



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the Superintendent

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TO: Vincent Matthews, State Administrator
Board of Education

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

DATE: August 27, 2008

RE: Legacy of Genius College Preparatory Academy
Charter Petition Request

Legislative File

File ID No.: 08-1417
Introduction Date: 08/27/2008
Enactment No.: _____
Enactment Date: _____
By: _____

**ISSUE MOOT; PETITIONERS
WITHDREW PETITION AS OF
8/26/08.**

ACTION REQUESTED:

Deny the petition and charter to establish the Legacy of Genius College Preparatory Academy. The petition presents an unsound educational program; the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; the petition does not contain reasonably comprehensive descriptions of all of the 16 elements required by the California Charter Schools Act; and the petition submission does not include the required signature pursuant to *Education Code §47605(d)*.

SUMMARY

Staff recommends that the State Administrator **deny** the petition for Legacy of Genius College Preparatory Academy under the California Charter Schools Act. Staff recommends denial based on factual findings, specific to this particular petition, detailed in this report.

PROCEDURAL BACKGROUND

- 1) The lead petitioners submitted the Legacy of Genius College Preparatory Academy petition on June 11, 2008 at a regularly scheduled Board of Education Meeting.
- 2) Staff held an introductory meeting with the lead petitioners, Terence Candell, et.al., on June 20, 2008 to explain the petition review process and obtain contact information.
- 3) A public hearing was held on July 8, 2008. Representatives from the lead petitioning group presented.
- 4) Staff conducted a petitioner interview on August 5, 2008.

STATUTORY BACKGROUND

California Charter law outlines the criteria governing the approval or denial of charter school petitions. The following excerpt is taken from the California Charter Schools Act, California 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 to evaluate the petition based on the California Charter Schools Act and the application of the OUSD Petition Evaluation Rubric. The team was composed of the following members:

- 1) *(Facilitator)* **D. Montes de Oca**; Coordinator, Office of Charter Schools
- 2) **F. Brill**; Network Officer, Middle School Network I
- 3) **M. Clark**; Director, Development
- 4) **J. Klein**; Special Assistant; State Administrator
- 5) **P. Abramson Hirsch**; Compliance Specialist, Office of Charter Schools
- 6) **I. Roberson**; Coordinator, Tiered Support and Intervention

Following the petition review team process, staff conducted a petitioner interview on August 5, 2008, in an attempt to clarify various aspects of the petition, as well as evaluate the capacity of the petitioners to successfully implement their program as set forth in the petition.

The following factual findings, specific to this particular petition, contribute to the recommendation of **denial**.

This list of findings is NOT EXHAUSTIVE, but represents key findings in support of the staff recommendation.

Education Code §47605 (b)(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

FINDINGS OF FACT

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. [...]

Analysis of the petition with respect to the target population presents the following *unsound educational program* elements:

1) The lead petitioner stated during an introductory meeting on June 20, 2008: “We want to serve foster children and [district board member] told us that ‘we have 200 we could give you right now’.” The Letter of Intent form, completed by the petitioners indicated the intent to serve “foster children”.

Target Population	Findings
	1) The stated population identified in the petition is not consistent with statements made by the lead petitioners. The petition does not contain any references to a targeted population of foster children; or as stated during the public hearing and interview - recently adjudicated youth or students that have dropped out of school. 2) The petition fails to describe how the unique needs of the proposed target population will be met through the academic program, including the “catch up” and acceleration of student achievement required. 3) Petition lacks an articulated plan to ensure sufficient enrollment will be achieved, and lacks an articulated contingency if under-enrollment occurs, particularly given the short timeline prior to the proposed opening. 4) Description of student outcomes within the petition is not specifically aligned with the needs of the stated target population and not sufficient to adequately improve or accelerate achievement. 5) The petition fails to make a connection between the proposed curriculum and the academic, social, and emotional needs of the target population.

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 education, 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 educational program presents the following *unsound educational program* elements:

Educational Program	Findings	Page Number
	1) Program does not include descriptions of appropriate strategies to engage the target population. 2) Character Development is noted in the petition as the “ <i>most important aspect of what we do</i> ” however there is no description of how this will be achieved, taught, assessed, or monitored.	Pgs. 2-11

