



TO: Board of Education

FROM: Gary Yee, Ed.D., Superintendent
Silke Bradford, Ed.D., Director-Quality Diverse Providers

DATE: October 18, 2013

RE: East Bay Innovation Academy
Charter Petition Request

Legislative File

File ID No.: 13-1959

Introduction Date: 8/14/13

Enactment No.: 13-2187

Enactment Date: 10/23/13

By: **ACTION REQUESTED**

Approve the petition and charter to establish East Bay Innovation Academy as an OUSD authorized charter school that serves grades 6th -12th. The petition presents a sound educational program; the petitioners are demonstrably likely to successfully implement the program set forth in the petition; the petition contains the required signatures and affirmations; and the petition contains reasonably comprehensive descriptions of all of the 16 elements required by the California Charter Schools Act.

SUMMARY

Staff recommends that the OUSD Board of Education approve the petition for East Bay Innovation Academy to serve students in grades 6th -12th, to begin operation as an OUSD authorized charter school on July 1, 2014. Staff recommends approval based on the following:

- 1) The proposed school program provides an innovative blended learning option to both middle and high school students in Oakland USD that does not currently exist within the district
- 2) The petitioners, program advisors, and proposed governing board members are comprised of highly engaged Oakland parents and educational experts from various sectors
- 3) Due diligence conducted to ensure that the establishment of the charter is consistent with sound educational practices

PROCEDURAL BACKGROUND

- 1) The lead petitioner submitted a petition for the East Bay Innovation Academy on August 14, 2013 at a regularly scheduled Board of Education meeting.
- 2) A public hearing was held on September 11, 2013. Representatives from the lead petitioning group, including parents of prospective students, presented.
- 3) Staff conducted Petitioner Interviews on September 20, 2013.

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 leadership 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.

Following the petition review process, staff conducted Petitioner 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.

East Bay Innovation Academy proposes to open in Fall 2014 in either West Oakland (Proposition 39) or Downtown/Uptown Oakland (purchase/lease). The school will serve approximately 240 students in grades 6th -7th in its first year (2014-2015), with plans to growing to a full capacity of 770 students grads 6th -12th in its eighth year of operation.

The staff report and charter petition evaluation contained herein describes 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 Oakland Unified School District's Board of Education **approve** the petition for East Bay Innovation Academy 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 approval 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 provision 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, 2014 through June 30, 2019, 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 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, 2014, 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.

ATTACHMENT 1 – CHARTER PETITION EVALUATION

Oakland Unified School District
Charter Petition Evaluation

School Name: East Bay Innovation Academy	Submission Date: August 14, 2013
	Public Hearing Date: September 11, 2013
Petitioner Team (including Founding Families): Rochelle Benning, Amber Banks, Elana Feinberg and Emi Johnson	Petitioner Interview Date: September 20, 2013
Proposed Governing Board: Rochelle Benning, Laurie Jacobson Jones, Kim Smith, Peter Banks, and Amber Laub	Governing Board Interview Date: September 20, 2013
	Decision Date: October 23, 2013

Recommendation:

Approval of the East Bay Innovation Academy charter petition, as revised, to reflect the terms and conditions set forth in this report, to begin operation July 1, 2014, and to expire June 30, 2019. Staff recommends approval of a full five-year term of operation. If conditions set forth here-in are not met as of August 1, 2014, 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.

Proposed location of school	West Oakland/Uptown/other areas (Proposition 39) and Downtown/Uptown Oakland (purchase/lease) (p.212 and Petitioner Interviews)
Composition of petitioner group	Parents of Oakland USD students, education professionals, and teachers meaningfully interested in working at the school
Grade levels to be served in year 1	6 th and 7 th (p. 48)
Anticipated enrollment in year 1	240 (p. 48)
Grade levels to be served at full-capacity	6 th -12 th (p. 31)
Anticipated enrollment at full capacity	770 (p. 48)
Target student population	The target population for EBIA will be reflective of the diverse population of the City of Oakland. EBIA intends to serve a diverse student body that includes families with a range of socio-economic, racial, linguistic, and cultural backgrounds. (p. 43)

Brief description of the kind of school to be chartered.

“EBIA intends to deliver a personalized learning experience that provides all students the opportunity to achieve their academic goals regardless of their previous preparation and background. Our students are expected to become articulate advocates, building and defending digital portfolios of their work, and to grow into leaders who collaborate, manage change and take ownership. In short, we are a rigorous, Science, Technology, Engineering, and Math (STEM)-based school, with a unique focus on the social and emotional skills needed to be leaders. We aim to equip students with the skills and knowledge that enables them to navigate and confront the challenges of both today and tomorrow.” (p. 31)

Brief explanation of the mission of proposed charter school.

