

Board Office Use: Legislative File Info.	
File ID Number	18-2570
Introduction Date	12/5/18
Enactment Number	19-0919
Enactment Date	5/8/19 lf



# Memo

**To** Board of Education

**From** Kyla Johnson-Trammell, Superintendent  
Sonali Murarka, Director - Office of Charter Schools

**Board Meeting Date** May 8, 2019

**Subject** Citywide Plan: Long Term Lease Criteria for Charter Schools

**Action** Approval

**Background**

Background

The Board approved the Superintendent’s work plan for the Community of Schools Policy (BP 6006) on March 20, 2019. A key strategy in this plan for the 2018-19 school year is to identify criteria for long-term leases for quality charter schools to support a more stable footprint of schools in our city. This key strategy falls under the “Facilities” section of the Citywide Plan, which has the following goals:

- Provide a quality school in every neighborhood.
- Identify a fiscally sound number of schools.
- Generate revenue from surplus property.

The first goal in particular (“provide a quality school in every neighborhood”) is a driver for how we have aligned the criteria for considering long-term leases for charter schools, alongside the guiding principles outlined in that policy: access (community benefit), quality, equity, sustainability.

Furthermore, the Citywide Plan is grounded in Board Policy 7350 (Asset Management Policy), which states that OUSD is responsible for students enrolled in district schools *and* charter schools in the context of asset management, and contemplates the consideration of leases for charters that provide high quality options for Oakland children.

### Process of Developing Criteria

On December 5, 2018, draft criteria was first brought to the Board for their initial review. On April 10, 2019, updated criteria that incorporated Board and key stakeholder feedback was brought to the Board for further review and discussion. The criteria is being brought to the Board on May 8, 2019 for a vote/approval.

In addition to feedback from Central offices, network superintendents, Board members, and principals, representatives from the following organizations have provided feedback on this criteria over the past few months:

- California Charter Schools Association
- Pacific Charter School Development
- Equity Allies
- Parents United
- Oakland Education Association

It should be noted that much of the feedback received was around the *terms* of the facility use agreements that would ultimately be signed as part of long-term leases rather than the criteria itself. All stakeholders we met with expressed general support for the idea of using long-term leases in facilities as an incentive for high-quality charter schools.

The major changes from each iteration of the criteria are outlined below:

<b>Date</b>	<b>Major Changes Introduced</b>
12/5/2018	N/A - First draft of criteria
4/10/2019	<ul style="list-style-type: none"><li>● Introduced a process for how to use the criteria</li><li>● Added weights to each of the sections of the criteria</li><li>● Described where and how community input would play a role</li></ul>
5/8/2019	<ul style="list-style-type: none"><li>● Introduced an accompanying resolution</li><li>● Introduced a detailed scoring rubric</li><li>● Aligned sections to BP 6006 guiding principles: access (community benefit), equity, quality, sustainability</li><li>● Set weighting of each section to be equal, as different stakeholders felt strongly about different sections</li></ul>

### Proposed Process for Using Criteria

Long-term lease agreements may be considered where charter schools are already housed in a district facility, where Prop 51 preliminary apportionments have been made, where district facilities are being vacated, or in other circumstances. Interested charter schools will be expected to provide a proposal/presentation describing how their potential long-term lease aligns with the approved criteria. An internal team would be reviewing and making a recommendation for each long-term lease agreement that arises. This internal team includes representatives from the following offices: Facilities, Legal, Special Projects, Charter, Research and Data.

The proposed Resolution provides a framework for evaluating which charter schools should be eligible to receive long-term leases. The Resolution does *not* guarantee a long-term lease for any particular school. Each individual charter school's proposed long-term lease (aka facility use agreement), including terms around duration of lease, rent payment, and so forth, would be brought for Board vote and approval.

Typical long-term lease lengths would be 3-5 years, with the option to renew if both parties mutually agree. Exceptions may be made for longer leases in particular circumstances, such as funding from the State (e.g., through Prop 51) that would benefit the district. Note that a long-term lease would *not* serve as a guarantee of charter renewal.

#### Proposed Criteria

The proposed criteria are outlined in Exhibit A of the Resolution. Each proposed long-term lease would be scored out of 20 points, with a required minimum of 12 points to be considered for a long-term lease.

