

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

Resolution No. 1112-0140

**DENYING EDUCATION FOR CHANGE -- LEARNING WITHOUT LIMITS ELEMENTARY
SCHOOL -- PETITION AND PROPOSED CONVERSION CHARTER
AND WRITTEN FINDINGS OF SUPPORT THEREOF**

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, LEARNING WITHOUT LIMITS, a program of the District, submitted a petition on October 26, 2011 at a regularly scheduled Board meeting to convert the existing District program to a charter school within the Education for Change Charter Management Organization;

WHEREAS, on November 21, 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;

WHEREAS, the charter petition submitted by LEARNING WITHOUT LIMITS proposes that as a charter school, it continue to offer the same program, serving the same students, and in the same location as it does as a District school;

WHEREAS, because of significant District and community support, LEARNING WITHOUT LIMITS has been successful as a District School;

WHEREAS, as a District school, LEARNING WITHOUT LIMITS' API increased from 622 in 2007-08 to 758 in 2010-11;

WHEREAS, the significant progress in student achievement at LEARNING WITHOUT LIMITS is due to the extraordinary partnership between the District and the community, strong, dedicated teacher leadership, the school academic program and broad community support, as evidenced by the investment of more than \$20.5 Million in Oakland taxpayer bond monies for the new school building which opened four months ago in September 2011;

WHEREAS, the District's partnership with LEARNING WITHOUT LIMITS demonstrates the District's commitment 1) to a vision that maximizes the quality use of District assets in service of all children, families and communities, 2) to provide more children with quality school options and 3) to encourage more families to choose Oakland Public Schools;

WHEREAS, based upon the District School Portfolio Management analyses to determine where the District needs to operate school programs, school performance, school choice and fiscal health, LEARNING WITHOUT LIMITS ranked as one of the MOST NEEDED schools in the District;

WHEREAS, the petitioners desire to dissolve the partnership and sever the relationship with the District is a threat to the continued fiscal and academic viability of the District - as a unified school district - serving all the children of Oakland;

WHEREAS, the direct fiscal impact to the District if the LEARNING WITHOUT LIMITS charter is approved, is the loss of more than \$2.6 Million dollars in federal and state funding;

WHEREAS, the New Small Autonomous Schools Policy was the result of organizing in late 1990s by the Oakland Community Organizations (OCO) for: 1) smaller and better schools, and 2) the elimination of the inequities and disparities between hill schools and flatland schools;

WHEREAS, in 1999, the median enrollment in flatlands schools in Oakland was 815 students compared to 315 students in the more affluent hill schools; and the median school API for hill elementary schools in 1999 was 10 – the highest possible score – compared to 2.5 for elementary schools in the flatlands;¹

WHEREAS, after a group of District parents, teachers community members, and school district officials visited new small schools in New York, a coalition of the Bay Area Coalition for Equitable Schools (BayCES) and OCO partnered with the District and in May 2000, the Board of Education unanimously passed the New Small Autonomous Schools Policy;

WHEREAS, under the New Small Autonomous Schools Policy, new schools had control over curriculum, instruction and assessments consistent with California State standards, increased authority over their budgets to allocate funds based on local, school site needs and priorities, and authority to hire teachers and staff who fit the vision of the new school;

WHEREAS, based on a negotiated provision in the collective bargaining agreement with the Oakland Education Association (OEA), teacher hiring flexibility applied only in the first year of the new school and an annual waiver process was put in place whereby OEA could, at its option, agree to waive certain provisions of the collective bargaining agreement to give the school more control;

WHEREAS, in the first 3 years after adoption of the new schools initiative, the District opened 8 new small schools;

WHEREAS, in 2004, the District established the New School Development Group to serve as an internal incubator to help community-based design teams create and implement new schools;

¹ See, Oakland Unified School District New Small Schools Initiative Evaluation © 2009, by the Stanford Redesign Network at Stanford University, which included Linda Darling-Hammond's evaluation of the District's New Small Schools Initiative which resulted in the creation of LEARNING WITHOUT LIMITS.

WHEREAS, the New School Development Group was a highly effective, collaborative team whose function was to help new school design teams build knowledge, conduct research, and plan toward developing a new school that had an explicit vision and a clearly articulated theory of action that addressed the needs of and ensured equitable outcomes for all children;

WHEREAS, LEARNING WITHOUT LIMITS was incubated by the District's New School Development Group, with significant parent and community input and was opened in September 2007;

WHEREAS, in summary, between 2000 and 2009, the District incubated and opened 49 new schools², one of which was LEARNING WITHOUT LIMITS;

WHEREAS, just four months ago, in September 2011, after an investment of \$20.5 Million dollars by the District and the taxpayers of Oakland, LEARNING WITHOUT LIMITS moved into a new District built facility;

WHEREAS, the new LEARNING WITHOUT LIMITS facility consists of a new two-story, 27,400 square foot building with 9 classrooms, a cafeteria, kitchen, restrooms, administrative space, staff lounge, and elevator;

WHEREAS, as a District school, LEARNING WITHOUT LIMITS program includes:

- High expectations aligned with the California frameworks that are communicated clearly to stakeholders
- Balanced literacy
- Academic intervention
- Learning targets and authentic assessments
- Emphasis on cross-curricular connections
- Emphasis on relational element of learning
- Positive school culture and climate
- Extended learning after school and summer
- Family and community partnerships are prioritized
- The results of an Equity Centered Professional Learning Community

WHEREAS, this is the same program, serving the same students, at the same location that LEARNING WITHOUT LIMITS proposes to offer as a charter school;

WHEREAS, as a District school, LEARNING WITHOUT LIMITS has made significant gains in its API, increasing 136 API points, moving from an API of 622 to an API of 758:

	2007-2008	2008-2009	2009-2010	2010-2011
API	622	718	728	758

² By 2007-08, the District had opened 49 new small schools and closed 3; one of the small schools—Kipp Bridge, became a charter school after its fifth year because of its inability to negotiate continuing hiring flexibility with OEA.

WHEREAS, in 2011, 38.7% of LEARNING WITHOUT LIMITS students were Proficient or Advanced in English Language Arts and 59.9% were Proficient or Advanced in Math;

WHEREAS, LEARNING WITHOUT LIMITS is part of the District's network of small schools that have dramatically changed how students in the District are educated;

WHEREAS, LEARNING WITHOUT LIMITS and the network of new small schools are a core part of the Theory of Action approved by the Board of Education in December 2011, and the District's commitment to create and sustain a District of community schools that support the unique needs of each child, while creating caring school communities that link every Oakland neighborhood;

WHEREAS, because of the API growth at LEARNING WITHOUT LIMITS and many other schools in the District, for the seventh consecutive year, the District is the most improved urban school District in California;

WHEREAS, the District can not succeed at its strategic plan to create a Full Service Community School District that serves the whole child, provides each child with a caring environment that accelerates academic achievement and supports student success if after millions of dollars in investment, individual schools that have achieved because of the District's investment can separate and opt out of the District, with the consequence that the District loses its collective identity as a school system serving children in all neighborhoods in Oakland;

THE BOARD HEREBY FINDS that:

1. Between 2000 and 2009, the District incubated and opened 49 new schools, one of which was LEARNING WITHOUT LIMITS;
2. LEARNING WITHOUT LIMITS was incubated by the District's New School Development Group, with significant parent and community input, and was opened in September 2007;
3. As a District school, LEARNING WITHOUT LIMITS has made significant gains in its API, increasing 136 API points, moving from an API of 622 to an API of 758;
4. The significant progress in student achievement at LEARNING WITHOUT LIMITS is due to the extraordinary partnership between the District and the community, strong, dedicated teacher leadership, the school academic program and broad community support as evidenced by the investment of more than of \$20.5 Million in Oakland taxpayer bond monies for the new school building which opened four months ago, in September 2011;
5. LEARNING WITHOUT LIMITS Charter School proposes to operate virtually the same program as it currently offers as a successful District school;
6. The District's partnership with LEARNING WITHOUT LIMITS demonstrates the District's commitment (a) to a vision that maximizes the quality use of District assets in service of all children, families and communities, (b) to provide more children with quality school options and (c) to encourage more families to choose Oakland Public Schools.

