



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 *WEM for T.S.*  
Gail Greely, Coordinator, Office of Charter Schools

DATE: August 10, 2011

RE: Legacies of Excellence Charter School  
Charter Petition Request

Legislative File  
File ID No.: 11-1650  
Introduction Date: 6/8/11  
Enactment No.: \_\_\_\_\_  
Enactment Date: \_\_\_\_\_  
By: \_\_\_\_\_

### ACTION REQUESTED

Approve the **denial** of the 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 elements required by the Charter Schools Act.

### 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 in fall 2010, serving students in 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.

Staff recognizes the strong potential of the petitioning group to develop and implement a program that would serve a high needs population within Oakland. The members of the petitioning group clearly have a strong commitment to Oakland youth, substantial expertise in education and mental health and strong partnerships in the community. Last year, when a previous charter petition for Legacies was withdrawn following staff recommendation for denial, an effort was made to determine if a program with some features of Legacies could be developed through a partnership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 and partnership discussions were not productive. Instead, the petitioners have resubmitted their charter petition with some revisions and additions, but without sufficient further development to support a recommendation for approval.

### PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted a petition for the Legacies of Excellence Charter School on June 8, 2011 at a regularly scheduled Board of Education meeting. (Petitioner had previously submitted a petition on May 25, 2011, but withdrew it upon being notified of outdated petition signatures at the introductory meeting with Office of Charter School staff. Only the signature pages were changed when the petition was resubmitted.)
- 2) Staff held an introductory meeting with the lead petitioner, Robert Coleman, and other members of the petitioning group on June 1, 2011 to explain the petition review process and obtain petitioning group contact information.

- 3) A public hearing was held on June 22, 2011. Representatives from the petitioning group presented.
- 4) Staff conducted two interviews on July 5, 2011 (petitioning group) and July 7, 2011 (Board of Directors).

## 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

The submission of the petition for Legacies of Excellence in June, with a proposed opening date in fall 2011, created scheduling challenges that resulted in the usual order of charter petition review being slightly modified. Office of Charter School staff thoroughly reviewed the petition, then conducted two Petitioner Interviews in an attempt to clarify various aspects of the petition, as well as to evaluate the capacity of the petitioners to successfully implement the program as set forth in the petition.

Staff concurrently convened a petition review team comprised of leadership within the District, which 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.

Legacies of Excellence proposes to open in fall 2011 as a direct-funded charter school, operating in Region 3. The school proposes to serve 80 students in grade 6 in its first year (2011-12), serving up to 300 6-8 students in its third year of operation (Petition, p. 24).

The staff report and charter petition evaluation contained herein provide an overview of the extent to which the petition has or has not met the criteria set forth by the District, consistent with applicable law, as well as an articulation of the factual findings set forth here in support of the staff recommendation.

## 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 illustrated in this report demonstrate that the petition satisfies 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; and*
- (3) The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.*



Legislative File  
File ID No.: 11-1650

## Oakland Unified School District Charter Petition Evaluation

**School Name:** Legacies of Excellence Charter School  
**Proposed Opening:** Fall 2011  
**Lead Petitioner/s:** Robert Coleman  
 Proposed Governing Board: Mark Alexander, PhD, Robert Newell, Francine Olivia Shakir, EdD, Norma Francisco, PhD, Kamau Edwards, Arthur Hatchett, Gary L. Bell. (Additional Board members attending the interview, but not listed in the petition: Marlin Foxworth, Hank Roberts, Hugo Arabia, Pamela Butler-Harris, Lori Hill)

**Submission Date:** June 8, 2011  
**Public Hearing Date:** June 22, 2011  
**Governing Board Interview Date:** July 7, 2011  
**Petitioner Interview Date:** July 5, 2011  
**Committee Presentation Date:** August 1, 2011  
**Decision Date:** August 10, 2011

**Recommendation:**

Approve the **denial** of the 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 elements required by the California Charter Schools Act.

<b>Proposed location of school</b>	8024 Rudsdale Street between 80 <sup>th</sup> and 81 <sup>st</sup> Avenue, across from Acorn Woodland/Encompass Academy school campus.
<b>Composition of petitioner group</b>	Petitioning group represents a core group of dedicated individuals with extensive backgrounds supporting target population in Oakland. Members of the petitioning group and Board of Directors have been added since the group's previous petition, adding valuable expertise.
<b>Grade levels to be served in year 1</b>	6

<b>Anticipated enrollment in year 1</b>	80
<b>Grade levels to be served at full-capacity</b>	6-8
<b>Anticipated enrollment at full capacity</b>	300 (pg. 15); Letter of Intent submitted to the District, dated May 20, 2011 states the total enrollment at 200.
<b>Target student population</b>	<i>"Legacies will provide services to at-risk students which primarily come from the school systems, Social Services, Probation Department and the Health Care Services Agency of Alameda County." (Letter of Intent submitted to the District)</i>

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

*“Legacies of Excellence Charter School will serve high-need 6<sup>th</sup> – 8<sup>th</sup> grade students, especially those that have exhibited behavior issues. Legacies of Excellence Charter School is being developed by Legacies of Excellence, LLC, an Oakland-based 501(c)(3) non-profit organization dedicated to working with high-need youth, including those in foster care and those who are probation-linked, throughout the Oakland community. With the support of the Alameda County Department of Social Services, Alameda County Behavioral Health, and the Alameda County Probation Department, LOECS will provide a supportive and challenging educational environment that is desperately needed in Oakland....Legacies of Excellence Charter School was born out of the desire to provide structure, nurturing, guidance, and role-modeling for youth that are not likely to receive this support at home or at any point in their daily lives. Legacies of Excellence Charter School’s core belief is that the individuals who are best suited to reach the youth of Oakland are those that grew up in the community and have become legends in their own right. Legacies of Excellence Charter School is made up of strong community leaders who care about nothing more than to create the environment that will help guide the next generation of youth in Oakland.” (pg.7)*

