

Board Office Use: Legislative File Info.	
File ID Number	19-2521
Introduction Date	11/13/19
Enactment Number	20-0078
Enactment Date	1/8/2020 er



Memo

To Board of Education

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

Board Meeting Date January 8, 2020

Subject Charter Material Revision Request for Statement of Assurances –
Lighthouse Community Charter High School

Action Vote

Background A charter school can make substantive changes to its educational program or location by submitting a material revision request to its authorizing board. Lighthouse Community Charter High School submitted a material revision request during public comment at the November 6, 2019 Board meeting to update the statement of assurances in its renewal petition. A public hearing was held on December 11, 2019 with petitioners presenting.

Discussion The Office of Charter Schools staff and Superintendent recommend **approval** of the Lighthouse Community Charter High School material revision request. The proposed changes in this case are limited to the Affirmations and Declaration section of the charter petition for the 2020-2025 renewal term. This text revision replaces State-required language to be the Statement of Assurances specifically required by Oakland Unified School District (OUSD).

Fiscal Impact N/A

Attachment Lighthouse Community Charter High School Material Revision Staff Report



TO: Board of Education

FROM: Kyla Johnson-Trammell, Ed.D., Superintendent
Sonali Murarka, Director-Office of Charter Schools

DATE: January 8, 2020

RE: **Lighthouse Community Charter High School**
Material Revision Request for Statement of Assurances

Legislative File

File ID No.: 19-2521

Introduction Date: 11/13/19

Enactment No.: 20-0078

Enactment Date: 1/8/2020

By: _____er

ACTION REQUESTED

Approve the material revision to the Lighthouse Community Charter High School (“Lighthouse” of the “Charter School”) petition to revise the Affirmations and Declaration section included in the charter petition for the 2020-2025 renewal term. The text revision (see Charter Petition pg. 3-9) amends the Affirmations and Declaration section in the Charter renewal petition from State-required language to the Statement of Assurances specifically required by Oakland Unified School District (OUSD). The State-required language included in the renewal petition was included as part of an administrative oversight on the part of the Charter School. These revisions do not alter the likelihood of the petitioners’ ability to implement a sound educational program and the petitioners seem to be demonstrably likely to successfully implement the program set forth in the petition.

SUMMARY

Staff recommends that the OUSD Board of Education approve the material revision of Lighthouse Community Charter High School’s education program. Staff recommends approval based on the following:

- 1) The text revisions are minimal and apply exclusively to the Affirmations and Declaration section.
- 2) The text revisions add a more explicit commitment to protecting the rights of students and families and maintaining open communication with OUSD.
- 3) Proposed changes are required by OUSD’s Office of Charter Schools.
- 4) The petitioners included the wrong statement of assurances unintentionally, as part of an administrative error.

PROCEDURAL BACKGROUND

- 1) OCS staff noted the incorrect Statement of Assurances in the charter renewal petition originally submitted on October 23, 2019 during the OCS review process.
- 2) OCS notified the Charter School of the error on November 7, 2019.
- 3) The lead petitioner submitted a material revision petition for the Lighthouse Community Charter High School on November 13, 2019 at a regularly scheduled board meeting.

- 4) A public hearing was held on December 11, 2019. Representatives from the lead petitioning group presented.

STATUTORY BACKGROUND

Pursuant to Education Code §47607(a)(2):

Material revisions of charters are governed by the standards and criteria in Section 47605.

DISCUSSION

Staff conducted an evaluation of the proposed material revision pursuant to the Charter Schools Act. It was determined that the changes made to the statement of assurances were compliant with relevant law and would be of benefit to students and families in the Lighthouse school community.

ANALYSIS

When evaluating the strength or weakness of a proposed revision, staff assess the whether the proposed changes are:

- Compliant with relevant law
- Beneficial to student/families
- Reasonably comprehensive and likely to be successfully implemented by petitioner

Strengths	Reference
<ul style="list-style-type: none"> • Revised Statement of Assurances is required by OUSD. • Revised Statement of Assurances include additional protections for students and families and a clear commitment to communicating with the District. 	Appendix I Appendix I
Concerns	Reference
<ul style="list-style-type: none"> • None 	
Additional Questions	Reference
<ul style="list-style-type: none"> • None 	

RECOMMENDATION

Staff recommends that the Oakland Unified School District’s Board of Education **approve**, with text revisions contained herein, the material revision of the Lighthouse Community Charter High School petition under the California Charter Schools Act. The factual findings illustrated in this report demonstrate that the material revision to the petition satisfies Education Code Section 47607(a)(2):

Material revision of charters are governed by the standards and criteria in Education Code Section 47605.