7. Based upon the District's School Portfolio Management analyses to determine where the District needs to operate school programs, school performance, school choice and fiscal health, LEARNING WITHOUT LIMITS ranked as one of the MOST NEEDED schools in the District;

8. The petitioners desire to dissolve the partnership and sever the relationship with the District is a threat to the continued fiscal and academic viability of the District - as a unified school district - serving all the children of Oakland;

9. The direct fiscal impact to the District if the LEARNING WITHOUT LIMITS charter is approved is the lost to the District of more than \$2.6 Million dollars in federal and state funding.

NOW THEREFORE BE IT RESOLVED THAT the Board of Education is therefore compelled to deny the Petition. The Petition is hereby denied.

PASSED AND ADOPTED on January 11, 2012, by the Governing Board of the Oakland Unified School District by the following vote:


AYES: Gary Yee, Christopher Dobbins, Alice Spearman, President Jody London

NOES: Noel Gallo, Vice President Jumoke Hodge

ABSTENTIONS: None

ABSENCES: David Kakishiba

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
Oakland Unified School District

File ID Number: 11-2951
Introduction Date: 10-26-11
Enactment Number: 12-0009
Enactment Date: 1-11-12
By:

Table 1: New Small Schools in OUSD*

School	Year Opened	Grades Served	Incubation
ACORN Woodland Elementary	2000-01	K-5	None
Melrose Leadership Academy	2001-02	6-8	BayCES
International Community School (ICS)	2001-02	K-5	BayCES
Life Academy	2001-02	9-12	BayCES
Urban Promise Academy	2001-02	6-8	BayCES
ASCEND	2001-02	K-8	BayCES
KIPP:Bridge	2002-03 (Charter in 2007-08)	5-8	National Model
MetWest High School	2002-03	9-12	National Model
School of Social Justice and Community Empowerment	2002-03 (Closed in 2004)	9-12	BayCES
Think College Now (TCN)	2003-04	K-5	BayCES
Mandela High School	2003-04	9-12	BayCES
Robeson School of Visual and Performing Arts	2003-04	9-12	BayCES
College Prep and Architecture Academy	2003-04	9-12	BayCES
Youth Empowerment School (YES)	2003-04	9-12	BayCES
Media and College Prep	2003-04	9-12	BayCES
East Oakland School of the Arts	2004-05	9-12	BayCES
Leadership Prep	2004-05	9-12	BayCES
Castlemont Business and Information Technology (CBIT)	2004-05	9-12	BayCES
EnCompass Academy	2004-05	K-5	BayCES
East Oakland Community High School	2004-05 (Closed in 2007)	9-12	BayCES
Explore College Prep Middle School	2004-05	6-8	OUSD (after opening)
Manzanita SEED	2005-06	K-5	OUSD
RISE Community School	2005-06	K-5	OUSD
Sankofa Academy	2005-06	K-8 (changed to K-5 in 2007-08)	OUSD

*Source: OUSD New School Development Group internal document

Table continues on next page

Table 1: New Small Schools in OUSD (cont'd)

School	Year Opened	Grades Served	Incubation
Reach Academy	2005-06	K-5	OUSD
Kizmet Academy	2005-06 (Closed in 2007)	6-8	OUSD
EXCEL High School	2005-06	9-12	BayCES
BEST High School	2005-06 (phasing out)	9-12	BayCES
Esperanza Elementary School	2006-07	K-5	OUSD
Fred T. Korematsu Discovery Academy (KDA)	2006-07	K-5	OUSD
New Highland Academy	2006-07	K-5	OUSD
Bridges at Melrose	2006-07	K-5	OUSD
Manzanita Community School	2006-07	K-5	OUSD
PLACE @ Prescott	2006-07	K-5	OUSD
Elmhurst Community Prep	2006-07	6-8	OUSD
Alliance Academy	2006-07	6-8	OUSD
Coliseum College Prep Academy	2006-07	6-12	OUSD
Roots International Academy	2006-07	6-8	OUSD
Peralta Creek Middle School	2006-07 (phasing out)	6-8	OUSD
United for Success Academy	2006-07	6-8	OUSD
Futures Elementary	2007-08	K-5	OUSD
Community United Elementary	2007-08	K-5	OUSD (after opening)
Learning Without Limits	2007-08	K-5	OUSD
Global Family School	2007-08	K-5	OUSD
East Oakland PRIDE Elementary	2007-08	K-5	OUSD
Greenleaf Elementary	2007-08	K-5	OUSD
West Oakland Middle School	2007-08	6-8	OUSD
Oakland International High School	2007-08	9-12	National Model
Maxwell Park International Academy	2008-09	K-5	OUSD



TONY SMITH, PH.D. Superintendent

TO: Board of Education

FROM: Anthony Smith, Ph.D., Superintendent

DATE: January 11, 2012

RE: Learning Without Limits Charter School
Charter Petition Request

Legislative File

File ID No.: 11-2951

Introduction Date: 10/26/2011

Enactment No.: 12-0009

Enactment Date: 1-11-12

By: AS

ACTION REQUESTED

Deny the petition and charter to establish Learning Without Limits Charter School. Because of significant District and community support, Learning Without Limits has been successful as a District School. As a District school, Learning Without Limits' API increased from 622 in 2007-08 to 758 in 2010-11. The dramatic progress in student achievement at Learning Without Limits is due to the extraordinary partnership between the District and the community, strong, dedicated teacher leadership, the school academic program and broad community support, as evidenced by the investment of \$20.5 Million in Oakland citizens' approved bond monies for the new school building which opened in September 2011.

The petitioners desire to dissolve the partnership and sever the relationship with the District is a threat to the continued fiscal and academic viability of the District -- as a unified school district serving all the children of Oakland. The District's partnership with Learning Without Limits demonstrates the District's commitment 1) to a vision that maximizes the quality use of District assets in service of all children, families and communities, 2) to provide more children with quality school options and 3) to encourage more families to choose Oakland Public Schools. In addition, based upon the School Portfolio Management analyses to determine where the District needs to operate school programs, school performance, school choice and fiscal health, Learning Without Limits ranked as one of the MOST NEEDED schools in the District.