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

*“Legacies of Excellence Charter School’s mission is to help high-need students experience scholastic, social, and personal success, and provide them with the academic foundation needed to excel in high school and college. The school’s graduates will enter 9th grad [sic] with the knowledge, skills, work habits, and attitudes needed to thrive in a challenging college-prep program.” (pg.9)*

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

Yes \_\_\_\_\_ No  X  If Yes, Name of CMO:

**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 <ul style="list-style-type: none"> <li><input type="checkbox"/> # aligned with proposed opening enrollment</li> <li><input type="checkbox"/> Prominent statement</li> </ul>			N/A N/A
<input type="checkbox"/> Teachers <ul style="list-style-type: none"> <li><input type="checkbox"/> # aligned with proposed opening enrollment</li> <li><input type="checkbox"/> Prominent statement</li> </ul>	X X		Attachment Attachment

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# Oakland Unified School District

## Charter Petition Evaluation

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### Criteria Reference

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

**STATEMENT OF ASSURANCES**

ASSURANCES	Y	N	PG #
1. Will not charge tuition, fees, or other mandatory payments for attendance at the charter school or for participation in programs that are required for students.	X		Preface to Petition
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		Preface to Petition
3. Will be non-secular in its curriculum, programs, admissions, policies, governance, employment practices, and all other operations.	X		Preface to Petition
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		Preface to Petition
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		Preface to Petition
6. Will offer at least the minimum amount of instructional time at each grade level as required by law.	X		Preface to Petition
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		Preface to Petition
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		Preface to Petition



<b>9.</b> 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	Preface to Petition
<b>11.</b> Will submit an annual report and annual independent audits to the OUSD Office of Charter Schools by all required deadlines.	X	Preface to Petition
<b>12.</b> Will submit required enrollment data each March to the OUSD Office of Charter Schools by the required deadline.	X	Preface to Petition
<b>13.</b> Will operate in compliance with generally accepted government accounting principles.	X	Preface to Petition
<b>14.</b> Will maintain separate accountings of all funds received and disbursed by the school.	X	Preface to Petition
<b>15.</b> Will participate in the California State Teachers' Retirement System as applicable.	X	Preface to Petition
<b>16.</b> Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health and safety within the building(s) and on school property.	X	Preface to Petition
<b>17.</b> Will at all times maintain all necessary and appropriate insurance coverage.	X	Preface to Petition
<b>18.</b> 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	Preface to Petition
<b>19.</b> 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	Preface to Petition
<b>20.</b> Will provide financial statements that include a proposed first-year operational budget with start-up costs and anticipated revenues and expenditures necessary to operate the school, including special education; and cash-flow and financial projections for the first three years of operation.	X	Preface to Petition
<b>21.</b> Will provide to the Office of Charter Schools a school code of conduct, Governing Board bylaws, an enrollment policy, and an approved certificate of building occupancy for each facility in use by the school, according to the schedule set by the	X	Preface to Petition

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Office of Charter Schools but in any event prior to the opening of the school.

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**EVALUATION:**

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

**I. EDUCATIONAL PROGRAM**

Statutory References:  
 E.C. § 47605(b)(1)  
 E.C. § 47605(b)(5)(A)-(C)

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

Petition Pgs. 6-8

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

**ANALYSIS: TARGET POPULATION**

<b>Strengths</b>	Reference	<b>Concerns &amp; Additional Questions</b>	Reference
<ul style="list-style-type: none"> <li>• Petition provides a clear sense of target population need, particularly with respect to mental health support.</li> <li>• Petition contains a description and vision of what 21<sup>st</sup> century person needs and gaps that may exist for target population.</li> <li>• Petition description of program goals for target population focuses of strengths and resilience in students, likely to be aligned with target population need.</li> <li>• Petition provides program proposal that thoughtfully considers the need for a range of program components including the arts, behavioral therapy, low student/ teacher ratios, and interventions to support their various needs and interests.</li> </ul>	<p>Pg. 6</p> <p>Pg. 9</p> <p>Pg. 13</p> <p>Pg. 14</p>	<ul style="list-style-type: none"> <li>• Petition lacked a clear demonstrated understanding of the academic needs presented by the target population.</li> <li>• Petition provides stats skewed to behavioral needs, however description provides little to no description of the educational needs of the target population, other than a general assumption that students will not have attained grade level proficiency.</li> <li>• Petition does not contemplate the likely challenges for recruiting target population that live in central and West Oakland, as experience operating Barack Obama Academy.</li> <li>• Petition lacks a description of how the program will be attractive to families who may otherwise see the potential for students' historical poor behavior to be reinforced by peers with similar issues.</li> </ul>	<p>Pg. 9</p> <p>Pgs. 10, 12</p> <p>Pg. 6</p> <p>Pg. 6</p>

**B. PHILOSOPHY AND APPROACH TO INSTRUCTION**

Petition Section/s Pgs. 9-13
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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"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>