	<p>3) Petition describes what an “Educated Person is...”; i.e. <i>firm grasp of computer technology; work well in multi-cultural society; prepared to change job and career many times; understand his or her own learning style</i>; but lacks any program description consistent with achieving these characteristics;</p> <p>4) The following statements provide evidence that the petition lacks the necessary committal language to ensure a sound program design, and lacks any means to achieve these outcomes:</p> <ul style="list-style-type: none"> - <i>students will be ENCOURAGED to take responsibility for their own learning</i> - <i>teachers will be ENCOURAGED to use innovative teaching methods</i> - <i>students will be ENCOURAGED to utilize passions...to develop other strengths</i> - <i>school will provide students ENCOURAGEMENT for them to attempt new challenges</i> - <i>teachers are ENCOURAGED to find opportunities in their regular curriculum to incorporate interdisciplinary, project-based learning</i> - <i>students will be ENCOURAGED to participate in community service projects</i> - <i>students will be ENCOURAGED to utilize community-based educational programs</i> - <i>school will ENCOURAGE parents to participate in the school</i> - <i>school AIMS to hire staff sensitive to diversity</i> - <i>school will ENCOURAGE students to pursue areas of special interest</i> <p>5) Petition references various “research” and “studies”; once on page 5, twice on page 6, and once on page 7, however none of the referenced “research” or “studies” is cited.</p> <p>6) Petition does not provide a sound basis or program design for the use of <i>Inductive Learning</i> as referenced in the text.</p> <p>7) Petition provides no program design suitable for the proposed <i>project-based learning</i> as referenced in the text.</p> <p>8) Petition states that students, particularly English Language Learners and students with learning disabilities, are permitted to <i>waive</i> graduation requirements. Petition states that waivers are granted by a <i>panel of experts</i> that may include only one educator.</p> <p>9) Petition states that summer session requires 3.0 GPA to receive credit; yet general education program requires a 2.0 GPA to receive credit, without a basis for this discrepancy.</p> <p>10) Petition lacks any indication that the school intends to seek UC approval of its A-G courses.</p> <p>11) Petition proposes support strategies for English Language Learners and students with learning disabilities simply as the use of “<i>top performers</i>” who will provide “<i>assistance</i>”.</p> <p>12) Petition proposes to allow students to “<i>skip all or part of a course</i>” and still earn credit by “<i>demonstrating proficiency</i>” but provides no indication of how proficiency will be demonstrated.</p>	
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	<p>13) Petition states that students “<i>help... teach courses</i>” and may thereby earn credit for part or all of a course.</p> <p>14) The petition at no time proposes that it will implement a standards-based educational program, or a program based on the CA state standards.</p>	
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This list of findings is NOT EXHAUSTIVE, but represents key findings in support of the staff recommendation.

Education Code §47605(b)(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

FINDINGS OF FACT

Analysis of the petition with respect to the petitioner capacity presents the following evidence that the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition:

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 education, 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.

Petitioner Capacity	Findings	Page Number
Element A: Educational Program	<p><i>Grades to be served;</i></p> <ol style="list-style-type: none"> 1) Petition states it will serve “kindergarten through twelfth grade students”. 2) A member of the petitioning group; Robert Coleman stated on the date of submission that the school was to serve grades 6-12. 3) The lead petitioner; Terence Candell stated they intended to serve grades 9-12. 4) Petition states on pgs. 3 and 4 of the Financial section that the school will serve students in grades K-12. <p><i>Enrollment projections;</i></p> <ol style="list-style-type: none"> 5) Petition states on pg. 4 that the school will <i>restrict enrollment to 100 students per grade</i>. Petition states on pg. 6 of the financial section that the school will serve 150 9th grade students and 150 11th grade students in the 5th year. 6) Petition states on pg. 4 that the school will <i>serve 50 to 100 students in the first year</i>. Petition states on pg. 39 that the school will <i>begin with 200 students</i>. 7) Petition states on pg. 3 of Financial section that the school will open with 200, growing to 250 in year two, and 300 in year three. Petition states on pg. 4 of Financial section that the school will open with 200 K-12 students, growing to 300 in year two, and 350 in year three. <p><i>Staffing;</i></p> <ol style="list-style-type: none"> 8) Petition does not describe any training for staff which it states will be “<i>trained</i>”. 9) Petition provides no means to ensure staff will “<i>Appreciate Diversity</i>” as stated in the petition. <p><i>Program design;</i></p> <ol style="list-style-type: none"> 10) Petition states that “<i>parent participation</i>” is a “<i>key to superior development</i>” yet no means of achieving this participation is described. 11) Petition lacks any specific student or teacher recruitment 	Pgs. 2-11