The Charter School Office Staff, applying the criteria in the California Charter Schools Act, did not take into consideration the factors outlined above, and recommended that as Superintendent, I recommend to the Board of Education approval of the petition for Learning Without Limits Charter School. For the reasons stated above, and because Learning Without Limits has operated as a successful school in the District and its charter proposes that it continue the same program, serving the same students, I do not support granting the charter petition of Learning Without Limits and have requested that the General Counsel prepare a resolution, for approval by the Board of Education, denying the charter petition. I continue to appreciate and value the work and high standards set by the Staff of the Charter School Office. To ensure a complete record, I am making available to the Board, the evaluation of the Charter School Office Staff.

Oakland Unified School District Charter School Office

Charter Petition Evaluation

Learning Without Limits Charter School

PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted a petition for the Learning Without Limits Charter School on October 26, 2011 at a regularly scheduled Board of Education meeting. The petition proposes to convert the existing district program, Learning Without Limits, to a charter school within the charter management organization (CMO), Education for Change (EFC).
- 2) Staff held an introductory meeting with the lead petitioners, Hae-Sin Kim Thomas and Leo Fuchs on November 2, 2011 to explain the petition review process and obtain petitioning group contact information.
- 3) Staff conducted two petitioner interviews on December 6, 2011 and December 2, 2011, with participants from two groups, respectively: the founding group/design team (including the principal, teachers and representatives of the CMO) and with the governing board and management of the CMO. In addition, because the petition is for conversion of an existing district school, staff conducted a 2-hour site visit on November 17, 2011.
- 4) A public hearing was held on November 21, 2011. Representatives from the lead petitioning group, including parents of prospective students, presented.

STATUTORY BACKGROUND

Pursuant to Education Code §47605:

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

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

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*
- (3) The petition does not contain the number of signatures required.*

- (4) *The petition does not contain an affirmation of each of the conditions described in Education Code §47605(d).*
- (5) *The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.*

DISCUSSION

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 attempt to clarify various aspects of the petition, as well as to evaluate the capacity of the petitioners to successfully implement the program as set forth in the petition. One interview was with founding group/design team from the school; another was with members of the Education for Change governing board and management staff. Staff also visited Learning Without Limits to observe the program in operation.

Learning Without Limits Charter School proposes to open in fall 2012 as a direct-funded charter school, operating at its current location at 2035 40th Avenue in Region 2. The school proposes to serve approximately 375 students in grades K-5 in its first year (2012-13).

Learning Without Limits Charter School proposes to operate substantially the same program as currently offered at Learning Without Limits as a district school. As described in the petition, the features of the program include:

- High expectations aligned with the California frameworks that are communicated clearly to stakeholders
- Balanced literacy
- Academic intervention
- Learning targets and authentic assessments
- Emphasis on cross-curricular connections
- Emphasis on relational element of learning
- Positive school culture and climate
- Extended learning after school and summer
- Family and community partnerships are prioritized
- The results of an Equity Centered Professional Learning Community

The school’s API has increased over time:

	2007-2008	2008-2009	2009-2010	2010-2011
API	622	718	728	758

The staff report and charter petition evaluation contained herein review the educational program, proposed school operations, as well as an articulation of strengths and foreseeable challenges, pursuant to the petition review process.

RECOMMENDATION

Staff recommends that the Superintendent recommend to the Board of Education **approval of the** petition for Learning Without Limits Charter School under the California Charter Schools Act. The factual findings illustrated in this report demonstrate that the petition satisfies the five legally required categories of *Education Code § 47605*:

- (1) The charter school presents a sound educational program for the pupils to be enrolled in the charter school;*
- (2) The petitioners are demonstrably likely to successfully implement the program set forth in petition*
- (3) The petition contains the number of signatures required;*
- (4) The petition contains an affirmation of each of the conditions described in Education Code §47605(d);*
- (5) The petition contains reasonably comprehensive descriptions of the 16 required charter elements.*

This recommendation is for the charter program and operation in its entirety as proposed and revised herein to include all terms and conditions set forth in this report. Any subsequent material revision of the provisions of this charter may be made only with the approval of the District as charter authorizer (*Education Code §47607(a) (1)*). Any material revision to any charter component must be proposed and considered according to the standards and criteria in Education Code §47605 (*Education Code §47607(a) (2)*).

The term of this charter will be from July 1, 2012 through June 30, 2017, the maximum period allowed under the California Charter Schools Act (*Education Code §47607(a)(1)*). The District will not accept a charter renewal request more than 270 days prior to the expiration of the charter.

A charter may be revoked by the authority that granted the charter if the authority finds that the charter school committed a material violation of any of the conditions, standards, or procedures set forth in its charter (*Education Code §47607(c)(1)*). The Board of Education's approval of this charter, if granted, shall incorporate the conditions on opening and associated deadlines as a condition of the charter.

The District retains the authority to delay opening for a period of up to one year, if any of the conditions on opening are not satisfactorily met by the associated deadlines. Not meeting any one of the conditions on opening and associated deadlines set forth in this approval may be grounds for revocation as set forth in the California Charter Schools Act (*Education Code §47607(c)(1)*).

Pursuant to OUSD Governing Board Policy, BP 0420.4, if the school does not open on or before September 30, 2012, it will be considered a demonstration of petitioners' lack of capacity to implement the program set forth in the petition and the District will initiate charter revocation procedures.

Oakland Unified School District Charter School Office Charter Petition Evaluation

School Name: Learning Without Limits Charter School	Submission Date: October 26, 2011
	Public Hearing Date: November 21, 2011
Lead Petitioners: Hae-Sin Kim Thomas and Leo Fuchs	Orientation Date: November 2, 2011
School Leader: Leo Fuchs	School Observation Date: November 17, 2011
Design Team/Petitioning Group (attending): Manuel Herrera, Marina Willis, Morgan Alconcher, Leo Fuchs, Hae-Sin Thomas, Jessica Evans	Petitioner Interview Date: December 6, 2011
Governing Board/CMO Management (attending): Mark Patel, Brian Rogers, Antonio Cediel, Nick Driver, Jessica Lindl, Fabiola Harvey, Hae-Sin Thomas, Rich McNeel	Governing Board Interview Date: December 2, 2011
	Decision Date: January 11, 2012

Recommendation of the Charter School Office to the Superintendent:

Approval of the Learning Without Limits Charter School charter petition to reflect the terms and conditions set forth in this report, to begin operation July 1, 2012, and to expire June 30, 2017. Staff recommends approval of a full five-year term of operation. If conditions set forth here-in are not met as of August 1, 2012, and/or the petitioner and the Board of Education of the Oakland Unified School District mutually agree that success of the program would benefit from a delayed opening, the charter term will reflect the actual operation of the school to allow for a full five-year term of operation.