“To prepare a diverse group of students to be successful in college and to be thoughtful, engaged citizens who are leaders and innovators in a 21st century global world.” (p. 31)

Planning to work with a charter management organization (CMO)

Yes ___ No X If Yes, Name of CMO:

Signature Verification:

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

	Y	N	PG #
<input type="checkbox"/> Parents / Guardians	X		Tab 1.2
<input type="checkbox"/> # aligned with proposed opening enrollment		X	
<input type="checkbox"/> Prominent statement	X		
<input type="checkbox"/> Teachers	X		Tab 1.3
<input type="checkbox"/> # aligned with proposed opening enrollment	X		
<input type="checkbox"/> Prominent statement	X		

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		p. 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		p. 7
3. Will be non-secular in its curriculum, programs, admissions, policies, governance, employment practices, and all other operations.	X		p. 7
4. Will be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement.	X		p. 6
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		p. 7
6. Will offer at least the minimum amount of instructional time at each grade level as required by law.	X		p. 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		p. 11
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		p. 11
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 (I).	X		p. 11
10. Will comply with all other applicable federal and state laws and regulations.	X		p. 7
11. Will submit an annual report and annual independent audits to the OUSD Office of Charter Schools by all required deadlines.	X		p. 11
12. Will submit required enrollment data each March to the OUSD Office of Charter Schools by the required deadline.	X		p. 11
13. Will operate in compliance with generally accepted government accounting principles.	X		p. 11
14. Will maintain separate accountings of all funds received and disbursed by the school.	X		p. 11

15. Will participate in the California State Teachers' Retirement System as applicable.	X	p. 202
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	p. 11
17. Will at all times maintain all necessary and appropriate insurance coverage.	X	p. 11
18. Will submit to the OUSD Office of Charter Schools the names, mailing addresses, and employment and educational histories of proposed new members of the Governing Board prior to their service.	X	p. 11
19. Will, in the event the Governing Board intends to procure substantially all educational services for the charter school through a contract with another person or entity, provide for approval of such contract by the Board of Education in advance of the beginning of the contract period.	X	p. 12
20. Will provide financial statements that include a proposed first-year operational budget with start-up costs and anticipated revenues and expenditures necessary to operate the school, including special education; and cash-flow and financial projections for the first three years of operation.	X	p. 12
21. Will provide to the Office of Charter Schools a school code of conduct, Governing Board bylaws, an enrollment policy, and an approved certificate of building occupancy for each facility in use by the school, according to the schedule set by the Office of Charter Schools but in any event prior to the opening of the school.	X	p. 12

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
p. 42-52 , 212

A. TARGET POPULATION

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

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

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

TARGET POPULATION

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

ANALYSIS: TARGET POPULATION

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
EBIA aims to recruit a diverse student population; petition cites scholarly research describing the benefits of racially heterogeneous schools and the current statistics related to OUSD schools' homogeneity	p. 43-46	Petition does not specifically name the student groups/educational needs of the "...diverse student body that includes families with a range of socio-economic, racial, linguistic, and cultural backgrounds."	p. 43
Petition provides a comprehensive overview of Oakland school data and demographics making the case that there are currently no 6 th -12 th high performing schools in Oakland with a heterogeneous population and a project based, blended learning, innovation/STEM focus.	p. 46	The needs of ELs, students of color, and low income students are not differentiated in the petition that simply lists an all-encompassing set of supports for these "targeted students."	p. 47
Petition cites research supporting elements of EBIA school model that	p. 47	The petition names Uptown and West Oakland as potential locations for the school, but does not examine or report on the specific community demographics/needs of these areas	p. 212

aids achievement/persistence of struggling student groups through adult mentorship, early identification for intervention support, project based learning, A-G graduation requirements and social emotional learning			
--	--	--	--

B. PHILOSOPHY AND APPROACH TO INSTRUCTION

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

Petition
p. 52-86

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

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"> -The proposed school model builds upon the strengths of proven models at High Tech High, Uncommon Schools, Summit Public Schools, the Denver School of Science and Technology, and the Expeditionary Learning Schools - Petition states that they will employ the “5 C’s of 21st century learning: Critical thinking, Communication, Collaboration, Creativity, and Competency.” - The petition places an emphasis on inquiry-driven, interdisciplinary, collaborative projects based around the Common Core State Standards - Implementation of the Six Innovator Norms (character traits) to develop students’ social-emotional skills and character strengths with SEL integrated into core content curriculum maps -Value of the growth mindset philosophy of Carol Dweck of Stanford University -EBIA Advisory Program fulfills the aim of linking every student to a mentor adult - Gradual release model utilizing independent, small group and whole group learning will be used to create personalized learning experiences - Programming classes are required as coding is the “new literacy” <p>Mission Alignment</p> <ul style="list-style-type: none"> - In alignment with the aim to grow 21st century learners/leaders, the petition states that design thinking will be a major component to the model where “...students must be able to identify a problem, create a solution to that problem, evaluate and take feedback on their problem, and then improve upon their 	<p>p. 41</p> <p>p. 53</p> <p>p. 59</p> <p>p. 63 and p. 86</p> <p>p. 60</p> <p>p. 61</p> <p>p.67</p> <p>p. 74</p> <p>p. 54</p>	<p>Population Alignment</p> <ul style="list-style-type: none"> - No specific instructional or curricular strategies named to ensure that diversity is a part of “the scholar experience” beyond faculty hiring, student recruitment - No specific programs/strategies named regarding “...curriculum maps that will have goals and strategies to support ELs and will be aligned to ELD standards.” - Struggling students’ academic supports are named as being offered during intersessions, but with no clear explanation as to how students will receive these supports during the general session/school year 	<p>p. 62</p> <p>p. 65</p> <p>p. 82</p>

