

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

**Resolution No. 1112-0035**

**DENYING CHARTER PETITION OF URBAN MONTESSORI  
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 May 25, 2011, the District received a petition for a charter for Urban Montessori Oakland Charter School ("Petition"), a public charter school serving grades K-8 with a proposed enrollment of 252 students in grades K-2 in its initial year of

operation (2012-2013) growing to a full capacity of 681 K-8 students in its 7<sup>th</sup> year of operation; and

**WHEREAS**, on or about June 22, 2011, the Board held a public hearing on the 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 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), Urban Montessori Oakland Charter School presents an unsound educational program for the pupils enrolled in the charter middle 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 summarized below:

1. The petition lacked a strong commitment to supporting at risk students, including serving underserved and underperforming students, families and communities.
2. The target population is not defined by any neighborhood or particular student characteristics, but by families interested in the Montessori approach. The petition does not support the District's focus on creating a unified district with academically strong, community based schools in every neighborhood in the District.
3. The petition does not address how "standard English" may be addressed in relation to African-American students.
4. The petition does not provide sufficient information on expected English learner population and home languages to be supported.
5. The petition does not adequately address how the petitioners will reconcile the various Montessori and traditional assessments.
6. The petition does not adequately address how the petitioners will merge the Montessori approach with state standards for content and the state accountability system.
7. The petition did not adequately address the middle school program. The petition presented insufficient information on the planning and development of the middle school curriculum and its integration with the traditional Montessori school program.
8. There is insufficient research based evidence that Montessori programs produce significant and strong academic gains in middle school.
9. The petition fails to propose an innovative educational program.

**THE BOARD HEREBY FINDS** that Urban Montessori Oakland Charter School has not met the requirements of Education Code Section 47605(b) in that:

1. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition; and
2. 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 August 24, 2011, 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.

File ID Number: 11-1363  
Introduction Date: 5/25/11  
Enactment Number: \_\_\_\_\_  
Enactment Date: \_\_\_\_\_  
By: \_\_\_\_\_

\_\_\_\_\_  
Edgar Rakestraw, Jr.  
Secretary of the Governing Board  
Oakland Unified School District