Petitioner Proposed location of school	Current district facility occupied by the Learning Without Limits program, 2035 40 th Street, Oakland, CA 94601 (Pg. 129)
Composition of petitioner group	Founding team includes individuals with experience in education in general and with this program, in particular: current principal and majority of the staff of Learning Without Limits; the CEO of the CMO has experience with new school start-up within OUSD; the CMO has experience with charter school management, non-profit management, teacher education, and facilities. Some of the members are parents of former, current and prospective students at the school.
Grade levels to be served in year 1	K-5
Anticipated enrollment in year 1	375
Grade levels to be served at full-capacity	K-5

Anticipated enrollment at full capacity	375
Target student population	<p>“LWL ... sits on the Jefferson campus located in the Southeastern quadrant of the Fruitvale district, the most racially, culturally and ethnically diverse area in Oakland. As of the 2000 Census, 49 percent of Fruitvale residents were from Mexico, Nicaragua, Guatemala, El Salvador and other Latin American countries. 19 percent were from Vietnam, Laos, the Philippines and other Asian nations, 20 percent were African-American and 8 percent were Caucasian. We currently serve and intend to continue serving the student population residing in the Jefferson Elementary attendance boundary, and all of the students presently served by LWL will be invited to enroll into the charter school. 92.7 percent of our current student population qualifies for free and reduced lunch, 59.8 percent are English Language Learners, and 7.1 percent are qualified for Special Education services.... Approximately 59 percent of students speak a language other than English at home, with Spanish being the most common home language of our students and families. Roughly 7 percent of our students represent various Asian communities including China, Vietnam, Cambodia, Laos, and the Philippines. Less than 1 percent of students are Pacific Islanders (Tongan). We intend to support students in acquiring English quickly as we honor their home languages and cultures.” (Pg. 18)</p>

Brief description of the kind of school to be chartered.

“As a charter conversion, Learning Without Limits will continue to provide the Fruitvale community a quality educational option, building upon the demonstrated success of their current program to ensure all Learning Without Limits students exit their doors prepared for the path to college.” (Pg. 9)

Brief explanation of the mission of proposed charter school.

“The mission of Learning Without Limits is to provide rigorous, culturally relevant and empowering education grounded in caring, leadership, achievement, and perseverance. The school is founded on the belief that caring relationships allow students to lower their affective filter, facilitating learning. When students feel valued and understood they are able to bring their full selves to the classroom. In this context, students grow into leaders who are problem solvers, who set good examples, and who know how to communicate effectively with different audiences. Learning Without Limits students are resilient, persevering through challenges because they are self-directed, self-motivated learners who can drive and advocate for their own learning.” (Pg. 9)

Planning to work with a charter management organization (CMO)

Yes No If Yes, Name of CMO: Education for Change (operator of 3 charter schools: Cox, World and Achieve Academies)

Signature Verification:

EC 47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within any school district may be circulated by any one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after either of the following conditions are met:
(A) The petition has been signed by a number of parents or guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.

(B) The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

(2) In the case of a petition for the establishment of a charter school through the conversion of an existing public school, that would not be eligible for a loan pursuant to subdivision (b) of Section 41365, the petition may be circulated by any one or more persons seeking to establish the converted charter school. The petition may be submitted to the governing board of the school district for review after the petition has been signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(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 <input type="checkbox"/> Prominent statement			N/A
<input checked="" type="checkbox"/> Teachers: Conversion Charter <input type="checkbox"/> # aligned with 50% of permanent status teachers <input type="checkbox"/> Prominent statement	X		Pgs. 2-7

According to information provided by the district's Human Resources Department, Learning Without Limits currently employs 14 full-time, permanent classroom teachers, 9 of whom signed the petition. (Learning Without Limits also employs 2 other permanent teachers, including 1 part-time EEIP teachers and 1 instructional facilitator. Both of these permanent teachers also signed the petition.)

Oakland Unified School District Charter School Office

Charter Petition Evaluation

Criteria Reference

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

STATEMENT OF ASSURANCES

ASSURANCES	Y	N	PG #
1. Will not charge tuition, fees, or other mandatory payments for attendance at the charter school or for participation in programs that are required for students.	X		7
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		7
3. Will be non-secular in its curriculum, programs, admissions, policies, governance, employment practices, and all other operations.	X		7
4. Will be open to all students, on a space available basis, and shall not discriminate on the basis of characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).	X		7
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		7
6. Will offer at least the minimum amount of instructional time at each grade level as required by law.	X		8
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		108, 128-129
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		7
9. Will adhere to all applicable provisions of federal law relating to students who are English language learners, including Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; MGL c. 76, § 5; and MGL c. 89, 71 § (f) and (l).	X		58
10. Will comply with all other applicable federal and state laws and regulations.	X		8
11. Will submit an annual report (SARC) and annual independent audits to the OUSD Office of Charter Schools by all required deadlines.	X		103

12. Will submit required enrollment data to the OUSD Office of Charter Schools by the required deadlines.	X	8, 104
13. Will operate in compliance with generally accepted government accounting principles.	X	105
14. Will maintain separate accountings of all funds received and disbursed by the school.	X	105-106
15. Will participate in the California State Teachers' Retirement System as applicable.	X	122
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	129-130
17. Will at all times maintain all necessary and appropriate insurance coverage.	X	8, 105, 129
18. 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	App. E, F and G
19. 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	App. B

EVALUATION:

The Learning Without Limits Charter School petition contains all legally mandated assurances.

I. EDUCATIONAL PROGRAM

Statutory References:

E.C. § 47605(b) (1)

E.C. § 47605(b) (5) (A)-(C)

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

Petition Section/s
Pgs. 17-22

A. TARGET POPULATION

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

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

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

TARGET POPULATION

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

ANALYSIS: TARGET POPULATION

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<ul style="list-style-type: none"> • Description of diverse student population is thorough; based on school's experience; includes analysis of assessment results over time and needs associated with poverty, crime and home languages other than English. 	Pgs. 18-23		

B. PHILOSOPHY AND APPROACH TO INSTRUCTION

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

Petition Section/s
Pgs. 22-52

- 1. Rationale:** *Is the rationale compelling?*
 - A compelling rationale with a clear foundation in research-based educational practices, teaching methods and/or high standards for student learning;
- 2. Mission Alignment:** *Do the philosophy and approach align with the mission and vision?*
 - Alignment with mission and vision; and
- 3. Population Alignment:** *Does sound reasoning or evidence indicate that the target population is likely to benefit?*
 - Persuasive explanation of why the philosophy and approach are appropriate for and likely to result in improved educational performance for the target population, including any available performance data from use of the same educational philosophy and approach to instruction with similar populations.

1. Rationale: *Is the rationale compelling?*

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

ANALYSIS: EDUCATIONAL PHILOSOPHY AND APPROACH TO INSTRUCTION

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Rationale</p> <ul style="list-style-type: none"> ● Petition discusses need to develop skills of African-American and Latino children to address societal inequity. ● Appendix A-2 is an extensive discussion of theoretical basis for school design. <p>Mission Alignment</p> <ul style="list-style-type: none"> ● Theoretical framework explains alignment of mission with program. ● Six key practices and four key structures designed to advance mission and meet student needs. <p>Population Alignment</p> <ul style="list-style-type: none"> ● Petition includes evidence of student achievement supporting the program's likely continued benefit to the target population. 	<p>Pg. 24, App. A-2</p> <p>App. A-2</p> <p>Pgs. 24-27</p> <p>Pgs. 20-23</p>	<p>Rationale</p>	

C. CURRICULUM FRAMEWORK X *Mark this box on behalf of the curriculum that has already been selected/developed:*

Petition Section/s
Pgs. 26-56, Apps. A-1 thru A-14

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

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"> Evidence of Learning Without Limits experience with improving student achievement supports alignment to student needs. <p>Implementation</p> <ul style="list-style-type: none"> Extensive appendices document the implementation of the program. (Because this is a petition to convert an existing district school to a charter, implementation of the educational program is not phased.) <p>Evaluation</p> <ul style="list-style-type: none"> The petition describes the way in which Learning Without Limits and EFC propose to learn from each other, with similar approaches to the use of data to drive program improvement. A compelling case is made that the two organizations will be able to share evaluation methods and knowledge gained to the benefit of Learning Without Limits and EFC students. 	<p>Pgs. 24-27</p> <p>Apps. A-3 thru A-11</p> <p>Pgs. 76-79</p>		

