times maintain all necessary and appropriate insurance coverage.	X	Appendix B
18. Will submit to the OUSD Office of Charter Schools the names, mailing addresses, and employment and educational histories of proposed new members of the Governing Board prior to their service.	X	Appendix B
19. Will, in the event the Governing Board intends to procure substantially all educational services for the charter school through a contract with another person or entity, provide for approval of such contract by the Board of Education in advance of the beginning of the contract period.	X	Appendix B
20. 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	Appendix B
21. Will provide to the Office of Charter Schools a school code of conduct, Governing Board bylaws, an enrollment policy, and an approved certificate of building occupancy for each facility in use by the school, according to the schedule set by the Office of Charter Schools but in any event prior to the opening of the school.	X	Appendix B

EVALUATION:

The Legacies of Excellence charter petition contains all legally mandated assurances.

Oakland Unified School District

Charter Petition Evaluation

Criteria Reference

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

I. EDUCATIONAL PROGRAM

Statutory References:

E.C. § 47605(b)(1)

E.C. § 47605(b)(5)(A)-(C)

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

A. TARGET POPULATION

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

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

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

TARGET POPULATION

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

ANALYSIS: TARGET POPULATION

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Identifies and seeks to serve an under-served population with high needs in our community • Clear articulation of needs of the whole child • Recognition of need for alternative approaches and support services for the targeted students with challenging personal and academic histories 	Pgs. 8-9		

B. PHILOSOPHY AND APPROACH TO INSTRUCTION

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

1. **Rationale:** *Is the rationale compelling?*
 - A compelling rationale with a clear foundation in research-based educational practices, teaching methods and/or high standards for student learning;
2. **Mission Alignment:** *Do the philosophy and approach align with the mission and vision?*
 - Alignment with mission and vision; and
3. **Population Alignment:** *Does sound reasoning or evidence indicate that the target population is likely to benefit?*
 - Persuasive explanation of why the philosophy and approach are appropriate for and likely to result in improved educational performance for the target population, including any available performance data from use of the same educational philosophy and approach to instruction with similar populations.

1. Rationale: Is the rationale compelling?

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

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

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

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

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

ANALYSIS: EDUCATIONAL PHILOSOPHY AND APPROACH TO INSTRUCTION

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Mission Alignment</p> <ul style="list-style-type: none"> Philosophy and approach are tied to needs of target population, with agriculture described as a “hook” for student engagement; and behavioral supports intended to improve motivation, attendance and focus 	<p>Pgs. 7-8</p>	<p>Rationale</p> <ul style="list-style-type: none"> Appendix G with research not included with petition; referenced but not provided. <p>Population Alignment</p> <ul style="list-style-type: none"> Petition does not make strong case for using OUSD-selected textbooks and pacing guides with the target population. Design not based on data from schools with comparable populations or target sub-groups within other schools. No information on schools with similar approach to serving this population; no models referenced. Lacks breakdown of expected population by gender, ELL, race/ethnicity, or special needs (IEP). Persuasive case is not made for why the selected approach integrating agriculture through the curriculum will succeed with a population targeted because of previous lack of academic success in traditional programs. 	<p>Pg. 7</p> <p>Pg. 13</p> <p>Pgs. 7-8</p> <p>Pgs. 7-12</p> <p>Pgs. 7-8</p> <p>Pgs. 14-15</p>

C. CURRICULUM FRAMEWORK X Mark this box on behalf of the curriculum that has already been selected/developed:

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

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

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

ANALYSIS: CURRICULUM FRAMEWORK

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Alignment</p> <ul style="list-style-type: none"> • Curriculum selection aligned with goal of students being ready for high school – high expectations. • Master schedule is clear and complete; provides time for academic and behavioral intervention. <p>Evaluation</p> <ul style="list-style-type: none"> • Multiple formative and summative assessments to be used • Individualized learning plans based on frequent assessment 	<p>Pgs. 12-14, 22-27</p> <p>Pg. 21</p> <p>Pgs. 51-58</p> <p>Pg. 17</p>	<p>Implementation</p> <ul style="list-style-type: none"> • No implementation plan included; petitioners have a “skeleton” and a draft start-up budget but did not include these in the petition • Extensive professional development needed and identified for the program and the population, but implementation plan underdeveloped and resources not identified in budget • Culinary and visual/performing arts described but integration, scheduling and staffing not developed • College/career component unclear and underdeveloped 	<p>Interviews</p> <p>Pgs. 45-50; attachments following Pg. 86</p> <p>Pgs. 31-31</p> <p>Pg. 12</p>