<p>solution.”</p> <ul style="list-style-type: none"> - 1:1 laptop ratio will allow students to access their differentiated “play lists”/learning activities 	<p>p. 72</p>		
<p>Population Alignment</p> <ul style="list-style-type: none"> - “EBIA intends to deliver a personalized learning experience that provides all students the opportunity to achieve their academic goals regardless of their previous preparation and background.” 	<p>p. 41</p>		
<ul style="list-style-type: none"> - EBIA intends to “...bring families back into the public school system by offering a unique, dynamic, and challenging public school option for Oakland families.” 	<p>p. 48</p>		
<ul style="list-style-type: none"> - “Maker Time” is included in student schedule to allow them the freedom to explore concepts of their own choosing; thus increasing engagement 	<p>p. 72</p>		

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

Petition
p. 37-155
Tab 1.13

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?*
 - 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?*
 - An implementation plan showing persuasively the resources, daily schedule, annual calendar and professional development that support effective implementation; and
 - 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?*
 - 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"/>	X	<input type="checkbox"/>

ANALYSIS: CURRICULUM FRAMEWORK

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Alignment</p> <ul style="list-style-type: none"> - Use of nine high leverage “Teach Like a Champion” techniques to increase rigor and accountability - Use of “Understanding by Design” framework to differentiate learning experiences - A-G aligned graduation requirements and course sequence - Curriculum Resources by Subject and Grade <p>Implementation</p> <ul style="list-style-type: none"> - Longer school day/longer school year and block scheduling to effectively accommodate the project based and service learning components of the model - Extensive professional development plan to support teachers in implementing all aspects of the proposed program - Curriculum developers will be hired prior to school opening to help design high level plans for all subject areas, as well as detailed plans for the middle school curriculum <p>Evaluation</p> <ul style="list-style-type: none"> - Personalized Learning Plans for each student at the site - Cycles of inquiry and re-teach after mandatory benchmarks and teacher collaboration time allotted to do so - Use of RTI Model/SST Structure 	<p>p. 90</p> <p>p. 87</p> <p>p. 94</p> <p>p. 101-104</p> <p>p. 81</p> <p>p. 76, 153, & Tab 1.13</p> <p>p. 104</p> <p>p. 155</p> <p>p. 111</p> <p>p. 112-116</p>	<p>Alignment</p> <ul style="list-style-type: none"> - Humanities block in master schedule does not match the discrete and unrelated descriptions of ELA and social studies in a students’ schedule <p>Implementation</p> <ul style="list-style-type: none"> - No explicit time devoted to ELD or standardized ELD curriculum; the proposed instruction will take place during the course of the day dependent upon teachers’ ability to differentiate instruction to this group of students <p>Evaluation</p> <ul style="list-style-type: none"> - The no “D” policy will have a negative impact on high school diploma acquisition for struggling students 	<p>p. 98-99</p> <p>p. 37</p> <p>p. 106</p>

D. SPECIAL POPULATIONS: SPECIAL EDUCATION

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"> - Assurances of compliance with legal obligations included. - Comprehensive SPED program/plan (staffing, IEP/504 implementation, identification/testing, transportation, nursing, etc.) presented in the petition under the guidance of founding team member and former Director of El Dorado County SELPA (Emi Johnson) - PD Plan for teachers covering SPED Topics 	<p>p. 124</p> <p>p. 16</p> <p>p. 129</p>		

E. SPECIAL POPULATIONS: ENGLISH LANGUAGE LEARNERS

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

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

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	X	<input type="checkbox"/>	<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"> - Petition provides overview of reclassification criteria and communication to parents - Petition outlines instructional strategies for ELs and professional development for teachers 	<p>p. 122 & 124</p> <p>p. 123</p>	<ul style="list-style-type: none"> - No explicit time devoted to ELD or standardized ELD curriculum with proposed instruction being differentiation within the classroom and reading/vocabulary support - This approach relies upon teachers' ability to differentiate instruction to this group of students and be properly developed as it pertains to ELD standards/approaches that differ from general literacy acquisition. - English fluency levels and differing needs are not discussed - No assessments named to track growth against ELD standards beyond the annual/required CELDT test 	<p>p. 119-120</p> <p>p. 123</p>