D. SPECIAL POPULATIONS: SPECIAL EDUCATION

Petition Section/s
Pgs. 61-67

Federal law requires charter schools, like all public schools, to provide a free appropriate education in the least restrictive environment to students identified with disabilities who are enrolled at the school. A plan for serving students with disabilities excels if it has the following characteristics:

- Demonstrated understanding of state and federal special education requirements including the fundamental obligation to provide a free, appropriate education to students identified with disabilities and obligations held under Section 504 of the ADA;
- A clear statement regarding what petitioners expect will be the school’s anticipated LEA status for purposes of special education and the implications of that status determination;
- A sound plan -- including lead contact, funding, service and intervention arrangements -- for identifying and meeting the needs of students identified with disabilities;
- Alignment of the special education plan with the core educational program; and
- Evidence of high expectations for students with special needs.

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

ANALYSIS: SPECIAL EDUCATION

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<ul style="list-style-type: none"> • Learning Without Limits proposes to become an LEA within the El Dorado County Office of Education charter SELPA. Because one of EFC’s schools is already part of that SELPA, additional applications of EFC schools, including Learning Without Limits, are likely to be accepted. EFC’s experience as an LEA gives support to the petition’s commitments to serve students with disabilities. 	Pgs. 61-65; App. A-12	<ul style="list-style-type: none"> • Ability to effectively serve students with more severe disabilities as an LEA within the EDCOE SELPA not clear. 	Pgs. 64-65

E. SPECIAL POPULATIONS: ENGLISH LANGUAGE LEARNERS

Petition Section/s
Pgs. 58-61

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; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<ul style="list-style-type: none"> • Demonstrates understanding of compliance requirements. 	Pgs. 58-61		
<ul style="list-style-type: none"> • Thorough description of the program, which includes explicit ELD instruction; sheltered instruction; content frontloading and support from an after-school program with UC Berkeley students. 	Pgs. 60-61		
<ul style="list-style-type: none"> • Reclassification criteria clear and documented. 	App. A-14		

F. PUPIL OUTCOMES

Petition Section/s
Pgs. 67-76

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 timebound;
- 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"/>	<input type="checkbox"/>	X

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

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

ANALYSIS: PUPIL OUTCOMES

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns</i> & <i>Additional Questions</i>	Reference
<p>Alignment</p> <ul style="list-style-type: none">• Concise statement of outcomes, including artistic, technological and health literacy; reflects the school’s mission to develop academic knowledge and personal qualities.• Includes “big goals” in context of all EFC schools. <p>Measurement</p> <ul style="list-style-type: none">• Multiple instruments for all students and those with special needs; includes matched student cohort gains.• Measures are included for all outcomes, including social/emotional learning. <p>Performance Level</p> <ul style="list-style-type: none">• Performance targets include reasonable growth from baseline; consistent with school’s past experience.	<p>Pgs. 67-68</p> <p>Pgs. 70-75</p> <p>Pgs. 70-75</p>	<p>Alignment</p>	

G. PUPIL PROGRESS

Petition Section/s
Pgs. 76-81, App. A-10

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

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

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

EDUCATIONAL PROGRAM SUMMARY

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

EDUCATIONAL PROGRAM SUMMARY

Strengths

The petition is thorough and detailed in describing the comprehensive educational program in operation at Learning Without Limits. It is designed to meet the needs of a diverse population and has demonstrated success in raising student achievement. The program design is appropriate for a wide range of students, including those with special needs, performing below grade level or learning English. The assessment plan is varied and uses appropriate measures tied to clearly-identified student outcomes. Extensive appendices provide supplemental information as evidence of implementation of the program, with a process for continuing improvement.

Concerns and Additional Questions

The conversion of the school to a charter within an existing CMO raises questions about the ability of the petitioners to sustain and improve on their current model, given the change in management and funding. In the case of Learning Without Limits, various support programs will need to transfer from OUSD management to LWL/EFC, including ASES funding. However, the petition content and interviews with the petitioners provide evidence that careful consideration has been given to these issues. The petitioners acknowledge that the extent to which the Learning Without Limits program and/or EFC may change through this conversion cannot be determined with certainty at this time.

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

Petition Section/s
Pgs. 82-94

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

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

ANALYSIS: GOVERNANCE CAPACITY

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
<p>Legal Structure</p> <ul style="list-style-type: none"> • EFC has committed to enhance family involvement in governance with a well-considered plan for formation of a Family Leadership Council that will include members from all EFC schools. • A Staff Leadership Council will provide important perspectives from teachers and others. <p>Experience and Expertise</p> <ul style="list-style-type: none"> • Existing EFC governing board and management includes members with experience in a range of fields, including extensive education background. <p>Operating Plan</p>	<p>Pgs. 87-88</p> <p>Pg. 86</p> <p>App. B</p>		

<ul style="list-style-type: none"> • Petition commits organization to Brown Act compliance. • Petition commits to compliance with Fair Political Practices Commission standards. • Job descriptions and responsibilities are clear and reasonable. EFC has a specific plan for expanding its capacity to meet the needs of the organization when enlarged by the addition of Learning Without Limits. 	<p>Pg. 86</p> <p>Pg. 93</p> <p>App. B</p>		
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B. MANAGEMENT CAPACITY

Petition Section/s
Pgs. 94-110

A leadership plan excels if it has the following characteristics:

- 1. Enrollment Procedures:** *Does the petition present reasonable enrollment procedures that comply with applicable law?*
 - A description of the means by which the school will seek to attain a racial and ethnic balance among its pupils that is reflective of the district including specific plans and strategies for student recruitment;
 - A clear and compelling student recruitment plan likely to attract projected enrollment, particularly in Year 1;
 - A specific plan for conducting a public random drawing or an assurance that such a drawing will be conducted subject to district approval in the event that the number of pupils who wish to attend the school exceed the capacity;
 - An assurance that the school will not impose admission requirements OR, if the school proposes to have requirements, a precise description of those requirements, a compelling statement regarding why they are essential to fulfillment of the school's mission, and a specific plan for the school will incorporate the requirements into any random drawings.
 - A clear description of the enrollment process to include any unique intake or application evaluation process to be used by the school designed to meet the needs of the target population outlined in the petition.
- 2. Operating Procedures:** *Does the petition present sound operating procedures that comply with applicable law?*
 - The procedures that the school will follow to ensure the health and safety of pupils and staff;
 - A clearly articulated discipline policy with suspension and expulsion procedures that are fully explained consistent with the school's mission, educational philosophy and applicable law;
 - A statement regarding attendance alternatives for students residing in the district who choose not to attend the school;
 - A statement that the school intends to use the district's approved procedure for resolving disputes relating to provisions of the charter OR, in the alternative, a clear description of the procedures that the school proposes to use;
 - A description of the systems likely to be effective in addressing parent and community complaints; and
 - An assurance that the school will comply with the district's approved procedures for school closure in the event that the charter is relinquished, revoked or not renewed.
- 3. Management Structure:** *How effective is the management structure likely to be?*
 - Clearly defined management roles and responsibilities for all positions within the administration of the school;
 - A clear plan for recruitment, selection, development and evaluation of staff including the school leader;

