



TO: Board of Education

FROM: Devin Dillon, Ph.D., Interim Superintendent  
Silke Bradford, Ed.D., Director-Quality Diverse Providers

DATE: May 24, 2017

RE: Conservatory of Vocal and Instrumental Arts Renewal Request

Legislative File

File ID No.: 17-0830

Introduction Date: 4-12-17

Enactment No.: 17-0762

Enactment Date: 6-14-17

By: [Signature]

**ACTION REQUESTED:**

**Recommendation:**

**Deny** the Conservatory of Vocal and Instrumental Arts renewal request for a five-year term (2017-2022).

**School Overview:**

Conservatory of Vocal and Instrumental Arts (“COVA” or the “charter school”) was founded in 2007. The school is located in Oakland Hills (District 4, Skyline High School Attendance Area) and currently serves students in grades K through 8.

**Demand and Retention Rate:**

In 2016-17, the charter school’s total enrollment is 208, with 44.7% of students receiving free or reduced priced meals, 0.4% English Learners, and 3.8% Special Education. For the 2015-16 school year, the school-wide retention rate was 95%.

**Overview of Recommendation:**

On April 12, 2017, the Oakland Unified School District (“OUSD”) received a charter renewal request from COVA. The Interim Superintendent recommends that the charter renewal request received from COVA be denied for the five-year term (2017-2022). The charter school has not met the standards and expectations set forth in the OUSD Charter Renewal Standards, which are based on the standards and criteria set forth in the Charter Schools Act, Education Code §47605(b)(5) including but not limited to: (1) an analysis of the extent to which the school has met its measurable pupil outcomes and an evaluation of its educational program; (2) an analysis of the effectiveness and viability of the school; (3) a review of the school’s performance and operations to evaluate the extent to which the school has been faithful to the terms of its charter; and (4) an evaluation of whether the petitioners have presented a “reasonably comprehensive” description of the 15 elements related to the school’s operation.

**Rationale for Recommendation**

Based on these evaluations, the staff has determined that the petitioners have not met the standards and expectations for charter renewal, and that the petitioners are demonstrably unlikely to successfully implement the program as set forth in the petition.

**Collective Measurable Pupil Outcomes (MPOs) and Quality Community Schools Commitments (QCSC)**

COVA has adopted the Collective MPOs, but has not agreed to the Quality Community Schools Commitments.

## Complaints

The Office of Charter Schools (“OCS”) received 1 (one) complaint regarding COVA in 2013-14 and 2 (two) in both 2014-15 and 2015-16. In 2016-17, there was a significant increase in the number of complaints. As of May 16, 2017, OCS had received 17 (seventeen) complaints. Some of the complaints resulted in the issuance of 8 (eight) Notices of Concern (see p. 4). One complaint against the Superintendent is currently being investigated by OUSD and the complainant’s legal counsel. The complainant is considering escalating the complaint to the Office of Civil Rights. (See Attachment III to view a compilation of the complaints filed with OCS.)

School Year	# of Complaints	Area of Concern
2013-14	1	<ul style="list-style-type: none"> <li>Leadership’s unresponsiveness to request for Special Education evaluation (504 plan)</li> </ul>
2014-15	2	<ul style="list-style-type: none"> <li>Leadership’s unwillingness to meet regarding legality of uniform policy or provide Board contact information to file a complaint (2)</li> <li>Leadership made inappropriate comments about student</li> </ul>
2015-16	2	<ul style="list-style-type: none"> <li>Leadership did not follow 504 plan</li> <li>Leadership made inappropriate comments to student/parent</li> </ul>
2016-17	17	<ul style="list-style-type: none"> <li>Conflicts of interest: roles/qualifications of brother, husband, Board Chair, parent volunteer</li> <li>Physical/verbal aggressions and traumatizing behavior towards students, parents, and staff</li> <li>Leadership invades and is disrespectful of students’ personal space</li> <li>Inappropriate, discriminatory, offensive, and aggressive type of student/principal conversations regarding sexual related incidents; inflicting mental distress</li> <li>Payroll discrimination</li> <li>Lack of Special Education services</li> <li>Lack of satisfactory facilities and textbooks</li> <li>Complaint procedure timeline was not adhered</li> <li>Students not receiving sexual education</li> <li>Noncompliant uniform policy, including sending students home for not being in uniform</li> <li>Noncompliant dismissal/tardy policy</li> <li>Noncompliant suspension/expulsion policies and procedures</li> <li>Charging students/families for instruments (including withholding instruments until fees/contributions are paid), materials, and performance tickets</li> <li>Refusing to allow communication between parent and student during out-of-state trip</li> <li>Lack of communication with parents regarding teacher resignations and other concerns/incidents</li> <li>Retaliation/ intimidation of staff; leadership threatens to dismiss employees if they file complaints</li> <li>Failure to fill out/follow-up on disciplinary reports</li> <li>Discriminatory disciplinary measures</li> <li>Leadership tactics to push out students with behavior and academic issues, including special education students</li> <li>Lack of adequate education program/intervention services</li> <li>Lack of adequate music program</li> <li>Lack of teacher professional development</li> <li>High leadership, teacher, and student turnover</li> </ul>
<b>TOTAL</b>	<b>22</b>	Information from some of these complaints resulted in the issuance of eight (8) Notices of Concern.

## Notices of Concern

OCS issued COVA zero Notices of Concern in 2014-15 and 2015-16; however, 12 (twelve) were issued in 2016-17. Though OCS staff followed up repeatedly through emails, COVA provided late and/or incomplete responses to 10 (ten) of 11 (eleven) Notices of Concern. Specifically, 3 (three) Notices of Concern were addressed at least 2 (two) months after the original response due date. As of May 16, 2017, 3 (three) concerns have not been fully addressed/resolved or are pending. (See Attachment IV to view the Notices of Concern.)

School Year	# of Notices of Concern	Area of Concern	Sent	Response Due	Response Received
2014-15	0	-	-	-	-
2015-16	0	-	-	-	-
2016-17	12	Failure to Adhere to Complaint Policy (2)	10/28 & 11/2	11/4	<ul style="list-style-type: none"> <li>• 11/2 (incomplete)</li> <li>• 11/6 (incomplete)</li> <li>• 12/1 (resolved)</li> </ul>
		Credentialing/Sub permits	10/20	10/26	<ul style="list-style-type: none"> <li>• 10/23 (resolved)</li> </ul>
		Fiscal Concern	11/21	11/28	<ul style="list-style-type: none"> <li>• 11/21 (incomplete)</li> <li>• 11/30 (resolved)</li> </ul>
		Charging for Instruments, Uniform Outerwear, and Performances	12/5	12/12	<ul style="list-style-type: none"> <li>• 12/13 (incomplete)</li> <li>• 12/19 (incomplete)</li> <li>• 2/21 (incomplete)</li> <li>• 3/1 (compliant uniform policy)</li> <li>• 3/10 (resolved; updated uniform policy)</li> </ul>
		Website Audit (requested medical information/SARC not posted)	12/28	12/28	<ul style="list-style-type: none"> <li>• 2/13 (resolved)</li> </ul>
		Charging for Instruments and Noncompliant Dismissal/ Tardy Policy*	1/6	1/17	<ul style="list-style-type: none"> <li>• 2/28 (incomplete; dismissal/tardy policy not addressed)</li> <li>• 4/12- new petition still lists noncompliant dismissal/tardy policy</li> </ul>
		Lack of Adhering to Expulsion Notification and Documentation Requirements	2/10	2/13	<ul style="list-style-type: none"> <li>• 2/13 (incomplete)</li> <li>• 3/18 (resolved)</li> </ul>
		Ombudsperson Conflict of Interest	2/21	2/24	<ul style="list-style-type: none"> <li>• 3/1 (incorrect/nonworking email provided)</li> <li>• 3/9 (email activated)</li> <li>• 3/10 (correspondence hand-delivered)</li> <li>• 3/14 (communicated to parents)</li> <li>• 3/17 (resolved)</li> </ul>
		Violation of Labor Code	2/21	2/24	<ul style="list-style-type: none"> <li>• 2/21 (requested 3/01 extension)</li> <li>• 3/17 (response from Lawyer)</li> <li>• 4/16 (resolved)</li> </ul>
		Violation of Bylaws	2/21	2/24	<ul style="list-style-type: none"> <li>• 3/10 (resolved)</li> </ul>
		Violation of Student's Civil Rights*	4/26	4/28	<ul style="list-style-type: none"> <li>• 4/28 (incomplete)</li> </ul>
Credentialing	5/16	5/22	<ul style="list-style-type: none"> <li>• Pending</li> </ul>		
<b>TOTAL</b>	<b>12</b>	<b>1- Complete/Timely Response</b> <b>8- Incomplete/Late Responses</b> <b>2 - Remain Unresolved/Late (*)</b> <b>1 - Pending</b>			

## Financial Concerns

Throughout the duration of its previous charter term, COVA had a positive ending fund balance; however, during the 2016-17 school year, many financial concerns were brought to light through staff, teacher, and student complaints (See Attachment III to view the Complaints) and multiple Notices of Concern were issued (See Attachment IV to view the Notices of Concern). Listed below are additional areas of concern found in the renewal petition.

Area of Concern	Description
Projected Budget	<ul style="list-style-type: none"> <li>• No description or rationale is provided for the budget or assumptions, including the number of FTEs</li> <li>• An amount for Object 5500, Operation and Housekeeping Services/Supplies and Object 5501 Utilities, was not included. Unclear if these amounts are included in Object 5600 Space Rental/Leases Expense</li> <li>• An amount for Object 5505, Student Transportation/Field Trips, was not included though students attend multiple performances throughout the year. This highlights the issue that families are charged to attend required student performances as pointed out by students and staff. A notice of concern was issued in this regard on December 5, 2016. School Leader responded that concerts are fundraisers and that parents have been given discounted tickets when requested; it remains unconfirmed that families are aware of this discount.</li> <li>• Object 5800 (Professional/Consulting Services) is particularly high (\$196, 911- \$219,225). This is concerning specifically because many of the consulting contracts were flagged as possible conflicts of interest. For example:               <ul style="list-style-type: none"> <li>○ Superintendent, who works as a consultant for both COVA and COVAH, is also a voting member of the Board</li> <li>○ Superintendent’s husband, Medhi Ghadiani, was hired as an Advanced Math Tutor at the COVAH campus. The Superintendent stated that no contract was created as he is paid “hourly as needed”.</li> <li>○ Board President, Sandy Carpenter, also works as a substitute administrator at the COVA campus. A Notice of Concern was issued on February 21, 2017 related to this matter. The Superintendent stated that no contract was created as she is paid “hourly on call”.</li> <li>○ Brother, Jeff Jones, works as a Maintenance Engineer and is paid approximately \$63,000 per year. However, according to staff complaints, “Brother is around school, but I haven't seen him do much other than painting and helping set up for concerts.” A fiscal Notice of Concern was issued on November 21, 2016 related to the brother’s employment.</li> </ul> </li> </ul>
Projected Cash Flow	<ul style="list-style-type: none"> <li>• The five year monthly cash flow projections do not align to the state aid and local in lieu payment schedule</li> </ul>
Ending Fund Balance	<ul style="list-style-type: none"> <li>• Based on the 2015-16 audit, COVA had an ending fund balance of \$1.6 million. It remains unclear how the 2016-17 ending fund balance might be affected due to the 20% drop in enrollment.</li> <li>• In the 2015-16 school year, approximately \$78,000 of COVA’s ending fund balance was used to pay for COVAH’s end of the year deficit. It remains unclear if a similar payment will be made in future years.</li> </ul>

**Website Audit** (as of February 13, 2017)

According to the website audit below, COVA is currently in compliance as all required documentation is posted; however, one required item was posted late and there are recommended items missing.

**Required**

Report/Item	Posted Yes/No	Note
SARC Report (E.C. 35258)	Yes	Was not posted until 2/13/17
Board Agenda & Meeting Date (E.C. 54950)	Yes	-

**Recommended**

Report/Item	Posted Yes/No	Note
School Attendance Calendar	Yes	-
Board Approved Budget Report	No	Missing latest budget report
Audit Report	No	Missing 2015-16
LCAP Report / LCAP Budget	Yes	-
Fiscal & Conflict of Interest Policy	Yes	-
Board Members Contact Info	Yes	-

**Enrollment**

The following graph illustrates COVA’s enrollment numbers over the term of the charter. Overall, COVA’s student enrollment has decreased by over 20% since October of 2015-16. Even more recently, it has continued to decrease during the course of the 2016-17 school year, falling to just 184 students as of March 24, 2017.

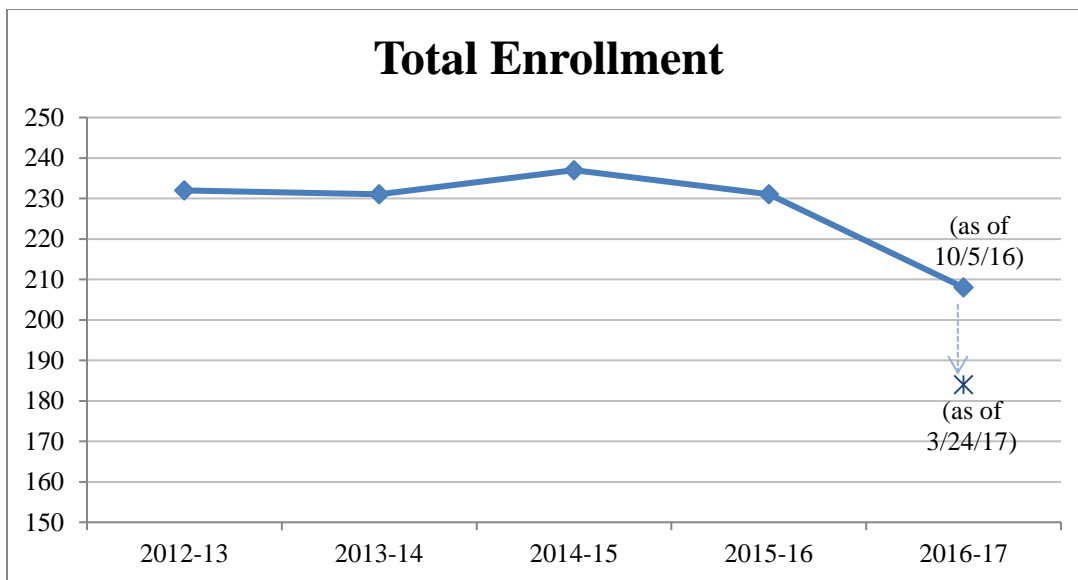


Figure 1. Source: CDE Downloadable Data Files for 2012-13 thru 2015-16; 2016-17 October 5<sup>th</sup> data based on 2016 CBEDS enrollment as reported by the school to OUSD; 2016-17 March 24<sup>th</sup> data based on COVA’s M-8 Monthly Statistical Report as reported by the school to OUSD

A comparison between COVA and the District’s enrollment demographics are as follows:

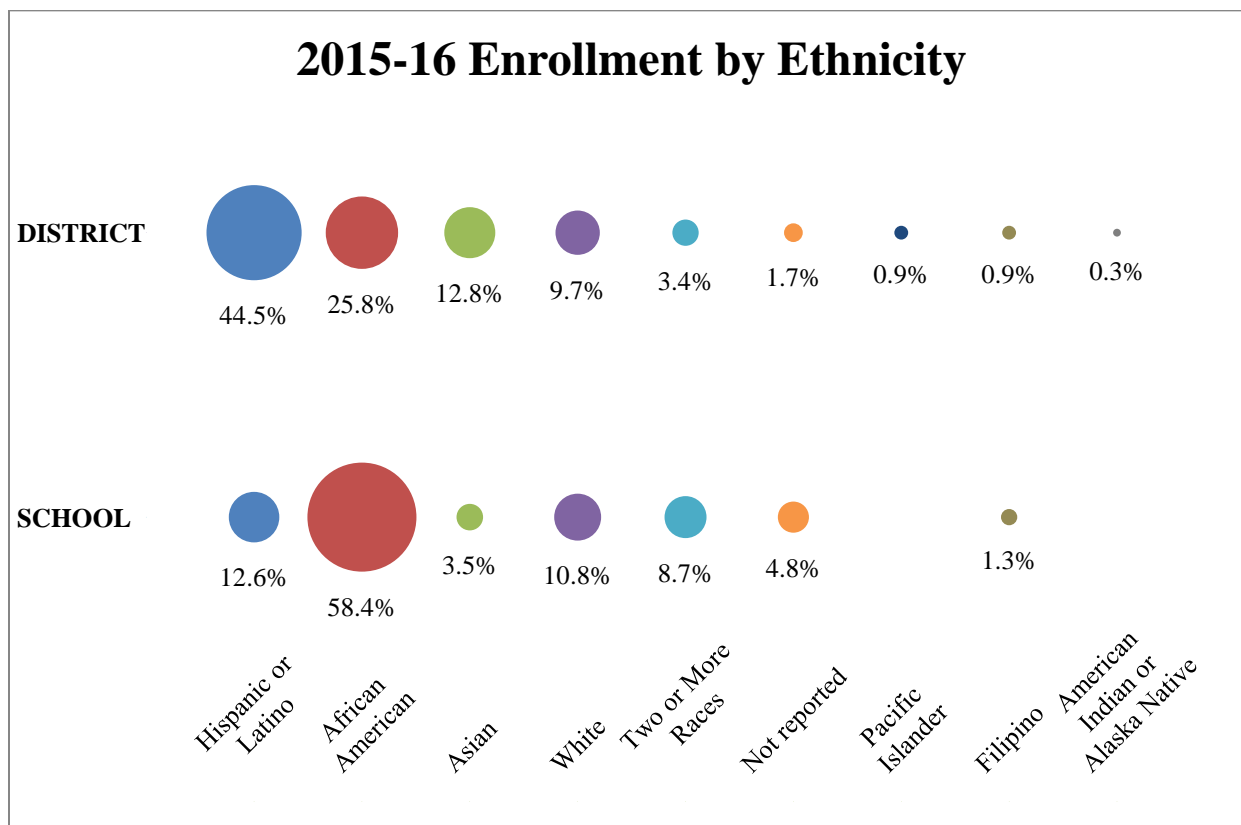


Figure 2. Source: CDE Downloadable Data Files

As Figure 2 above shows, COVA’s student population is somewhat representative of the District. The student population is 58% African American, but just 13% Latino. COVA’s detailed demographic data over time is represented in Table 1 below. Though COVA may be somewhat representative in terms of racial demographics, both SPED and ELs are grossly underrepresented at COVA.

	2012-13		2013-14		2014-15		2015-16	
	Total	%	Total	%	Total	%	Total	%
Total Enrollment	232	-	231	-	237	-	231	-
<b>Gender</b>								
Male	87	38%	87	38%	93	39%	91	39%
Female	145	63%	144	62%	144	61%	140	61%
<b>Ethnicity</b>								
African American	145	63%	140	61%	133	56%	135	58%
Asian/Pacific Islander	15	6%	15	6%	16	7%	8	3%
Latino	36	16%	39	17%	35	15%	29	13%
Other	24	10%	20	9%	24	10%	34	15%
White	12	5%	17	7%	29	12%	25	11%
<b>EL &amp; FRPM</b>								
English Learners	2	1%	0	0%	3	1%	1	0%
FRPM	86	37%	127	55%	155	65%	97	42%

Table 1. Source: CDE Downloadable Data Files



**Program Summary:**

**School Mission: (Excerpt from the EXISTING, approved charter petition)**

“Our mission is to make the extraordinary benefits of music and a high quality academic education available to students entering grades K-8, and provide a structured environment where students can become confident, self-disciplined, and creative individuals.” (from parent and student handbook)

“COVA’s mission is to create a K-8 school serving inner city Oakland students, with musical interests, with a focus on students in a site-based state standards aligned program delivered through the integration of the musical arts to enable students to participate passionately in music and performance, and become self-motivated, competent, life-long learners who are able to read, write, speak, and calculate with clarity and precision” (from employee handbook).

**School Mission: (Excerpt from the NEW charter petition)**

“COVA’s mission is to provide the extraordinary benefits of music and a high quality academic education to students in grades K – 8 from the greater Oakland Area and local communities. COVA will provide high quality music and performing arts instruction and a rigorous academic program” (pg. 8).

**Program’s Distinguishing Features:**

“COVA seeks to provide the extraordinary benefits of music education, in concert with a high quality and differentiated academic education that allows students to excel academically and musically. COVA teachers will utilize high engagement strategies to ensure students are both active in and learn to manage and advocate for their learning” (pg. 15).

**GOVERNING LAW:**

Under the California Charter Schools Act, authorizers are required to apply the “standards and criteria” set forth for the review and approval or denial of a charter school petition. The following excerpt is taken from section 47605 of the California Charter Schools Act (**bold emphasis added**):

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 by subdivision (a).
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).
- (5) The petition does not contain **reasonably comprehensive descriptions** of all of the [required charter elements.]
- (6) The petition does not contain a declaration of whether or not 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.

**II. PREREQUISITE FOR CHARTER RENEWAL (AB 1137)**

The Charter Schools Act establishes a prerequisite for charter renewal (AB1137) in which a charter school must meet **AT LEAST ONE CRITERIA** so that charter renewal **may be considered**.

STATUTORY RENEWAL THRESHOLD	Y/N
<b>1. API Growth Target:</b>	
Did school attain API Growth Target in prior year?	NA
Did school attain API Growth Target in two of last three years (when there was testing)?	NA
Did school attain API Growth Target in the aggregate of the prior three years?	NA
<b>2. API Rank:</b>	
Is the school ranked 4 or higher on API in prior year?	NA
Is the school ranked 4 or higher on API in two of last three years?	NA
<b>3. API Similar Schools Rank:</b>	
Is the school ranked 4 or higher on API Similar Schools in prior year?	NA
Is the school ranked 4 or higher on API Similar Schools in two of last three years?	NA
<b>4. Is the school at least equal to the academic performance of schools students would have attended?</b>	<b>Y</b>

## Smarter Balanced (SBAC) English Language Arts/Fluency and Mathematics Achievement

Please note: because these exams are based on more challenging academic standards, the results are too fundamentally different to compare to old scores on the former state standardized test (e.g. CST). Instead, the 2014-15 SBAC scores are a starting point—a baseline for the progress students will make over time.

In order to compare COVA’s performance to that of schools serving similar grade level spans (see p. 19-20 of this report for comparisons), SBAC results were disaggregated by grade level spans as shown below.

<b>COVA (K-8) SBAC</b>				
	<b>ELA</b>		<b>Math</b>	
Achievement Level	2014-15	2015-16	2014-15	2015-16
<b>Proficient (Exceeded + Met)</b>	<b>60%</b>	<b>57%</b>	<b>52%</b>	<b>50%</b>
Standard Exceeded	24%	25%	21%	19%
Standard Met	36%	33%	32%	31%
Standard Nearly Met	25%	28%	30%	36%
Standard Not Met	15%	14%	17%	14%

Table 2a. Source: CDE Downloadable Data Files

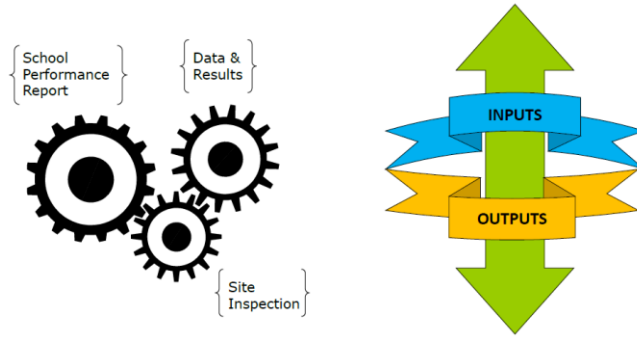
<b>COVA (K-5) SBAC</b>				
	<b>ELA</b>		<b>Math</b>	
Achievement Level	2014-15	2015-16	2014-15	2015-16
<b>Proficient (Exceeded + Met)</b>	<b>53%</b>	<b>47%</b>	<b>47%</b>	<b>53%</b>
Standard Exceeded	20%	22%	12%	14%
Standard Met	32%	25%	35%	39%
Standard Nearly Met	30%	32%	31%	33%
Standard Not Met	18%	21%	21%	14%

Table 2b. Source: CDE Downloadable Data Files

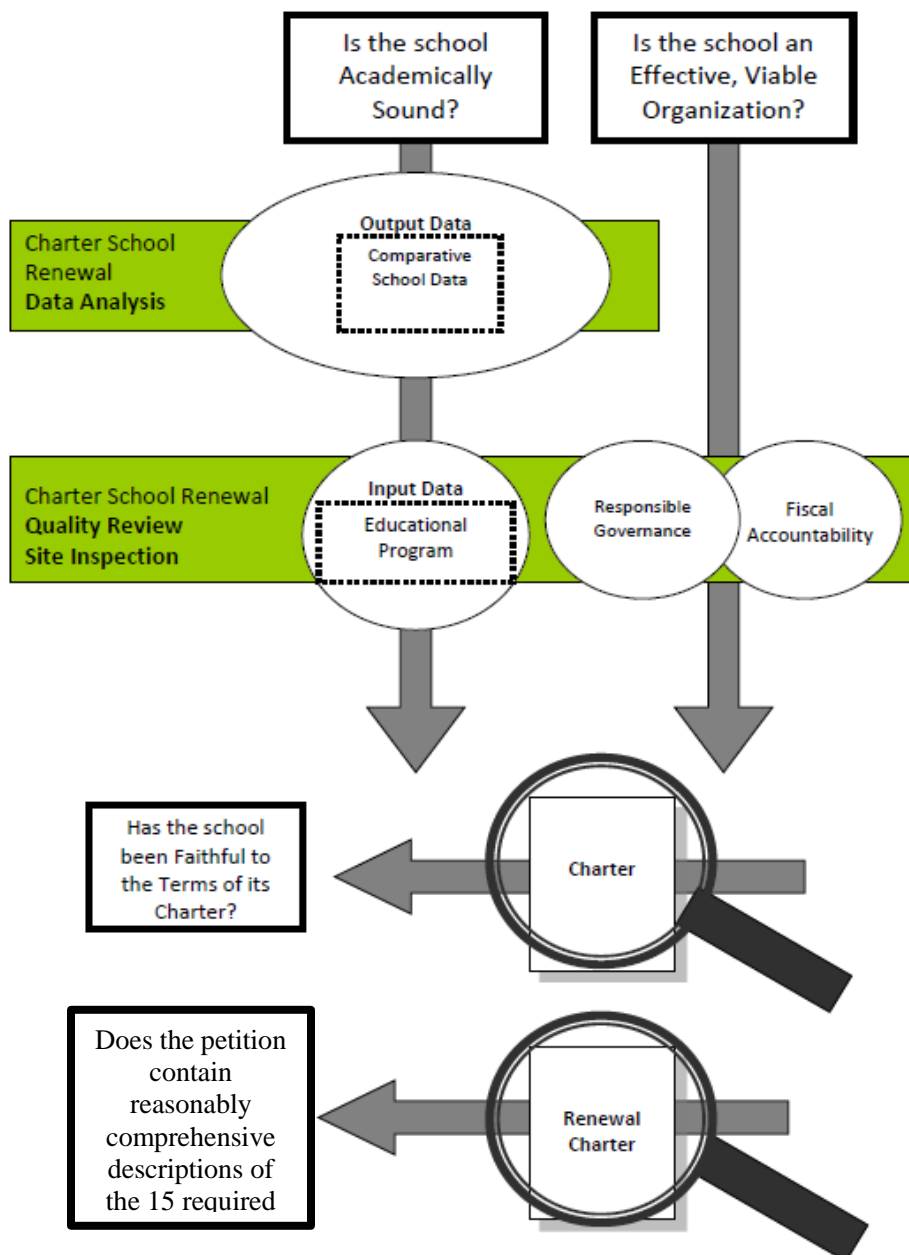
<b>COVA (6-8) SBAC</b>				
	<b>ELA</b>		<b>Math</b>	
Achievement Level	2014-15	2015-16	2014-15	2015-16
<b>Proficient (Exceeded + Met)</b>	<b>67%</b>	<b>67%</b>	<b>57%</b>	<b>47%</b>
Standard Exceeded	28%	27%	29%	24%
Standard Met	39%	40%	28%	23%
Standard Nearly Met	20%	25%	29%	39%
Standard Not Met	13%	8%	14%	14%

Table 2c. Source: CDE Downloadable Data Files

Staff evaluation of charter schools for purposes of renewal involves the following effort to triangulate the evidence base in support of a recommendation of approval or denial of the charter renewal request:



**ANALYZING A CHARTER SCHOOL’S PERFORMANCE FOR THE PURPOSES OF RENEWAL:**



**PLEASE NOTE:**

**This report is not exhaustive. Many areas would benefit from greater depth of coverage and many aspects of the evaluation set forth here warrant further discussion and elaboration. The intent is to provide adequate evidence upon which to base a charter renewal decision, while lending credence to the overall staff recommendation.**

**Renewal Standard I: Is the school academically sound?**

The following is an analysis of the extent to which the school has met its Measurable Pupil Outcomes (MPOs) as stated in the charter petition. It is critical to note that in addition to the transition to Common Core resulting in gaps in data related to MPOs, schools that voluntarily adopted the new and improved Collective MPOs also suffered a gap in, or limited, data points since these only went into effect in 2015-16. In total, schools did not have the benefit of an entire charter term, which they are entitled to, in order to meet the two different sets of MPOs as outlined. So, the met/not met/substantial progress towards meeting designations should be interpreted very loosely considering.