#### **Discussion**

The purpose of this memo was to outline the recommended criteria for determining long-term lease criteria and the rationale behind these recommendations. For the Board's discussion before adoption, the primary questions are whether the outlined criteria and detailed rubric resonate with (a) the overall goals of the Community of Schools Policy, and (b) with feedback provided at the April 10, 2019 Board meeting.

#### **Fiscal Impact**

N/A - this is a framework for how to consider making decisions that could have a fiscal impact. Future long-term lease agreements would be brought individually for Board approval.

#### **Attachment**

Resolution with Exhibit A

RESOLUTION  
OF THE  
BOARD OF EDUCATION  
OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT  
NO. 1819-0202

Criteria for Long-Term Lease of District Facilities for Quality Charter Schools

**WHEREAS**, on March 20, 2019, the Governing Board passed Resolution No. 1819-0150 relating to the Citywide Plan;

**WHEREAS**, the Citywide Plan provides that a key strategy is to Identify Criteria for Long-Term Leases for Quality Charter Schools to support a more stable footprint of schools in our city (2018-2019);

**WHEREAS**, the Citywide Plan is grounded in Board Policy 6006 (Community of Schools), which states that *quality, equity, sustainability, and community benefit* should be guiding principles for the Citywide Plan;

**WHEREAS**, the Citywide Plan is further grounded in Board Policy 7350 (Asset Management Policy), which states that OUSD is responsible for students enrolled in district schools and charter schools in the context of asset management, and contemplates the consideration of leases for charters that provide high quality options for Oakland children;

**WHEREAS**, a first version of the long-term charter lease criteria has been developed and presented to the Board and Community through a slide presentation at a special Board meeting on December 5, 2018;

**WHEREAS**, following the December 5, 2018 special Board meeting, a revised version of the long-term charter lease criteria that incorporated Board and stakeholder feedback was presented to the Board and Community through a slide presentation at an April 10, 2019 Board meeting;

**WHEREAS**, the revised Citywide Plan: Long Term Lease Criteria for Charter Schools (attached hereto as Exhibit A), which incorporates additional Board and stakeholder feedback, is hereby submitted to the Board for a first reading and adoption,

**NOW, THEREFORE, BE IT RESOLVED THAT** the Citywide Plan: Long Term Lease Criteria for Charter Schools attached hereto as Exhibit A is hereby adopted by the Board.

**PASSED AND ADOPTED** this 8th day of May, 2019, at a Regular Meeting of the Governing Board by the following vote:

PREFERENTIAL AYES: None

PREFERENTIAL NAYS: None

AYES: Jumoke Hinton Hodge, Gary Yee, Shanthi Gonzales, James Harris, Vice President Jody London and President Aimee Eng

NOES: Roseann Torres

ABSTAIN: None

ABSENT: Student Directors Omosowho and Chavez

Date: 5/8/19



\_\_\_\_\_  
Kyla Johnson-Trammell  
Secretary, Governing Board  
Oakland Unified School District

Exhibit "A"

Exhibit "A"

Criteria for Long-Term Lease of District Facilities for Quality Charter Schools

**Rubric - 20 possible points**

**Minimum of 12 points in order to be considered for a long-term charter lease**

	<b>1 point</b>	<b>3 points</b>	<b>5 points</b>
Access (Community Benefit)	<p>If lease involves co-location with a district school, clear negative impact on district school.</p> <p>Community engagement with immediate/impacted community reveals largely negative sentiment, and charter is unable to successfully mitigate majority of concerns expressed.</p> <p>School's programming is low demand.</p>	<p>If lease involves co-location with a district school, can show minimal negative impact on district school.</p> <p>Community engagement with immediate/impacted community reveals neutral/mixed sentiment, and/or charter is able to successfully mitigate some of concerns expressed.</p> <p>School offers medium-demand programming and/or does not have a clear community it is serving.</p>	<p>If lease involves co-location with a district school, can show a clear benefit to district school<sup>1</sup>.</p> <p>Community engagement with immediate/impacted community reveals largely positive sentiment, and/or charter is able to successfully mitigate majority of concerns expressed.</p> <p>School offers high-demand programming with a clear community it is serving, either (a) the local neighborhood, or (b) a unique offering that draws families from across the city.</p>
Equity	<p>Percent of in-district students is below 75%.</p> <p>School demographics overall are not reflective of OUSD.</p> <p>Severity of need is not reflective of OUSD.</p> <p>School does not enroll any new students after the incoming grade level.</p>	<p>At least 75% in-district students.</p> <p>School demographics overall are somewhat reflective of OUSD.</p> <p>Severity of need is somewhat reflective of OUSD.</p> <p>School enrolls new students at multiple grade levels.</p>	<p>At least 90% in-district students.</p> <p>School demographics are reflective of OUSD<sup>2</sup> in terms of the following: % of English Learners, % of students with disabilities, % of low-income students.</p> <p>Severity of need is reflective of OUSD in terms of the following: % of students with moderate/severe disabilities, % of newcomers.</p> <p>School enrolls new students at</p>