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

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

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

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

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

ANALYSIS: MANAGEMENT CAPACITY

If Meets or Excels; Strengths	Reference	If Approaches or Inadequate; Concerns & Additional Questions	Reference
Enrollment Procedures <ul style="list-style-type: none"> • Admission preference and lottery procedures conform to requirements for PCSGP grant holders. Operating Procedures <ul style="list-style-type: none"> • Appropriate health and safety components included. Comprehensive safety plan included in appendix. • Discipline plan and suspension and expulsion procedures are fully developed; consistent with 	Pg. 103 Pgs. 99-101 Pgs. 109-122	Enrollment Procedures <ul style="list-style-type: none"> • Clarification needed on relative preferences for siblings and attendance area, given inconsistency of state law and PCSGP grant conditions. 	Pg. 103 (incl. footnote)

<p>Education Code.</p> <ul style="list-style-type: none"> ● Attendance alternatives statement is included. ● Reasonable dispute resolution and parent/community complaint procedures are included. ● School closure procedures are compliant with charter law. <p>Management Structure</p> <ul style="list-style-type: none"> ● School site positions and qualifications described in text and appendix. ● Members of petitioning team have prior experience with Learning Without Limits; and with successful school start-up providing evidence of the petitioner's capacity. 	<p>Pgs. 123-124</p> <p>Pgs. 124-126</p> <p>Pgs. 127-128</p> <p>Pgs. 94-96; Apps. B and C</p>		
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C. EMPLOYMENT CAPACITY

Petition Section/s
Pgs.94-99, Apps. B and C

An employment plan excels if it has the following characteristics:

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

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

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

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

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

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

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<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>Qualifications and Responsibilities</p> <ul style="list-style-type: none"> • Qualifications of key employees are described, as well as recruitment and hiring process. <p>Compensation Plan</p> <ul style="list-style-type: none"> • Budget narrative reflects reasonable compensation assumptions, based on discussions with current staff. Appendices include compensation and benefits table. <p>Policies and Assurances</p> <ul style="list-style-type: none"> • Petition includes description of employee evaluation process. • Employee handbook reflects reasonable and appropriate personnel policies. • Assurances as to staff credential requirements are included. • State Teachers' Retirement System and Public Employees' Retirement System participation is specified. • Employee return rights correctly described, per OUSD contracts. • Exclusive public school employer statement included. • Criminal background and other required health and safety checks are described. 	<p>Pgs. 94-98; Apps. B and C</p> <p>Pg. 123; App. F; Interviews</p> <p>Pg. 99</p> <p>App. C</p> <p>Pg. 96</p> <p>Pg. 123</p> <p>Pg. 124</p> <p>Pg. 126</p> <p>Pg. 100</p>		

D. FINANCIAL CAPACITY

Petition Section/s
Pgs. 103-107, Apps. E-G

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS: FINANCIAL CAPACITY

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Financial Operation</p> <ul style="list-style-type: none"> 3-year budget includes conservative assumptions, given current state funding uncertainty. Appropriate reserve included. Revenue reflects reasonable assumptions of enrollment and attendance. Cash flow challenges to be addressed with EFC reserves. Further cash contingency plans in development. <p>Revenues</p> <ul style="list-style-type: none"> Budget narrative explains revenue assumptions. Revenue assumptions of funding rates for state, federal and local sources are conservative. <p>Expenditures</p> <ul style="list-style-type: none"> Assumptions and budget consistent with class sizes. Spending based on substantial experience of members of petitioning group, including Learning Without Limits principal. Budget projections of expense cover all major operating expense categories. Teacher salary assumptions cover reasonable range consistent with current staff expectations. 	<p>Pgs. 104-105; Apps. E-G; Interviews</p> <p>App. F; Interviews</p> <p>App. F; Interviews</p>		

E. FACILITIES PLAN

Petition Section/s
Pgs. 129-130

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

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

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

Select One

- Non-district facility anticipated**

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

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

X 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 district Prop. 39 facilities fee;
- 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"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

ANALYSIS: FACILITIES PLAN

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Petitioners' stated intent to remain in their current district facility.</p> <p>Assurance of legal compliance are included.</p>	<p>Pg. 129</p> <p>Pg. 129</p>	<p>No contingency plan is included.</p>	<p>Pgs. 129-130</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
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

PETITIONER CAPACITY SUMMARY

Strengths

The content of the petition and its appendices reflect the development of Learning Without Limits’s and Education for Change’s systems and protocols over time. They also provide evidence of the capacity of Education for Change to expand the reach of its current governance and management systems to include the Learning Without Limits school. The appendices, responses provided during the petitioner interviews, the school start-up and operating experience of both Learning Without Limits staff and EFC, demonstrate capacity within the petitioning group and CMO that is likely to successfully implement the program as set forth in the petition.

Criteria Not Sufficiently Addressed, Concerns & Additional Questions

The petitioners and CMO acknowledge that the addition of Learning Without Limits to EFC will require development of explicit agreements respecting the relative authority of school site principals and EFC management. EFC is also adding more parent participation to its governing board, through a new Family Leadership Council that will draw representatives from parent councils at each school site within the CMO. While there are plans to build parent capacity for governance as this new structure is implemented, it is as yet untested. It will also be necessary for Learning Without Limits and Education for Change to transfer existing grants and contracts from District management to EFC, including ASES funding. Shifting these arrangements and relationships adds to the transition workload, which LWL and EFC acknowledge.

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>	<input type="checkbox"/>	X	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>	<input type="checkbox"/>	X	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	Section II, E	<input type="checkbox"/>	X	E.C. § 47605(g)
Manner in which administrative services are to be provided	Section II, B	<input type="checkbox"/>	X	E.C. § 47605(g)
Potential civil liability effects	Section II, B	<input type="checkbox"/>	X	E.C. § 47605(g)
Proposed first year operational budget	Section II, D	<input type="checkbox"/>	X	E.C. § 47605(g)
Cash flow and financial projections for 3 years	Section II, D	<input type="checkbox"/>	X	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	Reference
Petition as submitted, with appendices, contains reasonably comprehensive descriptions of all required elements set forth in charter law.	

Criteria Not Sufficiently Addressed, Concerns & Additional Questions	Reference
Further detail required to ensure effective opening and operation of the proposed school program are set forth in the Conditions on Opening, which are established as terms and conditions of the charter that are material in nature.	

ATTACHMENT 2 – CHARTER TEXT REVISIONS

Oakland Unified School District
Office of Charter Schools
CHARTER TEXT REVISIONS – Learning Without Limits

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 to include all revisions outlined below in one hard copy and one electronic copy in *WORD* format on a CD or via email of no later than **5pm on June 1, 2012**.