F. PUPIL OUTCOMES

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

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

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

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

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

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

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

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

ANALYSIS: PUPIL OUTCOMES

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Alignment</p> <ul style="list-style-type: none"> - Pupil outcomes are aligned with California Common Core Standards, State Priorities, and Education Code and are consistent with mission of the school - Outcomes aligned with state priorities <p>Measurement</p> <ul style="list-style-type: none"> - Multiple measures across all core content areas and respective grade levels include STAR/CCCS, grades, benchmarks, SEL rubric ratings, reading assessments, NWEA. EAP, SAT, and ACT - Performance goals linked to parent satisfaction, student surveys, AP exam passage rates, CAHSEE passage rates, board management, fiscal management goals and parent volunteerism <p>Performance Level</p> <ul style="list-style-type: none"> - Performance growth goals and “proficiency” goals related to test passage (i.e. AP exams and CAHSEE) are between 70-90% on all assessments - Extensive data analysis sessions and professional development plan 	<p>p. 133-146</p> <p>p. 136-142</p> <p>p. 133-146</p> <p>p. 134-135</p> <p>p. 142-146</p> <p>p. 152-154</p>	<p>Measurement</p> <ul style="list-style-type: none"> - Sub group performance is generically referred to with no specific outcomes named/associated with each subgroup other than for ELs in state priority section - “Less than 10%” in regard to suspensions needs to be more clearly defined - CCSS (Common Core State Standards) referred to in the MPO sections related to assessment is understood to be synonymous with SBAC (new state standardized test) by which performance of the charter will be measured against 	<p>p. 139</p> <p>Interview</p>

G. PUPIL PROGRESS

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

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

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

1. **Assessments:** *Does the school have valid and reliable measures of student progress?*
 - Identification of the expected range of formative and summative assessments including but not limited to state-mandated assessments;
 - Evidence that assessments will be valid and reliable measures of student progress toward achieving the identified Pupil Outcomes.
2. **Instruction Improvement:** *Does the school have a sound plan for using assessments to inform instruction?*
 - A coherent strategy for using student assessment and performance data to evaluate and inform instruction on an ongoing basis.
3. **Reporting:** *Is the school committed to reporting and disseminating performance information?*
 - A plan for sharing performance information, including standardized test results, with students, families and public agencies, as required.
 - A clear description of the manner in which stakeholders will act upon and make use of the performance information provided.

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

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

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

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

ANALYSIS: PUPIL PROGRESS

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Assessments</p> <ul style="list-style-type: none"> - List of external and internal formative and summative assessments by grade level <p>Instructional Improvement</p> <ul style="list-style-type: none"> - An explicit data assessment cycle and data analysis sessions are proposed with adequate release time for implementation - Professional development schedule related to data analysis <p>Reporting</p> <ul style="list-style-type: none"> - Reporting of student performance data will be made possible through a parent portal in Illuminate - Petitions states that EBIA will likely use the Naviance data base system to capture all college application and acceptance data - Board will review academic performance twice per year 	<p>p. 148-150</p> <p>p. 152-153</p> <p>p. 154</p> <p>p. 156</p> <p>p. 155</p> <p>p. 155</p>	<p>Reporting</p> <ul style="list-style-type: none"> - Though computers for parent access to Illuminate will be made available at the school site, there was no mention of paper based methods or parent/teacher conferences related to communicating student progress (only Personal Learning Plan meetings with advisor) 	<p>p. 156</p>

EDUCATIONAL PROGRAM SUMMARY

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

EDUCATIONAL PROGRAM SUMMARY

Strengths

The petition as submitted provides evidence of a comprehensive, coherently described, and aligned educational program that is sound and likely to meaningfully benefit the target population, as well as providing an innovative option to Oakland families; particularly to those who would otherwise pursue private schooling options. The assessment system is comprehensive and includes structured use of data for improving individual student performance and informing program improvement. The model has high expectations embedded (i.e. A-G diploma and ambitious performance goal metrics) with scaffolded supports through the Personalized Learning Plans to assist students/families in meeting these goals. The technology elements of the modeling including: 1:1 laptops, blended learning across all subject areas, coding as the new literacy, design/engineering courses and “maker time” (free play), are all innovative approaches to educating 21st century learners/leaders.

Concerns and Additional Questions

The petition does not specifically name the student groups/educational needs of the “...diverse student body that includes families with a range of socio-economic, racial, linguistic, and cultural backgrounds.” The petition names Uptown and West Oakland as potential locations for the school, but does not examine or report on the specific community demographics/needs of these areas. There is no explicit time in a student schedule devoted to ELD, and no standardized ELD curriculum or ELD standards aligned assessment has been proposed. In addition, the spectrum of English fluency levels and differing needs/supports is not named in the petition. Further development is needed around the structure of the Humanities block. The no “D” policy needs to be continuously reviewed, and couched in an extensive student support and progress monitoring/communication system to students/families, as it has the potential to negatively impact the high school diploma acquisition rates of struggling students.

