

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

Resolution No. 1213-0085

**DENYING CHARTER PETITION OF LEGACIES OF EXCELLENCE CHARTER SCHOOL
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)-(Q), 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, a governing board may deny a petition for 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, on or about October 24, 2012 the District received a petition for a charter for Legacies of Excellence Charter School (“Petition”), a public charter school serving grades 5-6 with a proposed enrollment of 120 students in its initial year of operation (2013-2014); and increase by 60 students thereafter through 2018 to a population of 300 students in grades 5-8.

WHEREAS, on or about November 14, 2012 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 Petitioner agrees to an extension of up to 30 days;

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Governing Board of the Oakland Unified School District that the charter petition be DENIED because as provided in Education Code Section 47605(b)(1) and (2), Legacies of Excellence Charter School presents an unsound educational program for the pupils enrolled in the charter school, is demonstrably unlikely to successfully implement the program set forth in the petition, and does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q). The specific findings supporting the decision are enumerated in the Charter Petition Evaluation prepared by the District staff, with some key findings summarized below:

1. The Petition’s educational program does not include research and reasoning supporting the design of the educational program as specifically adapted to the needs of the target population of high-risk youth.
2. The Petition lacks an implementation plan describing key fundraising goals and objectives which are needed to support the multitude of academic and social programs illustrated.
3. The Petition lacks a clear plan for meeting the charter school’s obligations to serve students eligible for special education.
4. The Petition’s proposed governance structure is under-developed, with critical documentation omitted or understated.
5. The Petition demonstrates an incomplete understanding of fiscal realities, particularly with respect to cash flow, and the budget is not fully aligned with the description of the educational program and operations.

6. The Petition's plan for facilities is to lease a building without clearly defining who legally owns the property. Previous concerns were raised due to conflict of interest including who benefits from the school's occupancy of the premise and inconsistent reporting of the terms of the lease.
7. The Petition lacks sufficient information in key areas, including description of the targeted population, special education plan, financial resources and facility acquisition. It requires further elaboration, clarity, specificity, and detail in order to be considered reasonably comprehensive and in order to demonstrate a proposal that is educationally sound and likely to be implemented successfully.

THE BOARD HEREBY FINDS that Legacies of Excellence Charter School has not met the requirements of Education Code Section 47605(b) in that:

1. The Petition presents an unsound educational program for the pupils to be enrolled in the Charter School; and
2. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition; and
3. The Petition does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q).

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 January 9, 2013, by the Governing Board of the Oakland Unified School District by the following vote:


AYES: Jody London, Gary Yee, Christopher Dobbins, Roseann Torres, James Harris, Vice President Jumoke Hinton Hodge, President David Kakishiba

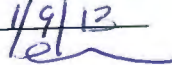
NOES: None

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.


 Edgar Rakestraw, Jr.
 Secretary of the Governing Board

File ID Number: 12-2872
 Introduction Date: 10/24/12
 Enactment Number: 13-0025
 Enactment Date: 1/9/13
 By: 



OAKLAND UNIFIED SCHOOL DISTRICT

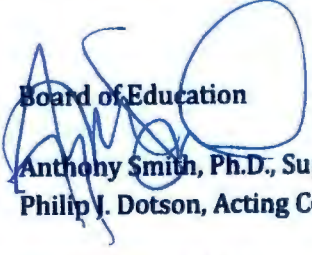
Office of the Superintendent


1025 Second Avenue, Room 301

Oakland, CA 94606

Phone (510) 879-8200

Fax (510) 879-8800

TO: Board of Education
FROM:  Anthony Smith, Ph.D., Superintendent
Philip J. Dotson, Acting Coordinator, Office of Charter School:
DATE: December 26, 2012
RE: Legacies of Excellence Charter Schools
Charter Petition Request

Legislative File 12-2872
File ID No.:
Introduction Date: 10/24/12
Enactment No.: 13-0025
Enactment Date: 1/9/13
By: 

ACTION REQUESTED

Approve the denial of the petition and charter to establish Legacies of Excellence Charter School. The petition presents an unsound educational program; the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; and the petition does not contain reasonably comprehensive descriptions of all of the 16 elements required by the California Charter Schools Act.

SUMMARY

Staff recommends that the OUSD Board of Education approve the denial of the petition for Legacies of Excellence Charter School proposed to begin operation fall 2013, serving 120 students in grades 5-8 and growing to 300 students by 2017. Staff recommends denial based on factual findings specific to this petition and set forth in the attached staff report and petition evaluation.

The petition for Legacies of Excellence Charter School is to create a fifth grade through eighth grade (middle school) to address the social and academic needs of the students who may lack continuity in their education due to poverty and/or family support. Staff recognizes the continued progress toward a solid academic program the petition group has made. In resubmitting a charter school petition, the petitioners have engaged in substantial revision of the text and reconfiguration of the program to address some of the areas in which previous petitions were found not to satisfy the District's charter school standard. However, the changes are not sufficient to meet established criteria for quality charter school authorizing.

PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted a petition for the Legacies of Excellence Charter School on October 24, 2012 at a regularly scheduled Board of Education meeting. The petition proposes to create a middle school of 300 students, beginning in 2013-2014 with an opening 5th and 6th grade class totaling 120 students. The petitioners have previously applied for a charter, most recently in June 2012. The petition in June was withdrawn prior to decision.
- 2) A public hearing was held on November 14, 2012. Representatives from the petitioning group presented and agreed verbally at the hearing, and again in writing, to an extension of the statutory deadline for action to 90 days from the date of submission of the petition.
- 3) Staff conducted an orientation to OUSD's charter review process for the lead petitioner on November 2, 2012. Two petitioner interviews were held on November 20, 2012 with participants from two groups, respectively: the lead petitioner group and with the governing board members.

STATUTORY BACKGROUND

Pursuant to Education Code §47605:

Charter law outlines the criteria governing the approval or denial of charter school petitions. The following excerpt is taken from the Charter Schools Act, Education Code §47605. This excerpt delineates charter approval and denial criteria:

A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*

DISCUSSION

Staff convened a petition review team comprised of leaders within the District, which subsequently conducted an evaluation of the petition pursuant to the Charter Schools Act and with the application of the Oakland Unified School District Petition Evaluation Rubric.