Charter Text	Text Reference	Recommended Revision
<u>Page Numbering</u>	Page – First Section of Petition	<p><u>Add the following text:</u></p> <p>Numbers at the bottom right hand corner of the first section of the petition that is missing page numbers.</p>
<u>Governance</u>	Page 93	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>“Learning Without Limits as governed by EFC will comply with the District policy related to charter schools to the extent it aligns with and does not exceed the law applicable to charter schools, as it may be changed from time to time as long as the charter school has been given written notice of the policy change.”</i></p>
<u>Student Admissions Policies and Procedures</u>	Page 102	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>Learning Without Limits will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition nor discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).</i></p> <p><i>As part of the Fall Information Update, Learning Without Limits will notify the District in writing of the application deadline and proposed lottery date. Learning Without Limits 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</i></p>

		<i>charter.”</i>
<u>Public Records</u>	Page 128/129	<u>Add the following text and remove any text to the contrary:</u> <i>“Learning Without Limits 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 Learning Without Limits to provide certain information in certain formats in certain ways to the general public and specifically to parents of students at Learning Without Limits and of the District. Learning Without Limits 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 Learning Without Limits does not have that Learning Without Limits needs in order to meet its obligations, the District shall provide the same to Learning Without Limits in a reasonably timely manner upon request.”</i>
<u>Reporting and Accountability</u>	Page 79	<u>Add the following text and remove any text to the contrary:</u> <i>“If Learning Without Limits does not test (i.e., STAR) with the District, Learning Without Limits 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.</i> <i>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.”</i>
<u>External Reporting</u>	Page 79	<u>Add the following text and remove any text to the contrary:</u> <i>“Learning Without Limits 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.”</i>
<u>Governance Structure of the School</u>	Pages 80	<u>Add the following text and remove any text to the contrary:</u> <i>“Learning Without Limits, in accordance with Pursuant to Education Code Section 47604.3, the school shall promptly respond to all reasonable inquiries, including, but not limited</i>

		<p>to, inquiries regarding its financial records, from the District Office of Education, District Board of Education, and the State Superintendent of Public Instruction. and shall consult with the District regarding any such inquiries. Learning Without Limits acknowledges that it is subject to audit by OUSD if OUSD seeks an audit of Learning Without Limits, 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 Learning Without Limits by law or charter provisions."</p>
<p><u>Governance Structure</u></p>	<p>Page 93</p>	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"Members of Learning Without Limits Education for Change'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.</i></p> <p><i>Learning Without Limits and/or its non-profit corporation will be solely responsible for the its debts and obligations of the charter school."</i></p>
<p><u>Addressing Parent Complaints</u></p>	<p>Page 125</p>	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>Learning Without Limits has established will establish complaint procedures that address both complaints alleging discrimination or violations of law and complaints regarding other areas. Learning Without Limits LWL and Education for Change will not, at any time, refer complaints to the District. If the District receives any complaints about LWL, the District will refer any complaints or reports to the Board or administrative staff of Education for Change for resolution. OUSD staff will instruct any LWL stakeholder who attempts to lodge a complaint with OUSD to stop their explanation of the situation and inform them that all complaints must be directed directly to EFC or LWL personnel. OUSD agrees not to intervene or become involved in any internal dispute unless the Board of EFC has requested OUSD to intervene in the dispute.</i></p> <p><i>The complaint procedures will include the clear information with respect to the response timeline of the school, whether</i></p>

		<p><i>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 are clearly articulated in the school's student and family handbook or and distributed widely.</i></p> <p><i>Learning Without Limits Education for Change 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 Learning Without Limits Education for Change alleging its noncompliance with these laws or alleging any actions which would be prohibited by these laws. Learning Without Limits LWL will notify all its students and employees of the name, office address, and telephone number of the designated employee or employees.</i></p> <p><i>Learning Without Limits Education for Change 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.</i></p> <p><i>Learning Without Limits 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."</i></p>
<p><u>Health and Safety Procedures</u></p>	<p>Page 129</p>	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"Learning Without Limits LWL shall occupy facilities that comply with the Asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR 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."</i></p>

<p><u>Dispute Resolutions Procedures</u></p>	<p>Page 125</p>	<p><u>Add the following text and remove any text to the contrary.</u></p> <p><i>"The staff and EFC Board members Governing Board members of Learning Without Limits LWL agree to attempt to resolve all disputes between the District and Learning Without Limits LWL 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.</i></p> <p><i>Any controversy or claim arising out of or relating to the charter agreement between the District and Learning Without Limits LWL, 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.</i></p> <p><i>(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. 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:</i></p> <p><i>To Charter School, c/o School Director: Learning Without Limits</i></p> <p><i>To Coordinator, Office of Charter Schools: Office of Charter Schools Oakland Unified School District 1025 Second Avenue, Room 206 Oakland, California 94606</i></p> <p>Tilden Education Complex 4551 Steele Street, Room 11 Oakland, California 94619</p>
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		<p>(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 that 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.</p> <p>(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...</p> <p>(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</p>
<p><u>Suspension and Expulsion</u></p>	<p>Page 7</p>	<p><u>Add the following text and remove any text to the contrary:</u></p> <p>"Learning Without Limits shall notify, within 30 days, the superintendent of the school district of any pupil who is expelled or leaves Learning Without Limits LWL without graduating or completing the school year for any reason. The school district notified shall be determined by the pupil's last known address. Learning Without Limits LWL shall, upon</p>

		<p>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 {Ref. California–Education Code Section 47605(d)(3).}”</p>
<p><u>Suspension and Expulsion: Due Process for Students with Disabilities</u></p>	<p>Pages 62</p>	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>“In the case of a special education student, or a student who receives 504 accommodations, Learning Without Limits 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.”</i></p>
<p><u>Independent Fiscal Audits</u></p>	<p>Page 128</p>	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>“To the extent that Learning Without Limits is a recipient of federal funds, including federal Title I, Part A funds, Learning Without Limits 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. Learning Without Limits 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:</i></p> <ul style="list-style-type: none"> • <i>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</i>

		<p><i>child has been assigned, or taught for four or more consecutive weeks by, a teacher who is not highly qualified.</i></p> <ul style="list-style-type: none"> • <i>Develop jointly with, and distribute to, parents of participating children, a school-parent compact.</i> • <i>Hold an annual Title I meeting for parents of participating Title I students.</i> • <i>Develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy.</i> <p><i>Learning Without Limits 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."</i></p>
<p><u>Facilities</u></p>	<p>Page 130</p>	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"If Learning Without Limits LWL 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 Office of Charter Schools and/or the local planning department or equivalent agency. If Learning Without Limits LWL moves or expands to another facility during the term of this charter, Learning Without Limits Education for Change 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. Learning Without Limits LWL 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 Office of Charter Schools 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."</i></p>
<p><u>District Fee for Oversight</u></p>	<p>Page 129</p>	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"The District may charge for the actual costs of supervisory oversight of Learning Without Limits not to exceed 1% of the</i></p>

		<p><i>charter school's revenue, or the District may charge for the actual costs of supervisory oversight of the Charter School not to exceed 3% if Learning Without Limits is able to obtain substantially rent free facilities from the District. Notwithstanding the foregoing, the District may charge the maximum supervisory oversight fee allowed under the law as it may change from time to time."</i></p>
<u>Miscellaneous Charter-Related Issues</u>	Page 83	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"Learning Without Limits 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..."</i></p>
<u>Miscellaneous Charter-Related Issues</u>	Page 83	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"The District may revoke the charter of Learning Without Limits 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.</i></p>
<u>Impact on Charter Authorizer</u>	Page 104	<p><u>Add the following text and remove any text to the contrary:</u></p> <p>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;</p> <ul style="list-style-type: none"> ○ September 1 – Final Unaudited Financial Report for Prior Year ○ December 1 – Final Audited Financial Report for Prior Year ○ December 1 – First Interim Financial Report for Current Year ○ March 1 – Second Interim Financial Report for Current Year ○ June 15 – Preliminary Budget for Subsequent Year
<u>Impact on Charter Authorizer</u>	Page 129	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"Learning Without Limits agrees to observe and abide by the following terms and conditions as a requirement for receiving and maintaining their charter authorization:</i></p> <ul style="list-style-type: none"> ● <i>Learning Without Limits is subject to District oversight.</i>