In its charter petition, COVA only provided outcome data for 1 of its 8 original MPOs and did not include 2015-16 outcome data for any of the 12 Collective MPOs. The 2015-16 Collective MPO data included below was corroborated by information provided earlier in the year as part of an annual data update.

Measurable Pupil Outcomes	2012-13	2013-14	2014-15
#1. Ninety- eight percent of COVA students will participate in the CST Standards in reading and math at all grade levels and testing for science, history, and writing at designated grade levels. COVA will demonstrate a minimum of a 5 point increase in the API score per year.	CST participation: 98.2% API: 873, (20-pt decrease)	N/A	N/A
#2. Seventy percent of individual students who are enrolled at COVA for two or more years will demonstrate proficiency or advanced achievement on the CST in English and Mathematics. Students not reaching proficiency will demonstrate growth toward Proficiency (moving up one or more categories from FFD, BB or B).	ELA: 73.7% Math 70.4% (No data provided for second part of MPO)	N/A	N/A
#3. Sixty percent of Special Education and ELL students who are enrolled at COVA for two or more years will demonstrate proficiency in English and Mathematics based on tests identified in their IEP or ELL plan.	(No data provided)		
#4. Ninety percent of students who attended COVA from 1 - 3rd grade will demonstrate knowledge of basic music theory including note reading, rhythm, vocal skills, and music terminology.	(No data provided)		
#5. One hundred percent of COVA students in grades 4 - 8 will declare a major area of music study (vocal or instrumental) and will participate in coursework designed for their area of study.	(No data provided)		
#6. One hundred percent of all COVA students will participate in at least two public concerts per year.	(No data provided)		
#7. Ninety-five percent of students will keep a planner listing all homework and assignments during the year. This planner will be available to parents as well as anyone working with the student as a way of monitoring and measuring academic areas completed and progress toward those goals.	(No data provided)		
#8. Ninety percent of COVA students will maintain 95% attendance during the school year.	(No data provided)		

Measurable Pupil Outcome		Amount		2015-16
		(1)	(2)	
2	By the end of the charter term, for each statistically significant student subgroup,* increase the percent of students scoring level 3 or level 4 on the ELA portion of the SBAC by at least _____ percent or achieve a level of _____ percent.	-	-	-
	Black or African American	1%	45%	+3%; 47%
	Low-Income Students	1%	51%	0%; 55%
4	By the end of the charter term, for each statistically significant student group,* increase the percent of students scoring level 3 or level 4 on the Math portion of the SBAC by at least _____ percent or achieve a level of _____ percent.	-	-	-
	Black or African American	1%	43%	-4%; 39%
	Low-Income Students	1%	42%	+1%; 43%
5	Each year, _____ percent of students will increase _____ on the _____ or achieve proficiency.	65%	1 grade level	44.7%
	<i>ELA/Reading Assessment: Gates-MacGinitie</i>			
6	Each year, for each statistically significant student group,* _____ percent of students will increase _____ on the <u>(same assessment as #5)</u> or achieve proficiency.	-	-	-
	Asian	65%	1 grade level	33.3%
	Hispanic or Latino	65%	1 grade level	60.9%
	Black or African American	65%	1 grade level	51.2%
	White	65%	1 grade level	52%
	Two or More Races	65%	1 grade level	35.7%
	Low-Income Students	65%	1 grade level	42.7%
7	Each year, _____ percent of ELs will improve one overall proficiency level on CELDT.	80%		Petitioner indicated "Met – based on CELDT results", but no data provided
8	Each year, have less than _____ percent of students absent more than 10% of the school days (chronic absence).	5%		Petitioner indicated "Met – based on attendance records and reports," but no data provided
9	Each year, for each statistically significant student group,* have less than _____ percent of students absent more than 10% of the school days (chronic absence).	-		-
	Black or African American	5%		Petitioner indicated "Met – based on attendance records and reports," but no data provided

Measurable Pupil Outcome		Amount		2015-16
		(1)	(2)	
	Low-Income Students	5%		Petitioner indicated "Met – based on attendance records and reports," but no data provided
10	Each year, at least _____ percent of students and families positively rate school safety. <i>Student Survey Question: I feel safe at school.</i> <i>Family Survey Question: I feel my child is safe at school.</i>	85%		Students were not surveyed. Family: 85%
	Each year, at least _____ percent of students and families positively rate academic instruction. <i>Student Survey Question: The school's academic program engages me in rigorous activities that prepare me for high school success</i> <i>Family Survey Question: The school's academic program engages my child in rigorous activities that prepare him/her for high school success.</i>	75%		Students were not surveyed. Family: 80%
12	Each year, at least _____ percent of students and families positively rate their voice in school decision-making and/or opportunity for feedback. <i>Student Survey Question: I have opportunities to be involved in the life of the school through volunteer and performance activities.</i> <i>Family Survey Question: I have opportunities to be involved in the life of the school through volunteer and performance activities.</i>	70%		Students were not surveyed. Family: 93%

*\*The following table shows the number of students needed for a student group to be deemed statistically significant.*

Student Group	# for Statistical Significance
American Indian or Alaska Native, Asian, Native Hawaiian or Pacific Islander, Filipino, Hispanic or Latino, Black or African American, White, Two or More Races, English Learners, Low-Income Students, Special Education	30
Students in Foster Care	15

MPO Summary	2012-15 Previous MPOs	2015-16 Collective MPOs
Met	0	1
Substantial Progress	1	5
Not Met	7	6
No Data/Target Available	0	0

### Substantial Progress Thresholds

In determining whether a MPO has "not been met," *yet* there has been "substantial progress" towards fulfillment of the goal, the following was taken into consideration:

- 1) Was the MPO ambitious/rigorous? If Yes then,
- 2) Did half of the grade levels or more, meet, or come within 5-10% of meeting, the goal?

## **2013 STAR Testing Performance Disaggregated By Student Demographics**

The table below provides an overview of ELA and Math CST performance disaggregated by race and socioeconomic status. Groups that are considered numerically significant need 50 or more students who make up at least 15 percent of the total number of all students with valid scores for testing in order for AYP criteria to be established. Schools with fewer than 100 valid scores have no numerically significant student groups for AYP purposes.

In the case of COVA, there are two subgroups that made up a numerically significant portion of the student population: African American and Socioeconomically Disadvantaged. The African American subgroup at COVA met the 2013 AYP criteria in ELA, but not in Math. The Socioeconomically Disadvantaged subgroup at COVA did not meet the 2013 AYP criteria in either ELA or Math.

2013 School Groups	ELA			Math		
	Valid Scores	Percent At or Above Proficient	Met 2013 AYP Criteria?	Valid Scores	Percent At or Above Proficient	Met 2013 AYP Criteria?
Schoolwide	177	75.1	Yes	177	71.8%	No
Black or African American	106	72.6%	Yes	106	70.8%	No
Asian	12	83.3%	-	29	62.1%	-
Hispanic or Latino	29	79.3%	-	29	62.1%	-
White	12	75.0%	-	12	91.7%	-
Two or More Races	17	76.5%	-	17	64.7%	-
Socioeconomically Disadvantaged	97	73.2%	No	97	64.9%	No

Table 3. Source: DataQuest/CDE



# SBAC Testing Performance Disaggregated By Student Demographics<sup>1</sup>

## ELA SBAC

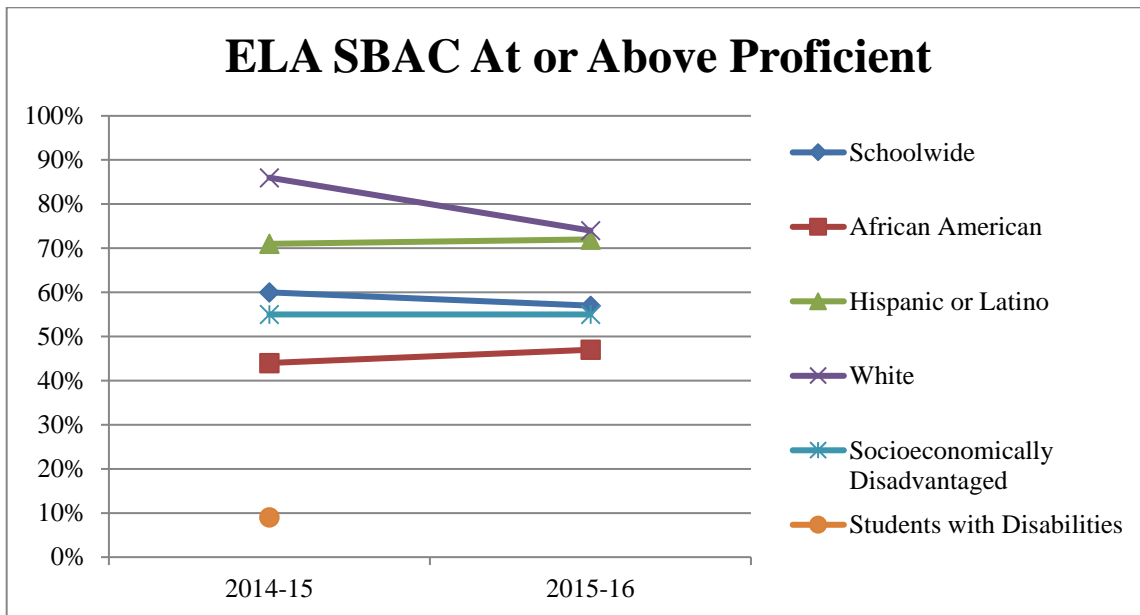


Figure 3a. Source: CDE Downloadable Data Files

As Figure 3a above illustrates, Students with Disabilities, African American students, and Socioeconomically Disadvantaged students have each performed lower than the schoolwide average on the ELA SBAC. Latino and White students performed higher than the schoolwide average. Proficiency rates (the percent of students scoring at or above proficient) for African American and Latino students increased slightly from 2014-15 to 2015-16, while proficiency rates for White students decreased by 12 percentage points. Scores for Students with Disabilities at COVA were not made publically available by CDE in 2015-16 due to the low number of students testing in this subgroup.

<sup>1</sup> In order to protect student confidentiality, SBAC scores are not included for any subgroup of 10 or fewer students.

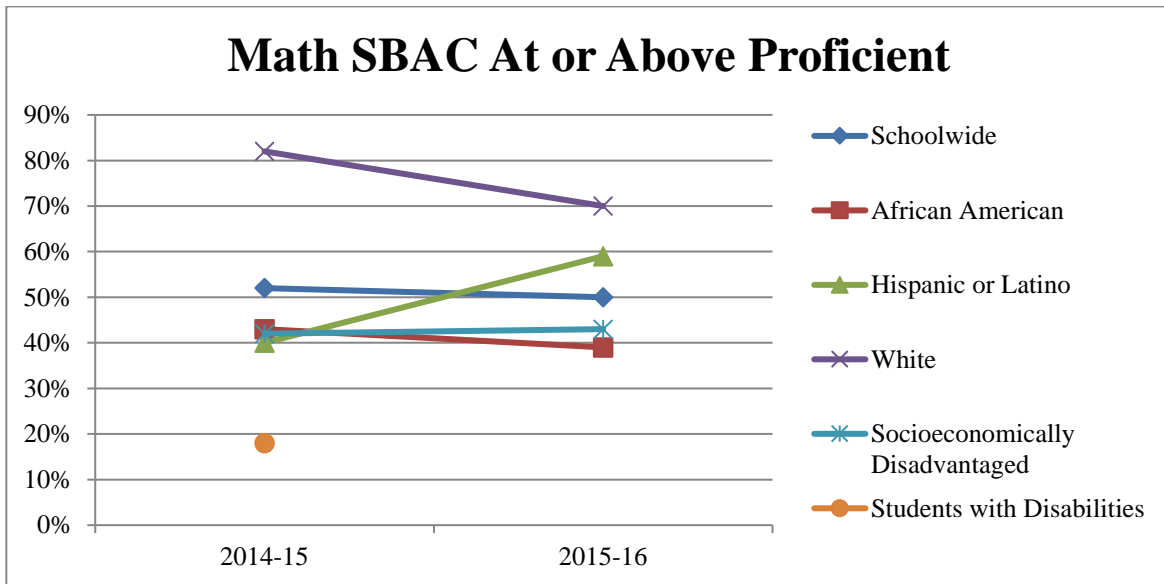


Figure 3b. Source: CDE Downloadable Data Files

Figure 3b shows that African American students, Socioeconomically Disadvantaged students, and with Students with Disabilities performed lower than other subgroups schoolwide on the Math SBAC. Significant changes in the subgroups’ proficiency rates included a 12 percentage point decrease for White students and a 19 percentage point increase for Latino students. Proficiency rates for African American students decreased slightly, while proficiency rates for socioeconomically disadvantaged students increased slightly.

The Students with Disabilities, African American, and Socioeconomically Disadvantaged subgroups underperformed on both the Math and ELA SBAC by varying degrees in comparison to the schoolwide average. The COVA performance report states “All of our subgroups are performing better than [the] district average, though there will be an added emphasis on those students with disabilities, ensuring the school works to close the achievement gap between our highest performing subgroup and these students” (pg. 32). The performance report does not outline specific plans to increase the academic achievement of the aforementioned subgroups.

## **SBAC Comparison Schools Data**

The comparison school sets for COVA were created by selecting schools in Oakland that serve similar grade level spans with a comparable population of students that qualify for free and reduced priced meals for 2015-16. These sets include both district-run and charter-run schools. Alternative education and continuation schools were excluded from consideration. Tables 4a, 4b, and 4c list the comparison schools and include the following data points:

- (1) FRPM—the percentage of enrolled students who qualified for free and reduced priced meals in 2015-16
- (2) EL—the percentage of enrolled students who were English Learners (EL) in 2015-16
- (3) SPED—the percentage of enrolled students who are Special Education (SPED) students for 2016-17
- (4) SBAC—ELA and Math SBAC outcomes for 2015-16

Although comparison school sets are included for the K-5, 6-8, and K-8 grade level spans, only 8.6% (6 of 70) district-run schools serving students in grades K-8 serve the full K-8 grade level span. A summary of COVA’s SBAC performance and enrollment of the abovementioned subgroups compared with the comparison schools is presented in Tables 5a and 5b, respectively.

### ***K-5<sup>th</sup> Grade Comparison Schools***

On the ELA SBAC, COVA’s K-5<sup>th</sup> grade students performed lower than four of six district-run comparison schools serving the K-5 grade level span. On the Math portion, COVA’s K-5<sup>th</sup> grade students performed similarly to the district-run comparison K-5 schools, outperforming two, matching two, and underperforming two district-run comparison schools. Though it is important to note that the two district-run schools that COVA “matched” or “outperformed” in Math, both have higher percentage of SPED and EL students.

K-5					
SCHOOL	FRPM	EL	SPED	SBAC (ELA)	SBAC (Math)
Grass Valley Elementary	71.2%	13.5%	30.0%	26%	17%
Lincoln Elementary	70.0%	0.9%	7.3%	55%	66%
Cleveland Elementary	58.3%	0.5%	8.5%	59%	58%
<b>Conservatory of Vocal and Instrumental Arts</b>	<b>42.0%</b>	<b>0.4%</b>	<b>3.8%</b>	<b>47%</b>	<b>53%</b>
Sequoia Elementary	41.5%	0.2%	11.0%	55%	53%
Glenview Elementary	36.1%	5.1%	8.9%	47%	46%
Redwood Heights Elementary	25.9%	4.7%	13.6%	49%	53%

Table 4a. Source: CDE Downloadable Data Files (FRPM, EL, SBAC data); OUSD student information system (District-Run Special Education data); Data provided by charter schools during fall 2016 (Charter Special Education data)

### 6<sup>th</sup>-8<sup>th</sup> Grade Comparison Schools

On both the ELA and Math SBAC, COVA’s 6<sup>th</sup>-8<sup>th</sup> grade students performed higher than the three district-run comparison schools serving the 6-8 grade level span, though all district-run schools served a much higher percentage of students who were eligible for free or reduced priced meals and served a much higher percentage of SPED students.

6-8					
SCHOOL	FRPM	EL	SPED	SBAC (ELA)	SBAC (Math)
Edna Brewer Middle	62.5%	0.1%	15.5%	53%	39%
Claremont Middle	56.9%	4.3%	16.1%	45%	38%
Montera Middle	50.4%	0.2%	14.6%	40%	34%
<b>Conservatory of Vocal and Instrumental Arts</b>	<b>42.0%</b>	<b>0.4%</b>	<b>3.8%</b>	<b>67%</b>	<b>47%</b>

Table 4b. Source: CDE Downloadable Data Files (FRPM, EL, SBAC data); OUSD student information system (District-Run Special Education data); Data provided by charter schools during fall 2016 (Charter Special Education data)

### K-8<sup>th</sup> Grade Comparison Schools

On both the ELA and Math SBAC, COVA performed higher than the only district-run comparison school serving the K-8 grade level span; however, COVA serves a substantially lower percentage of students that are eligible for free and reduced priced meals than the comparison school.

K-8					
SCHOOL	FRPM	EL	SPED	SBAC (ELA)	SBAC (Math)
American Indian Public Charter School II	76.8%	0.3%	2.6%	60%	74%
Melrose Leadership Academy	59.5%	0.4%	5.7%	22%	15%
Roses in Concrete	54.3%	26.9%	6.2%	21%	15%
<b>Conservatory of Vocal and Instrumental Arts</b>	<b>42.0%</b>	<b>0.4%</b>	<b>3.8%</b>	<b>57%</b>	<b>50%</b>
Francophone Charter School of Oakland	25.7%	0.9%	0.0%	56%	53%
North Oakland Community Charter	21.9%	1.8%	9.0%	67%	47%

Table 4c. Source: CDE Downloadable Data Files (FRPM, EL, SBAC data); OUSD student information system (District-Run Special Education data); Data provided by charter schools during fall 2016 (Charter Special Education data)

### Comparison Summary

Tables 5a and 5b below compare COVA’s SBAC performance and demographic makeup to district-run comparison schools identified in the comparison school sets shown above. COVA outperformed 50% of district-run comparison schools on the ELA SBAC and 60% on the Math SBAC. However, with just 42% of its students eligible for free and reduced priced meals, COVA had a lower percentage of students eligible for free and reduced priced meals than 7 of the 10 district-run comparison schools. Similarly COVA had a lower percentage (0.4%) of English Learners than 6 of the 10 district-run comparison schools and a lower percentage of Special Education students (3.8%) than all 10 district-run comparison schools. The fact that COVA has such low FRPM, coupled with the lack of SPED and EL students, is concerning from an equity/access perspective. In addition, COVA performance should be far higher considering the lack of representation of SPED and EL students.

<b>Charter School Performance vs. District-Run Comparison Schools</b>			
<b>SBAC Subject</b>	<b>Underperformed</b>	<b>Tied</b>	<b>Outperformed</b>
ELA	4 (40%)	1 (10%)	5 (50%)
Math	2 (20%)	2 (20%)	6 (60%)
<b>Total</b>	<b>6 (30%)</b>	<b>3 (15%)</b>	<b>11 (55%)</b>

Table 5a. Source: Analysis of Data from CDE Downloadable Data Files and Special Education Data Found in Tables 5a, 5b, and 5c

<b>Charter School Demographic Makeup vs. District-Run Comparison Schools</b>			
<b>Subgroup</b>	<b>Comparison Schools with a Higher % of Enrolled Students in Subgroup</b>	<b>Comparison Schools with an Equal % of Enrolled Students in Subgroup</b>	<b>Comparison Schools with a Lower % of Enrolled Students in Subgroup</b>
FRPM	7 (70%)	0 (0%)	3 (30%)
EL	6 (60%)	1 (10%)	3 (30%)
SPED	10 (100%)	0 (0%)	0 (0%)

Table 5b. Source: Analysis of Data from CDE Downloadable Data Files and Special Education Data Found in Tables 5a, 5b, and 5c

**Review of COVA’s Increases in Pupil Performance by Pupil Subgroups per Education Code section 47607(a)(3)(A):**

***Pupil Subgroup Analysis***

In accordance with the requirements of Education Code section 47607(a)(3)(A), the District has “consider[ed] increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.”

The District conducted an analysis of COVA’s increases in pupil academic achievement in all groups of pupils served by the charter school, for both the API and SBAC.

***API***

The table below shows the 2012 base and 2013 growth API scores for the subgroups at COVA. The API scores for all statistically significant subgroups (African American and Socioeconomically Disadvantaged) decreased from 2012 to 2013. The schoolwide API decreased by 20 points.

Subgroup	2012 Base	2013 Growth	2012/13 Growth
Schoolwide	893	873	-20
Black or African American	872	857	-15
American Indian or Alaska Native	-	-	-
Asian	-	943	-
Filipino	-	-	-
Hispanic or Latino	892	882	-
Native Hawaiian or Pacific Islander	-	-	-
White	978	937	-
Two or More Races	897	842	-
Socioeconomically Disadvantaged	876	848	-28
English Learners	-	-	-
Students with Disabilities	-	-	-

Table 6. Source: DataQuest/CDE

## SBAC

As the table below shows, the African American, White, Ethnicity-Two or More Races, and Socioeconomically Disadvantaged Hispanic or Latino subgroups experienced a decrease in SBAC scores from the 2014-15 to the 2015-16 school year in ELA and/or Math. In Math, African American students experienced a 4 percentage point decrease and Ethnicity-Two or More Races experienced a 9 percentage point decrease, while Socioeconomically Disadvantaged Hispanic or Latino students experienced a 13 percentage point decrease in ELA. White students experienced a 12 percentage point decrease in both Math and ELA.

COVA SBAC Subgroup Summary – % At or Above Proficient						
SUBGROUP	ELA			MATH		
	14-15	15-16	CHANGE	14-15	15-16	CHANGE
Students with Disability	9	*	NA	18	*	NA
Economically Disadvantaged	55	55	0	42	43	1
English Learner	*	*	NA	*	*	NA
African American	44	47	3	43	39	-4
Hispanic or Latino	71	72	1	40	59	19
White	86	74	-12	82	70	-12
Ethnicity - Two or More Races	91	*	NA	73	64	-9
Socioeconomically Disadvantaged African American	42	43	1	33	35	2
Socioeconomically Disadvantaged Hispanic or Latino	75	62	-13	31	50	19

\*No data due to small sample size. Note: Ethnicities not listed above did not have data due to small sample size for both 2014-15 and 2015-16.

Table 7. Source: CDE Downloadable Data Files

As required under the Education Code, increases in pupil performance were considered as the most important factor in whether to renew the COVA charter petition. As illustrated by the aforementioned tables, COVA has not experienced consistent or broad subgroup growth that would override the significant legal and operational deficiencies summarized in this report. For example, there was a decrease in the score for all subgroups during the last administration of the API. Furthermore, increases in performance on the SBAC of some subgroups are outweighed by significant decreases observed in other subgroups.

### Summary

As highlighted on p. 3-5, there was a precipitous increase in both the number of complaints (17) and Notices of Concern (12) against COVA during the 2016-17 school year. It is noteworthy that the complaints and Notices of Concern allege violations by COVA in the areas of special education, civil rights, and student fees, as well as allegations of discrimination, retaliation, intimidation and conflicts of interest against the school's leadership. In addition, District staff has found budget and cash flow deficiencies in COVA's finances, as set forth on p. 5. Therefore, the breadth, quantity and nature of the operational and legal issues that have arisen demonstrate a crisis in leadership within the school. Balanced against the lack of consistent and widespread increases in pupil performance on either the SBAC or API, and the decreases in many of the statistically significant subgroups on the SBAC, the deficiencies set forth in this report outweigh COVA's pupil performance and compel non-renewal of the COVA charter. In summary, COVA's lack of sustained and across-the-board growth in pupil outcomes for all subgroups is insufficient to outweigh the significant operational, financial and legal deficiencies that plague the school.

## **Financial Reporting Data**

COVA's ADA remained relatively stable over the first four years of the current charter term before decreasing by about 47 students (-20%) in 2016-17. The school is in good financial standing.

FY	P2 ADA	Cumulative Attendance %	P2 Enrollment in April	Ending Fund Balance per Audit - June 30
2016-17 (Projected)	201.94	97.26%	206	NA
2015-16	221.55	97.34%	224	\$1,601,875
2014-15	226.86	96.42%	234	\$1,051,132
2013-14	229.90	97.50%	241	\$862,931
2012-13	226.66	96.08%	234	\$931,166

Table 8. Source: Audit reports, Attendance, and State P2 Report



## **Renewal Approval Summary**

### **Renewal Standard I: Is the school academically sound?**

The quality of the school’s educational program and operations has been evaluated, in part, through a one day Site Inspection conducted on 12/01/16 by the Office of Charter Schools Staff and an Annual Site Visit on 03/23/17. See Attachment I for the school’s comprehensive ratings on the Charter School Renewal Quality Standards Criteria.

#### **Strengths:**

- Academic performance on standardized assessments at the middle school grades (6<sup>th</sup>-8<sup>th</sup>) in comparison to district–run schools.

#### **Challenges:**

- Leadership ineffectiveness/refusal to take responsibility for school culture concerns
- Toxic school culture as evidenced by a 20% decrease in enrollment, 78% teacher turn-over from 2015-16 to 2016-17, and 33% teacher turnover in 2016-17
- Vacant board seats and conflicts of interest related to COVA Board members serving in school leadership roles
- Potential ethical conflicts of interests and poor governance
- Lack of Professional Development
- Lack of formal teacher evaluation and feedback
- Underrepresentation of English Learners and Special Education students
- Did not meet or make substantial progress towards the vast majority of Measurable Pupil Outcomes
- Lack of data/cycles of inquiry to evaluate student progress or the effectiveness of the education program

#### **Renewal Standard I:**

Based on an analysis of **Conservatory of Vocal and Instrumental Arts**’ performance outcomes, an evaluation of its educational program over the past four years, and improvement plans contained in the “Performance Report” (Appendix I of petition) the school is **not deemed academically sound** for the purposes of renewal.

The school has **not** made substantial progress towards meeting its Measurable Pupil Outcomes identified in its charter.

## **Renewal Standard II: Is the school an effective, viable organization?**

The effectiveness and viability of Conservatory of Vocal and Instrumental Arts has been evaluated, in part, through a one-day Site Inspection conducted on 12/01/16 by the Office of Charter Schools Staff and Annual Site Visit on 03/23/17. See Attachment I for the school's comprehensive ratings on the Charter School Renewal Quality Standards Criteria.

### **Strengths:**

- None

### **Challenges:**

- Leadership turnover (two leaders in past two years; the last of which vacated the position mid-year)
- 78% of the teaching staff left between 2015-16 and 2016-17; 33% left in 2016-17
- 20% decrease in student enrolment from last year to this year
- Notices of Concern not addressed in a timely or complete fashion
- Large volume of complaints regarding leadership from students, families, and staff
- Slow/inadequate response to families, staff, and the Office of Charter Schools
- Ineffective/incomplete Board
- Lack of adherence to the COVA complaint response timelines and procedures

An evaluation by staff of Conservatory of Vocal and Instrumental Arts' Fiscal Accountability and Governance over its recent charter term included:

- Evaluation of annual financial audits
- Resolution of parent/community complaints
- Timeliness of mandated reporting requirements
- Financial controls and budgeting process
- Effective use of resources
- Consistency and strength of Governing Board oversight
- In good standing with parents and within the community

### **Renewal Standard II:**

Based on this analysis, Conservatory of Vocal and Instrumental Arts is not deemed an effective, viable organization for the purposes of charter renewal.