II. PETITIONER CAPACITY

Statutory References:

- E.C. § 47605(b)(2)
- E.C. § 47605(b)(5)(D)-(P)
- E.C. § 47605(c)(2)
- E.C. § 47605(g)

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

A. GOVERNANCE CAPACITY

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

Petition p. 157-165 Tabs 4.1-4.4

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

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

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

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

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

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

ANALYSIS: GOVERNANCE CAPACITY

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Legal Structure</p> <ul style="list-style-type: none"> - Non-profit Status - Articles of Incorporation and Bylaws provided - Board members will have annual training regarding Brown Act <p>Charter School Governance Experience and Expertise</p> <ul style="list-style-type: none"> - Proposed board members include individuals from various public and private sectors; audit and compliance expertise is present - Advisory board is comprised of education experts that will provide support to both the board and school administration <p>Operating Plan</p> <ul style="list-style-type: none"> - Permanent Board shall include at least one (1) parent/guardian of a currently enrolled student as well as community members - Employees shall not serve on the Board as Board members - District may appoint a representative to sit on the Board of Directors - Parent Advisory Council provides input to Board 	<p>p. 157 Tab 4.1&4.2</p> <p>p. 160</p> <p>Tab 4.4</p> <p>p. 160</p> <p>p. 158</p> <p>p. 158</p> <p>p. 158</p> <p>p. 165</p>		

B. MANAGEMENT CAPACITY

A leadership plan excels if it has the following characteristics:

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

- Clear, sensible delineation of roles and responsibilities for implementing the school program including clearly defined roles for parent councils, advisory committees and other supporting groups;
- Management job descriptions identifying key roles, responsibilities and accountability;
- An allocation of time, financial resources and personnel that is sufficient for planning and start-up prior to the school's opening; and
- The manner in which administrative services are to be provided and any potential civil liability effects on the school or the district.

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

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

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; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Enrollment Procedures</p> <ul style="list-style-type: none"> - EBIA has an extensive recruitment plan outlined in the petition, as well as stating during interviews that 2/3rds of the Year 1 family founding spots are still available to be filled by diverse families that they are targeting to achieve the aim of the student population reflecting the city of Oakland's racial diversity - No admissions requirements included - Residents of the District participating in the random public drawing will be given a 2:1 weighting factor, or as otherwise agreed upon with the authorizer <p>Operating Procedures</p> <ul style="list-style-type: none"> - Safety plan/procedures included - Dispute resolution and parent/community complaint procedures are as required by the District - School closure procedures are compliant with charter law <p>Management Structure</p> <ul style="list-style-type: none"> - EBIA Organizational chart provided - The provision of administrative services is described and potential civil liability effects on the school or the district are stated - Internal fiscal control policies and procedures clearly outlined 	<p>Tab 1.7 Interviews</p> <p>p. 177</p> <p>p. 172-173</p> <p>p. 205 & Tab 14.1-2</p> <p>p. 208</p> <p>Tab 4.5</p> <p>p. 215</p> <p>p. 181</p>	<p>Enrollment Procedures</p> <ul style="list-style-type: none"> - Enrollment preference for children of faculty or employees conforms to requirements for PCSGP grant holders. However, limit of employee preference to 10% of enrollment should apply even outside PCSGP grant period, as provided in text revisions. 	<p>p. 178</p>

C. EMPLOYMENT CAPACITY

An employment plan excels if it has the following characteristics:

1. **Qualifications and Responsibilities:** *How clear and sensible are required staff capacities and intended allocation of responsibilities?*
 - o 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?*
 - o 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?*
 - o Adequate personnel policies or a sound plan articulated for timely development;
 - o An assurance that staff will meet applicable state and federal requirements for credentialing and "highly qualified" status;
 - o 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;
 - o A statement regarding employee rights of return, if any;
 - o 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
 - o 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; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<p>Qualifications and Responsibilities</p> <ul style="list-style-type: none"> - Qualifications of certificated and classified employees is provided - Teacher selection process is based on a competency rubric and consists of a paper screen, interviews, performance tasks, and a review of curriculum and lesson plan materials - Personalized Educator Plan developed between school leader and teachers as goal setting and teacher evaluation against a professional development rubric - Team Member (Staff) Handbook <p>Compensation Plan</p> <ul style="list-style-type: none"> - Description of salary bands that offer a skill based step ladder established by performance on professional development rubric <p>Policies and Assurances</p> <ul style="list-style-type: none"> - Assurances as to staff credential requirements are included - State Teachers' Retirement System and Public Employees' Retirement System participation is specified - Exclusive public school employer statement included - Criminal background and other required health and safety checks are described 	<p>p. 166-170 Tab 5.3</p> <p>p. 166</p> <p>Tab 1.13</p> <p>Tab 5.3</p> <p>Tab 1.13</p> <p>p. 202</p> <p>p. 207</p> <p>p. 171</p>		