D. SPECIAL POPULATIONS: SPECIAL EDUCATION

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

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

Inadequate	Approaches	Meets	Excels
<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 & Additional Questions</i>	Reference
		<ul style="list-style-type: none"> • Petition proposes to be a school within the District for purposes of special education, but contains no specific plan (staff, resources, etc.) to meet the school’s obligations for Child Find or implementation of IEPs in the classroom • Proposes use of a special class for students with the highest needs (“Class D”); apparent conflict with IDEA requirements for Least Restrictive Environment not addressed • Unclear how school’s individual learning plans will fit with IEPs • No staff development identified in petition on special education 	<p>Pgs. 37-40</p> <p>Pg. 22</p> <p>Pg. 17</p> <p>Pgs. 45-50</p>

E. SPECIAL POPULATIONS: ENGLISH LANGUAGE LEARNERS

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

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

ANALYSIS: ENGLISH LANGUAGE LEARNERS

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<ul style="list-style-type: none"> • Identifies specific supports for EL students • Time in the master schedule for EL support, including sheltered instruction • Acknowledges compliance responsibilities, including CELDT and redesignation 	Pgs. 34-37		

F. PUPIL OUTCOMES

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

- 1. Alignment:** *Do the objectives align with the mission and vision?*
 - Educational objectives aligned with the mission, vision and educational program;
- 2. Measurement:** *Are the goals clear, specific and measurable?*
 - Multiple performance measures applied to student learning objectives.
 - Measures include performance goals based on absolute (e.g., proficiency levels), relative (e.g., comparison schools) and individual gains (e.g., year-to-year matched student cohort gains);
 - Goals that are specific, measurable and 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

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"/>

EDUCATIONAL PROGRAM SUMMARY

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

EDUCATIONAL PROGRAM SUMMARY

Strengths

The petitioning group is clearly committed to serving a population of great need, and has brought together a team of community leaders with substantial experience with and knowledge of these students. The petition as submitted provides evidence of an innovative program design with some key elements likely to support the development of the target population. Additions to the petition since 2011 evidence additional development of the curriculum (agricultural and environmental science elements), as well as further development of pupil outcomes, assessment and professional development. As revised, educational program is more focused and meets the charter petition quality standard in many areas.

Concerns and Additional Questions

Despite additions to the petition made since the previous submission, the educational program does not contain reasonably comprehensive descriptions or meet the quality standard in some important areas, including alignment with needs of the target population, special education plan, and implementation planning (timing, resources, etc.). Overall, the program proposes an ambitious integration of standards-based core academics, behavioral health education, environmental science, an agricultural/culinary program, and culturally-relevant pedagogy for a target population with many challenges. The petition and interviews demonstrate that substantial planning and curricular development work remains to be done if better outcomes for these students are to be achieved.

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

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

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

ANALYSIS: GOVERNANCE CAPACITY

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Legal Structure</p> <ul style="list-style-type: none"> • Basic organizational documents provided <p>Charter School Governance Experience and Expertise</p> <ul style="list-style-type: none"> • Current board members have substantial experience in education and social services, as well as public school governance. 	<p>Appendix B</p> <p>Interviews; Pgs. 64-67</p>	<p>Operating Plan</p> <ul style="list-style-type: none"> • Governing board membership lists were inconsistent • Bylaws include provisions inconsistent with charter school requirements (such as Brown Act) • Officers required by bylaws not in place • Final 501(c)(3) letter not included • Petition did not provide evidence of policy adoption some areas, including: admission, fiscal management, risk management, records management, conflict of interest and open meeting laws • No provision for parent involvement directly in governance; references in appendices to School Site Council and Bilingual Advisory Committee are not specific to the program design or target population • Specific conflict of interest issues related to ownership, construction and management of the facility by lead petitioner are inadequately addressed in the petition; relevant laws are not discussed 	<p>Interviews; Pgs. 64-67 Appendix B</p> <p>Appendix B; Interviews Appendix B Appendix B; Interviews</p> <p>Appendix B; Interviews; Appendix F</p> <p>Pg. 82</p>

B. MANAGEMENT CAPACITY

A leadership plan excels if it has the following characteristics:

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

- A description of the means by which the school will seek to attain a racial and ethnic balance among its pupils that is reflective of the district including specific plans and strategies for student recruitment;
- A clear and compelling student recruitment plan likely to attract projected enrollment, particularly in Year 1;
- A specific plan for conducting a public random drawing or an assurance that such a drawing will be conducted subject to district approval in the event that the number of pupils who wish to attend the school exceed the capacity;
- An assurance that the school will not impose admission requirements OR, if the school proposes to have requirements, a precise description of those requirements, a compelling statement regarding why they are essential to fulfillment of the school's mission, and a specific plan for the school will incorporate the requirements into any random drawings.
- A clear description of the enrollment process to include any unique intake or application evaluation process to be used by the school designed to meet the needs of the target population outlined in the petition.

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

- The procedures that the school will follow to ensure the health and safety of pupils and staff;
- A clearly articulated discipline policy with suspension and expulsion procedures that are fully explained consistent with the school's mission, educational philosophy and applicable law;
- A statement regarding attendance alternatives for students residing in the district who choose not to attend the school;
- A statement that the school intends to use the district's approved procedure for resolving disputes relating to provisions of the charter OR, in the alternative, a clear description of the procedures that the school proposes to use;
- A description of the systems likely to be effective in addressing parent and community complaints; and
- An assurance that the school will comply with the district's approved procedures for school closure in the event that the charter is relinquished, revoked or not renewed.

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

- Clearly defined management roles and responsibilities for all positions within the administration of the school;
- A clear plan for recruitment, selection, development and evaluation of staff including the school leader;

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

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

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<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; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
Enrollment Procedures <ul style="list-style-type: none"> • Meets statutory requirements Operating Procedures <ul style="list-style-type: none"> • Family handbook with discipline procedures included in appendix • Safety plan included in appendix 	Pgs. 77-78 Appendix F Appendix F	Management Structure <ul style="list-style-type: none"> • No staff recruitment plan; process for selection of the principal not clear • Job descriptions for key non-instructional personnel in organization chart not included • No start-up budget or implementation plan included • No fiscal management policy provided 	Pgs. 70-73 Pgs. 70-73; Appendix B Pgs. following Pg. 86 Appendix B

C. EMPLOYMENT CAPACITY

An employment plan excels if it has the following characteristics:

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

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

Inadequate	Approaches	Meets	Excels
<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; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
Qualifications and Responsibilities <ul style="list-style-type: none"> • Instructional staff responsibilities and qualifications included 	Pgs. 70-73		
Compensation Plan <ul style="list-style-type: none"> • Compensation levels assumed in budget are within reasonable range 	Pgs. following 86		
Policies and Assurances <ul style="list-style-type: none"> • Assurances included; staff handbook provided 	Pg. 73; Appendices B and F		

D. FINANCIAL CAPACITY

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS: FINANCIAL CAPACITY

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Financial Operation</p> <ul style="list-style-type: none"> Board members have substantial knowledge and experience related to non-profit financial management Petition contains an audit assurance and plan with adequate budget allocation Petition contains, within the school closure procedures, a plan for dissolution of assets should the school close. 	<p>Interviews</p> <p>Pgs. 82-83</p> <p>Pgs. 83-84</p>	<p>Revenues</p> <ul style="list-style-type: none"> No revenue for planning year. Revenue projections include inaccurate cash flow projections that do not align with the actual distribution of funds in all areas. In lieu property tax payments, lottery and SB 740 facilities funding not correctly incorporated in revenue and cash flow. General purpose state funding and categorical block grant payment schedule incorrect. No revenue accrual in cash flow, inconsistent with current funding deferrals. Start-up grant amount overstated in cash flow projections. No documentation provided on bridge loan for planning and start-up. <p>Expenditures</p> <ul style="list-style-type: none"> Budget narrative is insufficiently detailed; does not explain assumptions in key areas, such as "other services". Staffing in budget does not match organization chart – 4 positions not budgeted. Special Education contribution to the district is low and not sufficiently aligned to the trending rates likely to be charged. 	<p>All financial reports found in pages following pg. 86 of petition</p> <p><i>(Budget narrative provided in electronic copy; not included in printed petition)</i> See also Appendix</p>

		<ul style="list-style-type: none">• Insurance expenses appear low; costs for administrative services, custodial and campus security do not appear to have been included; no proposed lease documentation confirms facilities-related costs.	B for org chart
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E. FACILITIES PLAN

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

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

Non-district facility ***District facility (Prop 39)***

Select One

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.

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

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

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

ANALYSIS: FACILITIES PLAN

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
		<ul style="list-style-type: none"> • The proposed facility has not received a certificate of occupancy. Unclear how completion fits into budget and implementation plan. • Facility's ability to meet the program needs for agriculture and culinary arts is not fully described (fields, status of completion/remaining work). • Petition fails to address concerns regarding the location of the facility near areas of gang conflict and across the street from public library and Acorn Woodland school. Petition includes no discussion of security features of the facility. • Conflict of interest related to lead petitioner/board member ownership (Coleman and Peterson) and operating role in facility (Coleman as Facilities Manager) not resolved. Identified intermediary corporation could not be verified. "Boilerplate" language on conflicts insufficient. • All facilities costs not identified (custodial, security, etc.). • Funding source for completion of building not identified. 	<p>Interviews; pgs. 81-82</p> <p>Pgs. 81-82</p> <p>Pgs. 81-82; pgs. 74-76</p> <p>Pg. 82; Interviews</p> <p>Pages following pg. 86 of petition</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"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

PETITIONER CAPACITY SUMMARY

Strengths

The petition and responses provided by both the proposed governing board and the founding group demonstrate a dedicated and highly capable petitioning group, with substantial knowledge of the community and its needs. The petitioning group is comprised of individuals who demonstrate a wide range of skills and experience necessary to effectively implement a charter school, including governance and financial management.

Criteria Not Sufficiently Addressed, Concerns & Additional Questions

The petition and the responses provided during the interviews currently demonstrate a lack of sufficient preparation and planning by the petitioning group and board to govern and operate the proposed charter school. A lack of understanding of fiscal realities and some legal compliance requirements was revealed by the petition and interviews. Errors and omissions in the development of the budgets and cash flow analysis make any conclusions regarding the financial feasibility of the proposed program unreliable. The conflict of interest issues related to leasing of a facility developed by one of the founding board members and lead petitioner must be resolved to avoid violation of state and federal law, and the resulting major impacts on the proposed school's viability.

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

Petition includes a strong description of the instructional program, including curriculum, schedule and interventions. Required assurances and commitments to legal compliance are included.

Criteria Not Sufficiently Addressed, Concerns & Additional Questions

As discussed in the evaluation of the educational program, the description lacks a reasonably comprehensive description of how the program meets the needs of the target population. It also lacks an implementation plan identifying resources needed to prepare for school start-up in fall 2013. The plan for meeting the school's special education obligations as a school within the District's SELPA is underdeveloped, which is of concern given the anticipated high percentage of students with special needs. In addition, the financial reports contain multiple errors and inconsistencies with the program description that undermine their reliability in demonstrating the viability of the proposed school. The description of facilities does not take into account the serious conflict of interest issue, which could have a significant impact on operations and finance.

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

Resolution No. 1213-0013

**DENYING CHARTER PETITION OF LEGACIES OF EXCELLENCE CHARTER SCHOOL
AND WRITTEN FINDINGS OF SUPPORT THEREOF**

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

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

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

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

WHEREAS, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in education Code Section 47605(b)(5)(A)-(Q), as well as the affirmations and other requirements set forth in Education Code Section 47605; and

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

WHEREAS, a governing board may deny a petition for a charter school if it makes written findings to support any of the following under Education Code Section 47605(b): (1) the charter school presents an unsound educational program for the pupils to be enrolled in the charter school; (2) the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; (3) the petition does not

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

WHEREAS, on or about June 13, 2012 the District received a petition for a charter for Legacies of Excellence Charter School ("Petition"), a public charter school serving grades 6-8 with a proposed enrollment of 80 students in grade 6 in its initial year of operation (2013-2014); and

WHEREAS, on or about June 27, 2011, 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), Legacies of Excellence Charter School 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 all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q). The specific findings supporting the decision are enumerated in the Charter Petition Evaluation prepared by the District staff, with some key findings summarized below:

1. The Petition's educational program does not include research and reasoning supporting the design of the educational program as specifically adapted to the needs of the target population of high-need youth.
2. The Petition lacks an implementation plan describing responsibilities, resources and timeline for completion of the many tasks associated with school start-up.
3. The Petition lacks a clear plan for meeting the charter school's obligations to serve students eligible for special education.
4. The Petition's proposed governance structure is under-developed, with some documentation missing, board membership unclear, and bylaws not aligned to charter school requirements.
5. The Petition demonstrates an incomplete understanding of fiscal realities, particularly with respect to cash flow, and the budget is not fully aligned with the description of the educational program and operations.
6. The Petition's plan for facilities is to lease a building that was owned and developed by the lead petitioner, who will serve as a facility manager. The plan

raises serious conflict of interest issues and, in the absence of detailed explanation and supporting documentation, appears to violate state and federal law thereby putting the school's funding and non-profit status at risk.

7. The Petition lacks sufficient information in key areas, including description of the target population, special education plan, financial resources and facility acquisition. It requires further elaboration, clarity, specificity, and detail in order to be considered reasonably comprehensive and in order to demonstrate a proposal that is educationally sound and likely to be implemented successfully.

THE BOARD HEREBY FINDS that Legacies of Excellence Charter School 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; and
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 all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q).

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

PASSED AND ADOPTED on August 22, 2011, by the Governing Board of the Oakland Unified School District by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENCES:

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