			most grade levels and takes students mid-year, if seats become available.
Quality	<p>Overall and Subgroup academic performance and culture/climate measures are majority Orange/Red in recent 2 years.</p> <p>CORE growth: Overall is below 50th percentile in recent year and/or most subgroups are below 50th percentile in recent year.</p>	<p>Meets either (a) or (b):</p> <p>a. Dashboard: Overall and Subgroup academic performance and culture/climate measures are majority Yellow or a mix of many colors in recent 2 years.</p> <p>b. CORE growth: Overall is above 50th percentile in recent year; at least half of subgroups are above 50th percentile in recent year.</p>	<p>Meets either (a) or (b):</p> <p>a. State Dashboard: Overall and Subgroup academic performance and culture/climate measures are majority Green/Blue in recent 2 years.</p> <p>b. CORE growth<sup>3</sup>: Overall is above 70th percentile in recent year; majority of subgroups are above 50th percentile in recent year.</p>
Operational Sustainability	<p>Weak school fiscal health in recent years.</p> <p>Unstable enrollment in recent years.</p> <p>Negative previous history of facility usage</p> <p>5 or more notices of concern in recent 3 years and/or more than 1 involving student safety/welfare and/or notice(s) have not been resolved appropriately in the given timeframe.</p>	<p>Strong school fiscal health for 3-4 most recent years.</p> <p>Stable past enrollment for 3-4 most recent years.</p> <p>Neutral/mixed previous history of facility usage.</p> <p>4 or fewer notices of concern in recent 3 years and up to 1 involving student safety/welfare (that was resolved appropriately in the given timeframe).</p>	<p>Strong school fiscal health<sup>4</sup> for at least 5 most recent years.</p> <p>Stable past enrollment<sup>5</sup> for at least 5 most recent years.</p> <p>Positive previous history of facility usage: relationship with district schools, efficient space utilization</p> <p>3 or fewer notices of concern in recent 3 years and none involving student safety/welfare.</p>

**Definitions**

<sup>1</sup>Clear benefit to district school of co-location: New spaces, resources, and/or services will be shared by both schools (e.g., tech center, garden, community health center), or some other type of benefit to the district school.

<sup>2</sup>Reflective of OUSD: Charter school's aggregated level of need across the outlined demographic groups (% of English Learners, % of students with disabilities, % of low-income students) and severity of need (% of students with moderate/severe disabilities, % of newcomers) is within ~5 percentage points of the aggregate average for either the entire district or the region where the charter school is located. Somewhat reflective is defined as within ~10 percentage points.

<sup>3</sup>CORE growth: The CORE Data Collaborative is an organization that brings together data from several large school districts in California. The data experts at CORE create a rigorous measure of student growth that follows individual students from one year to the next and compares their growth on the State test to similar students across the State. A CORE growth score of 50th percentile means that students at the school had growth that was, on average, the same as similar students across the State. A CORE growth score above the 50th percentile means that students at the school had growth that was, on average, above similar students across the State. The CORE growth metrics are calculated for all students at the school ("Overall") as well as for available student subgroups at the school..

<sup>4</sup>Strong fiscal health: The four factors considered are fund balance, reserve, debt ratio, and deficit spending.

<sup>5</sup>Stable past enrollment: Enrollment is within ~5% of the school's projected (budgeted) enrollment for each school year.