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

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

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

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

**ANALYSIS: EDUCATIONAL PHILOSOPHY AND APPROACH TO INSTRUCTION**

<b>Strengths</b>	Reference	<b>Concerns &amp; Additional Questions</b>	Reference
<p><b>Rationale</b></p> <ul style="list-style-type: none"> <li>• Petition provides a compelling story of the need for the target population.</li> <li>• Petition contains a holistic approach (school culture, honoring resilience, mental health, high expectations, etc. that is likely to benefit the target population.</li> <li>• Petition provides a description of how learning best occurs that is well-rooted in research and best practices.</li> <li>• Petition draws on research-based practices.</li> </ul> <p><b>Mission Alignment</b></p> <ul style="list-style-type: none"> <li>• Petition sets forth the use of a School-Wide Positive Behavior System that includes well researched and well designed components that are likely to set forth an effective program design for meeting the behavioral needs of the target population.</li> <li>• Petition sets forth to use student data to drive instruction which will be critical to ensure differentiation across the content areas and to</li> </ul>	<p>Pg. 6</p> <p>Pg. 10</p> <p>Append 3 Pg. 29</p> <p>Pg. 11</p>	<p><b>Rationale</b></p> <ul style="list-style-type: none"> <li>• Petition sets forth a description of <i>Rich and Challenging Curriculum</i> with no evidence of what qualifies the curriculum to be considered either “rich” or “challenging”. The following is what is stated in this section: <ul style="list-style-type: none"> <li>➤ Curriculum will be grounded in the standards</li> <li>➤ Students will be apprised of the standards</li> <li>➤ Students falling behind will have an intervention plan</li> <li>➤ Students will be required to attend after school support</li> <li>➤ Mention of a behavioral health component</li> </ul> </li> </ul> <p><b>Mission Alignment</b></p> <ul style="list-style-type: none"> <li>• The proposed School-wide Positive Behavior Support (SW-PBS) program, wherein a blueprint document is provide as an appendix is not adequately integrated into the program design to demonstrate the coherent and fully integrated manner within which this will be implemented.</li> <li>• SW-PBS contains elements for effective implementation including <i>Training Capacity, Coaching Capacity, Evaluation Capacity, and Coordination Capacity</i> that is not considered</li> </ul>	<p>Pg. 12</p> <p>Append 3</p> <p>Append 3 Pg. 24-25</p>

<p>ensure equity in the outcomes of the program.</p> <ul style="list-style-type: none"> <li>Petition proposes to ensure high expectations through tutoring, intervention and support courses, as well as a commitment to providing a challenging standards-based curriculum.</li> </ul>	Pg. 11	<p>within the petition to evidence capacity within the proposed charter school program to effectively implement the SW-PBS program.</p>	
<p><b>Population Alignment</b></p> <ul style="list-style-type: none"> <li>Petition proposes a counseling enriched program with mental health staff working in collaboration with classroom teachers to support instruction</li> </ul>	Pg. 13	<ul style="list-style-type: none"> <li>SW-PBS program blueprint sets forth the following key features for implementation of the program model: <i>Leadership Team, Coordinators, Funding, Visibility, Political Support, Training Capacity, Coaching Capacity, Demonstrations, and Evaluation</i>. These elements are not contemplated explicitly in any aspect of the charter petition.</li> </ul>	Append 3 Pg. 28-29
<ul style="list-style-type: none"> <li>Petition sets forth the use of a resiliency model for the program that will ensure students can develop capacity to work effectively in school, when they have otherwise been unsuccessful.</li> </ul>	Pg. 13	<ul style="list-style-type: none"> <li>SW-PBS program blueprint provides thoughtful instruments for self-evaluation to ensure proper elements for successful implementation are in place, however no evidence is provided that this self-assessment has occurred or that the aspects of this self-assessment have been contemplated in the program design.</li> </ul>	Append 3 Pg. 43
<ul style="list-style-type: none"> <li>Petition proposes the use of technology that is likely to benefit students to ensure their future success, as well as to likely serve to further engage students in the learning experience.</li> </ul>	Pg. 10	<ul style="list-style-type: none"> <li>Petition sets forth in very limited terms that the School-Wide Positive Behavior System will be a <i>point system</i> and <i>communal milestones</i>, however there is no articulation of any aspect of the SW-PBS program design set forth in the Appendix, though the appendix is referenced here.</li> </ul>	Pg. 29
		<p><b>Population Alignment</b></p> <ul style="list-style-type: none"> <li>Responses provided during the petitioner</li> </ul>	Pg. 18

		interviews did not evidence a sufficiently clear understanding of the flexibility provided for under charter law to ensure charter school programs designed that can effectively serve the target population. Thus, questions regarding assumptions regarding the proposed schedule and curriculum choices demonstrated an absence of clear alignment to meeting the needs of the target population.	
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**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.

Petition Pgs. 16-39

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

1. **Alignment:** *Is the selection well-reasoned and aligned with the mission, state standards and student needs?*
  - o A clear description of the framework and research, experience and/or sound reasoning that demonstrates alignment with the school’s mission, state standards and anticipated student needs;
2. **Implementation:** *Does the plan demonstrate the resources, scheduling and professional support needed for effective implementation?*
  - o An implementation plan showing persuasively the resources, daily schedule, annual calendar and professional development that support effective implementation; and
  - o A clear description of the manner in which the school will prioritize the implementation of those elements of the proposed educational program that will ensure likely achievement of the goals of the program;
3. **Evaluation:** *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*
  - o Effective strategies for evaluating the effectiveness of implementation and responding when student performance falls short of goals.