**Renewal Standard III: Has the school been faithful to the terms of its charter?**

Through the Charter School Renewal Quality Review (CSRQR) process, as well as a review of the school’s performance and operations throughout the term of its charter, an evaluation of the extent to which the school has been faithful to the terms of its charter has been assessed along the following:

- Adherence to Proposed Educational Program
- Pursuit of Measurable Pupil Outcomes
- Compliance with Regulatory Elements

Staff has reviewed the school’s records on file with the District and deemed that **Conservatory of Vocal and Instrumental Arts** has **insufficiently** adhered to its proposed educational program, has **not** been compliant in all material aspects of its regulatory elements under its charter term, and has **not** sufficiently pursued its measurable pupil outcomes as stated in its charter.

**Renewal Standard III:**

Based on review of the school’s records and performance, **Conservatory of Vocal and Instrumental Arts** is deemed to **not** have been **faithful to the terms of its charter.**

**Renewal Standard IV: Does the charter petition contain reasonably comprehensive descriptions of the required elements?**

**FIFTEEN 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 the 15 elements related to a school’s operation. Please see the results of this analysis contained in the following table.

<b>Element</b>	<b>Evaluation Reference</b>	<b>Inadequate</b>	<b>Reasonably Comprehensive</b>	<b>Statutory Reference</b>
Description of the educational program of the school, including what it means to be an “educated person” in the 21 <sup>st</sup> century and how learning best occurs.	<i>Section I., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes  -Lack of rigorous performance targets in MPOs 5, 6 and 7; in some cases, the target is lower than their current performance (Petition p.74)	<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>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(C)
Governance structure  - Two administrators (Superintendent and sub-administrator) are both voting members of the Board; thus rendering school leader accountability ineffective due to this conflict of interest - Number of board members was decreased from 7 to 5; concerning considering 2/5 are employed by the school and 3/5 are employed/ have a relative that is employed by the school - By-Laws provided make reference to individuals that no longer serve on the Board.	<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>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(E)

<p>-The Superintendent has proven ineffective in managing both the K-8 and 9-12 programs, yet budget plans indicate that the Superintendent will also act as the Principal of the K-8; thus being paid 1.5 FTE instead of 1FTE (Petition p.105)</p> <p>- Two of the Office Managers, allegedly one with a family member on the Board, both make more money than all of the credentialed teachers on staff at COVA (Contracts provided by COVA to OCS Finance Manager)</p> <p>- Superintendent’s un-credentialed husband is paid as an elective teacher and he has no board approved contract outlining his duties or pay rate.</p> <p>- Charles Foster’s (campus security) contract names “substitute teaching” as one of his duties, yet he is not reported by COVA as being a credentialed employee</p>				
<p>Procedures for ensuring health &amp; safety of students</p>	<p><i>Section III.B.2., bullet 1</i></p>	<input type="checkbox"/>	<p>X</p>	<p>E.C. § 47605(b)(5)(F)</p>
<p>Means for achieving racial and ethnic balance</p> <p>- Recruitment plan does <u>not</u> include any outreach to Latino organizations or agencies or show evidence of increased staff capacity to translate for families that speak Spanish. (Petition p.18)</p>	<p><i>Section III.B.1., bullet 1</i></p>	<p>X</p>	<input type="checkbox"/>	<p>E.C. § 47605(b)(5)(G)</p>
<p>Admission requirements, if applicable</p>	<p><i>Section III.B.1., bullet 3</i></p>	<input type="checkbox"/>	<p>X</p>	<p>E.C. § 47605(b)(5)(H)</p>
<p>Manner for conducting annual, independent audits</p>	<p><i>Section III.D.1., bullet 7</i></p>	<input type="checkbox"/>	<p>X</p>	<p>E.C. § 47605(b)(5)(I)</p>
<p>Suspension and expulsion procedures</p> <p>-12 tardies/7 absences result in</p>	<p><i>Section III.B.2., bullet</i></p>	<p>X</p>	<input type="checkbox"/>	<p>E.C. § 47605(b)(5)(J)</p>

dismissal from school in subsequent year (Petition p. 249)				
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)
Procedures for school closure	<i>Section III.B.2., Bullet 5</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(P)

**Renewal Standard IV:**

Petition as submitted, with appendices, **does not** contain reasonably comprehensive descriptions of all required elements set forth in charter law.

## Renewal Charter Term

Below is a summary of the plans presented in the new petition and performance report for Conservatory of Vocal and Instrumental Arts.

### Plans for Improvement

Notable areas of improvement listed in the Conservatory of Vocal and Instrumental Arts' Performance Report include:

- Reorganizing the administration
- Providing more teacher support and professional development
- Identifying and remediating students' academic needs
- Augmenting services and support for the growing English Learner population
- Recruiting and retaining staff aligned to music/performing arts model
- Increasing parent involvement opportunities
- Rebuilding Parent Booster Club
- Establishing online access to student and schoolwide performance data
- Submitting reports in a timely manner
- Finding larger facilities

### Revised Measurable Pupil Outcomes (MPOs)

The revised MPOs are in alignment with state priorities (LCFF) and the introduction of the new statewide standardized testing measurements (SBAC). Conservatory of Vocal and Instrumental Arts has adopted the collective MPOs that have been established through charter leader working groups that took place throughout the 2014-15 school year.

### **RECOMMENDATION:**

It is the recommendation of staff, based on its thorough analysis of the charter school's performance, to **deny** the charter renewal petition for Conservatory of Vocal and Instrumental Arts, as revised per Attachment II, because the charter school has **not met** the standards and expectations set forth in the OUSD Charter Renewal Standards, as well as the standards and criteria set forth in the California Charter Schools Act, Education Code 47605, which governs charter school renewals.

This report recommends that the Oakland Unified School District Board of Education **deny** the charter renewal petition for Conservatory of Vocal and Instrumental Arts.

**ATTACHMENT I: CHARTER SCHOOL RENEWAL QUALITY STANDARDS CRITERIA**

**ATTACHMENT II: CHARTER TEXT REVISIONS**

**ATTACHMENT III: COMPILATION OF COMPLAINTS RECEIVED BY OCS**

**ATTACHMENT IV: COMPILATION OF NOTICES OF CONCERN ISSUED**

## ATTACHMENT I: CHARTER SCHOOL RENEWAL QUALITY STANDARDS CRITERIA

### Making Consistent Judgments

In the complex context of school review, it is important that the terminology used is clearly understood by everyone concerned. It is also imperative that everyone recognizes that there are many ways in which a school's program for improving student outcomes can merit a particular evaluation and that awarding levels is a matter of informed professional judgment and not simply a technical process. The following rubric is included to assist reviewers in making consistent judgments.

- An evaluation of **(5)** applies to schools characterized, overall, by strengths. There are very few or no weaknesses and any that exist do not diminish the students' experience. Although an evaluation of **(5)** represents a high standard of quality, it is a standard that is achievable by all schools. It implies that the school may appropriately continue its provision without significant adjustment, and that there is compelling evidence that this provision can be sustained at a high level. However, all schools are expected to continue to take advantage of all opportunities to improve. The Quality Indicator (QI) for this provision is *excellent*.
- An evaluation of **(4)** applies to schools where efforts to improve student achievement are characterized by a number of strengths. There are a few weaknesses, but neither singly nor collectively, do these have a significant adverse impact on the student experience. An evaluation of **(4)** may be appropriate in circumstances where the provision may make for a productive student experience; but it may not apply consistently to most or all students. There is strong evidence that this provision can be sustained at a level that positively impact student experiences. Typically, the school's academic-improvement practices will be characterized by strengths but one or more weaknesses will reduce the overall quality of the practices. The Quality Indicator (QI) for this provision is *proficient*.
- An evaluation of **(3)** applies to schools characterized by some strengths, but where some important weaknesses have an impact on the quality of students' experiences. In general, an evaluation of **(3)** will imply the need for structured and timed action on the part of the school. It may be arrived at in a number of circumstances. There may be some of strengths, but there will also be weaknesses which will be, either individually or collectively, sufficient to diminish the student experience in significant ways. There may be an overall lack of evidence that this provision can be sustained or implemented by the school at a level to positively impact student experiences. The QI for the provision provided is *underdeveloped*.
- An evaluation of **(2)** applies to schools where provisions are characterized by weaknesses that require immediate and significant corrective action by the school. Some, if not all, staff responsible for improving student achievement require support from senior managers in planning and carrying out necessary actions to enhance the effectiveness of the school's efforts to improve student outcomes. There are a few strengths but these are overshadowed by the impact of the weaknesses. There is little evidence that this provision can be sustained or implemented by the school at a level to positively impact student experiences. The Quality Indicator (QI) for this provision is *inadequate*.
- An evaluation of **(1)** applies when there are major weaknesses in provision, requiring immediate remedial action on the part of the school. The student experience is at risk in significant respects. In almost all cases, staff responsible for provision evaluated *unsatisfactory* will require



significant support from senior managers in planning and carrying out the necessary actions to effect improvement. This may involve working alongside effective peers in or beyond the school. There is no evidence that this provision can be sustained or implemented by the school to positively impact student experiences. The Quality Indicator (QI) for this provision is *unsatisfactory*.

**Criteria 1: Improving Student Achievement**

A charter school promotes student learning through a clear vision and high expectations. It achieves clear, measurable program goals and student learning objectives, including meeting its stated performance standards, state and federal performance standards, and closing achievement gaps of students.

	<i>The criteria for making judgments on the quality of Improving Student Achievement</i>	<i>Score</i>	<i>Comments</i>
1.1	<b>Demonstrates high expectations for student achievement</b>	<b>2</b>	<ul style="list-style-type: none"> <li>• <b>Only met or made substantial progress towards 1/8 (12.5%) of previous Measurable Pupil Outcomes (MPOs) 2012-15 and 6/12 (50%) of Collective MPOs 2015-16</b></li> <li>• <b>African-American and Socioeconomically Disadvantaged subgroups perform lower than school-wide average in both ELA and Math</b></li> </ul>
1.2	<b>Provides a challenging and coherent curriculum for each individual student</b>	<b>1</b>	<ul style="list-style-type: none"> <li>• <b>Teachers submit lesson plans once a week; however, no feedback is provided</b></li> <li>• <b>Primarily teacher created curricula</b></li> <li>• <b>Teachers feel “kids are told that music, and not academics, are the priority”</b></li> <li>• <b>Teachers must conduct tutoring during independent time; teachers are not allowed to pull students for academic support during afternoon rotations (electives)</b></li> <li>• <b>Students do not receive sexual education</b></li> <li>• <b>“We have students with IEP’s that do not received their legally required services”</b></li> </ul>
1.3	<b>Implements and directs learning experiences (consistent with the school’s purpose and charter) that actively engage students</b>	<b>2</b>	<ul style="list-style-type: none"> <li>• <b>“There was no student talk, small group work, or other engagement evidence I could surface” (2016-17 OUSD staff</b></li> </ul>

	<i>The criteria for making judgments on the quality of Improving Student Achievement</i>	<i>Score</i>	<i>Comments</i>
			<p>observer)</p> <ul style="list-style-type: none"> <li>• All students have 30-40 minutes of daily instruction from the music teacher</li> <li>• Afternoon instrumental/vocal rotations are limited to few 4<sup>th</sup>-8<sup>th</sup> grade students; rest of rotations are mainly in subjects of teacher's choosing with no particular expertise in those areas, and no resources to support this instruction</li> <li>• "...before everyone could participate, now you have to audition"</li> <li>• Some students receive additional classes on Saturday to prepare for local and state competitions</li> <li>• No formal student performance evaluations; only "practice logs"</li> <li>• Two annual student performances</li> </ul>
1.4	<p><b>Uses the results of evaluation and assessment as the basis for the allocation of appropriate resources to promote high levels of student achievement.</b></p>	1	<ul style="list-style-type: none"> <li>• According to interview responses, students must pay to rent instruments; the 2016-17 Instrument Loan Contract states the "instrument contribution" is \$75.00</li> <li>• Vocal/instrumental rotations taught by one full-time music teacher, one academic teacher, and six part-time/contracted community artists</li> <li>• Teachers are not provided with a budget or curriculum to teach rotations</li> <li>• Textbooks are outdated</li> <li>• Internet infrastructure does not support high computer usage; "we can only run 22 computers...before the system crashes"</li> </ul>
1.5	<p><b>Promotes academic risk taking by supporting students in a safe, healthy and nurturing environment characterized by trust, caring and professionalism</b></p>	1	<ul style="list-style-type: none"> <li>• A myriad of student, family, and teacher complaints regarding Superintendent and former school leader's physical/verbal aggressions towards students</li> </ul>

	<i>The criteria for making judgments on the quality of Improving Student Achievement</i>	<i>Score</i>	<i>Comments</i>
			<ul style="list-style-type: none"> <li>• Students and staff mentioned “not want[ing] Dr. Abad” on campus</li> <li>• Notice of Concern regarding violation of student’s Civil Rights</li> <li>• 3 out of 4 classrooms had fair classroom management</li> </ul>
1.6	<b>Productively engages parental and community involvement as a part of the school’s student support system</b>	2	<ul style="list-style-type: none"> <li>• Parent involvement is focused on volunteer opportunities as opposed to authentic engagement</li> <li>• Parents feel there is a lack of communication from leadership</li> <li>• Families must purchase tickets to view the two required student performances; “\$20 ahead of time, \$25 at the door” leading to some families only being able to afford one ticket</li> <li>• Multiple teacher and parent complaints regarding Superintendent and former school leader’s physical/verbal aggressions towards students and families</li> <li>• Weekly newsletter “COVA Notes”</li> <li>• Monthly Booster Club</li> <li>• Phone calls/emails/text from teachers</li> <li>• Progress reports and report cards once a semester</li> <li>• PowerSchool</li> </ul>
1.7	<b>Involves staff, students, parents and other stakeholders (including the school’s authorizer) in its accountability for student learning and provides regular, public reports on the school’s progress towards achieving its goals</b>	2	<ul style="list-style-type: none"> <li>• Adopted Collective MPOs in 2015-16</li> <li>• According to parent complaints “...the Board was generally dismissive of parent concerns”</li> <li>• See 1.6</li> </ul>

**Criteria 2: Strong Leadership**

The leaders of a charter school are stewards of the charter’s mission and vision and carry out their duties in a professional, responsible and ethical manner. Charter school leaders use their influence and authority for the primary purpose of achieving student success.

	<i>The criteria for judging the quality of Strong Leadership</i>	<i>Score</i>	<i>Comments</i>
2.1	<b>Effectively communicates and engages stakeholders in the vision and mission of the school</b>	<b>1</b>	<ul style="list-style-type: none"> <li>• <b>Monthly Booster Club</b></li> <li>• <b>High Board, leadership, and teaching staff turnover</b></li> <li>• <b>Parents and teachers feel there is a lack of communication from leadership</b></li> <li>• <b>“I heard from both staff and students that they wanted Valerie gone if they were to stay next year” (2016-17 OUSD staff observer)</b></li> </ul>
2.2	<b>Consistently puts into practice the educational program outlined in its charter.</b>	<b>1</b>	<ul style="list-style-type: none"> <li>• <b>1 out of 4 classrooms had fair classroom instruction</b></li> <li>• <b>Vocal/instrumental rotations taught by one full-time music teacher, one academic teacher, and six part-time/contracted community artists</b></li> <li>• <b>See 1.3 and 1.4</b></li> </ul>
2.3	<b>Generates and sustains a school culture conducive to staff professional growth</b>	<b>1</b>	<ul style="list-style-type: none"> <li>• <b>Teachers submit lesson plans once a week; however, no feedback is provided</b></li> <li>• <b>No formal teacher evaluation or observations have occurred in 2016-17</b></li> <li>• <b>According to teachers and school leaders, teachers and part-time/contracted community artists do not receive academic, cultural, or arts-focused Professional Development (PD); “historically, we don’t get PD”</b></li> <li>• <b>Teachers have to seek external PD: Math Common Core, FOSS Science</b></li> <li>• <b>Teachers do not receive a budget for teaching supplies, etc.</b></li> </ul>

	<i>The criteria for judging the quality of Strong Leadership</i>	<i>Score</i>	<i>Comments</i>
			<ul style="list-style-type: none"> <li>• Teachers feel administration misconstrues/dismisses ideas</li> <li>• Teachers feel they are “dutied to death”</li> <li>• High teacher and leadership turnover in past few years</li> </ul>
2.4	Treats all individuals with fairness, dignity and respect	1	<ul style="list-style-type: none"> <li>• Multiple complaints regarding Superintendent and former school leader’s physical/verbal aggressions towards students, parents, and staff</li> <li>• Staff feel they are continuously “threatened” with losing their jobs; “[Abad] has shown that she will retaliate against anyone speaking ill of her”</li> <li>• Multiple complaints regarding intimidation and payroll discrimination</li> <li>• Notice of Concern regarding violation of Labor Code</li> </ul>
2.5	Respects diversity and implements practices that are inclusive of all types of learners consistent with the school charter	1	<ul style="list-style-type: none"> <li>• Underrepresentation of Latino (13%), English Learners (0.4%) and Special Education students (3.8%)</li> <li>• Special Education Specialist does not check in with teachers; unclear pullout support structure/services</li> <li>• Multiple staff complaints regarding lack of special education services</li> <li>• Multiple complaints regarding Superintendent’s “tactics of pushing students with special needs (severe behavior or academic) out of the school”</li> </ul>

**Criteria 3: A Focus on Continuous Improvement**

A charter school engages in a process of continuous self-improvement in order to increase the effectiveness of its educational program. The school regularly assesses and evaluates student learning based on stated goals.

	<i>The criteria for judging the quality of the Continuous Focus on Improvement</i>	<i>Score</i>	<i>Comments</i>
3.1	<b>Establishes benchmarks and a variety of accountability tools to monitor student progress throughout the year</b>	<b>2</b>	<ul style="list-style-type: none"> <li>• <b>Assessments: CAASPP, Gates-MacGinitie and Lexile reading assessments, and teacher created Math and ELA benchmarks</b></li> <li>• <b>Teachers must conduct tutoring during independent time; teachers are not allowed to pull students for academic support during afternoon rotations</b></li> <li>• <b>Multiple staff complaints regarding lack of special education services; unclear pullout support structure/services provided</b></li> <li>• <b>No formal student performance evaluations; only “practice logs”</b></li> </ul>
3.2	<b>Uses information sources, data collection, and data analysis to actively monitor and evaluate the success of the school’s program</b>	<b>2</b>	<ul style="list-style-type: none"> <li>• <b>Data: PowerSchool</b></li> <li>• <b>Quarterly data reviews during Board meetings</b></li> <li>• <b>Lack of data inquiry cycles</b></li> <li>• <b>Lack of student survey during 2015-16 school year</b></li> </ul>
3.3	<b>Establishes and regularly reviews both long- and short-term goals and plans for accomplishing the school’s mission as stated in its charter</b>	<b>2</b>	<ul style="list-style-type: none"> <li>• <b>Adopted Collective MPOs</b></li> <li>• <b>Monthly Board meetings</b></li> <li>• <b>Families and teachers feel there is a lack of communication from leadership</b></li> <li>• <b>High Board, leadership, and teaching staff turnover</b></li> </ul>

**Criteria 4: Responsible Governance**

A charter school board and administration establish and implement policies that are transparent and focused on student achievement. Charter school board members and administrators have a cogent understanding of and comply with the laws that govern charter schools. Governing Board establishes structures that ensure the long-term viability, stability, and consistency of the program through student outcomes.

	<i>The criteria for judging Responsible Governance</i>	<i>Score</i>	<i>Comments</i>
4.1	<b>Ensure that policies and practices are implemented in a fair and consistent manner</b>	<b>1</b>	<ul style="list-style-type: none"> <li>• <b>Multiple Notices of Concern issued in 2016-17: noncompliant complaint procedures; charging fees for instruments, tickets, and outerwear; noncompliant uniform, tardy, and expulsion/dismissal policies</b></li> <li>• <b>Multiple Notices of Concern regarding conflicts of interest</b></li> <li>• <b>Notices of Concern regarding violation of Labor Code, Bylaws, and student’s Civil Rights</b></li> <li>• <b>Some Notices of Concern remain unresolved</b></li> <li>• <b>Teacher complaints regarding payroll discrimination</b></li> <li>• <b>Teacher and Parent Representative on the Board have non-voting rights</b></li> <li>• <b>Conflict of Interest Policy</b></li> </ul>
4.2	<b>Has a cogent understanding of the laws that govern charter schools and monitors the trends, issues and potential changes in the environment in which charter schools operate</b>	<b>2</b>	<ul style="list-style-type: none"> <li>• <b>CCSA member</b></li> <li>• <b>OUSD SELPA (Option B Agreement)</b></li> <li>• <b>COVA CMO</b></li> <li>• <b>CSMC back office</b></li> <li>• <b>See 4.1</b></li> </ul>
4.3	<b>Maintains effective and active control of the charter school and seeks input from impacted stakeholders</b>	<b>1</b>	<ul style="list-style-type: none"> <li>• <b>High Board, leadership, and teaching staff turnover</b></li> <li>• <b>78% of teachers left between 15-16 to 16-17</b></li> <li>• <b>Incomplete/ineffective Board</b></li> <li>• <b>According to parent complaint“...the Board was generally dismissive of parent</b></li> </ul>

	<i>The criteria for judging Responsible Governance</i>	<i>Score</i>	<i>Comments</i>
			<p>concerns”</p> <ul style="list-style-type: none"> <li>• Parents and teachers feel there is a lack of communication from leadership</li> <li>• High number of staff, parent, and student complaints</li> <li>• Only two parents attended the Focus Group Interview which is indicative of the lack of parent engagement by the school leadership</li> </ul>
4.4	<b>Enact policies that respect diversity and implements practices that are inclusive of all types of learners consistent with the school charter</b>	<b>1</b>	<ul style="list-style-type: none"> <li>• Underrepresentation of Latino (13%, English Learners (0.4%), and Special Education students (3.8%)</li> <li>• Multiple Notices of Concern issued in 2016-17: noncompliant complaint procedures; charging fees for instruments, tickets, and outerwear; noncompliant uniform, tardy, and expulsion policies</li> <li>• High number of staff, parent, and student complaints</li> </ul>
4.5	<b>Establishes and maintains a safe environment for students, staff, and community stakeholders</b>	<b>1</b>	<ul style="list-style-type: none"> <li>• Students, staff, and administration noted the campus is in great disrepair</li> <li>• Multiple student, parent, and teacher complaints regarding Superintendent’s physical/verbal aggressions towards students, staff, and parents</li> <li>• Students and staff mentioned “not want[ing] Dr. Abad” on campus</li> <li>• Notices of Concern regarding Violation of Labor Code and student’s Civil Rights</li> </ul>
4.6	<b>Consistently engages in timely reporting or required information to the District, the County, and the State</b>	<b>2</b>	<ul style="list-style-type: none"> <li>• Superintendent submits inadequate/incomplete responses to Notices of Concern issued; some Notices of Concern remain unresolved</li> <li>• Superintendent submits requested</li> </ul>



	<i>The criteria for judging Responsible Governance</i>	<i>Score</i>	<i>Comments</i>
			<p>information/reports in an untimely manner or not at all in spite of multiple reminders and extensions</p> <ul style="list-style-type: none"> <li>• Adopted Collective MPOs</li> </ul>
4.7	Establishes clear and well-understood systems for decision-making and communication that results in a common sense of purpose and understanding for all stakeholders	1	<ul style="list-style-type: none"> <li>• Administration: Superintendent (current COVAH School Leader) and Interim Principal (former Curriculum Specialist)</li> <li>• Interim Principal reports to the Superintendent and Board</li> <li>• Teachers feel there is a lack of communication between leadership and staff</li> <li>• Multiple complaints about possible conflicts of interests: roles/qualifications of Superintendent as consultant, Superintendent's brother as contracted maintenance worker, Superintendent's husband as Advanced Math teacher, Board Chair as administrator, and parents as contracted site employees</li> </ul>
4.8	Ensures implementation of the student recruitment, retention, and enrollment process intended in the charter, in the school's recruitment and retention plan, and as defined by statute and regulation	2	<ul style="list-style-type: none"> <li>• Serves high percentage of African Americans; however, low percentage of Latinos (13%), English Learners (0.4%), and Special Education students (3.8%)</li> <li>• Not participating in Enroll Oakland Charters (open enrollment) initiative</li> <li>• Throughout the length of the charter term, approximately 25% of the total enrollment are out-of-district students</li> <li>• Multiple parent and teacher complaints regarding "pushing out" students and non-compliant tardy/expulsion policy</li> </ul>
4.9	Employs best practices to hire effective school leader and annually and systematically assesses the performance of school leader against clearly defined goals, and makes effective and timely use of the evaluations	2	<ul style="list-style-type: none"> <li>• Two different school leaders left the Principal position; the last of which vacated the position mid-year</li> </ul>

	<i>The criteria for judging Responsible Governance</i>	<i>Score</i>	<i>Comments</i>
			<ul style="list-style-type: none"> <li>• <b>Teacher promoted to Curriculum Specialist in 2016-17 transitioned into interim principal after school leader left</b></li> <li>• <b>School Leader reports to and is evaluated by the Superintendent and Board</b></li> </ul>

### **Criteria 5: Fiscal Accountability**

A charter school fulfills its fiduciary responsibility for public funds and maintains publicly accessible fiscal records. The school conducts an annual financial audit which is made public.

	<i>The criteria for making judgments on Fiscal Responsibility</i>	<i>Score</i>	<i>Comments</i>
5.1	<b>Creates and monitors immediate and long-range financial plans to effectively implement the school’s educational program and ensure financial stability and sustainability</b>	<b>3</b>	<ul style="list-style-type: none"><li>• <b>Strong ending fund balance</b></li><li>• <b>Strong cash balances</b></li><li>• <b>Decrease (20%) in enrollment since 2015-16</b></li></ul>
5.2	<b>Conducts an annual financial audit which is made public</b>	<b>5</b>	<ul style="list-style-type: none"><li>• <b>Audit report submitted on time-annually</b></li></ul>
5.3	<b>Establishes clear fiscal policies to ensure that public funds are used appropriately and wisely</b>	<b>2</b>	<ul style="list-style-type: none"><li>• <b>Multiple Notices of Concern issued in 2016-17: charging fees for instruments, tickets, and outerwear; and potential conflicts of interests</b></li><li>• <b>No internal control audit findings</b></li></ul>
5.4	<b>Ensures financial resources are directly related to the school’s purpose: student achievement of learning goals</b>	<b>2</b>	<ul style="list-style-type: none"><li>• <b>Multiple Notices of Concern issued in 2016-17: charging fees for instruments, tickets, and outerwear; and potential conflicts of interests; multiple teacher complaints of lack of materials/supplies</b></li><li>• <b>No internal control audit findings</b></li></ul>
5.5	<b>Manages cash flow effectively and maintains adequate financial reserves.</b>	<b>5</b>	<ul style="list-style-type: none"><li>• <b>Strong ending fund balance</b></li><li>• <b>Strong cash balances</b></li></ul>
5.6	<b>Enrollment is stable and/or growing at the rate anticipated by the charter school as projected in the approved charter and in the multi- year budget, with budget and expenditures revised at reasonable intervals based on actual enrollment and attendance.</b>	<b>3</b>	<ul style="list-style-type: none"><li>• <b>Decrease (20%) in enrollment since 2015-16</b></li><li>• <b>Stable attendance rate (97.26%)</b></li></ul>

Oakland Unified School District  
Office of Charter Schools  
**CHARTER TEXT REVISIONS**  
**CONSERVATORY OF VOCAL AND INSTRUMENTAL ARTS**

**ATTACHMENT II - REQUIRED CHARTER TEXT REVISIONS:** The approved charter is amended from the filed petition to incorporate the revisions below. The charter school must submit to the District’s Office of Charter Schools a revised charter (red-line and final copy) to include all revisions outlined below in one hard copy and one electronic copy in *WORD* no later than **5:00 PM on FRIDAY, June 30, 2017**.