- *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 Learning Without Limits.*
- *The District is authorized to revoke this charter for, among other reasons, the failure of Learning Without Limits 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 Learning Without Limits 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.*

Learning Without Limits shall cooperate fully with such audits and to make available any and all records necessary for the performance of the audit upon 30 days' notice to Learning Without Limits. 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 Learning Without Limits operations is received by the District, the Learning Without Limits shall be expected to cooperate with any investigation undertaken by the Office of Charter Schools, at District cost. This obligation for the

		<i>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 Learning Without Limits by law or charter provisions."</i>
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ATTACHMENT 3 – CONDITIONS ON OPENING

The majority of these items are intended to be “one time” submissions for new schools. Only those items marked with an asterisk (*) are intended to be updated annually. **Please pay careful attention to the due date for all conditions on opening.** All items listed are to either be emailed on or before the due date to guadalupe.navarro@ousd.k12.ca.us or hand-delivered to OUSD Office of Charter Schools at Tilden School, 4551 Steele Street, Room 11. *Hand-delivered items must receive a receipt from the Office of Charter Schools to ensure verification of timely submission.*

Charter Revision		
September 30, 2011	<input type="checkbox"/>	Submit to the District’s Office of Charter Schools one hard copy and one electronic copy in <i>MS Word</i> format of a Track Changes version of the revised charter, as well as a Final Text version of the revised petition to include all revisions outlined in the charter approval.
Enrollment Policies and Application for Admission		
July 31, 2012	<input type="checkbox"/>	Submit Board-approved Enrollment Policy and an Application for Admission, including enrollment preferences or weights.
July 31, 2012	<input type="checkbox"/>	Submit list of enrolled students—including name, DOB, prior school, home language, Oakland residency or not, and CSIS number (list to be updated September 15, 2011 and annually) using Excel template provided by the Office of Charter Schools.*
Complaint Procedures		
July 31, 2012	<input type="checkbox"/>	Submit Board-approved Uniform Complaint Process, posting location(s), and method of notifying parents of this annually.
Student Learning Time		
July 31, 2012	<input type="checkbox"/>	Submit certification of instructional hours to be provided in 2012-2013.* Carefully read <i>Education Code §46201(a)(3)</i> . [instructional minutes requirement]
	<input type="checkbox"/>	Submit adopted 12-month school calendar distinguishing dates with standard or reduced instructional time, and noting vacation days.*
Code of Conduct, Student Handbook, and Recommended Policies		
July 31, 2012	<input type="checkbox"/>	Submit Student and Family Handbook.* (Prepare student/family handbook and registration materials—to include the enrollment schedule, school calendar, all policies and procedures pertaining to health and safety, homework, attendance, discipline, suspension and expulsions, parent complaint procedures--in all languages as distributed.)
	<input type="checkbox"/>	Submit Governing Board-approved Code of Conduct. (Prepare the school’s Code of Conduct so that it is consistent with the program and school characteristics outlined in your charter petition, as well as with applicable <i>California Education Code</i> .)
	<input type="checkbox"/>	Submit implementation plan for the Family Leadership Council, including plans for parent capacity building and timeline for formation of councils and election of parent representatives.

Insurance Policies		
July 31, 2012	<input type="checkbox"/>	Submit evidence of commercial general liability insurance for not less than \$1,000,000 per incident; to include the District as additionally insured.
	<input type="checkbox"/>	Submit evidence of fidelity bond coverage for not less than \$50,000 per occurrence and workers' compensation insurance.
Financial Organization		
July 31, 2012	<input type="checkbox"/>	Submit copy of the school's "Annual Information Survey" to the CDE (plus annual filings to be provided to CDE by June 1 and any updates in future years).*
School Facility and Building Safety		
June 26, 2012	<input type="checkbox"/>	Submit a copy of an executed lease or deed for a facility, or suitable comparable document, noting occupancy on or before June 26, 2012.
	<input type="checkbox"/>	Submit written assurance that the facility selected for the school is programmatically accessible to physically handicapped individuals.
	<input type="checkbox"/>	Make available for inspection a current Certificate of Occupancy.
	<input type="checkbox"/>	Make available for inspection a current Fire Inspection Certificate.
	<input type="checkbox"/>	Make available for inspection a current Building Safety Inspection Certificate.
	<input type="checkbox"/>	Make available for inspection a current Health Inspection.
July 31, 2012	<input type="checkbox"/>	Make available for inspection a current Asbestos Inspection Report and Management Plan.
	<input type="checkbox"/>	Submit Blood Borne Pathogens Exposure Control Plan.
	<input type="checkbox"/>	Submit Facilities Safety and Evacuation Plan.
	<input type="checkbox"/>	Submit Board-approved Emergency Preparedness Handbook.
	<input type="checkbox"/>	Submit Board-approved Drug, Alcohol, and Smoke Free Environment Policies and Procedures.
Special Education Program Plan		
July 31, 2012	<input type="checkbox"/>	Submit executed documentation on provision of special education services (SELPA membership, MOU, service contracts, etc.).
	<input type="checkbox"/>	Submit adopted 504 plan, policy, and procedures.
	<input type="checkbox"/>	Submit Special Education Identification and Assessment Plan.
Budget and Cash Flow		
July 31, 2012	<input type="checkbox"/>	Submit 2 paper copies, in addition to an electronic version of an updated and revised cash flow statement and 3-year projections. Include revised facility expenses.
School Health Plan and Medications Administration Plan		
July 31, 2012	<input type="checkbox"/>	Submit School Health Plan (to comply with immunization audit, hearing and vision screening requirements) and Medications Administration Plan.
Instructional Staff		
July 31, 2012	<input type="checkbox"/>	Submit a list of teachers hired--including name, DOB, assignments, subject matter certification and credential evidence, qualification to teach ELL students, evidence of current clear tuberculosis test, date of fingerprinting, date of background review.*
	<input type="checkbox"/>	Submit employee handbook, including policies and procedures that ensure the health and safety of students and staff.
July 31, 2012	<input type="checkbox"/>	Submit list of teachers requiring Beginning Teacher Support and Assessment and support plan.
	<input type="checkbox"/>	Submit Board-approved personnel policies.

Programming Plans		
July 31, 2012	<input type="checkbox"/>	Submit English Learner Plan--adopted policies and procedures that pertain to use of a home language survey and mandatory CELDT testing.
	<input type="checkbox"/>	Submit a list of which courses the school considers non-core, non-college preparatory courses.
Evaluation of School Leader, School Administrators, and Teachers		
July 31, 2012	<input type="checkbox"/>	Submit performance evaluation criteria and evaluation plan templates for school site leader/administrator and teachers.
	<input type="checkbox"/>	Submit policy or other documentation describing the decision-making authority of the governing board, CMO management and school principal.