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

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

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

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



<p>integrated curriculum around this theme.</p> <ul style="list-style-type: none"> <li>• During petitioner group and board interviews, it became apparent that individuals were continuing to develop the educational program, including development of a master schedule and sample lesson plans.</li> <li>• Petitioners have added more detail to the professional development plan.</li> </ul>	<p>Interviews</p> <p>Pgs. 52-53</p>	<p>proposed program.</p> <ul style="list-style-type: none"> <li>• Petition and responses provided during petitioner interviews evidence an under-estimation of the professional development needed to effectively implement program as proposed. Given the current status of the planning effort and the complexity of the proposed program, the professional development schedule outlined in the petition is insufficient. In addition, plans for teacher time for preparation, collaboration and further professional development were inconsistent within the petition itself and as described in the petitioner interview.</li> <li>• Responses provided during the petitioner interview demonstrated very little planning had been undertaken for the full scope of the curricular program, particular given the stated intent to integrate agricultural, environmental, culinary and behavioral health components throughout the academic program.</li> <li>• Petition does not include specific plans for development of the 7<sup>th</sup> and 8<sup>th</sup> grade core curriculum. Petitioners stated in the interview that summer professional development would be used for this purpose, but no work plan was included.</li> </ul>	<p>Pgs. 52-53</p> <p>Petitioner Interview</p> <p>Petitioner Interview</p>
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<p><b>Evaluation</b></p> <ul style="list-style-type: none"> <li>• Petitioners have added an evaluation section including multiple measures of student progress.</li> </ul>	<p>Pgs. 20-21</p>	<p><b>Evaluation</b></p> <ul style="list-style-type: none"> <li>• Petition's evaluation plan identifies assessments to be used, but there is no indication that the identified weekly tests, diagnostics, writing assessments or rubrics for exhibitions have been selected or developed. There is no discussion of the selection of assessments to meet the needs of the target population. There is also no assessment calendar nor is there a structure identified for teachers to develop, administer and analyze the tests.</li> </ul>	<p>Pgs. 20-21</p>
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**D. CURRICULUM FRAMEWORK** X Mark this box *on behalf of the curriculum that has yet to be developed:*

**1. Plan:** *Is there a sound curriculum development plan?*

- o A thorough, persuasive plan for development including the research base to be considered and foundation materials;

**2. Schedule:** *Is there a well-defined, realistic schedule?*

- o A realistic, time-specific development schedule and clear objectives to be met; and

**3. Responsibilities:** *Are the development responsibilities clear and manageable?*

- o Identification of individuals responsible for development and evidence that they are well-qualified for the task.

**1. Plan:** *Is there a sound curriculum development plan?*

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

**2. Schedule:** *Is there a well-defined, realistic schedule?*

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

**3. Responsibilities:** *Are the development responsibilities clear and manageable?*

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



<p>members of the petitioning group, prospective staff members, or board members who have experience and knowledge necessary to further develop the curriculum.</p>		<p>development are vaguely assigned to school leadership, teachers and teams.</p>	
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**E. 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"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>



**ANALYSIS: SPECIAL EDUCATION**

<b>Strengths</b>	Reference	<b>Concerns &amp; Additional Questions</b>	Reference
<ul style="list-style-type: none"> <li>• Petition sets forth that school will implement an individualized learning plan for all students, which is likely to increase the school’s overall capacity to ensure the effective implementation of the IEP’s for students with identified learning disabilities.</li> <li>• Petition sets forth a clear understanding of the state and federal responsibilities held by public schools serving students with learning disabilities. Petition sets forth an understanding of the child-find, referral for assessment, IEP development and monitoring, and inclusion of students in the least restrictive learning environment.</li> <li>• Petition sets forth a clear understanding of the 504 process and the school’s roles and responsibilities as it pertains to the development and oversight of 504 plans for students who may not otherwise qualify as learning disabled.</li> <li>• Petition sets forth a description of the roles and responsibilities of the school with respect to IEP meetings.</li> </ul>	<p>Pg. 56</p> <p>Pgs. 42-45</p> <p>Pg. 43</p> <p>Pgs. 45-47</p>	<ul style="list-style-type: none"> <li>• Petition sets forth inaccurate assumptions regarding who is responsible for the hiring, training, and employment of site staff responsible for special education services, citing that the school will be responsible for these areas.</li> <li>• Petition lacks a clear articulation or understanding of the use of a Response to Intervention model or other method for systematically identifying and addressing students’ needs at various levels and for articulating escalating forms of intervention.</li> <li>• Petition does not contemplate complaints and concerns by parents/guardians regarding students with learning disabilities nor describes the manner in which the school and the district will work in collaboration to ensure proper complaint resolution.</li> <li>• Petitioners were not familiar with legal requirements for services to homeless youth and families (McKinney-Vento).</li> </ul>	<p>Pg. 42-45</p> <p>Interview</p>

<ul style="list-style-type: none"> <li>• Petition acknowledges the school's obligation to contribute to the Districts' special education costs by making payments to offset the District's over-all special education contribution.</li> </ul>	Pg. 48		
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**F. 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"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: ENGLISH LANGUAGE LEARNERS**