	<p>plan or contingency plan if enrollment goals or staffing needs are not met.</p> <p>12) Petition states in the section <i>whom will the LGCPA School educate</i> that its students “<i>will want a school environment with high expectations...and will be motivated to work hard to achieve</i>”. Description appears to narrow the school’s target population to <i>motivated, hard working students</i>.</p> <p>13) Petition states that the school will “<i>develop programs necessary to support all students in reaching their full promise</i>” however the petition does not describe these programs.</p> <p>14) Petition proposes a <i>High Technology</i> program with no description of this program component. Petition states that students will earn nearly “<i>five times</i>” the recommended amount of computer/technology elective credit, however there is no description of the technology program.</p> <p>15) Petition proposes an educational program to include “<i>internships and practical workplace educational experiences</i>” however there is no description of this program component.</p> <p>16) Petition allows for “<i>schedule flexibility</i>”, but provides no evidence of petitioner understanding of the “<i>minimum state requirements</i>” as stated in the text.</p> <p>17) Petition proposes to offer AP courses, yet none are listed or described.</p> <p>18) Proposed budget does not include provisions for the proposed afterschool program as stated in the petition, nor is the Guidance Counselor funded.</p> <p>19) Petition states “<i>120 units’ equals a traditional year of coursework</i>”, yet a traditional year of coursework is typically 55-60 units.</p> <p>20) Petition provides no description of the Fine Arts Elective, but states “<i>surpasses the requirements for option G and meets CSU for Fine Arts</i>”.</p> <p>21) Petition states the following course requirement discrepancies;</p> <ul style="list-style-type: none"> - Page 8 requires 16 units of Fine Arts and Page 9 requires 10 units - Page 8 requires 16 units of Physical Education and Page 9 requires 20 units - Page 8 requires 24 units of Computers/Technology and Page 9 requires 5 units. <p>22) Petition refers to students taking the STAR9 which does not exist and the Golden State Exam which has not been offered in California since 2003.</p> <p>23) Petition lacks clarity and understanding regarding special education encroachment assumptions.</p>	
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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	<ol style="list-style-type: none"> 1) Petition states an intention to “exercise our right to use, at no charge, facilities not currently used by the district”. Petition does not demonstrate adequate understanding of applicable laws governing charter school use of district facilities. 2) Petitioner states in Letter of Intent use of a facility located at 81st Street and Rudsdale. 3) The proposed facility located at 8024 Rudsdale, based on Oakland City Planning Report (Case # CMDV03-002) states that the facility was built to house a <i>6-unit Residential Care/Transitional Housing facility to house 48 youth</i>; which is inconsistent with its proposed use herein. 	Pgs.
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This list of findings is NOT EXHAUSTIVE, but represents key findings in support of the staff recommendation.

EC §47605 (1) The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.

FINDINGS OF FACT

Analysis of the petition with respect to the sixteen elements presents the following lack of reasonably comprehensive descriptions of the 16 required charter elements.

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.

<p>Element A</p>	<p>Average Rating: Inadequate</p>	<ol style="list-style-type: none"> 1) The petition does not clearly define the school’s mission. 2) Numerous educational references within the petition are outdated; no reference to how this target population of students learns best. 3) Petition cites the need for more college preparatory classes in OUSD but does not define the need nor presents the means by which this need will be met by the proposed program. 4) Petition provides no specific description of teaching strategies and no detail of their alignment to the school’s mission, state standards, or students’ needs. 5) Petition states that it will develop the “individual and family” and will provide a “family-style education”, however there is no description of programming for parents or the family. 6) Petition lacks a description of the proposed “<i>mentoring program</i>”. 7) Description within petition of “<i>How learning best occurs</i>” is inadequate; fails to describe actual teaching methodologies. 8) Petition states the school will utilize “<i>innovative teaching strategies</i>” but fails to define this or provide any elaboration on the reference. 9) Petition fails to describe plan for teacher supervision and evaluation. 10) Curricular framework within petition is overly general and broad, lacks coherence, and lacks specific detail and plan for implementation. 11) Petition fails to provide a general scope and sequence of curriculum; lacks a general description of what students will know and be able to do at each grade level. 12) Petition lacks a clear description of the curricular framework and research supporting the curriculum. 13) Petition lacks a description of alignment of the curriculum to the mission, state standards, content areas, and student needs. 	<p>Pgs. 2-11</p>
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		<p>14) Petition includes no description of curricular choices (i.e. Saxon Math) and how the chosen curriculum meets the needs of the target population.</p> <p>15) The petition states that the school will use “<i>experiential learning curriculum</i>”, yet fails to provide any description of how this will occur.</p> <p>16) Petition suggests that <i>100% of graduates will attend college</i>, yet there is no college-readiness defined, nor a college focused curriculum described.</p> <p>17) Petition fails to describe benchmarks that will be used to determine whether students’ needs are being met.</p> <p>18) Petition fails to describe the alignment of the special education program with the core educational program.</p> <p>19) Included in the petition is a reference to teachers “<i>collaborating on the curriculum</i>” and “<i>collaborating on school governance</i>”; however no plan to accomplish this is included.</p> <p>20) Petition provides no description of the likely English Language Learner population or its needs.</p> <p>21) Petition lacks information about supporting students who have traditionally struggled in school including; classroom management, relationship-building, etc.</p>	
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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.