**OUSD District Required Language for Charter School  
Petitions (New and Renewal) and Material Revision**

**Element 1**

Add the following text and remove any text to the contrary:

*DRL: “In accordance with SB 1290, [CHARTER SCHOOL] pupil outcomes related to annual academic achievement goals will be set and disaggregated by all major subgroups identified in Education Code section 52052; including race/ethnicity, socio-economic status (SES), English Learner status, and Special Education designations, in the state priorities that apply for the grade levels served or the nature of the program operated, as well as the specific annual actions to achieve those goals, any additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those additional goals.”*

*Charter School acknowledges and agrees that it must comply with all applicable laws and regulations related to AB 97 (Local Control Funding Formula), as they may be amended from time to time, which include the requirement that Charter School shall annually submit a Local Control and Accountability Plan (LCAP)/annual update to the Office of Charter Schools on or before July 1. In accordance with Education Code sections 47604.33 and 47606.5, Charter School shall annually update its goals and annual actions to achieve those goals identified in the charter pursuant to Education Code section 47605(b)(5)(A)(ii), using the Local Control and Accountability Plan template adopted by the State Board of Education, as it may be changed from time to time. Charter School shall comply with all requirements of Education Code section 47606.5, including but not limited to the requirement that Charter School “shall consult with teachers, principals, administrators, other school personnel, parents, and pupils in developing the annual update.” (Ed. Code § 47606.5(e).)*

*[CHARTER SCHOOL]’s pupil outcomes, disaggregated by major subgroups in compliance with Education Code section 47607(b)(5)(A)(ii), are as follows:”*

*[Charter School to insert pupil outcomes in compliance with Education Code section 47607(b)(5)(A)(ii)].*

Add the following text and remove any text to the contrary:

*DRL: “If Charter School serves students in grades 9-12, Charter School shall obtain Western Association of Schools and Colleges (WASC) accreditation before Charter School graduates its first class of students.”*

**Element 2**

Add the following text and remove any text to the contrary:

*DRL: “In accordance with SB 1290, [CHARTER SCHOOL] pupil outcomes will be set related to increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of section 47607. The pupil outcomes shall align with state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.*

*[CHARTER SCHOOL]’s pupil outcomes, related to increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of section 47607, shall be aligned with state priorities, as described in subdivision (d) of Section 52060, are as follows:”*

*[Charter School to insert pupil outcomes in compliance with Education Code section 47607(b)(5)(B)].*

*Add the following text and remove any text to the contrary:*

*DRL: “[By July 1, 2015, and annually thereafter]: [CHARTER SCHOOL] shall update the goals and actions identified in the charter to provide the following, as set forth in Education Code section 47606.5(a):*

- A review of the progress towards the goals included in the charter, an assessment of the effectiveness of specific actions toward achieving those goals, and a description of the changes to the specific actions the charter school will make as a result of the review and assessment.*
- Listing and description of the expenditures for the fiscal year in implementing the specific actions included in the charter as a result of the reviews and assessments, classified using the California School Accounting Manual.”*

*Add the following text and remove any text to the contrary:*

*DRL: “Under Education Code section 47607.3, if the charter school fails to improve outcomes for 3 or more pupil subgroups (or, if less than 3, all pupil subgroups) in 3 or 4 consecutive school years, the following shall apply:*

- The chartering authority shall provide technical assistance to the charter school using an evaluation rubric adopted by the State Board.*
- The Superintendent may assign, at the request of the chartering authority and approval of the State Board, the California Collaborative for Educational Excellence to provide advice and assistance to the charter schools.*
- The chartering authority shall consider for revocation any charter school to which the California Collaborative for Educational Excellence has provided advice and assistance, and has made findings that: 1) the charter school has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence; or 2) that the inadequate performance of the charter school, based upon the evaluation rubric, is so persistent or so acute so as to require revocation of the charter.”*

### **Element 3**

*Add the following text and remove any text to the contrary:*

*DRL: “Pursuant to the transition to California’s Common Core and the accompanying shift in the state accountability testing system, [CHARTER SCHOOL] will establish baseline performance in the first year of testing administration and will demonstrate growth in performance each year thereafter.”*

Add the following text and remove any text to the contrary:

*DRL: “If [CHARTER SCHOOL] does not test (i.e., STAR) with the District, [CHARTER SCHOOL] hereby grants authority to the State of California to provide a copy of all test results directly to the District as well as the charter school.*

*Test results for the prior year, if not provided directly to the District by the State, will be provided by the charter school to the District no later than September 1 of each year.”*

#### **Element 4**

Add the following text and remove any text to the contrary:

*DRL: “As an independent charter school, Charter School, operated as or by its nonprofit public benefit corporation, is a separate legal entity and shall be solely responsible for the debts and obligations of Charter School.*

*Charter School shall ensure that, at all times throughout the term of the Charter, the bylaws of its governing board and/or nonprofit corporation are and remain consistent with the provisions of this Charter. In the event that the governing board and/or nonprofit corporation operating Charter School amends the bylaws, Charter School shall provide a copy of the amended bylaws to the OCS within 30 days of adoption.*

*Charter School shall send to the OCS copies of all governing board meeting agendas at the same time that they are posted in accordance with the Brown Act. Charter School shall also send to the OCS copies of all board meeting minutes within one week of governing board approval of the minutes. Timely posting of agendas and minutes on Charter School’s website will satisfy this requirement.*

*The District reserves the right, but is not obligated, to appoint a single representative to the Charter School governing board pursuant to Education Code section 47604(b).*

#### **LEGAL AND POLICY COMPLIANCE**

*Charter School shall comply with all applicable federal, state, and local laws and regulations, and District policy as it relates to charter schools, as they may be amended from time to time.*

*Charter School shall comply with all applicable federal and state reporting requirements, including but not limited to the requirements of CBEDS, CALPADS, the Public Schools Accountability Act of 1999, and Education Code section 47604.33.*

*Charter School shall comply with the Brown Act and the Public Records Act.*

#### **NOTIFICATION OF THE DISTRICT**

*Charter School shall notify the OCS in writing of any citations or notices of workplace hazards, investigations by outside regulatory or investigative agencies, lawsuits, changes in corporate or legal status (e.g. loss of IRS 501(c)(3) status), or other formal complaints or notices, within one week of receipt of such notices by Charter School. Unless prohibited by law, Charter School shall notify the OCS in writing of any internal investigations within one week of commencing investigation. Charter School shall notify the OCS within 24 hours of any dire emergency or serious threat to the health and safety of students or staff.*

## STUDENT RECORDS

*Upon receiving a records request from a receiving school/school district, Charter School shall transfer a copy of the student's complete cumulative record within ten (10) school days in accordance with Education Code section 49068. Charter School shall comply with the requirements of California Code of Regulations, title 5, section 3024, regarding the transfer of student special education records. In the event Charter School closes, Charter School shall comply with the student records transfer provisions in Element 15. Charter School shall comply with the requirements of Education Code section 49060 et seq., regarding rights to access student records and transfer of records for youth in foster care.*

*Add the following text and remove any text to the contrary:*

*DRL: “[CHARTER SCHOOL] acknowledges that pursuant to Article XVI section 8.5(e) of the California Constitution, sections 2(e), 6, and 8 of Proposition 98, and sections 33126.1(b), 35256(c), and 35258 of the Education Code require schools, including [CHARTER SCHOOL] to provide certain information in certain formats in certain ways to the general public and specifically to parents of students at [CHARTER SCHOOL] and of the District. [CHARTER SCHOOL] further acknowledges that it has the obligation to provide all of such information to the District that is required by these referenced authorities in a timely manner so that the District may meet its obligations under those authorities as well. To the extent that there is information that the District has, but that [CHARTER SCHOOL] does not have that [CHARTER SCHOOL] needs in order to meet its obligations, the District shall provide the same to [CHARTER SCHOOL] in a reasonably timely manner upon request under Education Code section 47604.3.”*

*Add the following text and remove any text to the contrary:*

*DRL: “[CHARTER SCHOOL] will maintain sufficient staff and systems including technology, required to ensure timely reporting necessary to comply with the law and to meet all reasonable inquiries from District and other authorized reporting agencies.”*

*Add the following text and remove any text to the contrary:*

*DRL: “[CHARTER SCHOOL] in accordance with Education Code Section 47604.3, shall promptly respond to all reasonable inquiries, including but not limited to, inquiries regarding financial records, from the District and shall consult with the District regarding any such inquiries. [CHARTER SCHOOL] acknowledges that it is subject to audit by OUSD if OUSD seeks an audit of [CHARTER SCHOOL] it shall assume all costs of such audit. This obligation for the District to pay for an audit only applies if the audit requested is specifically requested by the District and is not otherwise required to be completed by [CHARTER SCHOOL] by law or charter provisions.”*

*Add the following text and remove any text to the contrary:*

*DRL: “Members of [CHARTER SCHOOL]’s Governing Board, any administrators, managers or employees, and any other committees of the School shall at all times comply with federal and state laws, nonprofit integrity standards and OUSD’s Charter School policies and regulations regarding ethics and conflicts of interest so long as such policies and regulations are not in conflict with any then-existing applicable statutes or regulations applicable to charter schools.*

*[CHARTER SCHOOL] and/or its non-profit corporation will be solely responsible for the debts and obligations of the charter school.”*

Add the following text and remove any text to the contrary:

DRL: *“To the extent that [CHARTER SCHOOL] is a recipient of federal funds, including federal Title I, Part A funds, [CHARTER SCHOOL] has agreed to meet all of the programmatic, fiscal and other regulatory requirements of the No Child Left Behind Act and other applicable federal grant programs. [CHARTER SCHOOL] agrees that it will keep and make available to the District any documentation necessary to demonstrate compliance with the requirements of the No Child Left Behind Act and other applicable federal programs, including, but not limited to, documentation related to required parental notifications, appropriate credentialing of teaching and paraprofessional staff, where applicable, or any other mandated federal program requirement. The mandated requirements of NCLB include, but are not the limited to, the following:*

- *Notify parents at the beginning of each school year of their “right to know” the professional qualifications of their child’s classroom teacher including a timely notice to each individual parent that the parent’s child has been assigned, or taught for four or more consecutive weeks by, a teacher who is not highly qualified.*
- *Develop jointly with, and distribute to, parents of participating children, a school-parent compact.*
- *Hold an annual Title I meeting for parents of participating Title I students.*
- *Develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy.*

*[CHARTER SCHOOL] also understands that as part of its oversight of the school, the Office of Charter Schools may conduct program review of federal and state compliance issues.”*

Add the following text and remove any text to the contrary:

DRL: *“EQUAL EMPLOYMENT OPPORTUNITY*

*Charter School acknowledges and agrees that all persons are entitled to equal employment opportunity. Charter School shall not discriminate against applicants or employees on the basis of race, color, religion, sex, gender, gender expression, gender identity, sexual orientation, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, genetic information, military and veteran status, or any other characteristic protected by California or federal law. Equal employment opportunity shall be extended to all aspects of the employer-employee relationship, including recruitment, selection, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and dismissal from employment.*

#### *ESEA/NCLB AND CREDENTIALING REQUIREMENTS*

*Charter School shall adhere to all requirements of the Elementary and Secondary Education Act (ESEA, also known as No Child Left Behind (NCLB)) that are applicable to teachers and paraprofessional employees. Charter School shall ensure that all teachers meet applicable state requirements for certificated employment, including the provisions of Education Code section 47605(l). Charter School shall maintain current copies of all teacher credentials and make them readily available for inspection.*

*As part of the Fall Information Update, Charter School will notify the District in writing of the application deadline and proposed lottery date. Charter School will ensure that all application materials will reference these dates as well as provide complete information regarding application procedures, key dates, and admissions preferences and requirements consistent with approved charter.”*



## **Element 6**

Add the following text and remove any text to the contrary:

### **DRL: "HEALTH, SAFETY AND EMERGENCY PLAN**

*Charter School shall have a comprehensive site-specific Health, Safety and Emergency Plan, including but not limited to the acquisition and maintenance of adequate onsite emergency supplies, in place prior to beginning operation of Charter School each school year.*

*Charter School shall ensure that all staff members receive annual training on Charter School's health, safety, and emergency procedures, including but not limited to training on bloodborne pathogens, and shall maintain a calendar for, and conduct, emergency response drills for students and staff.*

*Charter School shall provide all employees, and other persons working on behalf of Charter School who are mandated reporters, with annual training on child abuse detection and reporting, which shall occur within the first six weeks of each school year, or within the first six weeks of a person's employment if employed after the beginning of the school year, in accordance with the requirements of AB 1432 (2014).*

*Charter School shall stock and maintain the required number and type of emergency epinephrine auto-injectors onsite and provide training to employee volunteers in the storage and use of the epinephrine auto-injector as required by SB 1266 (2014).*

*Charter School shall comply with the requirements of Education Code section 49475 regarding concussions/head injuries with respect to any athletic program (as defined in Education Code § 49475) offered by or on behalf of Charter School.*

*Charter School shall periodically review, and update and/or modify as necessary, its Health, Safety and Emergency Plan, and keep it readily available for use and review upon CSD request.*

### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

*Charter School, including its employees and officers, shall comply with the Family Educational Rights and Privacy Act (FERPA) and Education Code section 49060 et seq. at all times.*

### **CRIMINAL BACKGROUND CLEARANCES AND FINGERPRINTING**

*Charter School shall comply with all requirements of Education Code sections 44237 and 45125.1. Charter School shall designate and maintain at all times at least one Custodian of Records duly authorized by the California Department of Justice.*

*Charter School shall maintain on file and available for inspection evidence that (1) Charter School has performed criminal background checks and cleared for employment all employees prior to employment; (2) Charter School has obtained certification from each of its contracting entities/independent contractors that the entity/contractor has conducted required criminal background clearances for its employees prior to provision of schoolsite services and/or any contact with students and has requested subsequent arrest notification service; and (3) Charter School has performed criminal background checks and cleared for service all volunteers not directly supervised by staff and who may have contact with students. Charter School shall also ensure that it requests and receives subsequent arrest notifications from the California Department of Justice for all*

employees and volunteers not directly supervised by staff. Upon request, Charter School shall provide a copy of Department of Justice confirmation of Custodian of Records status for each Custodian of Records.

Charter School shall comply with the requirements set forth in Education Code section 44939.5 regarding the reporting of egregious misconduct committed by certificated employees.

#### **IMMUNIZATION AND HEALTH SCREENING REQUIREMENTS**

Charter School shall require all employees, and any volunteer or vendor/contracting entity employee who may have frequent or prolonged contact with students, to undergo a risk assessment and/or be examined and determined to be free of active tuberculosis (TB) within the period of 60 days prior to employment/service, in accordance with Education Code section 49406. Charter School shall maintain TB clearance records and certifications on file.

Charter School shall comply with all federal and state legal requirements related to student immunization, health examination, and health screening, including but not limited to screening for vision, hearing, and scoliosis, to the same extent as would be required if the students were attending a non-charter public school. Charter School shall maintain student immunization, health examination, and health screening records on file.

#### **SAFE PLACE TO LEARN ACT**

Charter School shall comply with all applicable requirements of the Safe Place to Learn Act, Education Code section 234 et seq.

#### **GUN-FREE SCHOOLS ACT**

Charter School shall comply with the federal Gun-Free Schools Act.

#### **TOBACCO USE PREVENTION**

Charter School shall enact policies to prohibit the use of Tobacco near its school site in accordance with the provisions of California Health and Safety Code section 104495.”

### **Element 8**

Add the following text and remove any text to the contrary:

#### **DRL: “DOCUMENTATION OF ADMISSIONS AND ENROLLMENT PROCESSES**

Charter School shall maintain complete and accurate records of its annual admissions and enrollment processes, including but not limited to documentation of implementation of lottery and waitlist criteria and procedures in accordance with the terms of the Charter. These records shall be made available to the District upon request.

#### **HOMELESS AND FOSTER YOUTH**

Charter School shall adhere to the provisions of the McKinney-Vento Homeless Assistance Act and ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education as provided to other children and youths. Charter School shall provide specific information, in its outreach materials, websites, at community meetings, open forums, and regional center meetings, that notifies parents that Charter School is open to enroll and provide services for all students, and provides a standard District contact number for access to additional information regarding enrollment. Charter School shall comply with all applicable provisions of Education Code sections 48850 – 48859.

## **NON-DISCRIMINATION**

*Charter School shall not require a parent/legal guardian/student to provide information regarding a student's disability, gender, gender identity, gender expression, nationality, legal or economic status, primary language or English Learner status, 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, or any other information that would violate federal or state law, prior to admission, participation in any admissions or attendance lottery, or pre-enrollment event or process, or as a condition of admission or enrollment. Charter School may request, at the time of, and as part of, conducting its lottery process, the provision of information necessary to apply specific admissions preferences set forth in this Charter.*

*Charter School shall not request or require submission of a student's IEP, 504 Plan, or any other record or related information prior to admission, participation in any admissions or attendance lottery, or pre-enrollment event or process, or as a condition of admission or enrollment.*

## **PARENT ENGAGEMENT**

*Charter School shall not require a parent or legal guardian of a prospective or enrolled student to perform volunteer service hours, or make payment of fees or other monies, goods, or services in lieu of performing volunteer service, as a condition of his/her child's admission, continued enrollment, attendance, or participation in the school's educational activities, or otherwise discriminate against a student in any manner because his/her parent cannot, has not, or will not provide volunteer service to Charter School."*

### **Element 9**

Add the following text and remove any text to the contrary:

*DRL: "In order to ensure the necessary oversight and review of mandated reports for which the authorizer must determine fiscal health and sustainability, the following schedule of reporting deadline to the District will apply each year of the term of this charter;*

- o September 1 – Final Unaudited Financial Report for Prior Year*
- o December 1 – Final Audited Financial Report for Prior Year*
- o December 1 – First Interim Financial Report for Current Year*
- o March 1 – Second Interim Financial Report for Current Year*
- o June 15 – Preliminary Budget for Subsequent Year"*

### **Element 12**

Add the following text and remove any text to the contrary:

*DRL: "Pupils who choose not to attend the Charter School may choose to attend other public schools in their district of residence or pursue inter-district transfers in accordance with existing enrollment and transfer policies of the District. Parents or guardians of each pupil enrolled in the Charter School shall be informed that the pupil has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.*

Add the following text and remove any text to the contrary:

*DRL: “Employees of the District who choose to leave the employment of the District to work at Charter School shall have no automatic rights of return to the District after employment at Charter School unless specifically granted by the District through a leave of absence or other agreement or policy of the District as aligned with the collective bargaining agreements of the District. Leave and return rights for District union-represented employees and former employees who accept employment with Charter School will be administered in accordance with applicable collective bargaining agreements and any applicable judicial rulings.”*

#### **Element 14**

*Add the following text and remove any text to the contrary:*

*DRL: “Charter School will establish complaint procedures that address both complaints alleging discrimination or violations of law and complaints regarding other areas. Charter School will not, at any time, refer complaints to the District.*

*The complaint procedures will include the clear information with respect to the response timeline of the school, whether the school’s response will be in writing, the party identified to respond to complaints, the party identified and charged with making final decisions regarding complaints, and whether the final decision will be issued in writing. The procedures will also identify an ombudsperson for situations in which the school leader is the subject of the complaint. The complaint procedures will be clearly articulated in the school’s student and family handbook or distributed widely.*

*Charter School will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 (Title IX) and Section 504 of the Rehabilitation Act of 1973 (Section 504) including any investigation of any complaint filed with Charter School alleging its noncompliance with these laws or alleging any actions which would be prohibited by these laws. Charter School will notify all its students and employees of the name, office address, and telephone number of the designated employee or employees.*

*Charter School will adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action, which would be prohibited by Title IX, or Section 504.*

*Charter School will implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex or mental or physical disability in the educational program or activity which it operates, and that it is required by Title IX and Section 504 not to discriminate in such a manner.”*

*DRL: “The staff and Governing Board members of [CHARTER SCHOOL] agree to attempt to resolve all disputes between the District and [CHARTER SCHOOL] regarding this charter pursuant to the terms of this section. Both will refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.*

*Any controversy or claim arising out of or relating to the charter agreement between the District and [CHARTER SCHOOL] except any controversy or claim that in any way related to revocation of this charter, shall be handled first through an informal process in accordance with the procedures set forth below.*

*(1) Any controversy or claim arising out of or relating to the charter agreement, except any controversy or claim that in any way related to revocation of this charter, must be put in writing (“Written Notification”) by the party asserting the existence of such dispute. If the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with Education Code section 47607(c), the matter will be addressed at the District's discretion in accordance with that provision of law and any regulations pertaining thereto. The Written Notification must identify the nature of the dispute and all supporting facts known to the party giving the Written Notification. The Written Notification may be tendered by personal delivery, by facsimile, or by certified mail. The Written Notification shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 PM or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail. All written notices shall be addressed as follows:*

*To Charter School, c/o School Director:  
[CHARTER SCHOOL]  
Oakland, CA*

*To Coordinator, Office of Charter Schools:  
1000 Broadway, 6th Floor, Suite 639  
Oakland, CA 94607*

*(2) A written response (“Written Response”) shall be tendered to the party providing the Written Notification within twenty (20) business days from the date of receipt of the Written Notification. The Written Response shall state the responding party’s position on all issues stated in the Written Notification and set forth all facts, which the responding party believes, supports its position. The Written Response may be tendered by personal delivery, by facsimile, or by certified mail. The Written Response shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00p.m., or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail. The parties agree to schedule a conference to discuss the claim or controversy (“Issue Conference”). The Issue Conference shall take place within fifteen (15) business days from the date the Written Response is received by the other party.*

*(3) If the controversy, claim, or dispute is not resolved by mutual agreement at the Issue Conference, then either party may request that the matter be resolved by mediation. Each party shall bear its own costs and expenses associated with the mediation. The mediator’s fees and the administrative fees of the mediation shall be shared equally among the parties. Mediation proceedings shall commence within 60 days from the date of the Issue Conference. The parties shall mutually agree upon the selection of a mediator to resolve the controversy or claim at dispute. If no agreement on a mediator is reached within 30 days after a request to mediate, the parties will use the processes and procedures of the American Arbitration Association (“AAA”) to have an arbitrator appointed...*

*(4) If the mediation is not successful, the parties agree that each party has exhausted its administrative remedies and shall have any such recourse available by law*

## **Element 15**

Add the following text and remove any text to the contrary:

DRL: “REVOCATION OF THE CHARTER

Conservatory of Vocal and Instrumental Arts – Charter Renewal

*The District may revoke the Charter if Charter School commits a breach of any provision set forth in a policy related to charter schools adopted by the District Board of Education and/or any provisions set forth in the Charter Schools Act of 1992. The District may revoke the charter of the Charter School if the District finds, through a showing of substantial evidence, that Charter School did any of the following:*

- Charter School committed a material violation of any of the conditions, standards, or procedures set forth in the Charter.*
- Charter School failed to meet or pursue any of the pupil outcomes identified in the Charter.*
- Charter School failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.*
- Charter School violated any provision of law.*

*Prior to revocation, and in accordance with Education Code section 47607(d) and state regulations, the OUSD Board of Education will notify Charter School in writing of the specific violation, and give Charter School a reasonable opportunity to cure the violation, unless the OUSD Board of Education determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. Revocation proceedings are not subject to the dispute resolution clause set forth in this Charter.*

*Pursuant to AB 97, charter schools may be identified for assistance based on state evaluation rubrics and be subject to revocation pursuant to Education Code section 47607.3.*

#### **CLOSURE ACTION**

*The decision to close Charter School, either by the governing board of Charter School or by the OUSD Board of Education, must be documented in a “Closure Action”. A Closure Action shall be deemed to have been automatically taken when any of the following occur: the Charter is revoked (subject to the provisions of Education Code section 47607(i)) or non-renewed by the OUSD Board of Education; the governing board of Charter School votes to close Charter School; or the Charter lapses.*

#### **CLOSURE PROCEDURES**

*The procedures for charter school closure set forth below are guided by Education Code sections 47604.32, 47605, and 47607 as well as California Code of Regulations, title 5, sections 11962 and 11962.1, and are based on “Charter School Closure Requirements and Recommendations (Revised 08/2009)” posted on the California Department of Education website. All references to “Charter School” apply to Charter School, including its nonprofit corporation and governing board.*

##### *Designation of Responsible Person(s) and Funding of Closure*

*Prior to or at the time of the taking of a Closure Action by either the governing board of Charter School or the OUSD Board of Education, the governing board of Charter School shall designate a person or persons responsible for conducting and overseeing all closure-related procedures and activities, and allocate sufficient funding for, or otherwise determine how Charter School will fund, these activities.*

##### *Notification of Closure Action*

*Upon the taking of a Closure Action, Charter School shall send written notice of its closure to:*

- 1. The OUSD OCS. Charter School shall provide the OCS with written notice of the person(s) designated to be responsible for conducting and overseeing all closure activities and the funding for such activities. If the*

*Closure Action is an act of Charter School, Charter School shall provide the OCS with a copy of the governing board resolution or minutes that documents its Closure Action.*

- 2. Parents/guardians of all students, and all majority age and emancipated minor students, currently enrolled in Charter School within 72 hours of the Closure Action. Charter School shall simultaneously provide a copy of the written parent notification to the OCS.*
- 3. Alameda County Office of Education (ACOE). Charter School shall send written notification of the Closure Action to ACOE by registered mail within 72 hours of the Closure Action. Charter School shall simultaneously provide a copy of this notification to the OCS.*
- 4. The Special Education Local Plan Area (SELPA) in which Charter School participates. Charter School shall send written notification of the Closure Action to the SELPA in which Charter School participates by registered mail within 72 hours of the Closure Action. Charter School shall simultaneously provide a copy of this notification to the OCS.*
- 5. The retirement systems in which Charter School's employees participate. Within fourteen (14) calendar days of the Closure Action, Charter School shall notify, as applicable, the State Teachers Retirement System (STRS), Public Employees Retirement System (PERS), the Social Security Administration, and the Alameda County Office of Education of the Closure Action, and follow their respective procedures for dissolving contracts and reporting. Charter School shall provide a copy of this notification and correspondence to the OCS.*
- 6. The California Department of Education (CDE). Charter School shall send written notification of the Closure Action to the CDE by registered mail within 72 hours of the Closure Action. Charter School shall provide a copy of this notification to the OCS.*
- 7. Any school district that may be responsible for providing education services to the former students of Charter School. Charter School shall send written notification of the Closure Action within 72 hours of the Closure Action. This notice must include a list of potentially returning students and their home schools based on student residence. Charter School shall provide a copy of these notifications, if any, to the OCS.*
- 8. All Charter School employees and vendors within 72 hours of the Closure Action. Charter School shall simultaneously provide a copy of the written employee and vendor notification to the OCS.*

*Notification of all the parties above, with the exception of employees and vendors, must include but is not limited to the following information:*

- 1. The effective date of the closure of Charter School*
- 2. The name(s) and contact information for the person(s) handling inquiries regarding the closure*
- 3. The students' school districts of residence*
- 4. How parents/guardians of all students, and all majority age and emancipated minor students, may obtain copies of student records and transcripts, including specific information on completed courses and credits that meet graduation requirements*

*In addition to the four required items above, notification of the CDE shall also include:*

- 1. A description of the circumstances of the closure*
- 2. The location of student and personnel records*

*In addition to the four required items above, notification of parents/guardians of all students, and all majority age and emancipated minor students, shall also include:*

- 1. Information on how to enroll or transfer the student to an appropriate school*
- 2. A certified packet of student information that includes closure notice, a copy of the student's cumulative record, which will include grade reports, discipline records, immunization records, completed coursework, credits that meet graduation requirements, a transcript, and state testing results*

3. *Information on student completion of college entrance requirements, for all high school students affected by the closure*

*Notification of employees and vendors shall include:*

1. *The effective date of the closure of Charter School*
2. *The name(s) and contact information for the person(s) handling inquiries regarding the closure*
3. *The date and manner, which shall be no later than 30 days from the effective date of the closure of Charter School, by which Charter School shall provide employees with written verification of employment*

*Within 30 days of the effective date of closure, Charter School shall provide all employees with written verification of employment. Charter School shall send copies of such letters to the OCS.*

#### *Records Retention and Transfer*

*Charter School shall comply with all applicable laws as well as District policies and procedures, as they may change from time to time, regarding the transfer and maintenance of Charter School records, including student records. These requirements include:*

1. *Charter School shall provide the District with original student cumulative files and behavior records, pursuant to District policy and applicable District handbook(s) regarding cumulative records for secondary and elementary schools, for all students, both active and inactive, of Charter School. Transfer of the complete and organized original student records to the District, in accordance with District procedures applicable at the time of closure, shall occur within seven (7) calendar days of the effective date of closure.*
2. *Charter School's process for transferring student records to receiving schools shall be in accordance with OUSD procedures for students moving from one school to another.*
3. *Charter School shall prepare and provide an electronic master list of all students to the Charter Schools Division in accordance with the District procedures applicable at the time of closure. This list shall include the student's identification number, Statewide Student Identifier (SSID), birthdate, grade, full name, address, home school/school district, enrollment date, exit code, exit date, parent/guardian name(s), and phone number(s). If the Charter School closure occurs before the end of the school year, the list also shall indicate the name of the school to which each student is transferring, if known. This electronic master list shall be delivered to the OCS in the form of a CD or otherwise in accordance with District procedures.*
4. *Charter School must organize the original cumulative files for delivery to the District in two categories: active students and inactive students. Charter School will coordinate with the OCS for the delivery and/or pickup of student records.*
5. *Charter School must update all student records in the California Longitudinal Pupil Achievement Data System (CALPADS) prior to closing.*
6. *Charter School must provide to the OCS a copy of student attendance records, teacher gradebooks, Charter School payroll and personnel records, and Title I records (if applicable). Personnel records must include any and all employee records including, but not limited to, records related to performance and grievance.*
7. *Charter School shall ensure that all records are boxed and clearly labeled by classification of documents and the required duration of storage in accordance with District procedures.*



8. Charter School shall provide to the responsible person(s) designated by the governing board of Charter School to conduct all closure-related activities a list of students in each grade level and, for each student, a list of classes completed and the student's district of residence.

#### *Financial Close-Out*

*After receiving notification of closure, the CDE will notify Charter School and the authorizing entity of any liabilities Charter School owes the state, which may include overpayment of apportionments, unpaid revolving fund loans or grants, and/or similar liabilities. The CDE may ask the County Office of Education to conduct an audit of the charter school if it has reason to believe that the school received state funding for which it was not eligible.*

*Charter School shall ensure completion of an independent final audit within six months after the closure of Charter School that includes:*

- 1. An accounting of all financial assets. These may include cash and accounts receivable and an inventory of property, equipment, and other items of material value.*
- 2. An accounting of all liabilities. These may include accounts payable or reduction in apportionments due to loans, unpaid staff compensation, audit findings, or other investigations.*
- 3. An assessment of the disposition of any restricted funds received by or due to Charter School.*

*This audit may serve as Charter School's annual audit.*

*Charter School shall pay for the financial closeout audit of Charter School. This audit will be conducted by a neutral, independent licensed CPA who will employ generally accepted accounting principles. Any liability or debt incurred by Charter School will be the responsibility of Charter School and not OUSD. Charter School understands and acknowledges that Charter School will cover the outstanding debts or liabilities of Charter School. Any unused monies at the time of the audit will be returned to the appropriate funding source. Charter School understands and acknowledges that only unrestricted funds will be used to pay creditors. Any unused AB 602 funds or other special education funding will be returned to the District SELPA or the SELPA in which Charter School participates, and other categorical funds will be returned to the source of funds.*

*Charter School shall ensure the completion and filing of any annual reports required. These reports include but are not necessarily limited to:*

- 1. Preliminary budgets*
- 2. Interim financial reports*
- 3. Second interim financial reports*
- 4. Final unaudited reports*

*These reports must be submitted to the CDE and the authorizing entity in the form required. If Charter School chooses to submit this information before the forms and software are available for the fiscal year, alternative forms can be used if they are approved in advance by the CDE. These reports should be submitted as soon as possible after the Closure Action, but no later than the required deadline for reporting for the fiscal year.*

*For apportionment of categorical programs, the CDE will count the prior year average daily attendance (ADA) or enrollment data of the closed Charter School with the data of the authorizing entity. This practice will occur in the first year after the closure and will continue until CDE data collection processes reflect ADA or enrollment adjustments for all affected LEAs due to the charter closure.*

## *Disposition of Liabilities and Assets*

*The closeout audit must identify the disposition of all liabilities of Charter School. Charter School closure procedures must also ensure appropriate disposal, in accordance with Charter School's governing board bylaws, fiscal procedures, and any other applicable laws and regulations, of any net assets remaining after all liabilities of Charter School have been paid or otherwise addressed. Such disposal includes, but is not limited to:*

- 1. Charter School, at its cost and expense, shall return to the District any and all property, furniture, equipment, supplies, and other assets provided to Charter School by or on behalf of the District. The District discloses that the California Education Code sets forth the requirements for the disposition of the District's personal property and Charter School shall bear responsibility and liability for any disposition in violation of statutory requirements.*
- 2. The return of any donated materials and property in accordance with any terms and conditions set when the donations were accepted.*
- 3. The return of any grant and restricted categorical funds to their sources according to the terms of the grant or state and federal law.*
- 4. The submission of final expenditure reports for any entitlement grants and the filing of Final Expenditure Reports and Final Performance Reports, as appropriate.*

*If Charter School is operated by a nonprofit corporation, and if the corporation does not have any functions other than operation of Charter School, the corporation shall be dissolved according to its bylaws.*

*Charter School shall retain sufficient staff, as deemed appropriate by the Charter School governing board to complete all necessary tasks and procedures required to close the school and transfer records in accordance with these closure procedures.*

*Charter School's governing board shall adopt a plan for wind-up of Charter School and, if necessary, the corporation, in accordance with the requirements of the Corporations Code.*

*Charter School shall provide OUSD within fourteen (14) calendar days of the Closure Action with written notice of any outstanding payments due to staff and the time frame and method by which Charter School will make the payments.*

*Prior to final close-out, Charter School shall complete all actions required by applicable law, including but not limited to the following:*

- a. File all final federal, state, and local employer payroll tax returns and issue final W-2s and Form 1099s by the statutory deadlines.*
- b. File a Federal Notice of Discontinuance with the Department of Treasury (Treasury Form 63).*
- c. Make final federal tax payments (employee taxes, etc.)*
- d. File its final withholding tax return (Treasury Form 165).*
- e. File its final return with the IRS (Form 990 and Schedule).*

*This Element 15 shall survive the revocation, expiration, termination, cancellation of this Charter, or any other act or event that would end Charter School's authorization to operate as a charter school or cause Charter School to cease operation. Charter School agrees that, due to the nature of the property and activities that are the subject of this Charter, the District and public shall suffer irreparable harm should Charter School breach any obligation under this Element 15. The District therefore reserves the right to seek equitable relief to enforce any right arising under this Element 15 or any provision of this Element 15 or to prevent or cure any breach of*

*any obligation undertaken, without in any way prejudicing any other legal remedy available to the District. Such legal relief shall include, without limitation, the seeking of a temporary or permanent injunction, restraining order, or order for specific performance, and may be sought in any appropriate court.”*

## **REQUIRED NOTIFICATION TO DISTRICT**

*Add the following text and remove any text to the contrary:*

*DRL: “[CHARTER SCHOOL] shall notify, within 30 days, the superintendent of the school district of any pupil who is expelled or leaves [CHARTER SCHOOL] without graduating or completing the school year for any reason. The school district notified shall be determined by the pupil’s last known address. [CHARTER SCHOOL] 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, pursuant to Education Code Section 47605(d)(3).”*

*“[CHARTER SCHOOL] shall define any student dismissal under the Charter School’s disciplinary procedure, or termination of a student’s right to attend the [CHARTER SCHOOL] under its disciplinary procedure, as an “expulsion” under the Education Code.”*

*Add the following text and remove any text to the contrary:*

*“In the case of a special education student, or a student who receives 504 accommodations, [CHARTER SCHOOL] will ensure that it makes the necessary adjustments to comply with the mandates of State and federal laws, including the IDEA and Section 504 of the Rehabilitation Plan of 1973, regarding the discipline of students with disabilities. Prior to recommending expulsion for a Section 504 student or special education student, the charter administrator will convene a review committee to determine 1) if the conduct in question was caused by, or had a direct and substantial relationship to the child’s disability; or 2) if the conduct in question was the direct result of the LEA’s failure to implement the 504 plan or IEP. If it is determined that the student’s misconduct was not caused by or had direct and substantial relationship to the child’s disability or the conduct in question was not a direct result of the LEA’s failure to implement the 504 plan or IEP, the student may be expelled.”*

## **FACILITIES**

*Add the following text and remove any text to the contrary:*

*DRL: “If Charter School is using District facilities as of the date of the submittal of this charter petition, renewal petition, or request for material revision, or takes occupancy of District facilities prior to the approval of this charter petition, Charter School shall execute an agreement provided by the District for the use of the District facilities as a condition of the approval of the charter petition. If at any time after the approval of this charter petition, renewal petition, or request for material revision, Charter School will occupy and use any District facilities, Charter School shall execute an agreement provided by the District for the use of the District*

*facilities prior to occupancy and commencing use. Charter School shall implement and otherwise comply with the terms of any and all applicable facilities use agreements between Charter School and the District.*

*Notwithstanding any provision of any existing agreement for the use of District facilities, no agreement for the use of District facilities shall automatically renew or extend its term with the renewal of the charter petition. The circumstances of Charter School's occupancy of District facilities may change over time such as, but not limited to, enrollment, programs, and the conditions of facilities, and the District has a vested interest in having an agreement that is appropriate for the situation.*

*Prop. 39 Single Year Co-Location Use Agreement shall be limited to one (1) school year and expire on the date stated in said instrument, unless otherwise agreed to by the District. There is no automatic renewal.*

*For any other use agreement, the term shall not exceed five (5) years or shall be co-terminus with the charter petition, whichever is shorter, and may be one (1) school year in duration, at the option of the District. Charter School and the District shall negotiate any modifications of the agreement with the goal of such amendment or new agreement being considered by the OUSD Board of Education with the renewal of the charter petition. If Charter School and the District cannot execute an agreement in time for such to be considered by the Board of Education with the renewal of the charter petition, the approval of the renewal of the charter petition shall be conditioned upon Charter School and the District executing an amendment to the existing use agreement or a new agreement no later than May 1st or within nine (9) months of the date of the Board of Education's approval of the renewal of the charter petition. During such time period Charter School shall be permitted to remain in occupancy of the District facilities under the terms and conditions of the immediately preceding, executed use agreement; provided, that if Charter School and the District cannot agree upon and execute an amendment or new use agreement by said deadline, Charter School shall vacate the District facilities on or before June 30th of said school year.*

*Charter School agrees that occupancy and use of District facilities shall be in compliance with applicable laws and District policies for the operation and maintenance of District facilities and furnishings and equipment. All District facilities (i.e. schools) will remain subject to those laws applicable to public schools.*

*In the event of an emergency, all District facilities (i.e. schools) are available for use by the American Red Cross and public agencies as emergency locations, which may disrupt or prevent Charter School from conducting its educational programs. If Charter School will share the use of District facilities with other District user groups, Charter School agrees it will participate in and observe all District safety policies (e.g., emergency chain of information and participation in safety drills).*

*The use agreements provided by the District for District facilities shall contain terms and conditions addressing issues such as, but not limited to, the following:*

- *Use: Charter School will be restricted to using the District facilities for the operation of a public school providing educational instruction to public school students consistent with the terms of the Charter and incidental related uses. The District shall have the right to inspect District facilities upon reasonable notice to Charter School.*
- *Furnishings and Equipment: The District shall retain ownership of any furnishings and equipment, including technology, ("F&E") that it provides to Charter School for use. Charter School, at its sole cost and expense, shall provide maintenance and other services for the good and safe operation of the F&E.*

- *Leasing; Licensing: Use of the District facilities by any person or entity other than Charter School shall be administered by the District. The parties may agree to an alternative arrangement in the use agreement.*
  
- *Programs, Services, and Activities Outside Instructional Program; Third Party Vendors*
  - (i) *Any program, service, or activity provided outside the instructional program shall be subject to the terms and provisions of the use agreement, and, additionally, may require a license, permit, or additional agreement issued by the District. The term “instructional program” is defined, per Education Code section 47612 and 5 CCR section 11960, as those required educational activities that generate funding based on “average daily attendance” and includes those extracurricular programs, services, and/or activities that students are required to participate in and do not require the payment of any consideration or fee.*
  - (ii) *Any program, service, or activity requiring the payment of any consideration or fee or provided by a third party vendor (defined as any person or entity other than Charter School), whether paid or volunteer and regardless of whether such may be within the instructional program, shall be subject to the terms and provisions of the use agreement and such third party vendor shall be required to obtain a license, permit, or additional agreement from the District.*
  
- *Minimum Payments or Charges to be Paid to District Arising From the Facilities:*
  - (i) *Pro Rata Share: The District shall collect and Charter School shall pay a Pro Rata Share for facilities costs as provided in the Charter Schools Act of 1992 and its regulations. The parties may agree to an alternative arrangement regarding facilities costs in the use agreement; and*
  - (ii) *Taxes; Assessments: Generally, Charter School shall pay any assessment or fee imposed upon or levied on the OUSD facilities that it is occupying or Charter School’s legal or equitable interest created by the use agreement.*
  
- *Maintenance & Operations Services: In the event the District agrees to allow Charter School to perform any of the operation and maintenance services, the District shall have the right to inspect the District facilities, and the costs incurred in such inspection shall be paid by Charter School.*
  - (i) *Co-Location: If Charter School is co-locating or sharing the District facilities with another user, the District shall provide the operations and maintenance services for the District facilities and Charter School shall pay the Pro Rata Share. The parties may agree to an alternative arrangement regarding performance of the operations and maintenance services and payment for such in the use agreement.*
  - (ii) *Sole Occupant: If Charter School is a sole occupant of District facilities, the District shall allow Charter School, at its sole cost and expense, to provide some operations and maintenance services for the District facilities in accordance with applicable laws and OUSD’s policies on operations and maintenance services for facilities and F&E. NOTWITHSTANDING THE FOREGOING, the District shall provide all services for regulatory inspections which as the owner of the real property it is required to submit, and deferred maintenance, and Charter School shall pay OUSD for the cost and expense of providing those services. The parties may agree to an alternative arrangement regarding performance of the operations and maintenance services and payment for such services in the use agreement.*
  
- *Real Property Insurance: Prior to occupancy, Charter School shall satisfy requirements to participate in OUSD’s property insurance or, if Charter School is the sole occupant of OUSD facilities, obtain and maintain separate property insurance for the OUSD facilities. Charter School shall not have the option of*

*obtaining and maintaining separate property insurance for the OUSD facility IF Charter School is co-locating or sharing the OUSD facility with another user.*

#### *Non-District-Owned Facilities*

*Occupancy and Use of the Site: Prior to occupancy or use of any school site or facility, Charter School shall provide the OCS with a current Certificate of Occupancy or equivalent document issued by the applicable permitting agency that allows Charter School to use and occupy the site as a charter school. Charter School shall not exceed the operating capacity of the site and shall operate within any limitations or requirements provided by the Certificate of Occupancy and any applicable permit. Charter School may not open or operate without providing a copy of an appropriate Certificate of Occupancy to the OCS. If Charter School intends to move or expand to another facility during the term of this Charter, Charter School shall adhere to any and all District policies and procedures regarding charter material revision and non-material amendment. Prior to occupancy or use of any such additional or changed school site, Charter School shall provide an appropriate Certificate of Occupancy to the OCS for such facility. Notwithstanding any language to the contrary in this Charter, the interpretation, application, and enforcement of this provision are not subject to the Dispute Resolution Process outlined in Element 14.*

*Facility Compliance: Prior to occupancy or use of any school site or facility, Charter School shall provide adequate documentation to the OCS that the facility complies with all applicable building codes, standards and regulations adopted by the city and/or county agencies responsible for building and safety standards for the city in which Charter School is to be located, federal and state accessibility requirements (including the Americans with Disabilities Act (ADA) and Section 504), and all other applicable fire, health, and structural safety and access requirements. This requirement shall also apply to the construction, reconstruction, alteration of or addition to the facility. Charter School shall resolve in a timely manner any and all corrective actions, orders to comply, or notices issued by the authorized building and safety agency or the District. Charter School cannot exempt itself from applicable building and zoning codes, ordinances, and ADA/Section 504 requirements. Charter School shall maintain on file readily accessible records that document facilities compliance and provide such documentation to the OCS upon request.*

*Pest Management: Charter School shall comply with the Healthy Schools Act, Education Code section 17608, which details pest management requirements for schools.*

*Asbestos Management: Charter School shall comply with the asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40 C.F.R. part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.*

*DRL: “If Charter School] fails to submit a certificate of occupancy or other valid documentation to the District verifying that the intended facility in which the school will operate complies with Education Code Section 47610, not less than 30 days before the school is scheduled to begin operation pursuant to the first year of this renewal term, it may not commence operations unless an exception is made by the OCS and/or the local planning department or equivalent agency. If Charter School moves or expands to another facility during the term of this charter, Charter School] shall provide a certificate of occupancy or other valid documentation to the District verifying that the intended facility in which the school will operate complies with Education Code Section 47610, to the District for each facility at least 30 days before school is scheduled to begin operations in the facility or facilities. Charter School shall not begin operation in any location for which it has failed to timely provide a certificate of occupancy to the District, unless an exception is made by the OCS and/or the local planning department or equivalent agency.*

*Notwithstanding any language to the contrary in this charter, the interpretation, application, and enforcement of this provision are not subject to the Dispute Resolution Process.”*

## **ADMINISTRATIVE SERVICES**

Add the following text and remove any text to the contrary:

*DRL: “The District may charge for the actual costs of supervisorial oversight of [CHARTER SCHOOL] not to exceed 1% of the charter school’s revenue, or the District may charge for the actual costs of supervisorial oversight of the Charter School not to exceed 3% if [CHARTER SCHOOL] is able to obtain substantially rent free facilities from the District. Notwithstanding the foregoing, the District may charge the maximum supervisorial oversight fee allowed under the law as it may change from time to time.”*

## **DISTRICT IMPACT STATEMENT/CIVIL LIABILITY EFFECTS**

Add the following text and remove any text to the contrary:

*DRL: “[CHARTER SCHOOL] must submit its renewal petition to the Office of Charter Schools no earlier than 270 days before the charter is due to expire unless otherwise agreed by the Office of Charter Schools...”*

Add the following text and remove any text to the contrary:

*DRL: “The District may revoke the charter of [CHARTER SCHOOL] in accordance with Education Code Section 47607, any successor provisions to section 47607, or other statutory provisions, if enacted after the date of the charter, regarding the revocation of charters.*

Add the following text and remove any text to the contrary:

*DRL: “[CHARTER SCHOOL] agrees to observe and abide by the following terms and conditions as a requirement for receiving and maintaining their charter authorization:*

- *[CHARTER SCHOOL] is subject to District oversight.*
- *The District’s statutory oversight responsibility continues throughout the life of the charter and requires that it, among other things, monitor the fiscal condition of [CHARTER SCHOOL].*
- *The District is authorized to revoke this charter for, among other reasons, the failure of [CHARTER SCHOOL] to meet generally accepted accounting principles or if it engages in fiscal mismanagement in accordance with Education Code Section 47607.*

*Accordingly, the District hereby reserves the right, at District cost, pursuant to its oversight responsibility, to audit [CHARTER SCHOOL] books, records, data, processes and procedures through the Office of Charter Schools or other means. The audit may include, but is not limited to, the following areas:*

- *Compliance with terms and conditions prescribed in the charter,*
- *Internal controls, both financial and operational in nature,*
- *The accuracy, recording and/or reporting of school financial information,*
- *The school’s debt structure,*
- *Governance policies, procedures and history,*
- *The recording and reporting of attendance data,*
- *The school’s enrollment process, suspension and expulsion procedures, and parent involvement practices,*

- *Compliance with safety plans and procedures, and*
- *Compliance with applicable grant requirements.*

*[CHARTER SCHOOL] shall cooperate fully with such audits and to make available any and all records necessary for the performance of the audit upon 30 day’s notice to [CHARTER SCHOOL]. When 30 days notice may defeat the purpose of the audit, the District may conduct the audit upon 24 hour’s notice.*

*In addition, if an allegation of waste, fraud or abuse related to [CHARTER SCHOOL] operations is received by the District, [CHARTER SCHOOL] shall be expected to cooperate with any investigation undertaken by the Office of Charter Schools, at District cost. This obligation for the District to pay for an audit only applies if the audit requested is specifically requested by the District and is not otherwise required to be completed by [CHARTER SCHOOL] by law or charter provisions.”*

**FISCAL MATTERS**

*Add the following text and remove any text to the contrary:*

*DRL: “Cash Reserves*

*Charter School acknowledges that the recommended cash reserve is 5% of expenditures, as provided in section 15450, title 5 of the California Code of Regulations.*

*Third Party Contracts*

*Charter School shall ensure that all third party contracts, whether oral or written, for supplies, equipment, goods and/or services, for the direct or indirect benefit of, or otherwise related to the operation of, Charter School, require compliance with and otherwise conform to all applicable local, state, and federal policies, regulations, laws, and guidelines, including but not limited to licensing and permit requirements as well as requirements related to protection of health and safety.*

*Special Education Revenue Adjustment/Payment for Services*

*In the event that Charter School owes funds to the District for the provision of agreed upon or fee for service or special education services or as a result of the State’s adjustment to allocation of special education revenues from Charter School, Charter School authorizes the District to deduct any and all of the in lieu property taxes that Charter School otherwise would be eligible to receive under section 47635 of the Education Code to cover such owed amounts. Charter School further understands and agrees that the District shall make appropriate deductions from the in lieu property tax amounts otherwise owed to Charter School. Should this revenue stream be insufficient in any fiscal year to cover any such costs, Charter School agrees that it will reimburse the District for the additional costs within forty-five (45) business days of being notified of the amounts owed.*

*Audit and Inspection of Records*

*Charter School agrees to observe and abide by the following terms and conditions as a requirement for receiving and maintaining its charter authorization:*

- *Charter School is subject to District oversight.*



- *The District’s statutory oversight responsibility continues throughout the life of the Charter and requires that the District, among other things, monitors the fiscal condition of Charter School.*
- *The District is authorized to revoke this Charter for, among other reasons, the failure of Charter School to meet generally accepted accounting principles or if Charter School engages in fiscal mismanagement.*

*Accordingly, the District hereby reserves the right, pursuant to its oversight responsibility, to audit Charter School books, records, data, processes and procedures through the District Office of the Inspector General or other means. The audit may include, but is not limited to, the following areas:*

- *Compliance with terms and conditions prescribed in the Charter agreement,*
- *Internal controls, both financial and operational in nature,*
- *The accuracy, recording and/or reporting of Charter School’s financial information,*
- *Charter School’s debt structure,*
- *Governance policies, procedures and history,*
- *The recording and reporting of attendance data,*
- *Charter School’s enrollment process,*
- *Compliance with safety plans and procedures, and*
- *Compliance with applicable grant requirements.*

*Charter School shall cooperate fully with such audits and shall make available any and all records necessary for the performance of the audit upon 30 days notice to Charter School. When 30 days notice may defeat the purpose of the audit, the District may conduct the audit upon 24- hours notice.*

#### *Internal Fiscal Controls*

*Charter School will develop and maintain sound internal fiscal control policies governing all financial activities.*

#### *Apportionment Eligibility for Students Over 19 Years of Age*

*Charter School acknowledges that, in order for a pupil over nineteen (19) years of age to remain eligible for generating charter school apportionment, the pupil shall be continuously enrolled in public school and make satisfactory progress toward award of a high school diploma. (Ed. Code § 47612(b).)*

#### *Local Control and Accountability Plan*

*In accordance with California Education Code sections 47604.33 and 47606.5, Charter School shall include in its annual update a “listing and description of the expenditures for the fiscal year implementing the specific actions included in the charter as a result of the reviews and assessment required by paragraph (1)” of section 47606.5(a). These expenditures shall be “classified using the California School Accounting Manual pursuant to Section 41010.” (Ed. Code § 47606.5(b).)*

*Add the following text and remove any text to the contrary:*

*[Charter School/District] shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act. (Government Code section 3540 et seq.) Charter School shall comply with all applicable requirements of the EERA, and the exclusive employer shall*

*comply with the duties and obligations of the exclusive employer under the EERA. In accordance with the EERA, employees may join and be represented by an organization of their choice for collective bargaining purposes.”)*

**ATTACHMENT III**

**Compilation of Complaints Filed with OCS**

The table below is a compilation of quotes from COVA students, families, staff, and school leaders provided during the renewal site visit focus group interviews and through complaints made directly to the Office of Charter Schools. Additional sources include OUSD staff observers and documentation provided in response to the Notices of Concerns issued. Some of the information from the complaints resulted in the issuance of Notices of Concerns.