<b>Strengths</b>	Reference	<b>Concerns &amp; Additional Questions</b>	Reference
<ul style="list-style-type: none"> <li>• Petition describes requirements for CELDT testing and ELL redesignation.</li> <li>• Appropriate credentials, professional development, and use of SDAIE techniques are referenced.</li> </ul>	<p>Pgs. 40-41</p> <p>Pgs. 39-42</p>	<ul style="list-style-type: none"> <li>• Petition does not discuss expected percentage of ELL students and gave inconsistent responses in petitioner and board interviews.</li> <li>• Petition describes an English Language Arts / English Language Development support course, as well as “pull out” for individual and small group instruction, but this is not reflected in staffing or scheduling.</li> </ul>	<p>Interviews</p> <p>Pg. 40</p>

**G. 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?*
  - o Educational objectives aligned with the mission, vision and educational program;
2. **Measurement:** *Are the goals clear, specific and measurable?*
  - o Multiple performance measures applied to student learning objectives.
  - o 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);
  - o Goals that are specific, measurable and timebound;
3. **Performance Level:** *Have the petitioners demonstrated that the target performance levels are both ambitious and attainable?*
  - o Performance levels that are both ambitious and realistic including rigorous promotion and graduation standards;
  - o 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"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

**ANALYSIS: PUPIL OUTCOMES**

<b>Strengths</b>	Reference	<b>Concerns &amp; Additional Questions</b>	Reference
<p><b>Alignment</b></p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul> <p><b>Measurement</b></p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul> <p><b>Performance Level</b></p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>		<p><b>Alignment</b></p> <ul style="list-style-type: none"> <li>• Petition provides no discussion of how assessments were selected as suitable for the target population, which is likely to include students who have had negative experiences with testing.</li> <li>• Petition sets forth limited description of the Behavioral Health Assessments, likely to be critical in the over-all evaluation of student progress, given the unique target population.</li> </ul> <p><b>Measurement</b></p> <ul style="list-style-type: none"> <li>• Performance targets are set at the immeasurable term of “<i>strive</i>” vs. the requisite commitment to meet the proposed outcomes, as intended in charter law.</li> <li>• Petition includes a set of “overarching goals” and “school-wide goals” without establishing targets for these goals.</li> <li>• Petition sets forth “<i>Subject Specific Competencies</i>” that include Social Studies, Science, Languages other than English, Physical Fitness / Health, Technology, and Visual/Performing Arts without any description of how the outcome goals will be measured and</li> </ul>	<p>Pg. 54</p> <p>Pg. 56</p> <p>Pg. 64</p> <p>Pgs. 58, 64</p> <p>Pg. 59-60</p>

		<p>no targets have been set.</p> <ul style="list-style-type: none"> <li>• Petition sets forth “<i>Lifelong skills</i>” but provides no means to measure these skills or targets set against which progress will be measured.</li> <li>• The absence of clear measurable pupil outcomes fails to meet a key element of the statutory structure for charter school accountability.</li> </ul> <p><b>Performance Level</b></p> <ul style="list-style-type: none"> <li>• Subject-specific competencies in the petition do not include agriculture/culinary arts or environmental education, nor do they reflect the subject-matter integration promoted by the petitioners in the interview.</li> <li>• Petition sets a goal for making Adequate Yearly Progress but demonstrates no recognition of the challenges of using standardized measures for the program’s target population. There is no mention of alternative accountability measures that may apply to the school.</li> <li>• Petition sets forth that the school will use benchmark assessments, however no performance or progress targets are provided for this assessment. This includes the proposed use of the DORA/DOMA assessment which does not have performance target associated.</li> </ul>	<p>Pg. 60</p> <p>Pg. 64</p> <p>Pgs. 59-60</p> <p>Pg. 64</p> <p>Pgs. 55, 63</p>
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**H. 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?*
  - o Identification of the expected range of formative and summative assessments including but not limited to state-mandated assessments;
  - o 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?*
  - o 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?*
  - o A plan for sharing performance information, including standardized test results, with students, families and public agencies, as required.
  - o 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"/>	<b>X</b>	<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"/>	<b>X</b>	<input type="checkbox"/>	<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"/>	<b>X</b>	<input type="checkbox"/>





**EDUCATIONAL PROGRAM SUMMARY**

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<b>X</b>	<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. The educational program description includes a thorough articulation of many aspects of the mental health component of the program – demonstrating a clear understanding of effective practices to support the target population. Additions to the petition since 2010 evidence additional development of the curriculum (agricultural and environmental science elements), as well as further thought given to assessment and professional development.

**Concerns and Additional Questions**

Despite additions to the petition made since the previous submission, the educational program does not contain reasonably comprehensive descriptions of the curriculum and instructional methods, the proposed academic interventions, and well-reasoned schedule and program design, or a reasonably comprehensive description of the proposed measurable pupil outcomes and associated methods of assessment. Responses provided during the petitioner interviews did not adequately clarify specific concerns raised. Overall, the program proposes an ambitious integration of standards-based core academics, behavioral health education, environmental science, an agricultural/culinary program, culturally-relevant visual and performing arts, and substantial mental health supports for a target population with many challenges. However, 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.

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## II. PETITIONER CAPACITY

### Statutory References:

- E.C. § 47605(b)(2)
- E.C. § 47605(b)(5)(D)-(P)
- E.C. § 47605(c)(2)
- E.C. § 47605(g)

The Charter Schools Act requires the authorizer to determine whether the petitioners are “demonstrably unlikely to successfully implement the program.” Experience with new school development demonstrates that unless petitioners have sound plans and capacity for governance, management, employment and financial operation, they are unlikely to successfully implement the program. This section should provide a clear, convincing picture of the petitioners’ capacity to operate the school successfully.

### A. GOVERNANCE CAPACITY

A description of the plan for Governance excels if it has the following characteristics:

Petition Pgs. 67-73

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

**3. Operating Plan:** *Does the school have an operating plan that complies with legal obligations and incorporates sound governance practices?*

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



		<p>expulsion, admission, fiscal management, risk management, records management, conflict of interest and open meeting laws.</p> <ul style="list-style-type: none"> <li>• Statements in the petition regarding insurance do not reflect recognition of issues that may arise in obtaining appropriate insurance for this unique program, such as the operation of kitchens, provision of mental health services, and site security.</li> <li>• The fact that some of the founding group members are also part-owners of the facility to be occupied by the charter school raises potential conflict of interest issues that are not addressed in the petition.</li> </ul>	<p>Pg. 87</p> <p>Board Interview.</p>
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## B. MANAGEMENT CAPACITY

Petition Pgs. 74-92

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

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

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



**ANALYSIS: MANAGEMENT CAPACITY**

<b>Strengths</b>	Reference	<b>Concerns &amp; Additional Questions</b>	Reference
<p><b>Enrollment Procedures</b></p> <ul style="list-style-type: none"> <li>• Petition provides for an Outreach Plan that includes a range of strategies to ensure and meaningful attempt to achieve the racial and ethnic balance of district.</li> <li>• Petition sets forth that a random public lottery will take place if capacity is exceeded.</li> </ul> <p><b>Operating Procedures</b></p> <ul style="list-style-type: none"> <li>• Petition contains a statement regarding attendance alternatives for students residing in the district who choose not to attend the school.</li> <li>• Petition contains a reasonably comprehensive description of the procedures to be used in the event the school is closed, including the determination of the funds required to effectively complete that process.</li> </ul>	<p>Pgs. 84-85</p> <p>Pg. 84</p> <p>Pg. 86</p> <p>Pg. 90-91</p>	<p><b>Enrollment Procedures</b></p> <ul style="list-style-type: none"> <li>• Petition provides an unclear description of when the random lottery will take place and under what conditions. (No admission policy or protocol was provided.) It is unclear when students would learn if they have been accepted into the program.</li> <li>• Description of procedures provides no preference for Oakland residents, although this is included earlier in the petition.</li> <li>• Petition fails to address the potential for disproportion of enrollment by gender, given the emphasis on recruitment from juvenile justice and social services.</li> </ul> <p><b>Operating Procedures</b></p> <ul style="list-style-type: none"> <li>• Petition does not reflect development of health and safety procedures for the proposed site. (A recently-developed school handbook was provided at the time of the interview.)</li> <li>• Petition does not indicate that consideration has been given to several factors related to school safety, including: proximity of school to public library and elementary school; possible recruitment of students affiliated with competing</li> </ul>	<p>Pg. 84</p> <p>Pgs. 9, 84</p> <p>Interview</p>

<p><b>Management Structure</b></p> <ul style="list-style-type: none"> <li>• Petition contains a clear and thoughtful plan for professional development that is aligned to over-all instructional program and educational philosophy.</li> <li>• Petition contains a reasonably comprehensive description of the roles and responsibilities of the principal, with some detail of the preferred qualifications.</li> <li>• Petition clearly sets forth the limited liability of the district as a result of the operation of the charter school consistent with applicable law.</li> </ul>	<p>Pgs. 48-53</p> <p>Pgs. 75-76</p> <p>Pg. 92</p>	<p>gangs; and gender imbalance in student population.</p> <ul style="list-style-type: none"> <li>• Petition only references that the school will comply with Education Code as it relates to suspension and expulsion, but does not provide a description of these procedures or how these procedures will be effectively implemented in coordination with the schools use of Aggression Replacement Training and Positive Behavior Intervention and Support.</li> <li>• Petition does not contain a description of the systems likely to be effective in addressing parent and community complaints. No complaint policy was provided or described.</li> </ul> <p><b>Management Structure</b></p> <ul style="list-style-type: none"> <li>• Petition does not contain criteria or competencies against which the principal or the clinical program manager (both key employees) will be evaluated.</li> <li>• The petition does not contain or reference a fiscal management plan to ensure effective and appropriate use of funds.</li> <li>• Petition does not contain a clear structure set forth in writing which spells out the specific delegated powers of the governing board to the principal; a clear description of the communication structure among board committees or other</li> </ul>	<p>Pgs. 31, 33</p> <p>Pg. 81</p> <p>Pgs. 75, 77</p> <p>Interview</p>
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		<p>bodies active in the school; as well as an organizational chart that illustrates the authority, decision-making, and corresponding reporting structures to be implemented within the school's governance and operations. An organization chart provided at the petitioning group interview showed a problematic structure of the two parallel program functions – education and mental health – with separate management reporting to the Board of Directors.</p> <ul style="list-style-type: none"> <li>• The petition does not contain a start-up plan for the school, despite the fact that the petitioners propose to open in fall 2011. In interviews, petitioners said they planned to work extremely hard in the coming weeks and delay the start of school until as late as September 30, if necessary. The budget identifies funds from a Public Charter School Grant Program implementation grant for start-up, but they have not yet been awarded such a grant (per CDE public data).</li> <li>• Petition and responses provided during the petitioner interviews demonstrate an absence of a clear description of how business services will be provided and provide only for an expectation that these will be sought externally as well as shouldered by the principal of the school. The budget for staff and services does not appear to be sufficient for the full range of school administration.</li> </ul>	<p>Appendix</p> <p>Pg. 88 Appendix Interview</p>
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		<ul style="list-style-type: none"><li>• Petition contains no description of the required qualifications of the teachers sought by the school except certification requirements and <i>“a commitment to students and a relentless drive to support student learning”</i>, which is inadequate to demonstrate a clear understanding of the qualifications likely to evidence a strong teacher to serve the school’s unique target population.</li></ul>	Pg. 76
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### C. EMPLOYMENT CAPACITY