D. FINANCIAL CAPACITY

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

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

1. **Financial Operation:** *How would you rate the structures and practices related to financial operation?*
 - A balanced three-year budget accurately reflecting all budget assumptions;
 - A start-up year plan with reasonable assessment of and plan for costs;
 - A clear indication that the school has a sound plan for sustainability including funding for the core program that does not have ongoing reliance on "soft" money (e.g., donations, grants, 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"/>

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

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

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<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
<ul style="list-style-type: none"> - Petitioner is in negotiations for facilities in Uptown/Downtown Oakland - Petitioners have applied for Proposition 39 facilities - Assurance of legal compliance (health and safety, ADA, and applicable building codes) is included - Facilities costs (Prop 39 and lease option) are included in the submitted budget 	<p>Interview</p> <p>p. 211 & Prop 39 Application Request</p> <p>p. 172-173</p> <p>p. 211</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 petition and responses provided during the petitioner interviews and the due diligence conducted by staff, demonstrate capacity within the petitioning group that is likely to successfully implement the program as set forth in the petition.

Criteria Not Sufficiently Addressed, Concerns & Additional Questions
None

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.” To complete the following table,

1. Read the Element (column 1)
2. Use column 2 to find your earlier assessment of the item
3. Translate your assessment into a rating of “Inadequate” or “Reasonably Comprehensive” and mark the corresponding box.

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., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<i>Section II.D.</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<i>Section II.E.</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(C)
Governance structure	<i>Section III.A.</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section III.C.1.</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section III.B.2., bullet 1</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section III.B.1., bullet 1</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section III.B.1., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section III.D.1., bullet 7</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section III.B.2., bullet 2</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(J)
Manner for covering STRS, PERS, or Social Security	<i>Section III.C.3., bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(K)
Attendance alternatives for pupils residing within the district	<i>Section III.B.2., Bullet 3</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(L)
Employee rights of return, if any	<i>Section III.C.3., bullet 4</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(M)
Dispute resolution procedure for school-authorizer issues	<i>Section III.B.2., Bullet 4</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(N)
Statement regarding exclusive employer status of the school	<i>Section III.C.3., bullet 5</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(O)
Procedures for school closure	<i>Section III.B.2., Bullet 5</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(P)

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

**Oakland Unified School District
Office of Charter Schools**

CHARTER TEXT REVISIONS – EBIA CHARTER SCHOOL

APPENDIX I - 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 **5:00 pm on December 2, 2013.**

Charter Text	Text Reference	Revision
<u>Measurable Pupil Outcome</u>	Page (133)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>“In accordance with SB 1290, EBIA pupil outcomes related to annual academic achievement goals will be set and disaggregated by all major subgroups identified in Education Code section 52052; including race/ethnicity, socio-economic status (SES), English Learner status, and Special Education designations, in the state priorities that apply for the grade levels served or the nature of the program operated, as well as the specific annual actions to achieve those goals, any additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those additional goals.</i></p> <p><i>EBIA’s pupil outcomes, disaggregated by major subgroups in compliance with Education Code section 47607(b)(5)(A)(ii), are as follows:”</i></p> <p><i>[Charter School to insert pupil outcomes in compliance with Education Code section 47607(b)(5)(A)(ii)].</i></p>
<u>Measurable Pupil Outcome</u>	Page (133)	<p><i>“In accordance with SB 1290, EBIA pupil outcomes will be set related to increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of section 47607. The pupil outcomes shall align with state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.</i></p> <p><i>EBIA’s pupil outcomes, related to increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of section 47607, shall be aligned with state priorities, as described in subdivision (d) of Section 52060, are as follows:”</i></p> <p><i>[Charter School to insert pupil outcomes in compliance with Education Code section 47607(b)(5)(B)].</i></p>
<u>Measurable Pupil Outcome</u>	Page (133)	<ul style="list-style-type: none"> • <i>“[By July 1, 2015, and annually thereafter]:</i> <i>“EBIA shall update the goals and actions identified in the charter to provide the following, as set forth in Education</i>

		<p><u>Code section 47605.5(a):</u></p> <ul style="list-style-type: none"> • <i>A review of the progress towards the goals included in the charter, an assessment of the effectiveness of specific actions toward achieving those goals, and a description of the changes to the specific actions the charter school will make as a result of the review and assessment.</i> • <i>Listing and description of the expenditures for the fiscal year in implementing the specific actions included in the charter as a result of the reviews and assessments, classified using the California School Accounting Manual."</i>
<u>Measurable Pupil Outcome</u>	Page (133)	<p><u>"Under Education Code section 47607.3, if the charter school fails to improve outcomes for 3 or more pupil subgroups (or, if less than 3, all pupil subgroups) in 3 or 4 consecutive school years, the following shall apply:</u></p> <ul style="list-style-type: none"> • <i>The chartering authority shall provide technical assistance to the charter school using an evaluation rubric adopted by the State Board.</i> • <i>The Superintendent may assign, at the request of the chartering authority and approval of the State Board, the California Collaborative for Educational Excellence to provide advice and assistance to the charter schools.</i> • <i>The chartering authority shall consider for revocation any charter school to which the California Collaborative for Educational Excellence has provided advice and assistance, and has made findings that: 1) the charter school has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence; or 2) that the inadequate performance of the charter school, based upon the evaluation rubric, is so persistent or so acute so as to require revocation of the charter."</i>
<u>Measurable Pupil Outcome</u>	Page (133)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"Pursuant to the transition to California's Common Core and the accompanying shift in the state accountability testing system, EBLA will establish baseline performance in the first year of testing administration and will demonstrate growth in performance each year thereafter."</i></p>
<u>Governance</u>	Page (157)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"EBLA 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 (176)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>EBLA will be nonsectarian in its programs, admission</i></p>