APPENDIX I – Required Charter Text Revisions

The renewal charter petition is amended from the filed petition to incorporate the revisions below.

Current Renewal Petition Text, page 5-7

As the authorized lead petitioner, I, Jenna Stauffer, hereby certify that the information submitted in this petition for the renewal of a California public charter school named Lighthouse Community Charter High (“LCCHS” or the “Charter School”), operated by Lighthouse Community Public Schools (“LCPS” or the “Nonprofit”) and located within the boundaries of the Oakland Unified School District (“OUSD” or the “District”) is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter renewal, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

- The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
- Lighthouse Community Public Schools declares that it shall be deemed the exclusive public school employer of the employees of Lighthouse Community Charter High for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(6)]
- The Charter School shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall admit all students who wish to attend the Charter School, and who submit a timely application; unless the Charter School receives a greater number of applications than there are spaces for students, in which case it will hold a public random drawing to determine admission. Except as required by Education Code Section 47605(d)(2), admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B)(i)-(iv). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(C)]
- The Charter School shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities Education Improvement Act of 2004.

- The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
- The Charter School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools is required to hold. As allowed by statute, flexibility will be given to noncore, noncollege preparatory teachers. [Ref. Education Code Section 47605(l)]
- The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
- The Charter School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the Charter School within 30 days if the Charter School demonstrates that the pupil had been enrolled in the Charter School. [Ref. Education Code Section 47605(d)(3)]
- The Charter School may encourage parental involvement but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. [Ref. Education Code Section 47605(n)]
- The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. Education Code Section 47612.5(a)(2)]
- The Charter School shall, on a regular basis, consult with its parents and teachers regarding the Charter School's educational programs. [Ref. Education Code Section 47605(c)]
- The Charter School shall comply with any applicable jurisdictional limitations to the locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]
- The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b) and 47610]
- The Charter School shall comply with all applicable portions of the Elementary and Secondary Education Act ("ESEA"), as reauthorized and amended by the Every Student Succeeds Act ("ESSA").
- The Charter School shall comply with the Public Records Act.
- The Charter School shall comply with the Family Educational Rights and Privacy Act.
- The Charter School shall comply with the Ralph M. Brown Act.

- The Charter School shall comply with Government Code Section 1090, et seq., as set forth in Education Code Section 47604.1.
- The Charter School shall comply with the Political Reform Act.
- The Charter School shall meet or exceed the legally required minimum number of school days. [Ref. Title 5 California Code of Regulations Section 11960]

Jenna Stauffer

Date

Proposed Revision, pg. 3-9

Statement of Assurances

As the authorized representative of the petitioner group, I hereby certify under the penalty of perjury that the information submitted in this petition for a charter for Lighthouse Community Charter High School to be located at 444 Hegenberger Road, Oakland, CA is true to the best of my knowledge and belief; and further, I certify that, if granted a charter, the school:

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 except as authorized by those Education Code provisions that explicitly apply to charter schools.
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, including but not limited to Education Code section (d)(2)(B).
3. Will be non-sectarian in its curriculum, programs, admissions, policies, governance, employment practices, and all other operations.
4. Will be open to all students, on a space available basis, and shall not discriminate on the basis of the characteristics included in Education Code section 220, including but not limited to 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.
5. Will not exclude admission based 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.
6. Will meet all statewide standards and conduct the pupil assessments required pursuant to Education Code Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.
7. Will comply with all applicable portions of the reauthorization of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act . 20 U.S.C. ch. 28 § 1001 et seq.
8. Will consult, on a regular basis, with parents, guardians and teachers regarding its educational programs, as required by Education Code section 47605(c)(2).