<b>Area of Concern</b>	<b>Complaints filed with OCS</b>
<b>Conflict of Interest</b> (role/qualifications of husband)	<ul style="list-style-type: none"><li>• Abad’s husband, ■■■, does Advanced Math twice a week with the high school, not sure if he is credentialed, 8th graders go to Merritt in prep for taking college courses. He is also very hostile towards Greg (2016-17 teacher complaint)</li> <li>• My exit, her husband was very hostile, slandered me in front of staff. Her husband is advanced 8th grade math class at the middle school. Students were taken off campus, he is not a credentialed teacher, 3 times a week, supplanted original math class. Questioning value and students targeted to receive that (2016-17 former school leader complaint)</li> <li>• There's also payment to Valerie's husband for consulting services. (2016-17 parent complaint)</li></ul>
<b>Conflict of Interest</b> (role/qualifications of brother)	<ul style="list-style-type: none"><li>• ■■■ paid by Golden Gates, do the cleaning, ■■■ vacuums and sweeps rooms, empties trash, ■■■ does like the lawn, takes a heater. ■■■ we are not sure, we can put work orders. ■■■ has seen ■■■ taking a nap. He was absent for a long time because he was a “burner”, all the teachers had to do the moving of everything (2016-17 teacher complaint)</li> <li>• Brother in-law, in 2015-16 compensated as a janitor; ■■■ and ■■■ are actually doing the day-to-day. This year, he was taken out in accounts payable as a contractor, painted one teacher's classroom, he cleans the windows. He has a task list and this goes through Abad. After Burning Man, I saw him daily, not clear that he was doing work that supported learning on campus. My teacher's had to paint the classrooms</li></ul>

	<p>themselves (2016-17 former school leader complaint)</p> <ul style="list-style-type: none"> <li>• Brother is around school, but I haven't seen him do much other than painting and helping set up for concerts (2016-17 parent complaint)</li> </ul>
<p><b>Conflict of Interest</b> (role/qualifications of parent volunteers)</p>	<ul style="list-style-type: none"> <li>• ■■■, he helps during recess, not sure what he does, but he gets paid more than some teachers. He relieved me and he was in the classroom but he shouldn't be in the classroom. He doesn't have a credential. (2016-17 teacher complaint)</li> <li>• She brought in a gentleman who had been compensated as contractor and administrator previous year, ■■■, he was a parent of some student, last year...there are a lot of students' parents in accounts payables, last year, when there were security issues, they brought him in to see if one particular classroom was stable. I wanted to check that all of our staff had TB, he wouldn't give it to me. I asked about LiveScan and he didn't give it to me either...he took over the recess position (2016-17 former school leader complaint)</li> </ul>
<p><b>Conflict of Interest</b> (role/qualifications of Board)</p>	<ul style="list-style-type: none"> <li>• ...Ms. Abad being on the Board does not allow for complaints (2013-14 parent complaint)</li> <li>• In the past, Dr. Carpenter would come in and do informal observations (2016-17 teacher complaint)</li> <li>• Board was unstable. I asked about Conflicts of Interests and Board Information, asked both Dr. Carpenter and Valerie (2016-17 former school leader complaint)</li> <li>• ...not highly developed Board organization, ■■■, Board member, left and took her children, brought up conflict of interest... husband, brother, and Carpenter were compensated. Carpenter was compensated year before as Administrator (2016-17 former school leader complaint)</li> <li>• Previously we collected letters from 8 families and submitted them to the Board due to concerns of teacher and student turnover, but the Board was generally dismissive of parent concerns. (2016-17</li> </ul>

parent complaint)

- The Board approved this that [Sandy] is an administrator ... she was paid as a substitute when the administrator was out...so she can substitute for example when I am on tour (2016-17 in-person meeting with Superintendent)
- During monthly meetings, no presentation of contracts or accounts payable, they did not know what was going on (2016-17 former school leader complaint)
- I don't fully understand Dr. Carpenter's role. She's at the school a lot and was paid for performing work as a contractor last year (2016-17 parent complaint)
- There was a major revolt last year, mediator disappeared, teachers disappeared, and some of the Board disappeared (2016-17 teacher complaint)
- There was no contract. She [Sandy] substituted for administration as needed, and was approved by the board. (2016-17 email from Superintendent)
- In the email it stated that you guys have secured a substitute in the meantime. I dropped by the class this morning and it was Dr. Carpenter I believe is her name. Is she really teaching the children today? It did not look like it when I walked in this morning. I watched her one time in December and she was being mean to the kids by the way she was talking to them (2016-17 parent complaint)
- ...the kids are not only NOT being educated but in fact they are being harmed by this hostile environment- where they randomly state some law that doesn't exist with the FDA and school board to try to put fear in parents so parents will obediently follow their absolutely RIDICULOUS and unfounded rules (2016-17 parent complaint)
- This woman will be the ruin of her own school. Every complaint about COVA is about Valerie Abad. The board removed her from her position 2 years ago, and then she got rid of her board and replaced them with people she pays well to take orders from her (2016-17

	<p>parent complaint)</p> <ul style="list-style-type: none"> <li>• I believe if we had a better administration staff these problems would not be what they are today. I feel that they are doing shady business at this school (2016-17 parent complaint)</li> </ul>
<p><b>Physical/Verbal Aggressions of Students and Parents</b></p>	<ul style="list-style-type: none"> <li>• [Jennings] told daughter she could not run for student body president because she had a “bad attitude” (parent 2014-15 complaint)</li> <li>• [Jennings] told parent “if you have a problem in bringing the hammer down on ■, then I could talk to ■ myself” (2015-16 parent complaint).</li> <li>• ...we cannot allow verbal abuse, physical aggression, intimidation and humiliation to be perpetrated upon our students by Dr. Abad. The staff has witnessed these aggressions first hand (2016-17 teacher complaint)</li> <li>• Teachers, Administrators and their students have experienced verbal berating at the hands of Dr. Abad and Mr. Ghadiani during instructional time that undermines staff authority and disrupts learning time (2016-17 teacher complaint)</li> <li>• When we exited, [Abad] asked one of the teachers if we were just in there complaining and she nodded yes and we weren't so much as complaining but voicing our concerns. Valerie took her anger off on kids, started yanking scarves off of kids (2016-17 teacher complaint)</li> <li>• We have been doing rehearsal and [Abad] spends hours at this level [makes a high bar hand signal], calling out, screaming, criticizing, and it stresses kids out and it is hard to perform when you are being demeaned in such a way (2016-17 teacher complaint)</li> <li>• [Abad] does the measurements and when she does the inseams, from bottom of leg to the crouch, you can't just touch children like that, some people are not comfortable. She is like a nazi when it comes to school uniform, she yanks kids and snatches them by their clothes, looking down the shirts (2016-17 former</li> </ul>

	<p>teacher complaint)</p> <ul style="list-style-type: none"><li>• Dr. Abad came in to the room and started yanking things out of the wall, this was happening in front of the students (2016-17 teacher complaint)</li><li>• [Abad] is culturally insensitive, some students had braids with gold clips, she said they could not wear that because they look “ghetto” (2016-17 teacher complaint)</li><li>• He came out a few years ago and identified himself as a gay...she makes certain comments, "You have to be careful with this kid". Another girl who identified herself as a lesbian... Dr. Abad called her a “sexual predator”. This student is now suffering from anxiety (2016-17 teacher complaint)</li><li>• ...[Abad] touches students in unloving way, had several complaints from both teachers and parents. (2016-17 former school leader complaint)</li><li>• [Abad] started an amazing school, but doesn't have the administrative skills to handle day-to-day operations or the skills to interact with the people involved. Anything constructively critical of her is dismissed in an aggressive/abusive way. Any time the school starts to get momentum/sense of community, she seems to knock it down to make her feel needed. (2016-17 parent complaint)</li><li>• As [Abad] got my students into my classroom, she began to berate them verbally. She stated that this classroom was completely out of control and things were going to change. She told my kids they acted like preschoolers and she wasn't going to move them up to 1st grade because of their behavior. She screamed at them if they didn't stay completely silent and fold their hands while listening to her. The look on my kid's faces was one of completely terror and sadness. A few students were starting to silently cry (2016-17 teacher complaint)</li><li>• The head of the board is Dr. Carpenter, in the past has come in and yell at my kids before she said when she was a teacher she would hit kids and that is how you</li></ul>
--	--

can keep kids in line. She has come into the classroom on multiple occasions. Other times she has just come up to numerous kids and said why don't you listen. (2016-17 teacher complaint)

- ...do not want Dr. Abad because I feel that if you have something out of order on your body, she touches you physically (2016-17 student focus group)
- I watched her yet again, ■■■, a ■■■ grader, humiliating and mocking ■■■ in front of entire 4th-8th grade, the treatment was horrific, touches and yanks on students, inappropriately getting into students tucking in their shirts, telling them they look ghetto because they have tiny burets in their hair (2016-17 teacher focus group)
- I heard from both staff and students that they wanted Valerie gone if they were to stay next year (2016-17 OUSD staff observer)
- Oh, I think I know who it was that made that comment... his family is always hustling somebody ...doesn't bring in pens and pencils but he has a brand new iPhone... (2016-17 in-person meeting with Superintendent)
- She [Sandy Carpenter] said, well we have to gather up all the kids and your kid is the problem. I said excuse me? My kid is the problem? She said ok not just your kid but all of them and just shoo'd me off with her hands (2016-17 parent complaint)
- ■■■ was suffering from involuntary tremors ■■■ attributed to stressors. Stressors that later ■■■ indicated that ■■■ was particularly worried about the way ■■■ is talked to by Dr. Abad, as "she comes across as threatening" and her tone is condescending "that seem to be more like threats or warnings." (2016-17 parent complaint)
- ...while crying shared with ■■■ that Dr Abad said: "I know what you are! I know about your kind, and what you're capable of!" (2016-17 parent complaint)
- I am appalled by the conversation I had with Dr. Abad. I am afraid for my ■■■. ■■■ education, self-esteem, and



	<p>identity is at stake here (2016-17 parent complaint)</p> <ul style="list-style-type: none"> <li>• I would not have Dr. Abad here since she always disrespects us and gets in our face. (2016-17 student focus group)</li> <li>• Under 3 different situations [Sandy Carpenter] displayed extreme hostility towards me at school...she just chooses a very aggressive and hostile attitude and shouldn't be influencing children (2016-17 parent complaint)</li> <li>• ...recounts of my daughter being referred to as dumb, stupid, having the maturity level of a 2 year old, experiencing corporeal treatment with pushing, hitting and grabbing (2016-17 parent complaint)</li> <li>• Dr. Abad, to put it in simple terms, is a bully. She uses fear tactics as a means of controlling both students and staff. I personally have heard her make disparaging remarks to the children. It is never okay to tell kids they are stupid, yet Dr. Abad uses that very word, and from what my child has told me, uses it often (2016-17 parent complaint)</li> <li>• I personally have been berated by asking a question. I have seen parents and kids berated by [Abad] for no legitimate reason (2016-17 parent complaint)</li> <li>• COVA could have been an amazing school. However, so long as Valerie is there, it never will be. It is almost like she has Munchhausen's byproxy disorder, when it starts to succeed, she has to intervene to make it "sick" again...The only way COVA should be allowed to continue is with the removal of any and all duties from Valerie (2016-17 parent complaint)</li> </ul>
<p><b>Payroll Discrimination</b></p>	<ul style="list-style-type: none"> <li>• Salaries are not equitable. Teachers with one year of experience are making significantly more than teachers with decades of experience. Some teachers were told that they would receive a stipend for their masters, where others were told that was not available. Teachers were not made aware that their medical/dental insurance would not be included until after they signed their contracts (2016-17 teacher complaint)</li> </ul>

	<ul style="list-style-type: none"> <li>• I ended up in disability and then in unemployment, [Abad] told unemployment that I was not working there, though I had the contract and emails. She likes to do things in secret then lie about it in general. (2016-17 teacher complaint)</li> <li>• [Abad] pays the black teachers less than the white teachers, they put me in a position as an IA instead of a teacher, she said there was not enough money. The new IA they hired was white and they were given 48K not 45K like me. She just fired a second grade teacher, who was African American with credentials and masters, with several years of teaching. She was receiving less than 50K, while a first year Kinder teacher, ■■■, is getting paid 10K more. (2016-17 teacher complaint)</li> <li>• ■■■, African American from Oakland, had filled out STSP, and gave \$100 to apply, gave to [Business Director/Registrar], they did not turn it in, hiccup, that's how she snuck in ■■■. She also called ■■■, a ratchet. (2016-17 teacher complaint)</li> <li>• Business Director/Registrar, ■■■, gets paid 9-22 thousand dollars more than any teacher and only 5 thousand dollars less than the administrator (COVA Req Salary Breakdown 97-2003 Excel Spreadsheet)</li> </ul>
<p><b>Intimidation and Physical/Verbal Aggressions of Staff</b></p>	<ul style="list-style-type: none"> <li>• By the way, the issue with Principal Hood was a set up. He was going to tell on them so they eliminated him immediately (2016-17 parent complaint)</li> <li>• They [Administration] have been in our account reading emails (2016-17 teacher complaint)</li> <li>• During my attempt to unionize [Abad] threatened to dock my pay by several thousands of dollars. She told me to leave the campus and she forced me to sign a letter of resignation, which she dictated to me. I had written one, but she made me redo it (2016-17 teacher complaint)</li> <li>• ...felt like [Abad] was creating a very hostile situation for myself. (2016-17 former school leader complaint)</li> </ul>

- I feel a lot of her tactics are like Chavis' tactics, no access to teachers, berating the kids. I knew coming in 75% of the staff was gone, when I interviewed they needed a separation from Dr. Abad and the organization, they felt that [Jennings] was an extension of Dr. Abad. [Jennings], I found this after the fact, I went there and she did not speak to me, I found out she had been given a contract with a gag order so she was not allowed to speak to me so she could get her severance pay (2016-17 former school leader complaint)
- I've had similar encounters with [Abad] before (averaging about once a month). I absolutely love COVA as far as the students and faculty go but Dr. Abad's abuse is starting to become unbearable for me. I'm hoping I can keep what I'm saying confidential because she has shown that she will retaliate against anyone speaking ill of her in the past (I'll share some examples) and I don't want to put myself at risk (2016-17 teacher complaint)
- I also am concerned for the emotional well being of staff at the school. Dr. Abad has said that we should come to her with concerns but when other staff members have done that, she has retaliated against them...that is why teachers are hesitant to speak. (2016-17 teacher complaint)
- Valerie has told teachers that by talking to you [Silke], that is going against protocol and grounds for firing. (2016-17 teacher complaint)
- [Abad] came to my room this morning when I was teaching and asked to speak to me outside. She said that I understand that you have been emailing Silke Bradford. She told me multiple times that I need to grow up and that if I speak to you again that is grounds for termination immediately (2016-17 teacher complaint)
- ...we have been threatened quite a bit about participating in the union, losing our jobs, getting a pay cut (2016-17 teacher focus group)
- ...we were threatened to death (2016-17 teacher focus group)

group)

- Over the 5 years I've watched COVA become less desirable for a place of education- but more of a feared environment from the teachers who are afraid of the admin (2016-17 parent complaint)
- And there have been some really amazing teachers. They don't last a year. The toughest last two (2016-17 parent complaint)
- The bullying doesn't stop with the kids. She also bullies staff. To reprimand a teacher in front of their class is not acceptable...Dr Abad has a vision for "her school" and has no problem with "getting rid" of staff who might have a different vision (2016-17 parent complaint)
- I felt bullied from Dr. Abad and like I was being punished...(2016-17 teacher complaint)
- ...we refuse to meet with Dr. Abad alone (2016-17 teacher complaint)
- In the past, [Abad] has gone into the teacher's classroom and has completely taken over, they are terrified, it is an interrogation game (2016-17 teacher complaint)
- The way teachers are treated by Dr. Abad, she comes and yells, disrupts class, starts screaming at kids, shouts and gives, berates and belittle teachers. This has happened to me at both high school and lower school (2016-17 teacher complaint)
- When I was in the Kinder classroom, [Abad] came in and starts screaming at the kids, "Sit down! Don't do this!" Some started crying. Then she started screaming at me ... I myself also felt traumatized by this experience and I nearly had a panic attack that afternoon thinking about when Dr. Abad would come back into my classroom again and how she may harm me and my students (2016-17 teacher complaint)
- ...we have a set of young beginning teachers who want to come in and run the school (2016-17 school

	<p>leader focus group)</p> <ul style="list-style-type: none"> <li>• When a school has such a difficult time retaining staff, you really have to examine the underlying reason. That reason is Dr. Valerie Abad (2016-17 parent complaint)</li> </ul>
<p><b>Charging Students for Instruments/ Materials and Performance Tickets</b></p>	<ul style="list-style-type: none"> <li>• Rental instrument fee sheet was rotated during Music class (2016-17 teacher complaint)</li> <li>• She told me I had to hold off on giving students instruments until they gave me a contribution. ...then I started to hear that you had to pay for the sheet music. Dr. Abad was trying to run those programs directly with [Business Director/Registrar]. [Instruments were withheld waiting for payment?] Correct. (2016-17 former school leader complaint)</li> <li>• The concert money should be a little bit lower...parents have to pay to see us perform (2016-17 student focus group)</li> <li>• ...[tickets are] \$20 ahead of time, \$25 at the door for parents... students have to participate, it will affect their grade negatively if they don't come (2016-17 teacher focus group)</li> <li>• ...if you rent [the instruments] you have to pay \$75, you can either rent or purchase (2016-17 student focus group)</li> <li>• The concerts are fund-raisers to support the music programs. Parents who have requested discount tickets have been given discounts, or other option like 2 tickets for the price of 1. Parents are provided a discount for advanced purchase. Outreach regarding need, is generally provided by teachers when it comes to their attention that a parent isn't able to attend. (2016-17 Superintendent's response to Notice of Concern)</li> <li>• I request a loaner instrument from COVA if available (COVA 2016-17 Instrument Loan Contract)</li> <li>• Instrument contribution: Supplies, maintenance, and Book Per Year: \$75.00 (2016-17 COVA Instrument Loan Contract)</li> </ul>

	<ul style="list-style-type: none"> <li>• I understand that this instrument is supplied for my use as a convenience to me and not as an obligation of COVA (2016-17 COVA Instrument Loan Contract)</li> </ul>
<p><b>Uniform Policy</b></p>	<ul style="list-style-type: none"> <li>• Student received a demerit for wearing a short that was “out of season” and another for “wrinkled pants” (2014-15 parent complaint)</li> <li>• Dr. Abad gives demerits if they wear the wrong sock (2016-17 teacher complaint)</li> <li>• [Abad] would send kids home for not being in uniform. (2016-17 former school leader complaint)</li> <li>• I was on uniform committee years ago, but Dr. Abad ran over us because we thought the uniform code was too prescriptive and it has become more so in recent years. Valerie sometimes checks the labels on student clothing to make sure label is from the approved vendor. I've heard her of looking down their pants in order to check the labels (2016-17 parent complaint)</li> <li>• ..if we don't have a COVA sweater, we can't wear it, you can't bring one from home even if it is navy blue (2016-17 student focus group)</li> <li>• Students have a fee for their uniform around \$90, that is the rental fee for the year (2016-17 teacher focus group)</li> <li>• They can only wear jackets provided by the school, pants and shirts chosen by the school (2016-17 teacher focus group)</li> <li>• Parents may purchase uniform jackets from Dennis uniforms or from COVA at a reduced price (2016-17 Superintendent response to Notice of Concern)</li> <li>• Students may not be allowed to continue at COVA if they have had more than 10 incidences during the year of being out of uniform (2016-17 COVA Uniform Requirements)</li> <li>• Dr. Abad thinks that it is her God given right to enforce the uniform code by peering down the</li> </ul>

	<p>waistband of the kids' uniform pants, "To make sure they're the right ones" (2016-17 parent complaint)</p>
<p><b>Tardy Policy</b></p>	<ul style="list-style-type: none"> <li>• Tardy policy (12 tardies per year) has been in place for years in the handbook (2016-17 parent complaint)</li> <li>• Maximum allowable tardies is 6 per semester (12 total). Students who exceed that number will not be allowed to return to COVA for the following school year. (2016-17 COVA Policy reminders)</li> <li>• Late pick-up will be charged \$1.00 a minute beginning at 4:00... (2016-17 COVA Policy reminders)</li> </ul>
<p><b>“Pushing out” Students/ Noncompliant Disciplinary/Expulsion Policy</b></p>	<ul style="list-style-type: none"> <li>• ...they have this policy of disenrolling students... holding students back because of behavioral reasons (2016-17 former school leader complaint)</li> <li>• I've spoken to Dr. Abad about this student a few times and she has insinuated that she would like to try to have ■■■ not come back to COVA because of ■■■ behavior and ■■■ low academics. She was hoping that if she tried to retain ■■■ ■■■ mom would just pull her out of the school...Dr. Abad has shown tactics of pushing students with special needs (severe behavior or academic) out of the school to make school management easier and this is concerning to me (2016-17 teacher complaint)</li> <li>• The incident was never brought to light, and never disclosed to ---mother, or me, and never followed up on I would like to know why? Seems to me that Dr. Abad had something to hide. When I asked Dr. Abad about this incident, and why it was never written up, she explained, “ Because somet[imes] there isn't enough time.” (2016-17 parent complaint)</li> <li>• When I asked Dr. Abad about the details of such a contract, she stated she does not want ■■■ back on a regular session type of schedule because she believes that ■■■ prefers to focus on “the type of sex ■■■ going to be having with these girls versus academics” ... She further explained that the contract would be drafted in such a way that ■■■ would be prohibited from having any contact with any other student at school (2016-17 parent complaint)</li> </ul>

	<ul style="list-style-type: none"> <li>• [My daughter] was illegally expelled at years end and after repeated requests to re consider re reinstatement over the summer, they presented a rouse and required me to meet with the board knowing my work schedule would not accommodate there chronology and denied her re reinstatement claiming that they had reached out to me several times to try to accommodate my schedule (2016-17 parent complaint)</li> </ul>
<p><b>Lack of Special Education/Intervention Services</b></p>	<ul style="list-style-type: none"> <li>• We have been informed by our Resource Specialist that she will not be allowed to work with students who are so far behind they should never have been promoted through the COVA school system (2016-17 teacher complaint)</li> <li>• We have students with IEPs that do not receive their legally required services because the staff for them has not been retained. We have been informed that all SST's and possible IEP's should be held off for several weeks (2016-17 teacher complaint)</li> <li>• I have asked to have a tutoring program in the rotation, [Abad] has denied it because they need to be in the performances (2016-17 teacher complaint)</li> <li>• I come before school and do remediation, I have asked if I could pull kids from music or morning sing, kids are told music and not academics are priority (2016-17 teacher focus group)</li> </ul>
<p><b>Lack of Adequate Education Program</b></p>	<ul style="list-style-type: none"> <li>• I asked my daughter if they are being taught anything. She said that all they do is sing (2016-17 parent complaint)</li> <li>• Students are not receiving sex ed (2016-17 teacher complaint)</li> <li>• 6-8 should have sex ed like the rest of the middle schools (2016-17 student focus group)</li> <li>• I was rather disappointed by the quality of the program and leadership for a school that shows on performance as a high performing on with significant family interest (2016-17 OUSD staff observer)</li> </ul>



	<ul style="list-style-type: none"> <li>• The teaching in general was dated... the teacher was talking occasionally asking simple yes/no questions with little attention to equity of engagement. There was no student talk, small group work, or other engagement evidence (2016-17 OUSD staff observer)</li> <li>• Low rigor in academics...completely traditional with teachers lecturing to students and giving them space for short, yes/no, only type of answers. There was only one class that I observed out of 5 that had any kind of common core objectives identified (2016-17 OUSD staff observer)</li> <li>• I've never heard of staff asking to do extended day and willing to work it out with the leadership and having that kind of ask denied (2016-17 OUSD staff observer)</li> <li>• Last year the 7th grade class lost something like eight teachers in one year. No class can sustain any sort of adherence, culturally or academically through something like that. The kids suffered (2016-17 parent complaint)</li> <li>• In the last 3 school years, she has had to adapt to EIGHT changes in teaching staff due to resignations and/or terminations by Dr. Valerie Abad. She endured FOUR such changes in this school year alone (2016-17 parent complaint)</li> <li>• I won't address the fact that the OTHER 6th grade class last year had several different teachers (2016-17 parent complaint)</li> <li>• My son is graduating this year, and he is one of three kids to have made it through COVA since kindergarten. Three kids, in nine years... who started, graduated. Very, very few (2016-17 parent complaint)</li> <li>• [My daughter is] the only child who started COVA in Kindergarten 2009 who is STILL AT COVA and slated to graduate 8th grade in 2018... The entire 7th grade class has already left or will be leaving (2016-17 parent complaint)</li> </ul>
<p><b>Lack of Comprehensive Music</b></p>	<ul style="list-style-type: none"> <li>• ...we only have choir and musical theatre, before everyone could participate, now you have to audition</li> </ul>

<p><b>Program</b></p>	<p>(2016-17 student focus group)</p> <ul style="list-style-type: none"> <li>• ...only 1 full-time music teacher and I do core and music ( 2016-17 teacher focus group)</li> <li>• ...primary grades don't participate in full arts program or participate in rotations ...only music in the morning for 30 to 40 minutes (2016-17 teacher focus group)</li> <li>• ...majority of music classes were eliminated at the beginning of the school year, working to put it back into place... but right now very little music or arts is happening in the afternoons, but get resources for the morning (2016-17 school leader focus group)</li> <li>• Not a real "conservatory" school... There's no formal integration of music in classroom instruction and the experience as a whole seems like an add on vs. intentiona[l] design (2016-17 OUSD staff observer)</li> <li>• No formal student performance evaluations; only “practice logs” (2016-17 school leader focus group)</li> </ul>
<p><b>Lack of Teacher Professional Development</b></p>	<ul style="list-style-type: none"> <li>• ... started to have one [PD] at one point, kind of had half of one, the topic was on reflection on Teaching Practice, other than that, we have not had any (2016-17 teacher focus group)</li> <li>• Historically, we don't get PD (2016-17 teacher focus group)</li> <li>• Teachers teach two rotations and not given any kind of curriculum, pick something you want to teach and teach it, there is no budget, no PD (2016-17 teacher focus group)</li> <li>• AP was brought in to do this; she goes around to classrooms, the PD she wants to install that she would like to have twice a month hasn't happened like she'd like to (2016-17 school leader focus group)</li> <li>• ...teachers have their own individual templates and they submit that every week, but they haven't received feedback yet (2016-17 school leader focus group)</li> </ul>
<p><b>Lack of Materials</b></p>	<ul style="list-style-type: none"> <li>• We are not given a budget at all (2016-17 teacher focus group)</li> </ul>

	<ul style="list-style-type: none"> <li>• We have a problem with technology, we've been working on infrastructure for 4 years, we can only run 22 computers on the network at a time before the system crashes (2016-17 school leader focus group)</li> <li>• ...wifi and the computer systems here, we don't have that (2016-17 parent focus group)</li> <li>• I was not given access to finances. For example, our textbooks were very old, put in requests for purchases and those were not approved by Valerie, I was not told why but she prevented them from happening. (2016-17 former school leader complaint)</li> </ul>
<p><b>Lack of Parent Communication</b></p>	<ul style="list-style-type: none"> <li>• ... called my sister ...to tell her that it is COVA policy not to have children call home on trips. This however was never expressed to parents prior to the trip (2016-17 parent complaint)</li> <li>• The kindergarten parents have not been addressed as a whole yet. No updates on who will be teaching our kids or what their curriculum is now. Nothing. We are all left wondering what is going on (2016-17 parent complaint)</li> <li>• ...my COVA email is not working (2016-17 email from Ombudsperson)</li> </ul>
<p><b>Additional Conflict of Interest</b></p>	<ul style="list-style-type: none"> <li>• There are kickbacks to Lumby, Ben Chavis' real-estate corporation. He said keep rent high and he will give you kick back in form of a donation (2016-17 former school leader complaint)</li> </ul>



# ATTACHMENT IV

Leslie Jimenez <leslie.jimenez@ousd.org>

---

## Notice of Concern-Response Required

---

**silke.bradford@ousd.org** <silke.bradford@ousd.org>

Fri, Oct 28, 2016 at 4:30 PM

To: Valerie Abad <vabad@covaconservatory.org>, Valerie Abad <vabad.cova@gmail.com>, Gregg Hood <gregg.hood@covaconservatory.org>

Cc: "leslie.jimenez@ousd.org" <leslie.jimenez@ousd.org>, Brett Noble EP <brett.noble@ousd.org>, Minh Co <minh.co@ousd.org>, Mike Nguyen <mike.nguyen@ousd.org>

Good Evening Valerie-

It has been brought to our attention that a teacher complaint submitted in writing to you and the board has not been responded to in writing within the Cova complaint policy timeline. Please do so immediately and cc our office on the reply.

Thank you

In Service,

Silke Bradford  
Director of Quality Diverse Providers



November 2, 2016

Conservatory of Vocal/Instructional Arts  
3800 Mountain Blvd.  
Oakland, CA 94619

Notice of Concern: Failure to Adhere to Complaint Policy Timeline

Dear Valerie Abad:

This letter constitutes a second Notice of Concern as a result of Conservatory of Vocal/Instructional Arts' (Charter School) failure to adhere to the complaint policy timeline. The Charter School's complaint policy states that a written notification will be provided to the complainant "within fifteen (15) working days of receipt of the complaint."

On Friday, October 28<sup>th</sup>, our office contacted you via email (vabad@covaconservatory.org) and issued a Notice of Concern due to the Charter School's failure to provide a written response to a complaint within the complaint policy timeline. A teacher's complaint was submitted on September 14<sup>th</sup> and as of October 28<sup>th</sup>, 31 working days (44 calendar days) from the original complaint submission, the complainant still had not received a written response.

In the Notice of Concern, the Charter School was notified of the following:

"It has been brought to our attention that a teacher complaint submitted in writing to you and the board has not responded to in writing within the COVA complaint policy timeline. Please do so immediately and cc our office on the reply."

Furthermore, in a follow-up email, it was instructed to:

"Please have Sandy create a written summary of the actions to date as a formal reply to the written complaint. Please have her send this to the complainant and cc us in accordance to the complaint policy."

In your response you acknowledged that the Charter School's leadership "extended past the timeline" and that you "have been working on the issues and have almost completed the response."

As of this date, 34 working days (49 calendar days) past the original complaint submission, the staff at the Charter School has not provided a written response or supporting documentation to remedy the violation described.



Please verify the following in writing:

- That Charter School Leadership **provides a written response to the complainant and cc our office in the correspondence in accordance with the complaint policy immediately**

After providing the written response to the complainant as described above, please provide a written confirmation to our office that the Charter School has taken the above steps **no later than November 4, 2016.**

Regards,

*Leslie Jimenez*

Leslie Jimenez  
Deputy Director  
Office of Charter Schools

cc:  
Sandy Carpenter-Stevenson, Board President



October 20, 2016

**Conservatory of Vocal  
and Instrumental Arts**

3800 Mountain Blvd,  
Oakland, CA 94619

Dear **Gregg Hood**,

This Notice of Concern is in regard to **Conservatory of Vocal and Instrumental Arts** 30-day Substitute Teaching Permits:

In accordance with the State of California Commission on Teacher Credentialing:

"The Emergency 30-Day Substitute Teaching Permit authorizes the holder to serve as a day-to-day substitute teacher in any classroom, including preschool, kindergarten, and grades 1-12 inclusive, or in classes organized primarily for adults. The holder may serve as a substitute for no more than 30 days for any one teacher during the school year, except in a special education classroom, where the holder may serve for no more than 20 days for any one teacher during the school year."

Based on the current Credential Compliance Staffing spreadsheet, in [Doc-Tracking](#), [REDACTED] had taught beyond the 30-day limit. If the teacher(s) are still eligible, please provide us with an explanation and supporting documentation to explain.

All pupil instruction must be provided by or under the direct supervision and control of a properly credentialed certificated employee. (Education Code section 46300.)

Please submit the following in writing:

- That the charter school will address the teachers who have exhausted their 30 day sub permit by removing them from the classroom **effective immediately**.
- That the Charter School will take all of the required steps to ensure that all members of its teaching staff hold the required credential, and that all classrooms are under the direct supervision and control of a properly credentialed teacher.



- That the Charter School provide to the District a staffing and class schedule ensuring that all student instruction is under the direct supervision and control of a properly credentialed teacher.

Failure to do so will result in the District issuing a Notice of Violation under Education Code section 47607(d). Please provide written confirmation, and supporting documentation, that the Charter School has taken the all of the above steps by **October 26, 2016** to remedy the credentialing violation(s) described.

Regards,

**Mike Nguyen**

Accountant

OUSD/Charter Schools

1000 Broadway # 450

Oakland, CA 94607

510-879-1043

CC: Dr. Valarie Abad - Superintendent

Kimberly Palmore – Business Director





November 21, 2016

Conservatory of Vocal/Instructional Arts  
3800 Mountain Blvd.  
Oakland, CA 94619

**Notice of Concern: Fiscal Concerns**

Dear Valerie Abad:

This letter constitutes a Notice of Concern for Conservatory of Vocal/Instructional Arts (“COVA”) and Conservatory of Vocal/Instructional Arts High School (“COVA HS”) as a result of fiscal concerns. In accordance with EC section 47604.32, part of the oversight responsibilities of our office is to monitor the fiscal condition of each charter school. In assessing COVA’s and COVA HS’s Labor Distribution Summary Spreadsheet, we have determined fiscal concerns based on the information below:

**COVA**

Unit	LS2	Classification	FTE	Name	Pay	Status	Budgeted T
020	220000	Classified Support	0.6	[REDACTED]	\$3,600.06	Active	Maintenanc
020	220000	Classified Support	1	[REDACTED]	\$40,099.12	Active	Maintenanc
			1.6		\$43,699.18		

**COVA HS**

Unit	LS2	Classification	FTE	Name	Pay	Status	Budgeted T
030	220000	Classified Support	0.4	[REDACTED]	\$2,399.93	Active	Maintenanc
030	220000	Classified Support	1	[REDACTED]	\$16,800.00	Active	Maintenanc
			1.4		\$19,199.93		

TOTAL

3.0

\$62,899.11

In addressing these concerns, we hereby request the following in writing:

- That School Leadership explain how a single staff member can be considered more than one (1) full FTE at each site; include work hours/schedule for each site
- That School Leadership explain how a single staff member is getting paid more than one (1) full time salary at each site



- That School Leadership explain how a single staff member can be considered and receive a salary (total: \$62,899.11) associated with three (3) total FTEs
- That School Leadership provide and identify current school year (2016-17) staffing levels/positions with salaries and benefits (i.e. Labor Distribution Summary Spreadsheet)

Please provide a formal written response and the requested documentation to our office **no later than November 28, 2016.**

Regards,

*Leslie Jimenez*

Leslie Jimenez  
Deputy Director  
Office of Charter Schools

cc:  
Sandy Carpenter-Stevenson, Board President



December 5, 2016

Conservatory of Vocal/Instructional Arts  
3800 Mountain Blvd.  
Oakland, CA 94619

**Notice of Concern: Charging for Instruments, Uniform Outerwear, and Recitals**

Dear Valerie Abad:

This letter constitutes a Notice of Concern for Conservatory of Vocal/Instructional Arts (“COVA”) as a result of feedback gathered by OUSD staff during the renewal site visit on December 1, 2016. In accordance with Assembly Bill 1575, part of the Office’s oversight responsibilities is to ensure that COVA adhere to California Laws such as AB 1575 that states that: ‘...this bill would prohibit a pupil enrolled in a public school from being required to pay a pupil fee.’”

Both students and adults at the school named that the following practices are in place at COVA:

- 1) Students must buy, or rent, their musical instruments that are a required material to be enrolled/participate in the education program.
- 2) All outerwear (i.e. sweatshirts/coats) must be purchased from COVA and contain the embroidered COVA insignia.

The above practices must cease immediately as they are in violation of AB 1575. The fact remains that both students and adults at the school are under the impression that a rental fee is required for their instrument, and that they can not wear their own dress code aligned navy blue outerwear (i.e. sweatshirt or coats) to school. In light of these actual, or perceived practices, we hereby request the following in writing:

- That School Leadership create and send a communication to students and families acknowledging that the school will provide loaner instruments at no charge to those who do not want to buy their own.
- That School Leadership create and send a communication to students and families regarding the outerwear dress code policy permitting students to purchase outerwear that is not from the school/does not contain the school logo; or if the school would like to retain this policy, they will provide a free loaner for the entire year (not just the day) to any student/family who does not want to purchase one.

An additional concern that potentially violates the law, is requiring families to not only bring their student to an afterhours performance twice per year that is required for a class grade, but also charging them to attend. It was reported that participating in the schoolwide performances was required, and considering it is not during the school day and families must transport students there, it would follow that families should not be charged to attend. If in fact these performances are not required for a grade or enrollment at the school, then it is at a minimum, a major ethical concern that families are charged to



see their child perform. We heard from more than one student that only one of their family members could afford to attend due to the ticket costs.

Please provide a formal written response to all of the above, and documentation of the student/family communication regarding the policies of concern, to our office **no later than December 12, 2016.**

In Service,

*Silke Bradford*

Silke Bradford- Director  
Office of Charter Schools

cc:

Sandy Carpenter-Stevenson, Board President



January 6, 2017

Conservatory of Vocal/Instructional Arts  
3800 Mountain Blvd.  
Oakland, CA 94619

**Notice of Concern: Charging for Instruments and Dismissal/Tardy Policy**

Dear Valerie Abad:

This letter constitutes a Notice of Concern for Conservatory of Vocal/Instructional Arts (“COVA”) as a result of a document review (2016-17 School Handbook) forwarded to our office in response to the Notice of Concern sent 12/05/16. In addition, we interviewed former and current staff that corroborated the non-compliant policies in the document provided. In accordance with Assembly Bill 1575, part of the Office’s oversight responsibilities is to ensure that COVA adhere to California Laws such as AB 1575 that states that: ‘...this bill would prohibit a pupil enrolled in a public school from being required to pay a pupil fee.’ In addition, the “dismissal” policy related to tardies is not aligned to any acceptable expulsion criteria.

Both students and adults at the school, as well as the 2016-17 School Handbook named that the following practices are in place at COVA:

- 1) Students must buy, or rent, their musical instruments that are a required material to be enrolled/participate in the education program.
- 2) 12 tardies will result in a student not being permitted to return the next year

The Handbook states that loaner instruments can be requested “if available.” The fact is that the school must provide the instruments at no cost to students; not only “if available.” Past leadership indicates that the guitar teacher was told by Ms. Abad that he could not issue a guitar to a student whose mother could not afford the fee. This aligns with what other students and staff also reported.

Contrary to the handwritten “this is voluntary” note in the handbook copies provided to our office, there is no indication that families paying for “Supplies, maintenance, and Book Per Year: \$75.00” is voluntary; other than what was handwritten after the printing and distribution of the handbook to students/families.

The above practices must cease immediately as they are in violation of AB 1575. The fact remains that both students and adults at the school are under the impression that a rental fee is required for their instrument, and the handbook also incorrectly states a loaner will be provided “if available.” In light of this, we hereby request the following in writing:

- That School Leadership create and send a communication to students and families acknowledging that the school will provide loaner instruments at no charge to those who do not want to buy their own, whether they are available or not. In addition, this communication will also reemphasize the \$75 “fee” for books and materials is in a fact a “donation.” Any family that wants a refund considering it was not a fee, should be provided that by the school.



- It was also found through our investigation that the “discounted” or “free” student performance tickets to families, is not a known practice and also needs to be communicated to families. The tickets should also be donation based, as opposed to charging a fee, considering students that need to participate as part of their schooling.

An additional concern that violates expulsion policy is that the handbook provided states that students who exceed 12 tardies per year “...will not be allowed to return to COVA for the following school year.” This is not an expellable offense and this policy needs to be eliminated and this change also needs to be communicated to families

Please provide a formal written response to all of the above, and provide documentation of the student/family communication regarding the required policies changes, to our office no later than January 17, 2016

In Service,

*Silke Bradford*

Silke Bradford- Director  
Office of Charter Schools

cc:  
Sandy Carpenter-Stevenson, Board President

Conservatory of Vocal/Instrumental Arts 2016 - 17

Student Name \_\_\_\_\_

Date \_\_\_\_\_

Please check which option you will use for getting your child an instrument for the 2016-17 year.

**Check the back for an appropriate list of equipment.**

I will rent an instrument for my child.

I will purchase an instrument in compliance with the information on the back of this sheet. **Please do not purchase a guitar until checking the information on the back.**

**I request a loaner instrument from COVA if available (complete and return the form below).**

**INSTRUMENT LOAN CONTRACT 2016-17**

**DO NOT COMPLETE THIS FORM UNLESS YOU ARE BORROWING AN INSTRUMENT FROM COVA**

**Instrument contribution: Supplies, maintenance, and Book Per Year: \$75.00**

*This is voluntary.*

\$ \_\_\_\_\_ Check # \_\_\_\_\_ Cash \_\_\_\_\_

This form must be signed by the student and parent and returned to school by 9/16/16 in order to be enrolled in the instrumental program.

Phone Number: \_\_\_\_\_ Parent/Guardian Name: \_\_\_\_\_

**TO BE COMPLETED BY SCHOOL**

Instrument \_\_\_\_\_ Manufacturer \_\_\_\_\_

Model \_\_\_\_\_ Serial # \_\_\_\_\_

Additional Items included:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Case           | <input type="checkbox"/> Neck Strap         | <input type="checkbox"/> Violin Chin Rest |
| <input type="checkbox"/> Ligature       | <input type="checkbox"/> Lyre               | <input type="checkbox"/> Bow              |
| <input type="checkbox"/> Bocals         | <input type="checkbox"/> Cleaning Rod       | <input type="checkbox"/> Cello Post       |
| <input type="checkbox"/> Mouthpiece Cap | <input type="checkbox"/> Violin cloth cover | <input type="checkbox"/> Other _____      |
| <input type="checkbox"/> Mouthpiece     | <input type="checkbox"/> Bass Clarinet Post |   |

List dents, scratches \_\_\_\_\_

**Statement of Responsibility: (Parent and Student)**

I agree to treat the instrument with respect and care and keep it in sound playing condition.

I expect to pay for any repairs or replacement made necessary by misuse, negligence, or carelessness.

I understand that if the instrument is lost, stolen, or destroyed, I am responsible for payment or replacement with an equivalent instrument.

If I withdraw from COVA, I will return the instrument the day I check-out. If the instrument is not returned, I agree that I will pay to replace the instrument.

I agree that I will not allow this instrument to be used by anyone except the student to whom it is assigned.

I understand that playing an instrument comes with the responsibility for practice. Every instrumental student is required to practice the equivalent of 30 minutes per night. If it is apparent that the student is not completing the required practice, they may be removed from the instrumental program.

**I understand that this instrument is supplied for my use as a convenience to me and not as an obligation of COVA. I further understand that any violation of this acceptance of responsibility will forfeit the privilege of using this instrument.**

Signature of Student: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

### COVA USED UNIFORM SALE

Clean, gently worn uniform shirts, pants, skirts, jumpers, fleece, and jackets will be on sale at COVA between August 1<sup>st</sup> and August 12<sup>th</sup> during our normal operating hours. Shirts will be sold for \$5, pants, jumpers, and skirts will be sold for \$10, jackets and fleece will be sold for \$15. Items will be sold on a first-come-first-served basis.

### Tardies/Absences/Late Pick-Up

Maximum allowable tardies is 6 per semester (12 total). Students who exceed that number will not be allowed to return to COVA for the following school year.

Attendance and punctuality is extremely important to a child's success in school and in performance. Charter Law states that any student in California may attend a Charter school anywhere in California as long as they can attend regularly and on-time. Parents must also be responsible for having arrangements for pick-up each day. Please remember that there is no one to care for your child after 4:00. If your schedule does not allow for a 3:40 pick-up, please enroll your child in the Rockets aftercare program.

Late pick-up will be charged \$1.00 a minute beginning at 4:00, so please make sure that anyone picking up your child is aware of the pick-up time.

### \*POTLUCK BREAKDOWN PER CLASS\*

Kindergarten: Main Dish

1<sup>st</sup> Grade: Main Dish

2<sup>nd</sup> Grade: Side Dish

3<sup>rd</sup> Grade: Dessert, Drinks

4<sup>th</sup> Grade: Drinks, Plates

5<sup>th</sup> Grade: Side Dish

6<sup>th</sup> Grade: Main Dish

7<sup>th</sup> Grade: Main Dish

8<sup>th</sup> Grade: Dessert, Silverware

All items should be dropped off in the library on the morning of the first day of school.

## COVA POLICY REMINDERS

### UNIFORM POLICIES

Please remember when buying uniforms that the **REQUIRED** uniform for all students is: **short sleeve light blue logo shirt, COVA approved navy pants, shoes, and jackets.** These are the uniform parts used for fieldtrips and excursions, and all students must have them. All students **MUST** be in full compliant uniform each day. The uniform compliance is listed below and in more detail in the student handbook:

- COVA Logo shirt currently available from Dennis Uniforms (light blue or navy)
- If wearing an undershirt it must be white. **No colored under shirts (T-Shirts).**
- **COVA approved pants (if purchased from Dennis Uniforms must be Irvington Style in navy or khaki or if purchased from Wal-Mart they must be the navy blue George style, flat front, straight fit, adjustable waist pants (available in the store or online).**
- **All black shoes (no white soles or shoe laces, no two-tone, logos, or other colors. No boots.)** – available at Payless Shoe Source, Sears, and many of the Super Stores.
- **COVA jacket – new students may purchase the COVA jacket from COVA or Dennis Uniforms. They may purchase the jacket at COVA the first week of school.**

**Please note:** If you are purchasing optional uniform items such as a skirt, jumper, khaki pants, shorts or skort, they must be the COVA approved items purchased from Dennis Uniforms.

**Shorts and skorts** may only be worn from **April 1<sup>st</sup> – October 31<sup>st</sup>.**

**Rainy Day Rain Boot Policy:** On rainy days students may bring an umbrella to use for moving from building to building. Students have indoor recess if it is raining. Rain boots are not necessary for school. However, if you wish to purchase them, they must be **plain black or navy blue** with no designs at all. Only plastic rain boots (no fashion boots, leather, suede, Uggs, snow, ankle or hiking boots) may be worn on rainy days. When wearing the plastic rain boots, pants must be worn (no boots with skirts, jumpers, shorts or skorts) and the pants must pull over the top of the boot.

**Hair Accessories:** Girls may wear Dennis headbands or scrunchies. Plain headbands may also be worn but must be no more than ½ inch wide and may only be plain black, navy blue, or white. Hair bows are not allowed. **Barrettes, beads, and hair balls may only be black, blue, white or clear.** Students may not wear any make up (including shiny lip balm or gloss, hair must be the student's natural color, no jewelry except stud earrings (no hoops or earrings hanging below the earlobe), and a personal necklace that must be worn under the shirt, no more than 2 bracelets, and no other non-uniform accessories.

### FIRST DAY OF SCHOOL STUDENT POTLUCK

The first day of school is our meet and greet day! We will be having a potluck luncheon. Each family should provide a dish to serve 8. Main dishes should require no heating. **Please follow the potluck breakdown to the left for potluck donations.** Parents may park and bring their students to the auditorium to meet their teachers before they are dismissed to their classes.

### T-DAP BOOSTER SHOT REQUIRED FOR STUDENTS ENTERING 7<sup>th</sup> GRADE

In order for middle school students to begin school in the fall, California state law requires that they receive a T-dap booster shot. All students entering the 7th grade must submit an updated immunization record to Ms. Palmore prior August 12<sup>th</sup>. **It is important to note that personal belief exemptions are no longer accepted for the T-dap booster shot per state law.** Therefore all students entering the 7<sup>th</sup> grade **MUST** show proof of having the booster shot or they **will not** be allowed to attend school in the fall.



# COVA Uniform Requirements – 2016 – 2017

Please read this information carefully as you and your child will be expected to comply with the uniform requirements.

**The required uniform is the uniform that all students must have.** It can be worn as the daily uniform, but is required for all field trips or concert performances off campus (unless Concert Uniform is specified).

**All students must arrive each day in the required or optional uniform parts. Uniforms need to be clean and neat. Students who are not in uniform may receive demerits that prevent them from participating in school activities or trips.**

## **Boys:**

**Required uniform** – Navy Blue Flat Front pants (either Irvington style available from Dennis Uniform or George style available from Wal-Mart, short sleeve Light Blue Polo with COVA Logo, Navy Blue Jacket with COVA Logo (can be purchased from COVA or Dennis Uniforms), all black, navy or white socks (no patterns) and all black shoes (no white or other color soles – no logos, black or navy blue laces only).

**\*\* Pants must fit at the waist (no sagging) and be hemmed to about 1” above the ground so they don’t drag.**

## **Girls:**

**Required uniform** – Navy Blue Flat Front pants (either Irvington style available from Dennis Uniform or George style available from Wal-Mart, short sleeve Light Blue Polo with COVA Logo, Navy Blue Jacket with COVA Logo (can be purchased from COVA or Dennis Uniforms), all black, navy or white socks (no patterns) and all black shoes (no white or other color soles – no logos, black or navy blue laces only).

**\*\* Pants must fit at the waist (no sagging) and be hemmed to about 1” above the ground so they don’t drag.**

## **Optional Uniform Parts for wear at school (only available through Dennis Uniforms):**

### **Boys:**

Khaki flat front pants, short and long sleeve navy blue polo with COVA logo, long sleeve light blue polo with COVA logo, khaki and navy blue shorts with flat front (April 1<sup>st</sup>-October 31<sup>st</sup> only). Sleeveless navy blue vest.

### **Girls:**

Khaki Pleated flat front pants, long sleeve light blue polo, short and long sleeve navy blue polo with COVA logo, navy blue skort (April 1<sup>st</sup>-October 31<sup>st</sup> only), khaki and navy blue shorts (April 1<sup>st</sup>-October 31<sup>st</sup> only, plaid skirt (grades 4 – 8 only and must be no more than 2 inches above the mid-knee, please purchase longer skirts to plan for growth), plaid jumper (grades K – 3 only and must be no more than 2 inches above the mid-knee – short pants/shorts must be worn under the jumper but may not come below skirt line). ONLY white, navy blue or black footed tights, ankle socks or long socks, may be worn with skirts or jumpers. Students may not wear leggings or other pants with skirts or jumpers. Sleeveless navy blue vest.

**Boots:** No boots except rain boots may be worn to school. Rain Boots may only be worn on rainy days and may only be worn with long pants (not shorts, skorts, or skirts). Pant legs are to be worn OUTSIDE the boots, not tucked in. Boots must be plain dark color (no pink, yellow, or other bright colors).

**Hats/Scarves/Belts:** Navy blue knit hats may be worn for outdoor warmth. Hats may not be worn indoors. Baseball caps, fur hats, or hats with patterns or logos may not be worn at school. Scarves may only be worn outside. Belts must be plain black or navy blue.

**Accessories:** Students are not allowed to “accessorize” their uniform with colored hair bows, scarves, belts, etc. (see handbook for allowable jewelry).

**This form must be turned in with the first day packet materials.**  
**Keep the white copy for your records and return the blue copy.**

I have read the above uniform policies and agree to follow them and ensure that my child will conform. I understand that if my child does not follow the uniform policy I will be contacted so I can make the correction, and repeated non-compliance will result in the child having to be picked up to go home to correct the uniform violation or miss school activities or fieldtrips. Students may not be allowed to continue at COVA if they have had more than 10 incidences during the year of being out of uniform.

Student's Signature \_\_\_\_\_ Parent Signature \_\_\_\_\_ Date \_\_\_\_\_



February 10, 2017

Conservatory of Vocal and Instrumental Arts  
3800 Mountain Blvd.  
Oakland, CA 94619

Notice of Concern: Failure to Adhere to Expulsion Notification and Documentation Policy

Dear Valerie Abad:

This letter constitutes a Notice of Concern as a result of Conservatory of Vocal and Instrumental Arts' ("Charter School") failure to adhere to the expulsion notification and documentation policy. The Charter School held an expulsion hearing on January 23<sup>rd</sup> and did not notify the District or provide the required information/documentation in a timely matter as required. The policy has been communicated to all Charter Leaders multiple times (via our office Newsletter and email) since the fall of 2015. In addition, the policy was also a component of the Quality Community School Commitments (QCSCs) that all charter schools were asked to sign on to.

The policy, which is also available on our website, states that:

"Charter Schools will provide advanced notification (in alignment with parent notification) of expulsion hearings to the Oakland Unified School District Office of Charter Schools, so that an Oakland Unified School District representative may attend.

The Charter School will provide to the Oakland Unified School District Office of Charter Schools for review, all documentation of findings/evidence related to expulsions; including an audio or video recording, or certified written transcript, of the hearing. All documentation needs to be submitted to the Oakland Unified School District Office of Charter Schools within 1-2 business days of the expulsion hearing decision. "

On February 6, 2017, our office contacted you and Sandy Carpenter, the Board Chair, via email asking if the "gun incident" had resulted in any expulsions and if so, to adhere to the expulsion notification and documentation policy (a link to the complete policy was provided). On this same date, you confirmed that students were expelled and stated, "We did not record the hearing, but have the documents. I can send those over." In addition, you claimed, "This is the first I've seen of the expulsion requirements for OUSD." This statement is inaccurate as the policy had been communicated to all Charter Leaders multiple times via our office Newsletter and email. Furthermore, on August 16, 2016, you sent an email where you explained that "the biggest thing holding COVA/COVAH back [from signing on to the QCSCs] is the issue of common application and enrollment dates"; there was no mention of an issue with the expulsion notification and documentation policy though it is a component of the QCSCs. Our office followed up the next day clarifying that we had



communicated the policy multiple times and that “the law has always been that you must send the expulsion packet to the student's district of residence.” We also requested specific information regarding the expulsions.

As of February 9, 2017 our office had not received any of the requested information and documentation and an additional notice was sent to you and Sandy to provide it by the end of the day as it is “past due/out of compliance.” You replied that you “will be will be sending over the packets.” However, as of today, February 10, 2017, four days after it was originally requested (on February 6) and 19 days past the expulsion hearing (held on January 23), we still have not received any of the requested information and documentation.

Please verify the following in writing:

- That Charter School Leadership has submitted for review, **all** documentation of findings/evidence related to expulsion; including an audio or video recording, or certified written transcript, of the hearing
- That Charter School Leadership has reviewed the expulsion notification and documentation requirements (<http://www.ousdcharters.net/compliance1.html>); and
- That Charter School Leadership will abide by all expulsion notification and documentation requirements

Please provide written confirmation that the Charter School has taken the above steps, including documented verification, to our office **no later than February 13, 2017.**

Regards,

*Leslie Jimenez*

Leslie Jimenez  
Deputy Director  
Office of Charter Schools

cc:  
Sandy Carpenter-Stevenson, Board President



February 21, 2017

To: Valerie Abad, COVA Executive Director  
From: Silke Bradford, Director

**Notice of Concern: Violation of Labor Code 1102.5**

In accordance with EC 47607(c)(1), the Authorizer can revoke a charter if a school “[v]iolated any provision of law.” This statute means that an Authorizer would need to ensure that charter schools are compliant with pertinent laws; including Labor Laws. An excerpt of a portion of Labor Code 1102.5 states the following:

*(a) An employer, or any person acting on behalf of the employer, shall not make, adopt, or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has authority to investigate, discover, or correct the violation or noncompliance, or from providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee’s job duties.*

*(b) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for disclosing information, or because the employer believes that the employee disclosed or may disclose information, to a government or law enforcement agency, to a person with authority over the employee or another employee who has the authority to investigate, discover, or correct the violation or noncompliance, or for providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee’s job duties. (Emphasis provided.)*

**Key Issues:**

On January 30, 2017 the Office of Charter Schools received an email as a follow up to a teacher’s expressed concerns regarding a student who may be eligible for special education services; treatment by administration; and the teacher’s class being yelled at by Ms. Abad to the point that children cried. The teacher then wrote the following:

“Dr. Abad came up to me this morning and told me that if I spoke to you again I would be fired. Are you available to talk via phone? I feel very unsafe here and I’m not sure how to proceed.”



OFFICE OF CHARTER SCHOOLS

---

On February 1, 2017 a staff meeting was "...held in the 6th grade teachers classroom. The conversation about being fired for complaining to OUSD started around 3:30. There was a lot of backlash from teachers during this conversation so it went on for at least an hour."

The two exchanges between Ms. Abad and staff described above represent violation of Labor Code 1102.5. As the District is a government agency responsible for compliance, charter employees who have concerns about the school or administration violating state or federal law(s) can make a report to the Authorizer. Any policy to the contrary cannot be established by the school administration, as alleged in the two different instances described above. The charter school cannot retaliate against employees for reporting concerns. COVA leadership communicating to staff that reporting concerns to the Office of Charter Schools will result in their firing violates the Labor Code.

In order to address the aforementioned concerns, we hereby request that the COVA board and school leadership do the following:

- Provide a written statement to both staff and the Office of Charter Schools affirming future compliance with Labor Code 1102.5
- Provide a written summary regarding a board investigation of Ms. Abad and the staff reported concerns of hostile communications with threats of firing if they report concerns to OUSD.

Provide the requested documentation to our office no later than February 24, 2016. Failure to do so will result in the District issuing a Notice of Violation under Education Code section 47607(d).

In Service,

*Silke Bradford*

Silke Bradford



February 21, 2017

Conservatory of Vocal/Instrumental Arts  
3800 Mountain Blvd.  
Oakland, CA 94619

**Notice of Concern: Violation of Bylaws**

Dear Valerie Abad:

This letter constitutes a Notice of Concern for Conservatory of Vocal/Instrumental Arts (“COVA”) and Conservatory of Vocal/Instrumental Arts High School (“COVAH”) as a result of a violation of its Bylaws; specifically, COVA/H’s Board only consists of five and not “at least seven (7)” members as stated in its current petition.

Section 4 of the COVA/H Bylaws contained in the original petition submitted (p. 161) state the following:

The permanent Board of Directors shall consist of at least seven (7) members, including: the Executive Director, a parent elected by the Parent Advisory Council, a business leader with organizational finance experience, a corporate/business representative, a teacher, a community member (from the professional music community), and a Founding Member (or a staff member with at least 4 years association with COVA).

In accordance with Corporations Code section 5047, all members of the Board must be voting members. However, the current composite of the COVA/H Board only consists of five (5) voting members: Valerie Abad (yourself), Sandy Carpenter, Walter McCoy, Tara Thomas, and Lisa Temple. The Parent and Teacher representatives are not considered as members of the Board as they do not have voting rights as corroborated by your responses during the Charter Renewal Focus Group School Leader interviews.

In addressing this concern, we hereby request the following in writing:

- That School Leadership provide a complete list of the 2016-17 Board members, including their start term, officer/Board role (as indicated above in Section 4 of the COVA/H Bylaws), and their contact information (name, email address, telephone, address)
- That School Leadership update this information on Document Tracking Services ([www.doc-tracking.com](http://www.doc-tracking.com))
- That School Leadership provide an action plan/timeline that addresses how this violation will be resolved



Please provide a formal written response and the requested information and documentation to our office **no later than Friday, February 24th, 2017.**

Regards,

*Leslie Jimenez*

Leslie Jimenez  
Deputy Director  
Office of Charter Schools

cc:  
Sandy Carpenter-Stevenson, Board President



February 21, 2017

Conservatory of Vocal/Instrumental Arts  
3800 Mountain Blvd.  
Oakland, CA 94619

**Notice of Concern: Ombudsperson Conflict of Interest**

Dear Valerie Abad:

This letter constitutes a Notice of Concern for Conservatory of Vocal/Instrumental Arts (“COVA”) and Conservatory of Vocal/Instrumental Arts High School (“COVAH”) as a result of a conflict of interest regarding the Ombudsperson.

Sandy Carpenter, the Board President, currently serves as the Ombudsperson for COVA and COVAH. The Ombudsperson must be a neutral resource for students, parents, and staff to approach with complaints/concerns, including those regarding administration. Therefore, anyone serving as an administrator at a school site cannot serve as the Ombudsperson and investigate complaints about administration. Given Sandy Carpenter has and continues to serve as a substitute administrator, as corroborated by staff and parent complaints, your responses regarding her roles at COVA, and the 2014-15, 2015-16, and 2016-17 Check Register Details, she cannot serve as the Ombudsperson.

In addressing this concern, we hereby request the following:

- That School Leadership immediately remove Sandy Carpenter as Ombudsperson
- That School Leadership designate a new Ombudsperson and provide their contact information (name, email address, and phone number)
- That School Leadership create and send communication to students, families, and staff sharing the new Ombudsperson’s contact information
- That School Leadership provide a copy of the communication sent to students, families, and staff sharing the new Ombudsperson’s contact information to our office

Please provide a formal written response and the requested documentation to our office **no later than Friday, February 24th, 2017.**

Regards,

*Leslie Jimenez*

Leslie Jimenez  
Deputy Director  
Office of Charter Schools





**OAKLAND UNIFIED  
SCHOOL DISTRICT**

*Community Schools, Thriving Students*

**OFFICE OF CHARTER SCHOOLS**

---

cc:  
Sandy Carpenter-Stevenson, Board President



OFFICE OF CHARTER SCHOOLS

---

April 26, 2017

To: Walter McCoy, COVA Ombudsperson  
From: Silke Bradford, Oakland Unified School District Charter Authorizer

**Notice of Concern: Violation of Student's Civil Rights**

On April 25, 2017, the Office of Charter Schools (OCS) spoke with the attorneys representing [REDACTED].<sup>1</sup> and her family. OUSD legal counsel was also present during this conversation where a number of issues were raised that amounted to the civil rights of the student being violated through mistreatment by the school leadership (Valeria Abad and Mr. Foster). The issues include: 1) social isolation of the student from peers during the course of the school day, even though a 5 day suspension was served for the incident, 2) Negative comments made by staff regarding the student's sexual orientation, 3) disparate disciplinary consequences as compared to the other students who were also involved in the incident, and 4) as a result of this alleged discrimination and mistreatment experienced at COVA, the student now suffers extreme anxiety that interferes with her education (i.e. tremors not allowing for her to write or feed herself).

OCS reviewed the supporting documentation (see attached) to the complaint summarized above, and after this preliminary investigation/review, OCS also has a number of concerns and questions that need to be answered by both Valerie Abad and Walter McCoy by 9AM Friday April 28<sup>th</sup>

Remedy of the Concerns

In order to address the aforementioned concerns, we hereby request that the COVA school board and leadership provide the following in **writing**:

- **School administration** needs to provide a clear description, and any other supporting documentation (i.e. dated witness statements made at the time of the incident), of what exactly [REDACTED] was suspended for. The suspension paperwork is far too vague and lacks any details as to what the "inappropriate sexual discussion and contact" was, and when/where/with who did this take place.
- **Board ombudsperson** must interview the student/family to investigate the alleged discriminatory comments made by Valerie Abad and Foster towards the student regarding her sexual orientation. A timeline of follow up actions/next steps needs to be provided to the OCS for review.
- **Board ombudsperson** must look into whether [REDACTED] is being singled out with a strict Behavior Contract as compared to other students involved in the incident.
- **VIOLATION (to be addressed immediately)**- all provisions of the Behavior Contract that dictate behavior outside of school **must be removed** as these can not be a condition of enrollment at any school. In addition, the social isolation with no start/end date is excessive and needs revision; especially considering that the student served a 5-day suspension.

Due to the serious nature of these allegations that places student health and safety in danger, and amounts to a Civil Rights complaint, the OCS will be directly involved in the investigation of this matter

Provide the requested documentation to our office no later than 9AM on Friday April 28, 2017.

---

<sup>1</sup> To protect the student's identity, only the initials are provided in the letter. The full name is included in the attached contract and discipline report.



**OFFICE OF CHARTER SCHOOLS**

In Service,

*Silke Bradford*

Silke Bradford



May 16, 2017

Conservatory of Vocal and Instrumental Arts  
3800 Mountain Blvd  
Oakland, CA 94619

Notice of Violation: [REDACTED] - Credential Non-Compliance

Dear Valerie Abad:

This letter constitutes a Notice of Violation under Education Code section 47607 arising out of Conservatory of Vocal and Instrumental Art's (Charter School's) violation of State credentialing requirements.

Under Education Code section 47605(l):

Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

During a credential compliance binder audit conducted on May 16, 2017, the District found that [REDACTED], only has a Single Subject Preliminary Credential in English (Doc# [REDACTED]) and does not hold the required credential for his/her teaching assignment.

All pupil instruction must be provided by or under the direct supervision and control of a properly credentialed certificated employee. (Education Code section 46300.)

Please verify the following in writing:

- That those teachers not possessing the required teaching credential for their classroom assignments be pulled from the classroom **effective immediately**.



- That the Charter School will take all of the required steps to ensure that all members of its teaching staff hold the required credential, and that all classrooms are under the direct supervision and control of a properly credentialed teacher.
- That the Charter School will provide to the District a staffing and class schedule ensuring that all student instruction is under the direct supervision and control of a properly credentialed teacher.
- That the Charter School will complete all teacher credentialing information on the Teacher Credentialing Information spreadsheet attached.
- That the Charter School will provide proof of communication to employees that their employment will end by a specified date due to their lack of credential compliance, if applicable

Please provide written confirmation that the Charter School has taken the above steps, including pertinent documentation, no later than **May 22, 2017**.

Regards,

*Leslie Jimenez*

Leslie Jimenez  
Deputy Director  
Office of Charter Schools

**cc:**

Kimberly Palmore, Business Director/Registrar

**RESOLUTION OF THE GOVERNING BOARD  
OF THE OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 1617-0018**

**DENYING CHARTER RENEWAL PETITION OF  
CONSERVATORY OF VOCAL AND INSTRUMENTAL ARTS (COVA)  
AND WRITTEN FINDINGS OF SUPPORT THEREOF**

**WHEREAS**, by enacting the Charter Schools Act (Ed. Code §§ 47600, *et seq.*), the Legislature has declared its intent to provide opportunities to teachers, parents, pupils and community members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein; and

**WHEREAS**, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged, and that charter schools are part of and under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools; and

**WHEREAS**, although charter schools are exempt from many of the laws governing school districts, in return for that flexibility they are accountable for complying with the terms of their charters and applicable law; and

**WHEREAS**, Education Code Section 47605(b) charges school district governing boards with the responsibility of reviewing charter petitions to determine whether they meet the legal requirements for a successful charter petition; and

**WHEREAS**, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in education Code Section 47605(b)(5)(A)-(P), as well as the affirmations and other requirements set forth in Education Code Section 47605; and

**WHEREAS**, Title 5, Section 11967.5 of the California Code of Regulations (“Regulations”) contains the State Board of Education’s adopted criteria for the required elements for a charter petition as set forth in Education Code Section 47605(b) and although these criteria for the State Board of Education’s use in reviewing charter petitions are not binding on school districts they may provide instructive guidelines for school districts’ review of charter petitions; and

**WHEREAS**, Education Code Section 47607(a)(2) provides that renewals of charter petitions are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed; and

**WHEREAS**, the State Board of Education has adopted regulations for charter renewal that direct the authorizing district’s governing board to “consider the past performance of the

school’s academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any” (5 CCR §11966.4(b)(1)); and

**WHEREAS**, a governing board may deny a petition to renew a charter school if it makes written findings to support any of the following under Education Code Section 47605(b): (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 an affirmation of each of the conditions described in Education Code Section 47605, subdivision (d); and (4) the petition does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q); and

**WHEREAS**, Education Code Section 47607(b) provides that a charter school that has been in operation for at least four years shall meet at least one of four specified performance criteria prior to receiving a charter renewal; and

**WHEREAS**, COVA is a charter school that began operating in 2007 and is in its tenth year of operation; and

**WHEREAS**, on or about April 12, 2017, the District received a petition to renew the charter for COVA (“Petition”), a public charter school serving grades K-8 with an approximate enrollment of 184 students in grades K-8 during the 2016-2017 school year; and

**WHEREAS**, on or about May 10, 2017, the Board held a public hearing on the renewal petition as required by Education Code Section 47605(b); and

**WHEREAS**, the Board of Education, under Education Code Section 47605(b), is obligated to take action to grant or deny the renewal petition within 60 days of submission, unless, as in this instance, the timeline is extended by agreement to no more than 90 days;

**WHEREAS**, the Office of Charter Schools has conducted an analysis and investigation into the Charter School’s compliance with its charter and applicable law, and has produced a Staff Report summarizing its findings;

**NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED** by the Governing Board of the Oakland Unified School District that COVA has an unsound educational program and is demonstrably unlikely to successfully implement the program set forth in the petition. The specific findings supporting the decision are enumerated below:

**Unsound Educational Program**

- 1) Did *not meet* any of the original eight Measurable Pupil Outcomes (MPOs); and only met one of the twelve (8.3%) Collective MPOs.
- 2) The African American, White, Ethnicity-Two or More Races, and Socioeconomically Disadvantaged Hispanic or Latino subgroups experienced a decrease in the Math and/or ELA SBAC scores from the 2014-15 to 2015-16 school year.

- 3) On the ELA SBAC, COVA's K-5<sup>th</sup> grade students performed lower than four of six district-run comparison schools serving the K-5 grade level span. On the Math portion, COVA's K-5<sup>th</sup> grade students performed similarly to the district-run comparison K-5 schools, outperforming two, matching two, and underperforming two district-run comparison schools. Though it's important to note that the two district-run schools that COVA "matched" or "outperformed" in Math, both have higher percentages of SPED and EL students.
- 4) 20% student enrollment decrease in the past year (2015-16 to 2016-17) is evidence of community dissatisfaction.
- 5) 78% teaching staff turnover in the past year and 33% in 2016-17 is an indication of employee dissatisfaction.
- 6) The API scores for African American and Socioeconomically Disadvantaged students decreased from 2012 to 2013; schoolwide API decreased by 20 points.
- 7) Did *not meet* 2013-14 AYP growth targets for African American (Math CST) and Socioeconomically Disadvantaged students (Math and ELA CST).

### **Demonstrably Unlikely to Successfully Implement the Program**

#### **A. Poor Operations Management and Financial Accountability**

- 1) Late and incomplete responses to data/document requests, including Notices of Concern
- 2) Lack of organization and adherence to self-set timelines
- 3) Fiscal conflicts of interest, including lack of contracts for some employees
- 4) Possible financial impact due to 20% decrease in student enrollment

#### **B. Lack of Effective Leadership**

- 1) Lack of adequate formal observation/evaluation/feedback to staff
- 2) Lack of Professional Development aligned to school goals
- 3) No adequate data/cycles of inquiry to track pupil progress or to determine education program effectiveness
- 4) Large volume of complaints regarding school leader from students, families and staff resulting in 20% student enrollment decrease and 78% teacher turnover in the past year; 33 % in 2016-17
- 5) Loss of two school leaders in the past two years; the last of which vacated the position mid-year
- 6) Governance conflicts of interest with board members serving in school leadership positions; thus making it difficult for staff/families/students to hold school leadership accountable



**Did not contain reasonably comprehensive description of the statutorily required 15 charter petition elements**

- 1) Reasonably comprehensive descriptions were not provided for one third of the required 15 elements (see Fifteen Elements Table below)

**Review of COVA's Increases in Pupil Performance by Pupil Subgroups per Education Code section 47607(a)(3)(A):**

**A. Pupil Subgroup Analysis**

In accordance with the requirements of Education Code section 47607(a)(3)(A), the District has “consider[ed] increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.”

- 1) API: With respect to the 2012 base and 2013 growth API scores for the subgroups at COVA, the API scores for all statistically significant subgroups (African American and Socioeconomically Disadvantaged) decreased from 2012 to 2013. The schoolwide API decreased by 20 points.
- 2) SBAC: The African American, White, Ethnicity-Two or More Races, and Socioeconomically Disadvantaged Hispanic or Latino subgroups experienced a decrease in SBAC scores from the 2014-15 to the 2015-16 school year in ELA and/or Math. In Math, African American students experienced a 4 percentage point decrease and Ethnicity-Two or More Races experienced a 9 percentage point decrease while Socioeconomically Disadvantaged Hispanic or Latino students experienced a 13 percentage point decrease in ELA. White students experienced a 12 percentage point decrease in both Math and ELA.

As required under the Education Code, increases in pupil performance were considered as the most important factor in whether to renew the COVA charter petition. COVA has not experienced consistent or broad subgroup growth that would override the significant legal and operational deficiencies summarized in the staff report. There was a decrease in the score for all pupil subgroups during the last administration of the API. Furthermore, increases in performance on the SBAC of some subgroups are outweighed by significant decreases observed in other subgroups.

The complaints and Notices of Concern allege violations by COVA in the areas of special education, civil rights, and student fees, as well as allegations of discrimination, retaliation, intimidation and conflicts of interest against the school's leadership. In addition, District staff has found budget and cash flow deficiencies in COVA's finances. Therefore, the breadth, quantity and nature of the operational and legal issues that have arisen demonstrate a crisis in leadership within the school. Balanced against the lack of consistent and widespread increases in pupil performance on either the SBAC or API, and the decreases in performance of many of the statistically significant subgroups on the SBAC, the deficiencies set forth in the staff report outweigh pupil performance and compel non-renewal of the COVA charter.

**THE BOARD HEREBY FINDS** that COVA has not met the requirements of Education Code Section 47607(a) and Section 47605(b):

- 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; as supported by evidence of material violations of the terms of its current charter and applicable law; and
- 3. The Petitioners have not provided reasonably comprehensive descriptions of all required elements of the charter petition (see 15 Elements Table below).

The Board is therefore compelled to deny the Petition under the provisions of the Charter Schools Act. The Petition is hereby denied.

**PASSED AND ADOPTED** on May 24, 2017, by the Governing Board of the Oakland Unified School District by the following vote:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENCES:**

I declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.

---

Devin Dillon, Ph.D.  
Interim Superintendent  
Oakland Unified School District

## FIFTEEN 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 the 15 elements related to a school’s operation. Please see the results of this analysis contained in the following table.

<b>Element</b>	<b>Evaluation Reference</b>	<b>Inadequate</b>	<b>Reasonably Comprehensive</b>	<b>Statutory Reference</b>
Description of the educational program of the school, including what it means to be an “educated person” in the 21 <sup>st</sup> century and how learning best occurs.	<i>Section I., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes  -Lack of rigorous performance targets in MPOs 5, 6 and 7; in some cases, the target is lower than their current performance (Petition p.74)	<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>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(C)
Governance structure  - Two administrators (Supt. and sub-admin) are both voting members of the Board; thus rendering school leader accountability ineffective due to this conflict of interest - Number of board members was decreased from 7 to 5; concerning considering 2/5 are employed by the school and 3/5 are employed/ have a relative that is employed by	<i>Section III.A.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(D)

the school - By-Laws provided make reference to individuals that no longer serve on the Board.				
Qualifications to be met by individuals employed at the school  -The Superintendent has proven ineffective in managing both the K-8 and 9-12 programs, yet budget plans indicate that the Superintendent will also act as the Principal of the K-8; thus being paid 1.5 FTE instead of 1FTE (Petition p.105) - Two of the Office Managers, allegedly one with a family member on the Board, both make more money than all of the credentialed teachers on staff at COVA (Contracts provided by COVA to OCS Finance Mgr.) - Superintendent's un-credentialed husband is paid as an elective teacher and he has no board approved contract outlining his duties or pay rate. - Charles Foster's (campus security) contract names "substitute teaching" as one of his duties, yet he is not reported by COVA as being a credentialed employee	<i>Section III.C.1.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section III.B.2., bullet 1</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section III.B.1.,</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(G)

- Recruitment plan does <u>not</u> include any outreach to Latino organizations or agencies or show evidence of increased staff capacity to translate for families that speak Spanish. (Petition p.18)	<i>bullet 1</i>			
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  -12 tardies/7 absences result in dismissal from school in subsequent year (Petition p. 249)	<i>Section III.B.2., bullet</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)
Procedures for school closure	<i>Section III.B.2., Bullet 5</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(P)

**RESOLUTION OF THE GOVERNING BOARD  
OF THE OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 1617-0018**

**DENYING CHARTER RENEWAL PETITION OF  
CONSERVATORY OF VOCAL AND INSTRUMENTAL ARTS (COVA)  
AND WRITTEN FINDINGS OF SUPPORT THEREOF**

**WHEREAS**, by enacting the Charter Schools Act (Ed. Code §§ 47600, *et seq.*), the Legislature has declared its intent to provide opportunities to teachers, parents, pupils and community members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein; and

**WHEREAS**, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged, and that charter schools are part of and under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools; and

**WHEREAS**, although charter schools are exempt from many of the laws governing school districts, in return for that flexibility they are accountable for complying with the terms of their charters and applicable law; and

**WHEREAS**, Education Code Section 47605(b) charges school district governing boards with the responsibility of reviewing charter petitions to determine whether they meet the legal requirements for a successful charter petition; and

**WHEREAS**, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in education Code Section 47605(b)(5)(A)-(P), as well as the affirmations and other requirements set forth in Education Code Section 47605; and

**WHEREAS**, Title 5, Section 11967.5 of the California Code of Regulations (“Regulations”) contains the State Board of Education’s adopted criteria for the required elements for a charter petition as set forth in Education Code Section 47605(b) and although these criteria for the State Board of Education’s use in reviewing charter petitions are not binding on school districts they may provide instructive guidelines for school districts’ review of charter petitions; and

**WHEREAS**, Education Code Section 47607(a)(2) provides that renewals of charter petitions are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed; and

**WHEREAS**, the State Board of Education has adopted regulations for charter renewal that direct the authorizing district’s governing board to “consider the past performance of the

school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any" (5 CCR §11966.4(b)(1)); and

**WHEREAS**, a governing board may deny a petition to renew a charter school if it makes written findings to support any of the following under Education Code Section 47605(b): (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 an affirmation of each of the conditions described in Education Code Section 47605, subdivision (d); and (4) the petition does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q); and

**WHEREAS**, Education Code Section 47607(b) provides that a charter school that has been in operation for at least four years shall meet at least one of four specified performance criteria prior to receiving a charter renewal; and

**WHEREAS**, COVA is a charter school that began operating in 2007 and is in its tenth year of operation; and

**WHEREAS**, on or about April 12, 2017, the District received a petition to renew the charter for COVA ("Petition"), a public charter school serving grades K-8 with an approximate enrollment of 184 students in grades K-8 during the 2016-2017 school year; and

**WHEREAS**, on or about May 10, 2017, the Board held a public hearing on the renewal petition as required by Education Code Section 47605(b); and

**WHEREAS**, the Board of Education, under Education Code Section 47605(b), is obligated to take action to grant or deny the renewal petition within 60 days of submission, unless, as in this instance, the timeline is extended by agreement to no more than 90 days;

**WHEREAS**, the Office of Charter Schools has conducted an analysis and investigation into the Charter School's compliance with its charter and applicable law, and has produced a Staff Report summarizing its findings;

**NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED** by the Governing Board of the Oakland Unified School District that COVA has an unsound educational program and is demonstrably unlikely to successfully implement the program set forth in the petition. The specific findings supporting the decision are enumerated below:

**Unsound Educational Program**

- 1) Did *not meet* any of the original eight Measurable Pupil Outcomes (MPOs); and only met one of the twelve (8.3%) Collective MPOs.
- 2) The African American, White, Ethnicity-Two or More Races, and Socioeconomically Disadvantaged Hispanic or Latino subgroups experienced a decrease in the Math and/or ELA SBAC scores from the 2014-15 to 2015-16 school year.

- 3) On the ELA SBAC, COVA's K-5<sup>th</sup> grade students performed lower than four of six district-run comparison schools serving the K-5 grade level span. On the Math portion, COVA's K-5<sup>th</sup> grade students performed similarly to the district-run comparison K-5 schools, outperforming two, matching two, and underperforming two district-run comparison schools. Though it's important to note that the two district-run schools that COVA "matched" or "outperformed" in Math, both have higher percentages of SPED and EL students.
- 4) 20% student enrollment decrease in the past year (2015-16 to 2016-17) is evidence of community dissatisfaction.
- 5) 78% teaching staff turnover in the past year and 33% in 2016-17 is an indication of employee dissatisfaction.
- 6) The API scores for African American and Socioeconomically Disadvantaged students decreased from 2012 to 2013; schoolwide API decreased by 20 points.
- 7) Did *not meet* 2013-14 AYP growth targets for African American (Math CST) and Socioeconomically Disadvantaged students (Math and ELA CST).

### **Demonstrably Unlikely to Successfully Implement the Program**

#### **A. Poor Operations Management and Financial Accountability**

- 1) Late and incomplete responses to data/document requests, including Notices of Concern
- 2) Lack of organization and adherence to self-set timelines
- 3) Fiscal conflicts of interest, including lack of contracts for some employees
- 4) Possible financial impact due to 20% decrease in student enrollment

#### **B. Lack of Effective Leadership**

- 1) Lack of adequate formal observation/evaluation/feedback to staff
- 2) Lack of Professional Development aligned to school goals
- 3) No adequate data/cycles of inquiry to track pupil progress or to determine education program effectiveness
- 4) Large volume of complaints regarding school leader from students, families and staff resulting in 20% student enrollment decrease and 78% teacher turnover in the past year; 33 % in 2016-17
- 5) Loss of two school leaders in the past two years; the last of which vacated the position mid-year
- 6) Governance conflicts of interest with board members serving in school leadership positions; thus making it difficult for staff/families/students to hold school leadership accountable

### **Did not contain reasonably comprehensive description of the statutorily required 15 charter petition elements**



- 1) Reasonably comprehensive descriptions were not provided for one third of the required 15 elements (see Fifteen Elements Table below)

**Review of COVA's Increases in Pupil Performance by Pupil Subgroups per Education Code section 47607(a)(3)(A):**

**A. Pupil Subgroup Analysis**

In accordance with the requirements of Education Code section 47607(a)(3)(A), the District has “consider[ed] increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.”

- 1) API: With respect to the 2012 base and 2013 growth API scores for the subgroups at COVA, the API scores for all statistically significant subgroups (African American and Socioeconomically Disadvantaged) decreased from 2012 to 2013. The schoolwide API decreased by 20 points.
- 2) SBAC: The African American, White, Ethnicity-Two or More Races, and Socioeconomically Disadvantaged Hispanic or Latino subgroups experienced a decrease in SBAC scores from the 2014-15 to the 2015-16 school year in ELA and/or Math. In Math, African American students experienced a 4 percentage point decrease and Ethnicity-Two or More Races experienced a 9 percentage point decrease while Socioeconomically Disadvantaged Hispanic or Latino students experienced a 13 percentage point decrease in ELA. White students experienced a 12 percentage point decrease in both Math and ELA.

As required under the Education Code, increases in pupil performance were considered as the most important factor in whether to renew the COVA charter petition. COVA has not experienced consistent or broad subgroup growth that would override the significant legal and operational deficiencies summarized in the staff report. There was a decrease in the score for all pupil subgroups during the last administration of the API. Furthermore, increases in performance on the SBAC of some subgroups are outweighed by significant decreases observed in other subgroups.

The complaints and Notices of Concern allege violations by COVA in the areas of special education, civil rights, and student fees, as well as allegations of discrimination, retaliation, intimidation and conflicts of interest against the school's leadership. In addition, District staff has found budget and cash flow deficiencies in COVA's finances. Therefore, the breadth, quantity and nature of the operational and legal issues that have arisen demonstrate a crisis in leadership within the school. Balanced against the lack of consistent and widespread increases in pupil performance on either the SBAC or API, and the decreases in performance of many of the statistically significant subgroups on the SBAC, the deficiencies set forth in the staff report outweigh pupil performance and compel non-renewal of the COVA charter.

**THE BOARD HEREBY FINDS** that COVA has not met the requirements of Education Code Section 47607(a) and Section 47605(b):

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; as supported by evidence of material violations of the terms of its current charter and applicable law; and
3. The Petitioners have not provided reasonably comprehensive descriptions of all required elements of the charter petition (see 15 Elements Table below).

The Board is therefore compelled to deny the Petition under the provisions of the Charter Schools Act. The Petition is hereby denied.

**PASSED AND ADOPTED** on June 14, 2017, by the Governing Board of the Oakland Unified School District by the following vote:

**AYES:** Jody London, Aimee Eng, Jumoke Hinton Hodge, Shanthi Gonzales, Roseann Torres, Vice President Nina Senn and President James Harris


**NOES:** None

**ABSTENTIONS:** None

**ABSENCES:** None

I declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.

**File ID Number:** 17-0830  
**Introduction Date:** 4-12-17  
**Enactment Number:** 17-0762  
**Enactment Date:** 6-14-17  
**By:**

  
Devin Dillon, Ph.D.  
Interim Secretary of the Governing Board  
Oakland Unified School District

Attachment: Fifteen Elementary Table - COVA

**FIFTEEN 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 the 15 elements related to a school’s operation. Please see the results of this analysis contained in the following table.

<b>Element</b>	<b>Evaluation Reference</b>	<b>Inadequate</b>	<b>Reasonably Comprehensive</b>	<b>Statutory Reference</b>
Description of the educational program of the school, including what it means to be an “educated person” in the 21 <sup>st</sup> century and how learning best occurs.	<i>Section I., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes  -Lack of rigorous performance targets in MPOs 5, 6 and 7; in some cases, the target is lower than their current performance (Petition p.74)	<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>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(C)
Governance structure  - Two administrators (Supt. and sub-admin) are both voting members of the Board; thus rendering school leader accountability ineffective due to this conflict of interest - Number of board members was decreased from 7 to 5; concerning considering 2/5 are employed by the school	<i>Section III.A.</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(D)

<p>and 3/5 are employed/ have a relative that is employed by the school</p> <ul style="list-style-type: none"> <li>- By-Laws provided make reference to individuals that no longer serve on the Board.</li> </ul>				
<p>Qualifications to be met by individuals employed at the school</p> <ul style="list-style-type: none"> <li>-The Superintendent has proven ineffective in managing both the K-8 and 9-12 programs, yet budget plans indicate that the Superintendent will also act as the Principal of the K-8; thus being paid 1.5 FTE instead of 1FTE (Petition p.105)</li> <li>- Two of the Office Managers, allegedly one with a family member on the Board, both make more money than all of the credentialed teachers on staff at COVA (Contracts provided by COVA to OCS Finance Mgr.)</li> <li>- Superintendent’s un-credentialed husband is paid as an elective teacher and he has no board approved contract outlining his duties or pay rate.</li> <li>- Charles Foster’s (campus security) contract names “substitute teaching” as one of his duties, yet he is not reported by COVA as being a credentialed employee</li> </ul>	<p><i>Section III.C.1.</i></p>	<p>X</p>	<p><input type="checkbox"/></p>	<p>E.C. § 47605(b)(5)(E)</p>

Procedures for ensuring health & safety of students	<i>Section III.B.2., bullet 1</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance  - Recruitment plan does <u>not</u> include any outreach to Latino organizations or agencies or show evidence of increased staff capacity to translate for families that speak Spanish. (Petition p.18)	<i>Section III.B.1., bullet 1</i>	X	<input type="checkbox"/>	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  -12 tardies/7 absences result in dismissal from school in subsequent year (Petition p. 249)	<i>Section III.B.2., bullet</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)
Procedures for school closure	<i>Section III.B.2., Bullet 5</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(P)