



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the State Administrator


1025 Second Avenue, Room 301

Oakland, CA 94606

Phone (510) 879-8200

Fax (510) 879-8800

TO: Vincent Matthews, State Administrator
& Members of the OUSD Board of Education

FROM:  Dr. Roberta Mayor, Superintendent
Kirsten Vital, Chief of Community Accountability
David Montes de Oca, Coordinator; Office of Charter Schools

DATE: July 8, 2008

RE: Berkley Maynard Academy
Charter Material Revision Request

LEGISLATIVE FILE

File ID No. 08-1276

Introduction Date 5/28/08

Enactment No. 08-1146

Enactment Date 07/08/08

By 

ACTION REQUESTED:

Approve the charter material revision request to expand the grade configuration of the existing Berkley Maynard Academy charter from serving students in grades K-5 to serving students up to and including grade 8. The approved charter is amended from the filed petition to incorporate the included revisions, conditions and deadlines below.

SUMMARY

Staff recommends that the State Administrator/Board of Education **approve** the **material revision request** for Berkley Maynard Academy, **as revised**, under the California Charter Schools Act. The material revision request presents a sound educational program; the petitioners are demonstrably likely to successfully implement the materially revised program set forth in the material revision request; the petition contains the required signatures and affirmations; and the material revision request contains reasonably comprehensive descriptions of all of the 16 elements required by the California Charter Schools Act. Staff recommends approval based on factual findings, specific to this particular material revision request, detailed in this report.

PROCEDURAL BACKGROUND

- 1) OUSD approved the Berkley Maynard Academy charter, operated by Aspire Public Schools on March 29, 2005 to serve students in grades K-5.

- 3) Staff evaluated the material revision request based on the California Charter Schools Act and the application of the OUSD Petition Evaluation Rubric.
- 4) Staff conducted an interview with representative leadership from Berkley Maynard Academy and Aspire Public Schools on June 17, 2008.
- 5) A public hearing was held on June 25, 2008.

STATUTORY BACKGROUND

California Charter law outlines the criteria governing the approval or denial of charter material revision requests. The following excerpt is taken from the California Charter Schools Act, California Education Code §47607.

(a)(2) Renewals and *material revisions of charters shall be governed by the standards and criteria in Section 47605*, and shall include, but not be limited to a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

The following excerpt is taken from the California Charter Schools Act, California Education Code §47605. This excerpt delineates charter material revision approval and denial criteria:

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.*

The following evidence, specific to this particular petition, supports this recommendation for **approval**.

MATERIAL REVISION IMPACT:

*** Staff notes that the relative impact of the Berkley Maynard Academy charter material revision request will be limited.**

- Aspire currently operates an approved K-5 charter for Berkley Maynard Academy, which opened in 2005.
- Aspire currently operates an approved 6-12 charter for its California College Preparatory Academy (Cal-Prep) school, which opened in 2005.
- Berkley Maynard Academy and Cal Prep are co-located and operate in the district's Golden Gate Elementary facility.
- Beginning in the 2008-09 school year, Aspire intends to relocate its Cal-Prep program to within the attendance boundaries of Berkeley, CA through a County-benefit charter under review by ACOE.
- If approved by ACOE; and if the District approves the material revision request for Berkeley Maynard Academy charter; Aspire intends to submit a letter of closure for its Cal-Prep charter operating in Oakland.
- **The sum total enrollment of students served between the two Aspire charter schools; Berkley Maynard Academy and Cal-Prep, would reduce by 224 from the currently approved 744 students in grades K-12 to 520 students in grades K-8 at Berkley Maynard Academy only.**
- The Golden Gate facility is sufficient to house the expanded K-8 program proposed by Berkley Maynard Academy, once the Cal-Prep program transitions to its newly acquired facility in Berkeley, CA beginning 2008-09.
- If the material revision request for Berkley Maynard Academy is not approved by the district, students currently served by the Cal-Prep charter in grades 6-8 would continue to be served under that charter at the Golden Gate campus.

Aspire Public Schools - Proposed scenario June 2008

School	Charter Authorizer	Facility	Grades served					
			07-08	08-09	08-09	09-10	10-11	11-12
BMA	OUSD	GG	K-5	K-6	K-7	K-8	K-8	K-8
Cal Prep	ACOE	SJW	6-9	7-10	8-11	9-11	9-12	9-12

ORIGINAL APPROVED ENROLLMENT			07-08	08-09	08-09	09-10	10-11	11-12
Berkley Maynard	K		54	60	60	60	60	60
	1		60	60	60	60	60	60
	2		60	60	60	60	60	60
	3		40	60	60	60	60	60
	4		52	56	56	56	56	56
	5		56	56	56	56	56	56
Cal Prep	6		57	56	56	56	56	56
	7		57	57	56	56	56	56
	8		57	56	56	56	56	56
	9		27	56	56	56	56	56
	10		-	25	56	56	56	56
	11		-	-	25	56	56	56
	12		-	-	-	25	56	56
TOTAL			520	602	657	713	744	744

MATERIALLY REVISED ENROLLMENT			07-08	08-09	08-09	09-10	10-11	11-12
Berkeley Maynard	K		54	60	60	60	60	60
	1		60	60	60	60	60	60
	2		60	60	60	60	60	60
	3		40	60	60	60	60	60
	4		52	56	56	56	56	56
	5		56	56	56	56	56	56
	6			56	56	56	56	56
	7			-	56	56	56	56
	8			-	-	56	56	56
	9			-	-	-	-	-
	10			-	-	-	-	-
	11			-	-	-	-	-
12			-	-	-	-	-	
TOTAL			352	408	464	520	520	520

Cal Prep 07-08 Enrollment: 190 (37% Oakland residents: 70 students)

The material revision request presents a sound educational program, based on an analysis of the request pursuant to *Education Code §47605 (b)(1) above*; supported by the following evidence:

EVIDENCE

Education Code §47605(b)(5)(A)(i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate.

Target Population	Evidence	Page Number
	<p>The petition provides a description of the target population:</p> <ol style="list-style-type: none"> 1) students who are underachieving in core academic subjects and whose performance does not match their potential; 2) students whose academic or second language learning needs necessitate a small school environment with personalized attention; 3) students whose academic or second language learning needs are not being met in a traditional school environment; and 4) students whose diversity represents the community. <p>Petition includes program elements consistent with the needs of early adolescents, as the school expands to serve grades up to and including 8.</p>	6

Education Code §47605(b)(5)(A)(i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

Analysis of the petition with respect to the material revision of the educational program presents the following sound educational program elements:

Educational Program	Evidence	Page Number
	<ol style="list-style-type: none"> 1) Revision removes reference to the use of multi-age instruction; instead providing instruction in grade level configurations; which the school has deemed to be more effective in providing an effective differentiated instruction model. 2) The school has determined that meeting CA state standards occurs more effectively in a grade-level configuration model. 3) Revision includes the use of Guided and Independent Practice as an instructional strategy aligned with the increased independence of early adolescents. 4) Revision includes additional description of supports for English Language Learners including; identification, diagnosis, parent notification, staff training, program monitoring and evaluation, and testing requirements. 5) Revision includes Appendix of Charter mapping ELD Standards with Aspire Instructional Guidelines. 	5-19

	<p>6) Revision includes detailed description of the means by which the school will ensure that students with disabilities are supported to achieve; including Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (“ADA”) and the Individuals with Disabilities in Education Improvement Act (“IDEIA”). * See Comments</p> <p>7) Revision includes description of instructional materials consistent with early adolescence and the middle grades including; WriteSource for 6-8, novels and other literature, College Preparatory Math (CPM) curriculum for 6-8, FOSS and Harcourt/Holt, Reinhart and Winston for science, and History Alive/ TCI materials for social studies.</p> <p>8) Revision includes the implementation of the AVID program to support life skills, study skills and college preparation.</p> <p>9) Revision includes the use of resources on MyAspire – Aspire’s Intranet.</p> <p>Comments</p> <ul style="list-style-type: none"> ▪ Current petition proposes categorization as a member of the Aspire LEA in the El Dorado County Office of Education SELPA. This is still under negotiation and is stricken from the proposed revised charter petition until finalized and approved by the OUSD SELPA director. 	
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Education Code §47605(b)(5)(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.

Pupil Progress	Evidence	Page Number
	<p>1) Revision includes Developmental Reading Assessment encouraged through grades 6-8.</p> <p>2) Revision includes use of the Aspire Reading Benchmark Assessment, based on the CST and used by teachers to provide focus areas for individuals and groups.</p> <p>3) Revision includes use of the Aspire Mathematics Benchmark Assessment, which includes administration of a problem solving assessment.</p> <p>4) Revision includes assurances regarding all state-mandated testing and strengthens language regarding Assessment Modifications and Accommodations.</p>	20-23

The petitioner is demonstrably likely to successfully implement the revised program set forth in the material revision request, based on an analysis of the request and research on the school and its management organization pursuant to *Education Code §47605 (b)(2) above*; supported by the following evidence:

EVIDENCE

Petitioner Capacity	Findings
	<ol style="list-style-type: none"> 1) Aspire Public Schools, founded by Don Shalvey, launched its first two schools in fall, 1999 in California's Central Valley. 2) In 2003 Aspire's first two schools ranked a 9 and 10 on the state Academic Performance Index. 3) A 2008 Bridgespan Group report stated that in 2003 "more than 90 percent of Aspire parents rated their children's school an 'A' or 'B', and 97 percent of teachers expressed satisfaction in their job." 4) In 2005 all fourteen Aspire schools exceeded their state target on the California state testing program, with an average increase of 50 points. 5) A 2006 report by the Bill & Melinda Gates Foundation states that "<i>Aspire's first campus, University Public School, was in the top three percent of all California schools in three-year growth on the state's Academic Performance Index.</i>" 6) Two of Aspire's schools, University Public School and University Charter School received the California Distinguished School award in their first year of eligibility. 7) In 2006 all eighteen Aspire schools exceeded their state target on the California state testing program, with an average increase of 45 points. 8) In 2007, Aspire's Summit Charter Academy, operating as a K-8 school achieved an API of 822. 9) In 2007, Aspire's Capitol Heights Academy, operating as a K-8 school achieved an API of 757. 10) In 2007 Aspire schools improved by an average of 30 points on the state's Academic Performance Index. 11) In 2007 seven Aspire schools have exceeded the state's performance target of 800; University Charter School in Modesto crossing 900. 12) Based on a 2007 report by Fast Company a web-based business, through June, 2007, 99 percent of Aspire graduates earned admission to one or more four year universities. 13) In 2008, Aspire school in Oakland, Monarch Academy, received the California Distinguished School award.

Oakland: Aspire Public Schools

School	2007 API	2007 ELA Growth	2007 Math Growth	2007 AYP Met?
Monarch Academy K-5	795 (+85)	16.8% increase	22% increase	YES
Berkely Maynard K-5	730 (+87)	18.8% increase	21.8% increase	YES
California College Prep 6-12	725 (+77)	11.6% increase	22.9% increase	YES
Millsmont Academy K-12	687 (+41)	7.8% increase	4.2% increase	YES
Lionel Wilson Prep 6-12	667 (+11)	3.4% increase	-11.7% decrease	YES

The chart above reflects the performance of Aspire Public Schools in Oakland for 2007. All schools made AYP. All schools improved ELA performance with an increase as high as 18.8%. Four out of five schools improved in math performance with an increase as high as 22.9%.

Education Code §47605(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including but not limited to, the facilities to be utilized by the school...The description of the facilities to be used by the school shall specify where the school intends to locate.

Facilities Plan	Findings	Page Number
	1) Berkely Maynard Academy is currently housed at 6200 San Pablo Ave (Golden Gate Elementary campus). This facility is sufficient to accommodate the school's proposed K-8 configuration in its entirety.	

The material revision request contains reasonably comprehensive descriptions of the 16 required charter elements, based on an analysis of the petition pursuant to *Education Code §47605 (b)(5) above*; supported by the following evidence:

EVIDENCE

Education Code §47605(b)(5)(A)(i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

<u>Element A</u> Educational Program	Rating Meets	<ol style="list-style-type: none"> 1) The petition contains a persuasive explanation of why the educational philosophy and approach are appropriate for and likely to result in improved educational performance for the target population. 2) The petition outlines a curriculum framework that is aligned with the mission, state standards and student needs; <i>improved from originally approved charter.</i> 3) The petition includes references to strategies for evaluating the effectiveness of implementation of the curriculum, and responses when student performance falls short of goals. 4) The petition details an understanding of state and federal special education requirements; <i>improved from originally approved charter.</i> 5) Pursuant to the petition, the school proposes a plan to address the needs of ELL students; <i>improved from originally approved charter.</i>
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Education Code §47605(b)(5)(B) The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.

<u>Element B</u> Measurable Pupil Outcomes	Rating Meets	<ol style="list-style-type: none"> 1) The educational objectives presented in the petition are aligned with the mission and educational program of the school. 2) The petition proposes multiple performance measures for each academic subject to be applied to student learning objectives. 3) The measurable pupil outcomes described in the petition are specific, measurable, and timebound. <p>NOT REVISED</p>
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Education Code §47605(b)(5)(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.

<u>Element C</u> Methods of Assessment	Rating Meets	<ol style="list-style-type: none"> 1) The petition identifies a range of formative and summative assessments, including state-mandated assessments; <i>improved from originally approved charter.</i> 2) Pursuant to the petition, student assessment and performance data will be used to evaluate and inform instruction on an ongoing basis.
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Education Code §47605(b)(5)(D): The governance structure of the school, including but not limited to, the process to be followed by the school to ensure parental involvement.

Element D Governance	Rating Meets	<ol style="list-style-type: none"> 1) The petition contains a governance plan that contains the appropriate legal structure, and that complies with legal obligations and incorporates sound governance and operating practices. 2) The petition proposes a governing board that will contribute the necessary range of knowledge and skills necessary to operate and oversee an effective charter school. 3) The petition outlines procedures to ensure parent involvement, including the creation of an Advisory School Council comprised of parents, community, and school representatives, who will participate in developing school policies, make recommendations, and assist with community engagement. <p>NOT REVISED</p>
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Education Code §47605(b)(5)(E): The qualifications to be met by individuals to be employed by the school.

Element E Employee Qualifications	Rating Meets	<ol style="list-style-type: none"> 1) The petition contains a description of the qualifications for and responsibilities of the principal, teachers, and office manager. 2) Professional development and staff evaluation plans are detailed in the petition. <p>NOT REVISED</p>
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Education Code §47605(b)(5)(F): The procedures that the school will follow to ensure the health and safety of pupils and staff... .

Element F Health & Safety	Rating Meets	<ol style="list-style-type: none"> 1) The petition contains descriptions of the health and safety policies and procedures to be used at the school, such as background checks, mandated reporting, health screenings, facility safety, anti-harassment procedures, and the school safety plan; improved from originally approved charter.
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Education Code §47605(b)(5)(G): The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

Element G Racial & Ethnic Balance	Rating Meets	<ol style="list-style-type: none"> 1) The petition describes the process by which it will achieve a racial and ethnic balance, including establishing an enrollment timeline that enables a broad recruiting and application process, creating and distributing enrollment information in multiple languages, meeting with community organizations, hosting open houses and tours for interested parents, and varying forms of print advertising, <p>NOT REVISED</p>
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Education Code §47605(b)(5)(H) Admission requirements, if applicable.

Element H Admission requirements	Rating	Not Applicable
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Education Code §47605(b)(5)(I): The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

Element I Financial Audits	Rating Meets	<ol style="list-style-type: none"> 1) Pursuant to the petition, the school will conduct an annual independent fiscal audit according to the Charter Schools Act. The Chief Operating Officer of Aspire will select an independent auditor and the Chief Financial Officer will be responsible for overseeing the independent audit. 2) The petition outlines the process by which Aspire will submit a report of audit exceptions or deficiencies to the District, and commits to resolve all exceptions and deficiencies to the satisfaction of the District. <p>NOT REVISED</p>
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Education Code §47605(b)(5)(J): The procedures by which pupils can be suspended or expelled.

Element J Suspension Expulsion	Rating Meets	<ol style="list-style-type: none"> 1) The petition includes a description of the suspension and expulsion procedures to be followed, which comply with CA Education Code; <i>improved from originally approved charter.</i> 2) The petition states that the school will notify the District of any expulsions and will account for suspended or expelled students in its average daily attendance accounting.
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Education Code §47605(b)(5)(K): The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

Element K Employee Retirement	Rating Meets	<ol style="list-style-type: none"> 1) Pursuant to the petition, all employees qualifying for membership in STRS or PERS will be covered under the appropriate system. The petition states that the Aspire Home Office will work with the Alameda County Office of Education to ensure arrangements are made. 2) The petition details the right of all Aspire employees to contribute to an optional 403(b). <p>NOT REVISED</p>
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Education Code §47605(b)(5)(L): The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

Element L Attendance Alternatives	Rating Meets	<ol style="list-style-type: none"> 1) The petition outlines the rights of student to attend other charter or district schools, pursuant to existing enrollment and transfer policies of the District or county of residence. <p>NOT REVISED</p>
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Education Code §47605(b)(5)(M): A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

Element M Employee Return	Rating Meets	<ol style="list-style-type: none"> 1) The petition contains a description of employee return rights, and states that district employees will not be precluded from leaving either the district or the charter school. The petition states that District policies, procedures, or
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Rights		collective bargaining agreements under Education Code 47604 will apply. NOT REVISED
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Education Code §47605(b)(5)(N): The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

Element N Dispute Resolution	Rating Meets	1) The petition proposes a dispute resolution process to be used. For matters unable to be solved by the District Superintendent and the Chief Executive Officer of Aspire will be referred to a mutually agreed-upon mediator. NOT REVISED
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Education Code §47605(b)(5)(O): A declaration 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 (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

Element O Exclusive Employer	Rating Meets	1) The petition declares that Aspire Public Schools is deemed the exclusive public school employer of the employees of the school. NOT REVISED
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Education Code §47605(b)(5)(P): A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

Element P School Closure	Rating Meets	1) The petition outlines the procedures to be followed in case of closure. Among the procedures to be followed are those for documentation of official closure action, notification to parents and students, notification to receiving districts, student and school records retention and transfer, financial close-out, and dissolution of assets; <i>improved from originally approved charter.</i>
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Sixteen Elements Table

Element	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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(C)
Governance structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(D)
Means for achieving racial and ethnic balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(H)
Procedures for ensuring health & safety of students	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(F)
Suspension and expulsion procedures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(J)
Attendance alternatives for pupils residing within the district who choose not to attend the charter school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(L)
Dispute resolution procedure for school-authorizer issues related to the charter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(N)
Procedures for school closure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(P)
Qualifications to be met by individuals employed at the school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(E)
Manner for covering staff members through the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(K)
Employee rights of return, if any	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(M)
Statement regarding exclusive employer status of the school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(O)
Manner for conducting annual, independent audits and for resolving exceptions or deficiencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(I)

Petition Signatures

Pursuant to CA Education Code Section 47605(a)(1)(B), the material revision request contains the signatures by a number of teachers that is equivalent to at least one-half the number of teachers that the charter school estimates will be employed at the school during its first year of operation under the revised charter.

Required Affirmations

Pursuant to CA Education Code Section 47605(b)(4) the material revision request contains an affirmation of each of required conditions contained in CA Education Code Section 47605(d)(1).

RECOMMENDATION

Staff recommends that the Oakland Unified School District's State Administrator/Board of Education **approve the material revision request** for Berkley Maynard Academy under the California Charter Schools Act. The factual findings illustrated in this report demonstrate that the petition satisfies the five legally required categories of *Education Code § 47605*:

- (1) *The charter school presents a sound educational program for the pupils to be enrolled in the charter school;*
- (2) *The petitioners are demonstrably likely to successfully implement the program set forth in the petition;*
- (3) *The petition contains the number of signatures required;*
- (4) *The petition contains an affirmation of each of the conditions described in Education Code §47605(d);*
- (5) *The petition contains reasonably comprehensive descriptions of the [16 required charter elements.]*

This approval is for the charter program and operation in its entirety as proposed and revised herein. Any subsequent material revision of the provision of this charter may be made only with the approval of the District as charter authorizer (*Education Code §47607(a)(1)*). Any material revision to any charter component must be proposed and considered according to the standards and criteria in Education Code §47605 (*Education Code §47607(a)(2)*).

The term of this charter will remain from March 29, 2005, through June 30, 2010. The District will not accept a charter renewal request more than 270 days prior to the expiration of the charter.

A charter may be revoked by the authority that granted the charter if the authority finds that the charter school committed a material violation of any of the conditions, standards, or procedures set forth in its charter (*Education Code §47607(c)(1)*).

Attachment I: Charter Text Revisions
Attachment II: Conditions on Opening

ATTACHMENT I - CHARTER TEXT REVISIONS: The approved charter is amended from the filed petition to incorporate the revisions below. The charter school must submit to the District's Office of Charter Schools one hard copy and one electronic copy in *Word* format of a **Track Changes** version of the revised charter, as well as a **Final Text** version of the revised petition to include all revisions outlined below no later than **5pm on Friday, August 1, 2008**.

Charter Text	Text Reference	Required Revision
In accordance with California Charter School Law, Aspire petitions the Oakland Unified School District (hereafter referred to as "District") for a K-8 charter for the Aspire Berkley Maynard Academy (hereafter referred to as "School") from February 9, 2005 until February 8, 2010.	4	As revised; <i>"In accordance with California Charter School Law, Aspire petitions the Oakland Unified School District (hereafter referred to as "District") for a K-8 charter for the Aspire Berkley Maynard Academy (hereafter referred to as "School") from February 9, 2005 until February 8 June 30, 2010."</i>
Upon its opening in the 2008-2009 academic year, the School shall be categorized as a member of the Aspire local education agency ("LEA") in conformity with Education Code Section 47641(a). The Aspire LEA is a member of the El Dorado County Office of Education ("EDCOE") Special Education Local Plan Area ("SELPA").	12	Strike text.
Aspire Public Schools is a LEA member of the EDCOE SELPA. Beginning in the 2008-2009 academic year, subject to agreement by OUSD, the School shall participate as a member of the Aspire Public Schools LEA in the EDCOE SELPA in accordance with Education Code section 47641(a).	14	Strike text
In addition, the School shall comply with the EDCOE Local Master Plan and perform all corrective actions deemed necessary by Aspire Public Schools and/or the EDCOE SELPA.	15	Strike Text
The Director of Special Education, the Program Specialist and other team members will work with the EDCOE leadership to provide monthly professional development that builds the capacity of the special education staff in the areas of promising instructional practices, compliance with state and federal statutes, reporting requirements and use of instructional data.	15	As revised; <i>"The Director of Special Education, the Program Specialist and other team members will work with the EDCOE OUSD leadership to provide monthly regular professional development that builds the capacity of the special education staff in the areas of promising instructional practices, compliance with state and federal statutes, reporting requirements and use of instructional data."</i>

<p>Since Aspire Public Schools will operate as an LEA of the EDCOE SELPA in accordance with Education Code section 47641(a), the District shall have no responsibility to ensure that the students who attend Aspire Public Schools are provided a free appropriate public education.</p>	<p>15</p>	<p>Strike text</p>
<p>Currently, Aspire uses the Harcourt Brace mathematics program for K-5 and the College Preparatory Mathematics (CPM) curriculum for 6-12.</p>	<p>17</p>	<p>As revised; <i>“Currently, Aspire uses the Harcourt Brace mathematics program for K-5 and the College Preparatory Mathematics (CPM) curriculum for 6-12.”</i></p>
<p>Students will assessed through state and nationally recognized tests (e.g. California High School Exit Exam, California Subject Matter Tests, SAT tests),...</p>	<p>19</p>	<p>As revised; <i>“Students will assessed through state and nationally recognized tests (e.g. California High School Exit Exam, California Subject Matter Tests, SAT tests),...”</i></p>

ATTACHMENT II - CONDITIONS ON OPENING: The vast majority of these items are intended to be “one time” submissions for new and materially revised schools. Only those items marked with an asterisk (*) are intended to be updated annually. **Please pay careful attention to the due date for all conditions on opening.** All items listed are to either be emailed on or before the due date to paige.hirsch@ousd.k12.ca.us and cc'd to vilma.bermudez@ousd.k12.ca.us or hand-delivered to the OUSD Office of Charter Schools at 1025 2nd Ave Room 206, Oakland, CA 94605. *Hand-delivered items must receive a receipt from the Office of Charter Schools to ensure verification of timely submission.*

Charter Revision		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit to the District’s Office of Charter Schools one hard copy and one electronic copy in <i>Word</i> format of a revised charter to include all revisions outlined in the charter material revision approval.
Enrollment		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit list of enrolled students--including name, DOB, prior school, home language, Oakland residency or not, and CSIS number (list to be updated September 15, 2008 and annually) using Excel template provided by the Office of Charter Schools.*
Student Handbook		
	<input type="checkbox"/>	Submit Student and Family Handbook.* (Prepare student/family handbook and registration materials--to include the enrollment schedule, school calendar, all policies and procedures pertaining to health and safety, homework, attendance, discipline, suspension and expulsions--in all languages as distributed.)
Instructional Staff		
Friday, August 1, 2008.	<input type="checkbox"/>	Submit a list of teachers hired--including name, DOB, assignments, subject matter certification and credential evidence, qualification to teach ELL students, evidence of current clear tuberculosis test, date of fingerprinting, date of background review.*