Element B	Average Rating: Inadequate	1) Petition does not include outcomes that are measurable, nor stated targets upon which to be held accountable for student achievement.	Pgs. 12-19
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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.

Element C	Average Rating: Inadequate	<p>1) Petition provides no information regarding the means by which the school will share student performance information with students and families.</p> <p>2) Petition fails to discuss the plan for analyzing student data.</p> <p>3) Reference to “<i>assessments</i>” is vague and does not specify which targets will be met.</p> <p>4) Petition fails to provide an adequate description of portfolios, exhibitions, or teacher assessments, referenced in the petition.</p>	Pgs. 19-20
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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	Average	1) Petition states that LGCPA is a non-profit corporation;	Pgs. 21-23
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	Rating: Inadequate	<p>however there is no evidence that this is the case.</p> <p>2) The petition states that the LGCPA is governed by a Board of Directors; yet there is no evidence that this is the case.</p> <p>3) Petition references Parent Complaint Procedures that were not included in the submission and includes a Parent Complaint Form that is inadequate.</p>	
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Education Code §47605(b)(5)(E): The qualifications to be met by individuals employed at the school....

Element E	Average Rating: Inadequate	1) Petition includes qualifications to be met by the principal that are inadequate.	Pg. 24
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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	Average Rating: Inadequate	2) Petition fails to describe a plan for required health and wellness assessments, including but not limited to, vision, hearing, and scoliosis screening.	Pg. 27-28
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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	Average Rating: Inadequate	<p>1) In order to achieve the racial and ethnic balance required in statute, the petition does not adequately describe the means of achieving this outcome.</p> <p>2) Petition does not provide adequate plans for student recruitment; particularly given the proposed timeline for opening.</p>	Pg. 28-29
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Education Code §47605(b)(5)(H): Admissions requirements, if applicable

Element H	Average Rating: Inadequate	<p>1) Petition proposes to use a “<i>first come, first serve</i>” [actual text states <i>fire come, first serve</i>] policy if demand exceeds capacity, which is contrary to the law.</p> <p>2) Petition provides no indication that petitioners understand the obligation that the school must accept all students that wish to attend.</p>	Pgs. 29
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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	Average Rating: Inadequate	<p>3) Petition fails to describe the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.</p> <p>4) Petition fails to demonstrate that petitioners understand their obligations for financial reporting under the law.</p>	Pgs. 29-30
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Education Code §47605(b)(5)(J): The procedures by which pupils can be suspended or expelled.

Element J	Average Rating: Inadequate	1) Petition fails to adequately describe the procedures by which pupils can be suspended or expelled.	Pgs. 30
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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	Average Rating: Inadequate	1) Petition does not adequately or appropriately describe the return rights of employees of the District.	Pgs. 27 & 31
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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	Average Rating: Inadequate	2) Petition proposes to have a Parent Advisory Board resolve conflicts between staff and administration; or between parents and staff. 3) Petition narrowly defines resolution of disputes between the school and the district as being “submitted to a third party for review”.	Pgs. 32
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Education Code §47605(b)(5)(P): 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 P	Average Rating: Inadequate	4) The petition is missing this element entirely.	Pgs. ?
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This list of findings is NOT EXHAUSTIVE, but represents key findings in support of the staff recommendation.

ADDITIONAL CONCERNS & FINDINGS

Petition Signatures

Staff conducted a routine review of the required petition signatures submitted. A random sampling of parents who signed the petition was contacted. Thirty-two out of over sixty parents contacted responded.

*Education Code §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**. The proposed charter shall be attached to the petition.*

When asked is they recalled signing the petition:

- **14 of the 32** contacted stated they **did not recall signing the petition**.

When asked if they were meaningfully interested in having their child attend the charter school:

- **17 of the 32** contacted stated they were **not meaningfully interested in enrolling their child** in the school.
- **20 of the 32** contacted stated that either **did not have children, or did not have children attending school in the grades offered**. This included individuals contacted who stated they had only adult children.

*Education Code §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**.*

Staff review of the California Commission on Teacher Credentialing online credential database indicated the following:

- **4 out of 5** of the teachers proposed to be meaningfully interested in teaching at the school **did not hold a valid CA Teaching Credential**.
- **1 out of the 5** did hold a CA Child Development credential, though **not appropriate** for the proposed program outlined in the petition.

RECOMMENDATION

Staff recommends that the Oakland Unified School District's State Administrator/Board of Education **deny** the petition for Legacy of Genius College Preparatory Academy under the California Charter Schools Act. The factual findings illustrated in this report demonstrate that the petition fails in four out of five legally required areas 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 the petition;
- (3) The petition does not contain the required signatures;
[...]
- (5) The petition does not contain reasonably comprehensive descriptions of the required 16 elements.