During the petition review process, staff conducted two interviews in an effort to clarify various aspects of the petition, as well as to evaluate the capacity of the petitioners to successfully implement the program as set forth in the petition. One interview was with the Petition/Writers Group; the second interview was conducted with members of the Legacies of Excellence Governing Board.

The Legacies of Excellence Charter School proposes to open in fall 2013 as a direct-funded charter school, operating at 8024 Rudsdale Street (between 80th and 81st, across from Acorn/Woodland). The school proposes to serve approximately 120 students in grades 5-6 in its first year (2013-14).

Features of the proposed program include:

- Standards-based curriculum
- Self-contained elementary (5th grade) through middle school classrooms
- Individualized learning plans (LIIEP) Legacies Innovative Individualized Education Plan
- Integration across the curriculum of agriculture, culinary arts and healthy living
- Responsive to Intervention with scheduled periods for academic support
- Behavioral supports, including Aggression Replacement Training
- Engagement of community organizations and public agencies
- Extended Learning Periods
- SDAIE Methodology
- Common Core Standards
- California Career Technology Education Standards
- STEM Techniques
- Digital Curriculum
- Blended Learning
- APEX Recovery System
- Compass Learning
- Khan Academy
- DOMA – Diagnostic Online Math Assessment
- DORA – Diagnostic Online Reading Assessment
- Art Training
- Visual and Performing Arts
- Healthy Living Courses

Desired Programs based on school's grant/fundraising capacity Include:

- Ripple Effect
- Mental Health Component
- Language Program
- Accelerated Learning
- Touch the Spirit of the Child
- Math Intervention – Transitional Math
- Data Director/Riverside Publishing Co

The charter petition evaluation that follows summarizes the consensus of the District reviewers with respect to the educational program and proposed school operations, as well as an articulation of strengths and foreseeable challenges, pursuant to the petition review process. Among the areas in which the petition failed to meet the established standard are:

- Inconsistent curriculum plan based on research of prospective target population
- Inconsistencies among programs offered and their descriptions
- Underdeveloped financial structure
- Absence of start-up budget
- Incorrect cash flow assumptions and understated expenses
- Inconsistencies among program budget narration

In the previous charter petition a conflict of interest was brought to the attention of the staff in regards to ownership of the property located at 8024 Rudsdale Street. The arrangement appeared to be in conflict with California Government Code Section 1090, provisions of the Fair Political Practices Act, and the Internal Revenue Code provisions governing 501(c) (3) non-profit corporations. (If the facts of this situation are found to be valid, the circumstances would be similar to that described in the recent FCMAT extraordinary audit of American Indian Model Schools.) Violation of these statutes would threaten the school's eligibility for federal and state funding. At the time of the previous withdrawal, the petition lacked a clear description of the legal relationships among the various parties and failed to address relevant law and policy.

In the petition submitted on October 24, 2012 the new petitioners omitted the key party member who was the focus of concern rather than address the legal relationship among the various parties. The governing board has taken the step to remove the member from the board and his association with this petition. The governing board has transferred the property to a third party management company (Spectrum Income Fund LLC). Without full disclosure of the ownership of the property located on Rudsdale Street staff must take into consideration the previous relationship and any possible conflicts of interest this may cause.

RECOMMENDATION

Staff recommends that the Oakland Unified School District's Board of Education **deny** the petition for Legacies of Excellence Charter School under the California Charter Schools Act. The factual findings in this report demonstrate that the petition meets the following **conditions for denial** of *Education Code § 47605*:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school;*
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in petition; ...*
- (4) The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.*

ATTACHMENT 1 – CHARTER PETITION EVALUATION

Oakland Unified School District
Charter Petition Evaluation

School Name: Legacies of Excellence Charter School

Submission Date:

October 24, 2012

Public Hearing Date:

November 14, 2012

Petitioner Interview

Date: November 20, 2012

Governing Board

Interview Date:

November 20, 2012

Decision Date: January 9, 2013

Lead Petitioner: Nabeegah Shakir

Governing Board: Mark Alexander, Hugo Arabia, Gary L. Bell, Kamau Edwards, Marlin Foxworth, Norma Francisco, Donna Harkins, Lorie Hill, Henry Roberts, Francine Shakir

Proposed location of school	8024 Rudsdale Street (between 80 th and 81 st Avenue, across from ACORN/Woodland)
Composition of petitioner group	Petitioning group represents a core group of dedicated individuals with extensive backgrounds supporting underserved students in Oakland. Members of the petitioning group and Board of Directors have been added since the group’s previous petition. Current petitioning team members are listed as: Robert Coleman, Nabeegah Shakir, Jason Newell, Lynn Martindale, Alison Wohlgemouth, David Roach, Andrea Lee, Fred Clay, and Joe Coats
Grade levels to be served in year 1	5 th - 6 th
Anticipated enrollment in year 1	120
Grade levels to be served at full-capacity	5th through 8th
Anticipated enrollment at full capacity	300
Target student population	“LEGACIES shall actively recruit and focus its educational program on those students who have experienced trauma or neglect; are part of the foster care system; have been expelled or are at high risk of expulsion from their neighborhood public schools; who are chronically truant; or who are involved with or at risk of involvement with the juvenile justice

	system. We will also recruit students who have consistently struggled academically, have fallen behind, and could benefit from a school with additional resources for credit recovery.”
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Brief description of the kind of school to be chartered:

Legacies of Excellence will offer standard based curriculum with agricultural Science blended with digital learning and technology. The plan calls for a behavior health component which would be the foundation for all student support and health need strategies.

Brief explanation of the mission of proposed charter school:

“LEGACIES of Excellence Charter School is dedicated to providing a California standards-based curriculum in a safe environment that focuses on academics and success. It is specifically designed to prepare underserved populations of grades 5-8 students for high school, providing for their social, emotional, mental health needs, and the opportunity to recover from any academic deficiency while continuing to accelerate their learning. Sustainable agricultural science and technology coupled with healthy living will be incorporated during the school day and eventually be the focus of the elective courses.” (Pg.7)

Planning to work with a charter management organization (CMO)

Yes No

Signature Verification:

EC 47605(a)(3) A petition shall include a **prominent statement that a signature on the petition means that the parent or guardian is meaningfully interested in having his or her child, or ward, attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.**

	Y	N	PG #
<input type="checkbox"/> Parents / Guardians			
<input type="checkbox"/> # aligned with proposed opening enrollment			N/A
<input type="checkbox"/> Prominent statement			N/A
<input checked="" type="checkbox"/> Teachers			
<input type="checkbox"/> # aligned with proposed opening enrollment	X		Attachment
<input type="checkbox"/> Prominent statement	X		Attachment

STATEMENT OF ASSURANCES

ASSURANCES	Y	N	PG #
1. Will not charge tuition, fees, or other mandatory payments for attendance at the charter school or for participation in programs that are required for students.	X		Appendix B
2. Will enroll any eligible student who submits a timely and complete application, unless the school receives a greater number of applications than there are spaces for students, in which case a lottery will take place in accordance with California charter laws and regulations.	X		Appendix B
3. Will be non-secular in its curriculum, programs, admissions, policies, governance, employment practices, and all other operations.	X		Appendix B
4. Will be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement.	X		Appendix B
5. Will not base admission on the student's or parent's/guardian's place of residence, except that a conversion school shall give admission preference to students who reside within the former attendance area of the public school.	X		Appendix B
6. Will offer at least the minimum amount of instructional time at each grade level as required by law.	X		Appendix B
7. Will provide to the Office of Charter Schools information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be used by the school, including where the school intends to locate, the manner in which administrative services will be provided, and potential civil liability effects, if any, upon the school and authorizing board.	X		Appendix B
8. Will adhere to all applicable provisions of federal law relating to students with disabilities, including the Individuals with Disabilities Education Act; section 504 of the Rehabilitation Act of 1974; and Title II of the Americans with Disabilities Act of 1990.	X		Appendix B
9. Will adhere to all applicable provisions of federal law relating to students who are English language learners, including Title VI of the Civil	X		Appendix B

Rights Act of 1964; the Equal Educational Opportunities Act of 1974; MGL c. 76, § 5; and MGL c. 89, 71 § (f) and (l).		
11. Will submit an annual report and annual independent audits to the OUSD Office of Charter Schools by all required deadlines.	X	Appendix B
12. Will submit required enrollment data each March to the OUSD Office of Charter Schools by the required deadline.	X	Appendix B
13. Will operate in compliance with generally accepted government accounting principles.	X	Appendix B
14. Will maintain separate accountings of all funds received and disbursed by the school.	X	Appendix B
15. Will participate in the California State Teachers' Retirement System as applicable.	X	Appendix B
16. Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health and safety within the building(s) and on school property.	X	Appendix B
17. Will at all times maintain all necessary and appropriate insurance coverage.	X	Appendix B
18. Will submit to the OUSD Office of Charter Schools the names, mailing addresses, and employment and educational histories of proposed new members of the Governing Board prior to their service.	X	Appendix B
19. Will, in the event the Governing Board intends to procure substantially all educational services for the charter school through a contract with another person or entity, provide for approval of such contract by the Board of Education in advance of the beginning of the contract period.	X	Appendix B
20. Will provide financial statements that include a proposed first-year operational budget with start-up costs and anticipated revenues and expenditures necessary to operate the school, including special education; and cash-flow and financial projections for the first three years of operation.	X	Appendix B
21. Will provide to the Office of Charter Schools a school code of conduct, Governing Board bylaws, an enrollment policy, and an approved certificate of building occupancy for each facility in use by the school, according to the schedule set by the Office of Charter Schools but in any event prior to the opening of the school.	X	Appendix B

EVALUATION:

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

Criteria Reference

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

I. EDUCATIONAL PROGRAM

Statutory References:

E.C. § 47605(b) (1)

E.C. § 47605(b) (5) (A)-(C)

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

A. TARGET POPULATION

NOTE: *Detail in this area is often lacking in charter petitions, but has been assessed by OUSD in its experience creating new schools to be a critical factor in the success of proposed educational programs.*

A description of the Target Population excels if it has the following characteristics:

- Coherent description of the students the school expects to serve based on understanding of the district population and the location in which the school expects to operate;
- Demonstrated understanding of the educational needs of the target population; and
- Explanation of how the mission and vision align with the needs of the target population.

TARGET POPULATION

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

ANALYSIS: TARGET POPULATION

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<ul style="list-style-type: none"> • Identifies and seeks to serve an under-served population with high needs in our community • Clear articulation of needs of the whole child 	Pgs. 8-9	<ul style="list-style-type: none"> • Legacies seeks to serve students at high risk from a variety of social and economic backgrounds. This includes a large ELL and Special Education populations which may require nontraditional intervention programs which were not identified 	Pgs. 8-9

B. PHILOSOPHY AND APPROACH TO INSTRUCTION

A description of the Educational Philosophy and Approach to Instruction excels if it has the following characteristics:

1. Rationale: *Is the rationale compelling?*

- A compelling rationale with a clear foundation in research-based educational practices, teaching methods and/or high standards for student learning;

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

- Alignment with mission and vision; and

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

- Persuasive explanation of why the philosophy and approach are appropriate for and likely to result in improved educational performance for the target population, including any available performance data from use of the same educational philosophy and approach to instruction with similar populations.

1. Rationale: *Is the rationale compelling?*

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

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

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

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

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

ANALYSIS: EDUCATIONAL PHILOSOPHY AND APPROACH TO INSTRUCTION

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Mission Alignment</p> <ul style="list-style-type: none"> Philosophy and approach are tied to needs of target population, with agriculture described as a “hook” for student engagement; and behavioral supports intended to improve motivation, attendance and focus 	<p>Pgs. 5-8</p>	<p>Rationale</p> <ul style="list-style-type: none"> How will Legacies use of OUSD’s pacing guides differ and create different results for students who have previously had limited success in traditional classrooms settings? The petition lacks a clear identification of the range of learning needs the targeted population will bring to the classroom <p>Population Alignment</p> <ul style="list-style-type: none"> Petition does not make strong case for using OUSD-selected textbooks and pacing guides with the target population who have had limited success in traditional classroom settings The education approach and design have no foundational success and are not based on performance data from schools with comparable populations or target sub-groups within other schools, thus no evidence of successful implementation 	<p>Pg. 26</p> <p>Lead petitioners interview Pg. 14</p> <p>Pgs. 7-8</p> <p>Pgs. 7-12</p> <p>Pgs. 7-8</p>

		<ul style="list-style-type: none"> • No information on schools with similar approach to serving this population; no models referenced to demonstrate a full understanding of the likely challenges and pitfalls to the chosen approaches • Lacks breakdown of expected population by gender, ELL, race/ethnicity, or special needs (IEP) which is evidenced elsewhere in the petition as an absence of aligning the program to specific populations • Persuasive case is not made as to how and why the curriculum integration of agriculture and STEM will succeed with the target population based on previous lack of academic success in traditional programs 	Pg.14
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C. CURRICULUM FRAMEWORK X Mark this box on behalf of the curriculum that has already been selected/developed:

The description of the curriculum should provide the reviewer with a sense not only of *what* the school will teach but also of *how* and *why*. It must present research, applicant experience and/or reasoning sufficient to convince the reviewer that the applicants have already made sound educational decisions.

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

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

- o A clear description of the framework and research, experience and/or sound reasoning that demonstrates alignment with the school’s mission, state standards and anticipated student needs;

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

- o An implementation plan showing persuasively the resources, daily schedule, annual calendar and professional development that support effective implementation; and
- o A clear description of the manner in which the school will prioritize the implementation of those elements of the proposed educational program that will ensure likely achievement of the goals of the program;

3. Evaluation: *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*

- o Effective strategies for evaluating the effectiveness of implementation and responding when student performance falls short of goals.

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

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

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

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

3. Evaluation: *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*

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

ANALYSIS: CURRICULUM FRAMEWORK

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Alignment</p> <ul style="list-style-type: none"> Curriculum selection aligned with goal of students being ready for high school – high expectations. Master schedule is clear and complete; provides time for academic and behavioral intervention. 	<p>Pgs. 11-12</p> <p>Pg. 25</p> <p>Pg. 12</p>	<p>Evaluation</p> <ul style="list-style-type: none"> An undefined systematic data-driven approach to instructional strategies which is too broad to evaluate the effectiveness and respond to low performances <p>Implementation</p> <ul style="list-style-type: none"> The plan does not address the curriculum requirements for 5th grade students The petitioners initially attempted to make a strong case for adding the 5th grade component but suddenly sought to withdraw the grade level during the petition review process, raising questions regarding the decision making processes and the absence of a clear scope and sequence for the grades to be served Implementation plan included; petitioners have a “skeleton” draft start-up curriculum which does not address budgetary needs for training supplies and 	<p>Pgs. 8,9, 13,15,18,26</p> <p>Interviews</p> <p>Pgs. 51-56; attachments following Pg. 86</p> <p>Pgs. 51 Interviews</p> <p>Pg. 14</p>

		<p>materials needed to reach their stated goals</p> <ul style="list-style-type: none"> • Extensive professional development needed and identified for the program and the population, but implementation plans are under developed • Culinary and visual/performing arts described but integration, scheduling and staffing are not adequately developed in the petition 	
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E. SPECIAL POPULATIONS: ENGLISH LANGUAGE LEARNERS

Federal law requires charter schools, like all public schools, to meet the needs of English language learners by helping them gain English proficiency and also make progress in all academic subjects. A plan for serving English language learners excels if it has the following characteristics:

- Demonstrated understanding of the likely English language learner population;
- A sound approach to identifying and meeting the needs of English language learners tailored to the anticipated population;
- A sound approach to helping English language learners fulfill expectations of the core educational program, including a lead contact and intervention process; and
- Evidence of high expectations for English language learners.

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

ANALYSIS: ENGLISH LANGUAGE LEARNERS

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Identifies specific supports for ELL students • Time in the after school program designated for intervention • Acknowledges compliance responsibilities, including CELDT and re-designation 	<p>Pgs. 37-39</p> <p>Pg. 25</p> <p>Pg. 38-40</p>	<ul style="list-style-type: none"> • The school anticipates 30-40% of its population to be English Learners but the program does not identify a clear leader for an ELL Program • The school inter-changes English Learners with the “African American Language” theory proposed by the Lead Petitioner without a clear methodology of teaching different strategies based on the extraordinary differences 	<p>Pg. 37</p> <p>Pgs. 38-40</p>

F. PUPIL OUTCOMES

Pupil outcomes are central to the school’s existence. They represent the school’s definition of success and should drive all aspects of the program and operation. A description of Pupil Outcomes excels if it has the following characteristics:

- 1. Alignment:** *Do the objectives align with the mission and vision?*
 - Educational objectives aligned with the mission, vision and educational program;
- 2. Measurement:** *Are the goals clear, specific and measurable?*
 - Multiple performance measures applied to student learning objectives.
 - Measures include performance goals based on absolute (e.g., proficiency levels), relative (e.g., comparison schools) and individual gains (e.g., year-to-year matched student cohort gains);
 - Goals that are specific, measurable and time bound;
- 3. Performance Level:** *Have the petitioners demonstrated that the target performance levels are both ambitious and attainable?*
 - Performance levels that are both ambitious and realistic including rigorous promotion and graduation standards;
 - Performance levels are considered annually and graduated as needed to sufficiently accelerate learning based on the needs of the target population;

1. Alignment: *Do the objectives align with the mission and vision?*

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

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

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

3. Performance Level: *Have the petitioners demonstrated that the target performance levels are both ambitious and attainable?*

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

ANALYSIS: PUPIL OUTCOMES

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
Alignment <ul style="list-style-type: none">Objectives align with high expectations for all students; specifically with the goal of students being at grade level upon entry into high school Measurement <ul style="list-style-type: none">The petition proposes the use of multiple performance measures as tools to determine student learning levelsAcademic and behavioral measurements which are specific to the student population and goals established in this petition	Pgs. 57 Pgs. 57-63 Pgs. 57-63	Performance Level <ul style="list-style-type: none">The petition has long term pupil outcome measurements but, lacks annual and graduated accelerated learning plans based on the needs of the target populationPetition’s reference to possible designation of program as an alternative school for purposes of state accountability system (ASAM) includes no population data from neighborhood schoolsThe petition lacks a time line or study plan to initiate the process for (ASAM) consideration, given the large percentage of students the school anticipates will meet the criteria this would be a significant part of the academic plan	Pg. 60-63 Pg. 64 Interview

G. PUPIL PROGRESS

Summative evaluations measure student performance for the purpose of evaluating academic program effectiveness and overall school operation. In other words, they are used to determine how much students have learned.

Formative evaluations measure student performance for the purpose of determining students' learning needs and to inform instructional strategies. In other words, they are used to determine what students still need to learn.

A plan for evaluating Pupil Progress excels if it uses both formative and summative and includes the following characteristics:

1. Assessments: *Does the school have valid and reliable measures of student progress?*

- Identification of the expected range of formative and summative assessments including but not limited to state-mandated assessments;
- Evidence that assessments will be valid and reliable measures of student progress toward achieving the identified Pupil Outcomes.

2. Instruction Improvement: *Does the school have a sound plan for using assessments to inform instruction?*

- A coherent strategy for using student assessment and performance data to evaluate and inform instruction on an ongoing basis.

3. Reporting: *Is the school committed to reporting and disseminating performance information?*

- A plan for sharing performance information, including standardized test results, with students, families and public agencies, as required.
- A clear description of the manner in which stakeholders will act upon and make use of the performance information provided.

1. Assessments: *Does the school have valid and reliable measures of student progress?*

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

2. Instruction Improvement: *Does the school have a sound plan for using assessments to inform instruction?*

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

3. Reporting: *Is the school committed to reporting and disseminating performance information?*

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

ANALYSIS: PUPIL PROGRESS

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Assessments</p> <ul style="list-style-type: none"> The charter petition proposes the use of state and federal testing to measure student progress annually The petition contains adequate formative and summative assessments within the education framework to gage student learning <p>Reporting</p> <ul style="list-style-type: none"> Legacies will generate quarterly reports to students, families and the Legacies’ Board. The plan meets the threshold in both parent and school engagement in the pupils progress obligation. 	<p>Pgs. 60-63</p> <p>Pg. 66</p>	<p>Instruction Improvement</p> <ul style="list-style-type: none"> The lead petitioners identified Data Director as a component for the “data driven” instruction. During the interview process the petitioners appeared to have no working knowledge of the assessment tool or why it was proposed in the petition The petition states “<u>a constant theme at Legacies will be using data to inform decisions. Data will be collected from each of the sources outlined above and maintained in a central database</u>” The information needed to review this data was omitted from the petition and therefore cannot be evaluated for its validity 	<p>Interview</p> <p>Pg. 66</p>

		<ul style="list-style-type: none">• The petition has a valid list of options to address reporting needs but has not shown the financial ability to acquire the expensive programs to meet student needs• The petition failed to articulate how ongoing technology, training and resources will be used to maintain in order to meet the infrastructure needs as described in this section of the Data report	
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EDUCATIONAL PROGRAM SUMMARY

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

EDUCATIONAL PROGRAM SUMMARY

Strengths

The petitioning group is clearly committed to serving a population of great need and has assembled together a team of community leaders with substantial experience and knowledge of these students. The petition as submitted provides an innovative program design with some key elements likely to support the development of the target population. Revisions to the petition since 2011 demonstrate evidence of additional development of the curriculum (Agricultural and Environmental Science elements), as well as further development of pupil outcomes, assessment and professional development. The education program is focused on the school's mission.

Concerns and Additional Questions

Despite additions to the petition made since the previous submission, the educational program does not contain reasonably comprehensive descriptions or meet the quality standard in some important areas. Given the petitioner's lack of experience initiating and operating public charter schools, and given the unique high need target population, staff remains concerned with the untested methodology and approach of the integrated curriculum proposed. Additionally, the multitude of academic support plans needed for students require large investments of time for professional development and money that the petitioners have not adequately demonstrated a strategic plan to carry out past the planning stages. The plethora of academic and social/emotional programs offered in this petition to support student success are not coherently described to provide evidence that the petitioners have fully contemplated how the programs will all actually be implemented in the school. The petition and interviews demonstrate that substantial planning and curricular development work has not yet occurred.

II. PETITIONER CAPACITY

Statutory References:

E.C. § 47605(b) (2)

E.C. § 47605(b) (5) (D)-(P)

E.C. § 47605(c) (2)

E.C. § 47605(g)

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

A. GOVERNANCE CAPACITY

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

1. **Legal Structure:** *Does the school have adequate and appropriate legal structure?*
 - Documentation of proper legal structure (Articles of Incorporation stamped by the Office of the Secretary of State and corporate Bylaws);
 - Evidence of 501(c)3 Non-Profit Corporation status;
 - Adequate bylaws, policies & procedures for governing body operation (director selection & removal, decision making, powers and duties, expansion and transition plans)
2. **Charter School Governance Experience/ Expertise:** *Does the board demonstrate the capacity needed to govern effectively?*
 - Evidence of analysis that proposed founding members of the governing body possess and will contribute the wide range of knowledge and skills needed to oversee a successful charter school;
 - Evidence of the existing or emerging capacity of the proposed founding members of the governing board to work as an effective unit in the interest of the proposed charter school;

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

- Demonstrated understanding of the board’s responsibility for the educational and fiscal integrity of the school and for fulfilling the terms of the charter;
- Clear, reasonable selection and removal procedures, term limits, meeting schedules, and powers and duties for members of the governing body;
- Demonstrated understanding and assurance of compliance with open meetings requirements;
- Reasonable conflict of interest policy;
- Adequate plan for insurance;
- A plan for meaningful involvement or input of parents and community members in the governance of the school;
- Clear, sensible delineation of roles and responsibilities of parent councils, advisory committees or other supporting groups; and
- Clear, sensible definition of governing body roles and responsibilities in relation to management.

1. Legal Structure: *Does the school have adequate and appropriate legal structure?*

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

2. Governance Experience: *Does the board demonstrate the capacity needed to govern effectively?*

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

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

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

ANALYSIS: GOVERNANCE CAPACITY

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Charter School Governance Experience and Expertise</p> <ul style="list-style-type: none"> • Current board members have substantial experience in education 	<p>Appendix B</p> <p>Interviews; Pgs. 71-73</p>	<p>Legal Structure</p> <ul style="list-style-type: none"> • Documentation regarding governing board changes were inconsistent • The state of California revoked previous 501(c)3 status and there has been no evidence of reinstatement provided by the petitioners • The petition offers limited capacity for parents in the governance of the charter school • The petitioner has not clearly defined who is the mortgage holder on the proposed property Previous submitted petitions by the lead petitioner (Robert Coleman) did not clearly identify the legal owner. All references to Robert Coleman have been removed and thus it is unclear what continued role he will have in operations or governance of the school. 	<p>Pg. 71 & Appendix B</p> <p>Pg. 82</p> <p>Pg.74</p> <p>Interview Pg.86-87</p>

		<p>Given his long history with the program's development, it is likely that more specific language establishing proper arms-length relationship be set forth, given the potential for improper transactions to occur as a result of the property management.</p> <p>Operating Plan</p> <ul style="list-style-type: none"> • The original budget assumptions list 120 sixth graders for the first year of operations (2013-14). The petitioners changed their plans and added a 5th grade component • Operation budget projects were determined to be very low • Start up budget is non-existent at this time. The governing board will rely on loans as start up monies from undetermined resources 	
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B. MANAGEMENT CAPACITY

A leadership plan excels if it has the following characteristics:

1. Enrollment Procedures: *Does the petition present reasonable enrollment procedures that comply with applicable law?*

- A description of the means by which the school will seek to attain a racial and ethnic balance among its pupils that is reflective of the district including specific plans and strategies for student recruitment;
- A clear and compelling student recruitment plan likely to attract projected enrollment, particularly in Year 1;
- A specific plan for conducting a public random drawing or an assurance that such a drawing will be conducted subject to district approval in the event that the number of pupils who wish to attend the school exceed the capacity;
- An assurance that the school will not impose admission requirements OR, if the school proposes to have requirements, a precise description of those requirements, a compelling statement regarding why they are essential to fulfillment of the school's mission, and a specific plan for the school will incorporate the requirements into any random drawings.
- A clear description of the enrollment process to include any unique intake or application evaluation process to be used by the school designed to meet the needs of the target population outlined in the petition.

2. Operating Procedures: *Does the petition present sound operating procedures that comply with applicable law?*

- The procedures that the school will follow to ensure the health and safety of pupils and staff;
- A clearly articulated discipline policy with suspension and expulsion procedures that are fully explained consistent with the school's mission, educational philosophy and applicable law;
- A statement regarding attendance alternatives for students residing in the district who choose not to attend the school;
- A statement that the school intends to use the district's approved procedure for resolving disputes relating to provisions of the charter OR, in the alternative, a clear description of the procedures that the school proposes to use;
- A description of the systems likely to be effective in addressing parent and community complaints; and
- An assurance that the school will comply with the district's approved procedures for school closure in the event that the charter is relinquished, revoked or not renewed.

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

- Clearly defined management roles and responsibilities for all positions within the administration of the school;
- A clear plan for recruitment, selection, development and evaluation of staff including the school leader;
- Verifiable internal procedures and controls to ensure conformance with the approved budget;
- An approved and public organizational chart delineating board and management roles and lines of authority;
- Clear, sensible delineation of roles and responsibilities for implementing the school program including clearly defined roles for parent councils, advisory committees and other supporting groups;
- Management job descriptions identifying key roles, responsibilities and accountability;
- An allocation of time, financial resources and personnel that is sufficient for planning and start-up prior to the school's opening; and
- The manner in which administrative services are to be provided and any potential civil liability effects on the school or the district.

1. Enrollment Procedures: *Does the petition present reasonable enrollment procedures that comply with applicable law?*

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

2. Operating Procedures: *Does the petition present sound operating procedures that comply with applicable law?*

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

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

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

ANALYSIS: MANAGEMENT CAPACITY

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Operating Procedures</p> <ul style="list-style-type: none"> • Family handbook with discipline procedures included in appendix • Safety plan included in appendix 	<p>Pgs. 82</p> <p>Appendix F</p> <p>Appendix F</p>	<p>Enrollment Procedures</p> <ul style="list-style-type: none"> • The petition does not address a clear description of the enrollment process or recruiting plan which should include any unique features designed to attract prospective students <p>Management Structure</p> <ul style="list-style-type: none"> • Job descriptions for key non-instructional personnel in organization chart not included • While the policy is in place for Legacies to hire a principal during the implementation period, the document does not give any specifics in regards to the process of recruiting a principal or other staff members to make this a successful plan • There is significant reliance on consultants during the implementation phase which includes retired teachers and consultants. The budget for professional consultants is in range of \$10,000-50,000 	<p>Appendix B</p> <p>Appendix B</p> <p>Pg. 70</p> <p>Appendix</p>

C. EMPLOYMENT CAPACITY

An employment plan excels if it has the following characteristics:

- 1. Qualifications and Responsibilities:** *How clear and sensible are required staff capacities and intended allocation of responsibilities?*
 - Description of the qualifications for and responsibilities of key employees of the school, including the instructional leader and other key school administration positions.
- 2. Compensation Plan:** *How sound is the staff compensation plan?*
 - A compensation plan based on sound budget assumptions that reflects understanding of the prevailing market and supports the proposed educational program.
- 3. Policies and Assurances:** *Does the petition contain the required assurances and a reasonable plan for policy development?*
 - Adequate personnel policies or a sound plan articulated for timely development;
 - An assurance that staff will meet applicable state and federal requirements for credentialing and "highly qualified" status;
 - An adequate description of the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security;
 - A statement regarding employee rights of return, if any;
 - A clear declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act; and
 - An assurance that staff will have criminal background and other required health and safety checks and manner in which these will be conducted.

1. Qualifications and Responsibilities: *How clear and sensible are required staff capacities and intended allocation of responsibilities?*

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

2. Compensation Plan: *How sound is the staff compensation plan?*

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

3. Policies and Assurances: *Does the petition contain the required assurances and a reasonable plan for policy development?*

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

ANALYSIS: EMPLOYMENT CAPACITY

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Compensation Plan</p> <ul style="list-style-type: none"> • Compensation levels assumed in budget are within reasonable range <p>Policies and Assurances</p> <ul style="list-style-type: none"> • Assurances included; staff handbook provided 	Appendix B and F	<p>Qualifications and Responsibilities</p> <ul style="list-style-type: none"> • Delivery of specialized curriculum for target population will require significant teaching expertise and experience in the areas of Special Education, mental health capacity and Classroom management. The plan does not address how the school will recruit such professionals, staff questions if there is an abundance of professionals in the field who possess the expertise in all areas needed to have a successful program 	<p>Pgs. 75-77</p> <p>Pgs. 20-24</p>

		<p>Compensation Plan</p> <ul style="list-style-type: none">• The compensation plan cannot be valid due to underestimates in the budget assumptions. In addition, the school will rely on loans and grants for start up money from a variety of resources	
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D. FINANCIAL CAPACITY

The petition should present an understanding of how the charter operators intend to manage the school's finances and maintain the organization's financial viability. It should make a persuasive case for financial viability including sound revenue projections; expenditure requirements; and budgetary support for and alignment with the educational program.

A plan for financial capacity excels if it has the following characteristics:

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

- A balanced three-year budget accurately reflecting all budget assumptions;
- A start-up year plan with reasonable assessment of and plan for costs;
- A clear indication that the school has a sound plan for sustainability including funding for the core program that does not have ongoing reliance on "soft" money (e.g., donations, grants).
- Clear evidence and track record of sustainability, in the event there is an enduring reliance on "soft" money (e.g., donations, grants);
- An adequate reserve and contingency plan targeted to the minimum enrollment needed for solvency (especially for year 1);
- A sound plan for financial management systems;
- An audit assurance and/or plan with adequate budget allocation; and
- A plan for dissolution of assets should the school close.

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

- A narrative explaining key revenue assumptions;
- Realistic revenue projections showing all anticipated revenue sources -- including state, local, federal and private funds, and any fee-based programs and services;
- Realistic cash flow projection; and
- A fundraising plan including assumptions and report on current status.

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

- Spending priorities that align with the school's mission, educational program, management structure, professional development needs, and growth plan;
- A budget narrative explaining key expense assumptions;
- Realistic expense projections addressing major operating expenses including staffing and benefits, special education, facility, materials and equipment, and contracted services;
- Budgeting to meet minimum insurance requirements; and
- Evidence to support key assumptions including that compensation is sufficient to attract qualified staff and that facilities budget is adequate.

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

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

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

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

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

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

ANALYSIS: FINANCIAL CAPACITY

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Financial Operation</p> <ul style="list-style-type: none"> Petition contains, within the school closure procedures, a plan for dissolution of assets should the school close. 	Pg. 88	<p>Financial Operation</p> <ul style="list-style-type: none"> Overall budget does not contain acknowledgement of the extreme risk associated fundraising as a primary source of startup capital Legacies does not present a sound plan for sustainability including funding for the core programs or additional cost for the numerous support tools indentified in this report and Legacies will clearly rely on loans and donations as the financial foundations for this start-up process The three year budget is invalid because of miscalculations in the projected revenues and expenditures which are detailed below. Because 	<p>All financial reports found in pages following pg. 86 of petition chart</p> <p>Interview</p>

		<p>of these errors the ability for Legacies to meet its future financial obligations must be considered</p> <ul style="list-style-type: none"> • Legacies does not have an adequate reserve and contingency plan targeted to the minimum enrollment needed for solvency during the first year of operations. The school added 5th grade in order to increase revenues during the first year <p>Revenues</p> <ul style="list-style-type: none"> • The organization will rely heavily on fundraising during its initial year of operations yet there is an absence of a comprehensive fundraising plan before the school starts • No projected revenue for planning year • Revenue projections include inaccurate cash flow projections that do not align with the actual distribution of funds in all areas • In lieu property tax payments, lottery and SB 740 facilities funding not correctly incorporated in revenue and cash flow • Lottery funding is projected for unrestricted only at \$118 	
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		<ul style="list-style-type: none"> • Restricted, proposition 20 funding of around \$28-30 per ADA was not projected • General purpose state funding and categorical block grant payment schedule incorrect • No revenue accrual in cash flow, inconsistent with current funding deferrals <p>Cash Flow</p> <ul style="list-style-type: none"> • Cash Flow represents negative balances in multiple periods of the year • Legacies School is projecting their GP & Categorical BG funding and cash flow on a 6-12, 8% schedule which is no longer used except for property taxes coming from OUSD • State deferrals are not accounted for in the budget which may cause significant cash flow issues • ADA numbers in the petition contradict 114/120 • Capital Outlay, Money set aside for site improvement is low at \$1000.00 in the first year and increases only a few hundred more each year thereafter 	
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		<ul style="list-style-type: none"> • Start-up grant amount overstated in cash flow projections • No documentation provided on bridge loan for planning and start-up <p>Expenditures</p> <ul style="list-style-type: none"> • Budget narrative is insufficiently detailed; does not explain assumptions in key areas, such as “other services” • Staffing in budget does not match organization chart – 4 positions not budgeted • Special Education contribution to the district is low and not sufficiently aligned to the trending rates likely to be charged • Insurance expenses appear low; costs for administrative services, custodial and campus security do not appear to have been included; no proposed lease documentation confirms facilities-related costs. • 1% oversight fee is calculated on the General Purpose funding only, Categorical block grant must be included which would raise this expenditure • Local in Lieu of property taxes is not calculated. It should be projected on the cash flow separately 	
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		from the state aid which is included in general purpose funding.	
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E. FACILITIES PLAN

The Facilities Plan should demonstrate that the petitioners understand the school's facilities needs and its options for meeting those needs.

Do the petitioners anticipate using a district facility or finding a facility independent of the district?

Non-district facility **District facility (Prop 39)**

Select One

X Non-district facility anticipated

A description of the plan for using a non-district facility excels if it has the following characteristics:

- Informed assessment of anticipated facilities needs;
- Estimated costs for anticipated facilities needs based on research and evidence;
- A description of potential sites including location, size and resources;
- Informed analysis of the viability of potential sites;
- Adequate budget for anticipated facilities costs including renovation, rent, maintenance and utilities;
- A schedule for securing a facility including the person responsible for implementation
- An assurance of legal compliance (health and safety, ADA, and applicable building codes); and
- Identified funding sources.

District facility anticipated pursuant to Prop 39

A description of the facilities plan where the applicants have not yet identified a specific site will include the following characteristics:

- Informed assessment and description of anticipated facilities needs;
- Adequate budget based on 3% of anticipated per pupil revenue;
- A thoughtful contingency plan in the event that a mutually agreeable district facility is unable to be procured,
- A site preference with a compelling rationale for the preference; and
- An assurance of legal compliance (health and safety, ADA, and applicable building codes).

Facilities Plan: Does the facilities plan indicate a thorough understanding of the school's needs?

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

ANALYSIS: FACILITIES PLAN

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
		<ul style="list-style-type: none"> The proposed facility has not received a certificate of occupancy. The petitioners will rely on a Charter School Facility Grant Program (SB740) as a revenue resource. It is unclear if this grant will be needed to complete the conversion of the facilities for school purposes. Facility's ability to meet the program needs for agriculture and culinary arts is not fully described (fields, status of completion/remaining work). Petition fails to address concerns regarding the location of the facility near areas of gang conflict and across the street from public library and Acorn Woodland School. Petition includes no discussion of security features of the facility. Documentation of proposed rental agreement amounts do not match budget projections 	<p>Interviews; pgs. 86-87</p> <p>Pgs. 86-87</p> <p>Pgs. 86-87</p> <p>Pg. 86 Interviews</p>

PETITIONER CAPACITY SUMMARY

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

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

PETITIONER CAPACITY SUMMARY

Strengths
The petition and responses provided by both the proposed governing board and the founding group represent a dedicated group who desire to better their community through their educational contribution in Legacies. The petition group is comprised of individuals who demonstrate a wide range of skills and experiences.

Criteria Not Sufficiently Addressed, Concerns & Additional Questions
The petition and the responses provided during the interviews demonstrated a lack of sufficient preparation and planning by the petitioning group and board to govern and operate the proposed charter school. The financial stability of the charter school is a critical part of the solvency of this organization, there appears to be a lack of understanding for fiscal realities demonstrated in the financial documents prepared by the petitioners. Errors and omissions in the development of the budgets and cash flow analysis make any conclusions regarding the financial feasibility of the proposed program unreliable. The governing board lacks a comprehensive aggressive fundraising plan to meet the “wish list of the founding petitioners needs for professional development and quality student intervention needs. The conflict of interest issues related to the actual ownership of the building and leasing terms of the facility should be resolved through further documentation of who benefits from the school occupying the premise.

SIXTEEN ELEMENTS TABLE

Statutory Reference: E.C. §§ 47605(b) (5) (A) to (P).

The Charter Schools Act requires authorizers to evaluate whether the petitioners have presented a “reasonably comprehensive” description of 16 elements related to a school’s operation (the “16 Elements.”

Element	Evaluation Reference	Inadequate	Reasonably Comprehensive	Statutory Reference
Description of the educational program of the school, including what it means to be an “educated person” in the 21 st century and how learning best occurs.	<i>Section I, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<i>Section I, G</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<i>Section I, H</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(C)
Governance structure	<i>Section II, A</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section II, D</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(J)
Manner for covering STRS, PERS, or Social Security	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(K)
Attendance alternatives for pupils residing within the district	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(L)

Employee rights of return, if any	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(M)
Dispute resolution procedure for school-authorizer issues	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(N)
Statement regarding exclusive employer status of the school	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(O)
Procedures for school closure	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(P)
Facilities to be utilized by school	<i>Section II, E</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Manner in which administrative services are to be provided	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Potential civil liability effects	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Proposed first year operational budget	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(g)
Cash flow and financial projections for 3 years	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(g)

ANALYSIS: SIXTEEN ELEMENTS

Comment on strengths and concerns about specific elements only to the extent that you have not already provided the relevant analysis in an earlier section.

Strengths
Petition contains documentation from multiple support agencies which may benefit a diverse population of students. Required assurances and commitments to legal compliance are included.AVI

Criteria Not Sufficiently Addressed, Concerns & Additional Questions

The Petition is incomplete and fails to meet the academic needs of the population group it desires to serve.

As discussed in the evaluation of the educational program, the description lacks a reasonable comprehensive description of how the program meets the needs of the target population. It also lacks an implementation plan identifying resources needed to prepare for the school start-up in fall 2013. A detailed plan for meeting the school's Special Education obligations as a school within OUSD's SELPA is underdeveloped, which is of concern given the anticipated high percentage of students with special needs. The school projects a high Hispanic population (30%-40%) pg.38 but has designed its English learner strategies around the 1996 SEP Program.

Staff finds the financial reports contain multiple errors and inconsistencies with the program description that undermine their reliability in demonstrating the viability of the proposed school. The description of facilities does not take into account the serious conflict of interest issue, which could have a significant impact on operations and finances.

ADDITIONAL CONSIDERATIONS:

On December 17, 2012 lead petitioner of Legacies of Excellence submitted documents which attempted to clarify concerns discussed during the petition interview and governing boards interview on November 20, 2012. The email inferred future funding commitments, but were instead two generic prospective donor letters on Legacies of Excellence letter head. It was unclear who the letters were intended to go out to or who the prospective donors would be.

A revised budget was submitted also within the email. It should be noted that upon comparison to the original budget submitted, the documents remained unchanged.

The unsigned lease agreement for the facility at 8024 Ruidsdale St. Oakland, CA 94621 was also submitted via email. The document is effective July 1, 2013 between Barbara Cain and Legacies of Excellence Charter School in the amount of \$15,000 per month for six months. This document indicates the total rental agreement is \$72,000. The actual cost from July to December would be \$90,000.

The inconsistencies, lack of accuracy, and lack of detail in the document submitted by the petitioners this late into the process is further evidence of the petitioning group's lack of capacity to successfully complete the petition process at this time.