Petition Pgs. 74-79

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



<p>social security.</p> <ul style="list-style-type: none"> <li>• Petition contains a statement regarding employee rights of return that is consistent with applicable law and district policy.</li> <li>• Petition contains a clear declaration that 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.</li> <li>• Petition contains an assurance that staff will have criminal background and other required health and safety checks and manner in which these will be conducted.</li> </ul>	<p>Pg. 79</p> <p>Pg. 79</p> <p>Pg. 80</p>	<p>requirements for the agricultural program instructor were also not acknowledged.</p>	
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#### 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, etc.);
  - Clear evidence and track record of sustainability, in the event there is an enduring reliance on "soft" money (e.g., donations, grants, etc.);
  - An adequate reserve and contingency plan targeted to the minimum enrollment needed for solvency (especially for year 1);
  - A sound plan for financial management systems;
  - An audit assurance and/or plan with adequate budget allocation; and
  - A plan for dissolution of assets should the school close.
  
2. **Revenues:** *How would you rate the accuracy and attainability of the revenue projections?*
  - A narrative explaining key revenue assumptions;
  - Realistic revenue projections showing all anticipated revenue sources -- including state, local, federal and private funds, and any fee-based programs and services;
  - Realistic cash flow projection; and
  - A fundraising plan including assumptions and report on current status.
  
3. **Expenditures:** *How would you rate the expenditure plan in terms of sound assumptions and priorities consistent with effective operation of the school?*
  - Spending priorities that align with the school's mission, educational program, management structure, professional development needs, and growth plan;
  - A budget narrative explaining key expense assumptions;

- Realistic expense projections addressing major operating expenses including staffing and benefits, special education, facility, materials and equipment, and contracted services;
- Budgeting to meet minimum insurance requirements; and
- Evidence to support key assumptions including that compensation is sufficient to attract qualified staff and that facilities budget is adequate.

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

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

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

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

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

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

**ANALYSIS: FINANCIAL CAPACITY**

<b>Strengths</b>	Reference	<b>Concerns &amp; Additional Questions</b>	Reference
<p><b>Financial Operation</b></p> <ul style="list-style-type: none"> <li>• Petition contains a start-up year plan with reasonable assessment of and plan for costs,</li> <li>• Petition contains an audit assurance and plan with adequate budget allocation.</li> <li>• Petition contains, within the school closure procedures, a plan for dissolution of assets should the school close.</li> </ul>	<p>Appendix</p> <p>Pg. 89</p> <p>Pg. 90</p>	<p><b>Financial Operation</b></p> <ul style="list-style-type: none"> <li>• Budget has not been updated since previous petition submission in 2010.</li> <li>• Petition provides no plan for administrative and financial services. Staffing plan for a single “clerk” is inadequate for coverage of attendance, reporting, human resources, and bookkeeping needs.</li> <li>• MediCal revenue collection will require a demonstration of substantial capacity to effectively oversee and manage the invoicing process, particularly accounting for the service provision within the general education program.</li> <li>• Petition sets forth a performance target of 90% for attendance, but sets the budget at a projection of 94% and 95% percent attendance. Both level raise questions, given the petition’s identification of poor attendance as a factor in low achievement among the target population.</li> </ul>	<p>Appendix</p> <p>Appendix</p> <p>Appendix</p> <p>Appendix, Pgs. 64, 9</p>
<p><b>Revenues</b></p> <ul style="list-style-type: none"> <li>• Petition shows all anticipated revenue sources -- including state, local, federal and private</li> </ul>	<p>Appendix</p>	<p><b>Revenues</b></p> <ul style="list-style-type: none"> <li>• Revenue projections from state and federal programs have not been updated since the</li> </ul>	<p>Appendix</p>

<p>funds, and any fee-based programs and services.</p>		<p>previous submission in spring 2010 and are therefore unreliable.</p> <ul style="list-style-type: none"> <li>• Projections include substantial revenues from MediCal-reimbursable services, proposed to cover the costs of approximately half the school's staff and 60% of operating overheads. No support for MediCal revenue assumptions was provided in the petition and no participant in the interviews was able to provide an explanation or substantiation. In addition, the organization has not yet been approved as a MediCal provider – a process that can take a year, according to a member of the Legacies Board of Directors.</li> <li>• Revenue projections include inaccurate cash flow projections that do not align with the actual distribution of funds in all areas.</li> <li>• State revenues are lumped together and do not demonstrate the individual fund sources. Each of the state revenues is apportioned at different times throughout the year.</li> <li>• Revenue for the school will not be received until December or January of the opening year, based on the timing of the charter submission and proposed start date. The petitioning group has not been awarded a state implementation grant. Neither the petition nor responses during the petitioner interviews evidence a realistic</li> </ul>	<p>Appendix, Interview</p> <p>Appendix</p> <p>Appendix</p> <p>Appendix, Interview</p>
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<p><b>Expenditures</b></p> <ul style="list-style-type: none"> <li>• Petition contains spending priorities that align with the school’s mission, educational program, management structure, professional development needs, and growth plan.</li> </ul>	<p>Appendix</p>	<p>contingency plan to address the substantial funding needs of the school during the first half of the fiscal year.</p> <ul style="list-style-type: none"> <li>• Petition does not contain an academic calendar. There were inconsistencies in statements in the interviews and the petition about the length of the school year and the proposed opening day. (A calendar was provided by one member of the petitioning group, but it had not been seen by all members nor was it approved by the Board.)</li> </ul> <p><b>Expenditures</b></p> <ul style="list-style-type: none"> <li>• Special Education contribution to the district is low and not sufficiently aligned to the trending rates likely to be charged.</li> <li>• Insurance expenses appear low; costs for administrative services, custodial and campus security do not appear to have been included.</li> <li>• Petition does not contain a budget narrative explaining key expense assumptions.</li> </ul>	<p>Appendix, Interview</p> <p>Appendix</p> <p>Appendix, Interviews</p> <p>Appendix</p>
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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"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: FACILITIES PLAN**

<b>Strengths</b>	Reference	<b>Concerns &amp; Additional Questions</b>	Reference
<ul style="list-style-type: none"> <li>Facility owned by members of the founding group is located in a region likely to generate representatives of the target population.</li> </ul>	Pg. 88	<ul style="list-style-type: none"> <li>The proposed facility, as of July 7, 2011 has not received a certificate of occupancy and construction is not expected to be completed until mid-August.</li> </ul>	Interview
<ul style="list-style-type: none"> <li>Facility has the capacity to provide for many of the unique amenities that are proposed as aspects of the program design, including kitchens, garden space, and small group spaces – as well as classroom and administrative space.</li> </ul>	Pg. 88	<ul style="list-style-type: none"> <li>Responses indicated that the school may need to wait until the last possible date (September 30, 2010) in order to begin operation due to the pending completion of the facility.</li> </ul>	Interview
<ul style="list-style-type: none"> <li>Facility is located across the street from a forthcoming Oakland Public Library site.</li> </ul>	Pg. 88	<ul style="list-style-type: none"> <li>Facility does not currently have sufficient space for the planned garden nor does it include a commercial kitchen, both of which are part of the program's planned agricultural/culinary program. The plans for these additions are not included in the petition or the budget.</li> </ul>	Interview
<ul style="list-style-type: none"> <li>Ownership of proposed facility is likely to provide the opportunity to both fully utilize the space, as well as engage reasonable flexibility in its use.</li> </ul>	Pg. 88	<ul style="list-style-type: none"> <li>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.</li> </ul>	Interview

**PETITIONER CAPACITY SUMMARY**

Based on the information presented in the petition, how would you rate the likelihood that petitioners will successfully implement the proposed program? Your comments should identify the most significant strengths and weaknesses with respect to petitioner capacity.

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

**PETITIONER CAPACITY SUMMARY**

**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 petitioners demonstrate a clear commitment and a willingness to take bold steps in order to create a program likely to effectively serve the target population. The petitioning group is comprised of individuals who demonstrate a wide range of skills necessary to effectively implement a charter school.

**Criteria Not Sufficiently Addressed, Concerns & Additional Questions**  
 The petition and the responses provided during the interviews currently demonstrate an absence of capacity by the petitioning group to set forth an academic program, sufficiently integrated with the proposed mental health program, to ensure a sound educational program and a likelihood of its successful implementation. A lack of understanding of some legal compliance requirements and fiscal realities was revealed by the petition and interviews. In addition, a great deal of planning and preparation would be necessary in the areas of operations, management and governance to successfully open the school. Although some of this work was underway at the time of the interviews, there is insufficient evidence to conclude that it can be completed in time for the proposed fall 2011 opening of school.



**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.” To complete the following table,

1. Read the Element (column 1)
2. Use column 2 to find your earlier assessment of the item
3. Translate your assessment into a rating of “Inadequate” or “Reasonably Comprehensive” and mark the corresponding box.

Element	Evaluation Reference	Inadequate	Reasonably Comprehensive	Statutory Reference
Description of the educational program of the school	<i>Section I., bullet 3</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<i>Section II.D.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<i>Section II.E.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(C)
Governance structure	<i>Section III.A.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section III.C.1.</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section III.B.2., bullet 1</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section III.B.1., bullet 1</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section III.B.1., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section III.D.1., bullet 7</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section III.B.2., bullet 2</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(J)
Manner for covering STRS, PERS, or Social Security	<i>Section III.C.3., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(K)
Attendance alternatives for pupils residing within the district	<i>Section III.B.2., Bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(L)
Employee rights of return, if any	<i>Section III.C.3., bullet 4</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(M)
Dispute resolution procedure for school-authorizer issues	<i>Section III.B.2., Bullet 4</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(N)
Statement regarding exclusive employer status of the school	<i>Section III.C.3., bullet 5</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(O)
Procedures for school closure	<i>Section III.B.2., Bullet 5</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(P)

**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 as submitted contains reasonably comprehensive descriptions of some of the required elements set forth in charter law. Aspects of the Educational Program, Measurable Pupil Outcomes, and Methods of Assessment sections (as enhanced since 2010) contain thoughtful articulation, however taken as a whole, these sections lack critical elements to ensure the proposal of a sound educational program that can effectively be held accountable.

**Criteria Not Sufficiently Addressed, Concerns & Additional Questions**

The petition lacks sufficient information in key areas, including the educational program, governance and safety. 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.