		<p>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).</p> <p>As part of the Fall Information Update, EBIA will notify the District in writing of the application deadline and proposed lottery date. EBIA will ensure that all application materials will reference these dates as well as provide complete information regarding application procedures, key dates, and admissions preferences and requirements consistent with approved charter.”</p>
<u>Public Records</u>	Page (213)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p>“EBIA 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 EBIA to provide certain information in certain formats in certain ways to the general public and specifically to parents of students at EPC and of the District. EBIA 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 EBIA does not have that EBIA needs in order to meet its obligations, the District shall provide the same to EBIA in a reasonably timely manner upon request.”</p>
<u>Reporting and Accountability</u>	Page (155)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p>“If EBIA does not test (i.e., STAR) with the District, EBIA 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.</p> <p>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.”</p>
<u>External Reporting</u>	Page (155)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p>“EBIA 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.”</p>
<u>Governance Structure of the School</u>	Pages (213)	<p><u>Add the following text and remove any text to the contrary:</u></p>

		<p><i>"EBIA in accordance with Education Code Section 47604.3, shall promptly respond to all reasonable inquiries, including but not limited to, inquiries regarding financial records, from the District and shall consult with the District regarding any such inquiries. EBIA acknowledges that it is subject to audit by OUSD if OUSD seeks an audit of EBIA 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 EBIA by law or charter provisions."</i></p>
<u>Governance Structure</u>	Page (160)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"Members of EBIA'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>EBIA and/or its non-profit corporation will be solely responsible for the debts and obligations of the charter school."</i></p>
<u>Addressing Parent Complaints</u>	Page (131)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>EBIA will establish complaint procedures that address both complaints alleging discrimination or violations of law and complaints regarding other areas. EBIA will not, at any time, refer complaints to the District.</i></p> <p><i>The complaint procedures will include the clear information with respect to the response timeline of the school, whether the school's response will be in writing, the party identified to respond to complaints, the party identified and charged with making final decisions regarding complaints, and whether the final decision will be issued in writing. The procedures will also identify an ombudsperson for situations in which the school leader is the subject of the complaint. The complaint procedures will be clearly articulated in the school's student and family handbook or distributed widely.</i></p> <p><i>EBIA 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 EBIA alleging its noncompliance with these laws or alleging any actions which would be prohibited by these laws. EBIA 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>EBIA 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>EBIA 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>
<u>Health and Safety Procedures</u>	Page (173)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"EBIA 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>
<u>Dispute Resolution Procedures</u>	Page (205)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"The staff and Governing Board members of EBIA agree to attempt to resolve all disputes between the District and EBIA 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 EBIA 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. If the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with Education Code section 47607(c), the matter will be addressed at the District's discretion in accordance with that provision of law and any regulations pertaining thereto. The Written Notification must identify the nature of the dispute and all supporting facts known to the party giving the Written Notification. The Written Notification may be tendered by personal delivery, by facsimile, or by certified</i></p>

mail. The Written Notification shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 PM or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail. All written notices shall be addressed as follows:

To Charter School, c/o School Director:

EBIA

Oakland, CA

To Coordinator, Office of Charter Schools:

Educational Center at Tilden

4551 Steele Street, Room 10

Oakland, California 94619

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

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

(4) If the mediation is not successful, the parties agree that each party has exhausted its administrative remedies and

		<i>shall have any such recourse available by law</i>
<u>Suspension and Expulsion</u>	Pages (182)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>“EBIA shall notify, within 30 days, the superintendent of the school district of any pupil who is expelled or leaves EBIA without graduating or completing the school year for any reason. The school district notified shall be determined by the pupil’s last known address. EBIA shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information, pursuant to Education Code Section 47605(d)(3).”</i></p> <p><i>“EBIA shall define any student dismissal under the Charter School’s disciplinary procedure, or termination of a student’s right to attend the EBIA under its disciplinary procedure, as an “expulsion” under the Education Code.”</i></p>
<u>Suspension and Expulsion: Due Process for Students with Disabilities</u>	Pages (198)	<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, EBIA 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>
<u>Independent Fiscal Audits</u>	Page (213)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>“To the extent that EBIA is a recipient of federal funds, including federal Title I, Part A funds, EBIA 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. EBIA 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 child has been assigned, or taught for four or more consecutive weeks by, a teacher who is not highly qualified.</i> • <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>EBIA 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>
<u>Facilities</u>	Page (212)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"If EBIA 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 EBIA moves or expands to another facility during the term of this charter, EBIA 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. EBIA 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>
<u>District Fee for Oversight</u>	Page (212)	<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 EBIA not to exceed 1% of the 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 EBIA is able to obtain substantially rent free facilities from the District. Notwithstanding the foregoing, the District</i></p>