9. Will offer at least the minimum amount of instructional time at each grade level as required by law, and comply with Title 5, California Code of Regulations, section 11960(b) with respect to the legally required minimum school days.
10. Will comply with the conditions of apportionment set forth in Education Code section 47612(b) that average daily attendance not be generated by a pupil who is not a California resident, and that “a pupil over 19 years of age shall be continuously enrolled in public school and make satisfactory progress towards award of a high school diploma,” to remain eligible for generating charter school apportionments.
11. 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.
12. 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, and serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145).
13. Will comply with the requirement set forth in Education Code section 47605(d)(3) that “[i]f a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.”
14. 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 (I).
15. Will comply with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99).
16. Will comply with all other applicable federal and state laws and regulations, including the California Code of Regulations.
17. Will submit an annual report and annual independent audits to the OUSD Office of Charter Schools by all required deadlines.
18. Will maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection, as required by Education Code section 47612.5(a)(2).
19. Will submit required enrollment data each March to the OUSD Office of Charter Schools.
20. Will comply with “[a]ll laws establishing minimum age for public school attendance,” as required by Education Code section 47610(c).
21. Will operate in compliance with generally accepted government accounting principles.
22. Will maintain separate accountings of all funds received and disbursed by the school.

23. Will participate in the California State Teachers' Retirement System, and/or the California Public Employees' Retirement System, and/or other retirement systems, as applicable.
24. Will obtain, keep current, and make available for inspection all necessary permits, licenses, and certifications related to fire, health and safety within the building(s) and on school property.
25. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public schools would be required to hold under EC Section 47605(1).
26. Will at all times maintain all necessary and appropriate insurance coverage.
27. Will submit to the OUSD Office of Charter Schools the names, mailing addresses, and employment and educational histories of proposed new members of the Board of Trustees prior to their service.
28. Will, in the event the Board of Trustees 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.
29. Will require the Charter School Board to comply with the provisions of the Ralph M. Brown Act (California Government section Code 54950 et seq.)
30. Will comply with the provisions of the California Public Records Act (California Government Code section 6250 et seq.).
31. Will comply with Government Code section 1090 et seq. and the Political Reform Act (Government Code section 87100 et seq.)
32. 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.
33. Will provide to the Office of Charter Schools a school code of conduct, Board of Trustee bylaws, an enrollment policy, and an approved certificate of building occupancy for each facility in use by the school, according to the schedule set by the Office of Charter Schools but in any event prior to the opening of the school.
34. Will be located within the geographical boundaries of the District in locating its site, or otherwise comply with the requirements in Education Code section 47605 and 47605.1.
35. Will agree to defend, indemnify and hold harmless the District against any and all liability and claims arising out of the Charter School's acts, errors and omissions.
36. Follow the provisions of the McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. ch. 119 § 11431 et seq.) and Education Code 48850-48859 to ensure that homeless students have access to the same free, appropriate public education, including public preschools, as provided to other children and youths.
37. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)

38. If the school offers a transitional kindergarten program: (Education Code 48000)
 - a. Comply with the age requirement for transitional kindergarten (students whose fifth birthday is from September 2 through December 2.)
 - b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code 48000(g) by August 1, 2020
39. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691).
40. The charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, and shall meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)
41. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)
42. If the school serves high school students, submit to the Student Aid Commission, for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92.)
43. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus (Education Code 39831.3.)
44. Provide reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding (Education Code 222).
45. If the school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist
46. Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding the school's financial records (Education Code 47604.3)
47. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of the charter operator (Education Code 221.61).
48. Adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600).
49. Annually adopt a school accountability report card (Education Code 47612; California Constitution, Article 16, Section 8.5).

50. Ensure the availability and proper use of emergency epinephrine auto-injectors by: (Education Code 49414)

- a. Providing school nurses or other voluntary, trained personnel with at least one regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device
- b. Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive
- c. Providing defense and indemnification to volunteers for any and all civil liability from such administration

51. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the school contracts with an entity for specified services, verify that any employee of that entity who will have contact with students has had a criminal background check (Education Code 44830.1, 45122.1, 45125.1)

52. If the school provides independent study, meet the requirements of Education 51745-51749.3, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705).

53. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950.)

Signature

Date

Name, Title