		<i>may charge the maximum supervisorial oversight fee allowed under the law as it may change from time to time."</i>
<u>Miscellaneous Charter-Related Issues</u>	Page (212)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"EBIA 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 (206)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"The District may revoke the charter of EBIA 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 ()	<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 (212)	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>"EBIA 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>EBIA is subject to District oversight.</i> ● <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 EBIA.</i> ● <i>The District is authorized to revoke this charter for, among other reasons, the failure of EBIA to meet generally accepted accounting principles or if it engages in fiscal mismanagement in accordance with Education Code Section 47607.</i>

Accordingly, the District hereby reserves the right, at District cost, pursuant to its oversight responsibility, to audit EBLA 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.*

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

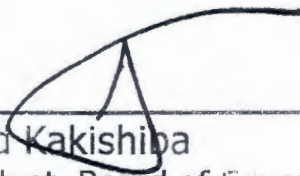
In addition, if an allegation of waste, fraud or abuse related to EBLA operations is received by the District, EBLA shall be expected to cooperate with any investigation undertaken by the Office of Charter Schools, at District cost. This obligation for the District to pay for an audit only applies if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

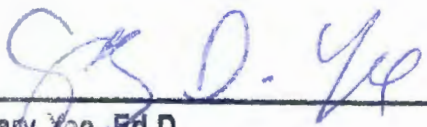
APPENDIX II - CONDITIONS ON OPENING:

The vast 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 silke.bradford@ousd.k12.ca.us and cc'd to phillip.dotson@ousd.k12.ca.us or hand-delivered to the OUSD Office of Charter Schools at 4551 Steele Street, Room 9, Oakland, CA 94619. *Hand-delivered items must receive a receipt from the Office of Charter Schools to ensure verification of timely submission.*

Charter Revision		
Tuesday July 1, 2014	<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		
Monday, July 14, 2014	<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 fall 2013 and annually) using Excel template provided by the Office of Charter Schools.*
Complaint Procedures		
Friday, August 1, 2014	<input type="checkbox"/>	Submit current Board-approved Uniform Complaint Process, posting location(s), and method of notifying parents of this annually.
Student Learning Time		
Friday, August 1, 2014	<input type="checkbox"/>	Submit certification of instructional minutes to be provided in 2012-2013.* Carefully read <i>Education Code §46201(a)(3)</i> . [instructional minutes requirement]
	<input type="checkbox"/>	Submit updated, 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		
Friday, August 1, 2014	<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.)
Insurance Policies		
Monday, July 14, 2014	<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		
Friday, May 30, 2014	<input type="checkbox"/>	Submit copy of the school’s Annual Information Sheet & Funding 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		
Friday, August 1, 2014	<input type="checkbox"/>	Make available for inspection a current Fire Inspection Certificate.
	<input type="checkbox"/>	Submit Board-approved Drug, Alcohol, and Smoke Free Environment Policies and Procedures.
	<input type="checkbox"/>	Submit current Facilities Safety and Evacuation Plan.
Special Education Program Plan		
Tuesday, July 1, 2014	<input type="checkbox"/>	Submit proof of membership in El Dorado County SELPA.
	<input type="checkbox"/>	Submit adopted 504 plan, policy, and procedures.
	<input type="checkbox"/>	Submit Special Education Identification and Assessment Plan.

Budget and Cash Flow		
Friday, August 1, 2014	<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.
School Health Plan and Medications Administration Plan		
Friday, August 1, 2014	<input type="checkbox"/>	Submit updated School Health Plan (to comply with immunization audit, hearing and vision screening requirements) and Medications Administration Plan.
Instructional Staff		
Friday, August 1, 2014	<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, and date of background review.*
	<input type="checkbox"/>	Submit current employee handbook, including policies and procedures that ensure the health and safety of students and staff.
	<input type="checkbox"/>	Submit list of teachers requiring Beginning Teacher Support and Assessment.
Programming Plans		
Friday, August 1, 2014	<input type="checkbox"/>	Submit English Learner Plan: adopted policies and procedures that pertain to use of a home language survey and mandatory CELDT testing.


 _____ 10/24/13
 David Kakishiba
 President, Board of Education


 _____ 10/24/13
 Gary Yee, Ed.D.
 Secretary, Board of Education

File ID Number: 13-0580
 Introduction Date: 8-14-13
 Enactment Number: 13-2187
 Enactment Date: 10-23-13
 By: