



OAKLAND UNIFIED SCHOOL DISTRICT  
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TO: Board of Education  
 FROM: Anthony Smith, Ph.D., Superintendent  
 Philip Dotson, Acting Coordinator;  
 Office of Charter Schools  
 DATE: January 23, 2013  
 RE: Oakland Charter Academy  
 Charter Renewal Request

Legislative File  
 File ID No.: 12-3017  
 Introduction Date: 11/14/2012  
 Enactment No.: 13-0232  
 Enactment Date: 1/23/13  
 By: *AS*

Certified:

*Edgar Rakestraw, Jr.*  
 Edgar Rakestraw, Jr., Secretary  
 Board of Education

**ACTION REQUESTED:**

**Approve** Oakland Charter Academy charter renewal because the charter school has met the standards and expectations set forth in the OUSD Charter Renewal Standards, which are based on the standards and criteria set forth in the Charter Schools Act, Education Code §47605(b)(5), which governs charter school renewals. The findings outlined in this report provide evidence that petitioners have met the standards and expectations for charter renewal, and that the petitioners are therefore demonstrably likely to successfully implement the program as set forth in the petition.

**BACKGROUND:**

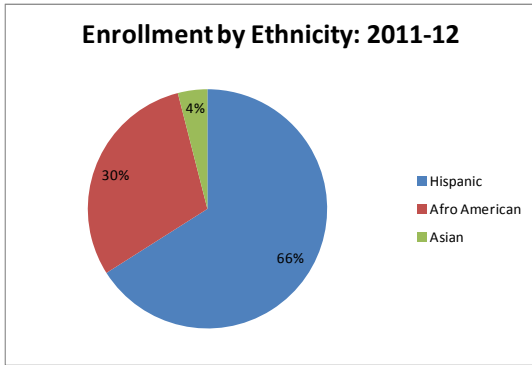
**I. School Description and Key Program Elements:**

Opening Year	1993	Grades	6-8
Term Approval	Five Years	Attendance Area	Oakland High
Renewal Date	6/30/2013	Board District	5
Renewal Term	Fourth	Funding	Direct Funded
CMO School	Yes	Program Improvement	No

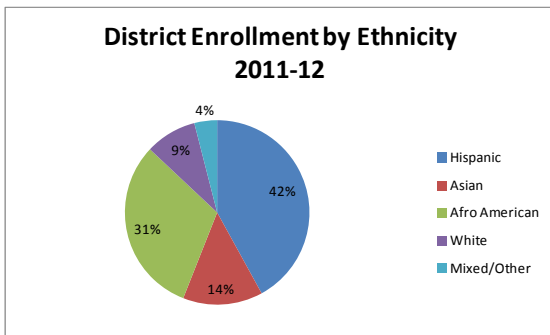
The following table describes the school's enrollment growth and projection:

YEAR	2008-09	2009-10	2010-11	2011-12	2012-13
GRADES	6-8	6-8	6-8	6-8	6-8
ENROLL	149	131	142	161	235

The school's enrollment demographics are as follows (CDE data):



The district's enrollment demographics are as follows (CDE data):



	2008-09	2009-10	2010-11	2011-12	2012-13
Free & Reduced Lunch *	94%	92%	90%	95%	88%
Special Education	0%	0%	3%	3%	5%
English Language Learners	9%	8%	41%	43%	52%

\*NOTE: Schools have reported the free & reduced lunch percentages upon request, which are reported here. Charter schools are not required to report free and reduced lunch status, but are required to report poverty levels, which involves a slightly different matrix. Schools have also reported Special Education and English Language Learners as part of the Renewal Performance Report.

The District's current special populations as a percent of enrollment are approximately (District and CDE data):

Oakland Unified School District	2012-13
Free & Reduced Lunch	70%
Special Education	12%
English Language Learners	30%

**Program Summary:**

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

“Oakland Charter Academy will serve 150 inner-city students in 6<sup>th</sup> through 8<sup>th</sup> grade. The focus of OCA is excellent student attendance (98%) that helps to ensure that the academic needs of students interested in attending our school are met. We will provide them with an education to enhance their academic skills in reading, writing, spelling, mathematics, science, social science, business, and humanities so they may compete and be productive members in a capitalistic society. This will be a collaborative effort between school, family, and community.”

**Program’s Distinguishing Features: (Excerpt from the EXISTING, approved charter petition)**

**“Educational Philosophy**

The middle grades are formative years when students are seeking answers to fundamental questions about life and identity. They are deciding on values and standards, which will determine their successes in the future. This is a time for them to explore and ultimately make foundational decisions about themselves. OCA will provide students an opportunity to do so in a structured learning environment and will instill the values of mutual respect and hard work.

The Oakland Unified School District serves approximately 9,309 middle school students. The rates of daily attendance, academic achievement of middle school students are still well below state averages. The result is that many students in Oakland Unified School District do not meet the requirements to attend either the University of California or California State University. Of the 85.7% of graduating students from Oakland public high schools in 2003-2004, only 35.5% were eligible to attend either university system. Socio-economically disadvantaged students fared worse; only 27.8% of African Americans and 33.8% of Hispanics could attend, and there was no data on the percentage of American Indian students who met UC/CSU requirements.

OCA will provide a rigorous, standards-based curriculum with a focus on language arts, mathematics, science and social studies. This model has proven to be successful. The school finished the 2006-2007 school year with an API score of 896. In 2007 OCA was nominated for the California Distinguished School Award, and the Title I Academic Achievement Award. In 2007 OCA became the second public school in Oakland, California, to be nominated for the national “Blue Ribbon” award .

Small class size alone cannot guarantee academic achievement, though research shows that it does often contribute to higher levels of academic success. With fewer students in a classroom, teachers can better meet their needs. At OCA small, self-contained classes have resulted in higher attendance rates (98%), reduced dropout rates (0%), and increased academic performance for our minority students of socio-economically disadvantaged backgrounds.

OCA has proven that continuing an extended-year calendar will provide increased opportunities for targeted intervention to assist low-performing students. Through this process, we will provide an environment that will ensure that students not only continue to meet, but also exceed the language arts, mathematics, science and social studies requirements on California standardized tests.

## Curriculum and Instructional Design

Oakland Charter Academy's educational program is founded on the belief that high expectations lead to high-achieving students. OCA courses will prepare students to exceed the California Content Standards for the relevant subject at each grade level. OCA believes its academic success will be based in part on the emphasis placed on language arts and math.

Since many college-bound students enrolling in science or engineering programs will be required to take calculus as a prerequisite for their majors, we want to adequately prepare our students to accomplish this goal by requiring all eighth graders at OCA to take Algebra I. This will set them on the right academic track for advanced math in high school.

OCA will be a site-based school for 150 students in sixth through eighth grade. The student per teacher ratio will be 25:1. This will allow students and teachers to develop a productive working relationship in a small school setting.

The students who enroll at OCA will be provided a safe and structured learning environment to enhance their academic skills. The school will provide a structured curriculum aligned with state academic standards. Students with special learning needs will be mainstreamed into the classrooms, while also receiving individual attention as required by law.

State-approved textbooks aligned with state standards provide the content basis for courses of study. OCA believes that investing in exceptional textbooks will provide an outstanding framework for standards-based instruction. The textbooks, in addition to the highly qualified staff, will continue to be the driving force of the OCA curriculum. We will implement a structured daily schedule, which focuses on the core academic subjects. These subjects include English, mathematics, science, social studies, foreign language, and the arts. Electives will be offered in addition to the core subjects. At OCA, we also believe that homework is a crucial part of the learning process for our students. The school will provide after-school tutoring, Saturday classes and assistance with homework. OCA will work closely with Oakland Unified School District, OUSD Charter Schools Office, Oakland Charter School Consortium, and other Bay Area community organizations to provide services for OCA students.

The teaching methodology is lecture, and teacher-directed. Tutorial services are mandatory for all students who score at the basic or below grade level on the California Standards Test.”

**NOTE:** The information above for the mission and program's distinguishing features was excerpted from the charter petition submitted by Oakland Charter Academy.

**GOVERNING LAW:**

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

A school district governing board **shall grant** a charter for the operation of a school under this part **if it is satisfied that granting the charter is consistent with sound educational practice.**

The governing board of the school district **shall not deny** a petition for the establishment of a charter school **unless it makes written factual findings**, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an **unsound educational program** for the pupils to be enrolled in the charter school.
- (2) The petitioners are **demonstrably unlikely to successfully implement the program** set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a).
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).
- (5) The petition does not contain **reasonably comprehensive descriptions** of all of the [required charter elements.]

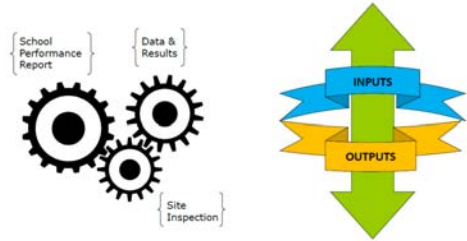
**II. PREREQUISITE FOR CHARTER RENEWAL (AB 1137)**

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

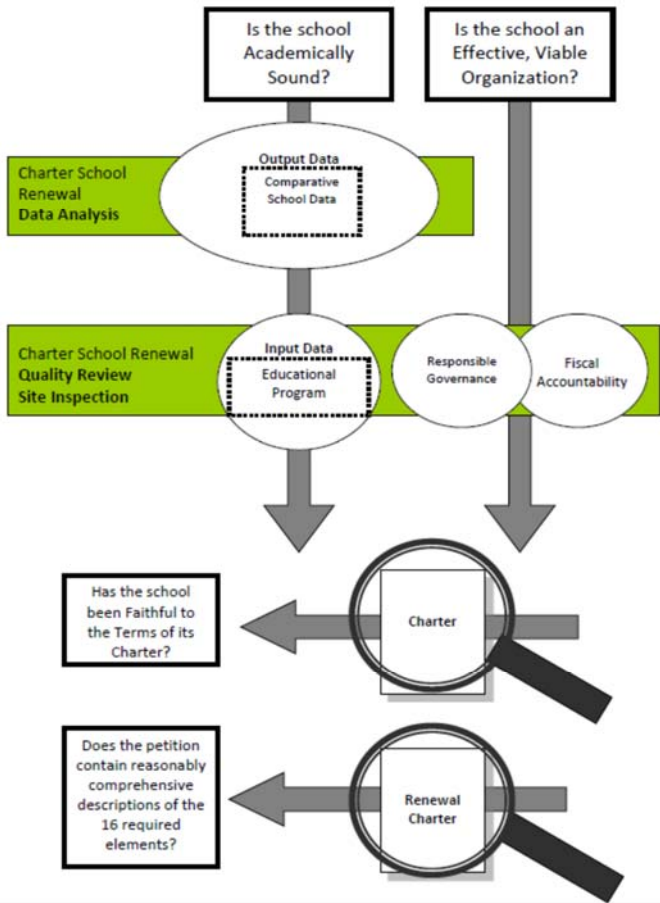
OAKLAND CHARTER ACADEMY: SB 1137 CRITERIA FOR RENEWAL	Y/N
<b>1. API Growth Target:</b>	
Did school attain API Growth Target in prior year?	Y
Did school attain API Growth Target in two of last three years?	Y
Did school attain API Growth Target in the aggregate of the prior three years?	Y
<b>2. API Rank:</b>	
Is the school ranked 4 or higher on API in prior year?	Y*
Is the school ranked 4 or higher on API in two of last three years?	Y*
<b>3. API Similar Schools Rank:</b>	
Is the school ranked 4 or higher on API Similar Schools in prior year?	Y*
Is the school ranked 4 or higher on API Similar Schools in two of last three years?	Y*
<b>4. Is the school at least equal to the academic performance of schools students would have attended, including District as a whole?</b>	Y
<b>5. Has the school qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052 (Alternative School Accountability System – ASAM)?</b>	N/A

\* State has not issued 2012 API Rank and 2012 API Similar School Rank as of January 23, 2012, therefore the 2010/11 school year was used.

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



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



**PLEASE NOTE:**

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

**Renewal Standard 1: Is the school academically sound?**

The following is an analysis of the extent to which the school has met its measurable pupil outcomes as stated in its charter.

Measurable Pupil Outcome	Instrument	Target	2007-08 Results	2008-09 Results	2009-10 Results	2010-11 Results	2011-12 Results
<b>Goal 1:</b> Each year 50% or more of all OCA students tested will achieve Proficient or Advanced levels on the mathematics and language arts batteries of the CA STAR CST or any other test used to measure growth against the California Content Standards.	CA STAR CST test	50% or more	<b>6th Grade</b> Math- 69% Proficient or Advanced ELA- 65% Proficient or Advanced	<b>6th Grade</b> Math- 80% Proficient or Advanced ELA- 74% Proficient or Advanced	<b>6th Grade</b> Math- 87% Proficient or Advanced ELA- 65% Proficient or Advanced	<b>6th Grade</b> Math- 79% Proficient or Advanced ELA- 70% Proficient or Advanced	<b>6th Grade</b> Math- 54% Proficient or Advanced ELA- 46% Proficient or Advanced
			<b>7th Grade</b> Math- 85% Proficient or Advanced ELA- 85% Proficient or Advanced	<b>7th Grade</b> Math- 87% Proficient or Advanced ELA- 83% Proficient or Advanced	<b>7th Grade</b> Math- 97% Proficient or Advanced ELA- 97% Proficient or Advanced	<b>7th Grade</b> Math- 96 % Proficient or Advanced ELA- 80% Proficient or Advanced	<b>7th Grade</b> Math- 92% Proficient or Advanced ELA- 88% Proficient or Advanced
			<b>8th Grade</b> Algebra--84% Proficient or Advanced ELA- 83% Proficient or Advanced	<b>8th Grade</b> Algebra--100% Proficient or Advanced ELA- 80% Proficient or Advanced	<b>8th Grade</b> Algebra--100% Proficient or Advanced ELA- 91% Proficient or Advanced Science- 93% Proficient or Advanced History- 88% Proficient or	<b>8th Grade</b> Algebra I--100% Proficient or Advanced ELA- 94% Proficient or Advanced	<b>8th Grade</b> Algebra I- 85% Proficient or Advanced ELA- 78% Proficient or
			Science- 82% Proficient or Advanced History- 76% Proficient or Advanced	Science- 98% Proficient or Advanced History- 93% Proficient or Advanced	Advanced	Science-91 % Proficient or Advanced History- 94% Proficient or Advanced	Science- 70% Proficient or Advanced History- 78% Proficient or Advanced
<b>Goal 2:</b> Exceeding 97% attendance rate during each of the next five years.	Attendance rate	Exceeding 97%	Attendances Rate = XXX %	Attendances Rate = 99.3 %	Attendance Rate= 99%	Attendance Rate = XXX%	Attendance Rate= 99.08%

<b>Goal 3:</b> Maintaining an API of 750 or higher, as well as meeting annual API growth targets.	API; API growth targets	750 or higher, as well as meeting annual API growth targets	API 2008-2009 896 API Rank 10 Similar School Rank:10	API 2009-2010 943 API Rank 10 Similar School Rank:10	API 2010 954 API Rank 10 Similar School Rank: 10	API 2011 933 API Rank 10 Similar School Rank: 10	API 2011-2012 867 API Rank Similar School Rank:
<b>Goal 4:</b> Meeting or exceeding federal NCLB standards based on the annually established Annual Yearly Progress (AYP) criteria or targets; including minimum participation rates in statewide testing, minimum proficiency rates by students in English language arts and mathematics, and Growth API.	AYP; AYP growth targets	Meeting or exceeding annual AYP growth targets	Met AYP goals.	Met AYP goals.	Met AYP goals.	Met AYP goals.	Met 13 of 17 AYP goals.

**Staff Assessment of Measureable Pupil Outcomes**

MPO	Assessment of MPO	Comment
1.) Achieve 50% Proficiency	Met	Future MPO needs to be increased.
2.) Attendance rate of 97%	Met	
3.) Maintain an API above 750	Met	Future MPO needs to be increased.
4.) Meet AYP targets	Substantial progress made	2011/12 was first year where targets were not met

**Note:**

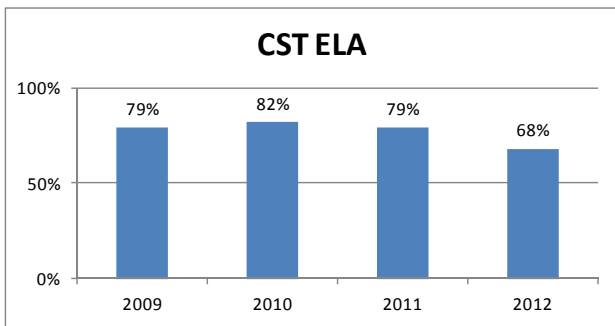
The text revisions in Appendix B identify recommended changes to the measureable pupil outcomes for the new charter petition.



**STAR Testing Performance, API Results, & AYP Results**

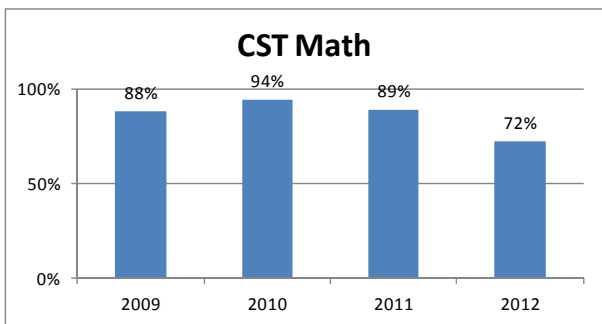
**CST English Language Arts (Performance Over Time)**

YEAR	Prof./Adv.
2009	79%
2010	82%
2011	79%
2012	68%



**CST Mathematics (Performance Over Time)**

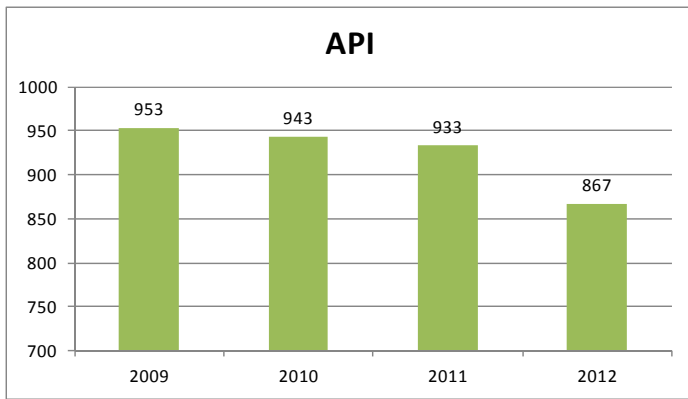
YEAR	Prof./Adv.
2009	88%
2010	94%
2011	89%
2012	72%



**API (Performance Over Time)**

YEAR	API	RANK	SIMILAR
2009	953	10	10
2010	943	10	10
2011	933	10	10
2012	867	*	*
GROWTH	-86 points		

\* State has not issued API Rank and API Similar School rankings as January 23, 2013.



**2011-2012 API GROUP DATA**

	<u>API Score</u>
<b>Schoolwide</b>	867
Hispanic or Latino	862
Socioeconomically Disadvantaged	854
English Learners	-

**AYP (Performance Over Time)**

	2009	2010	2011	2012
<b>AYP Met?</b>	Yes	Yes	Yes	No
<b>AMO's</b>	100%	100%	100%	76%

**2011-2012 Percent Proficient-Annual Measurable Objectives (AMOs)**

GROUPS	English-Language Arts			Mathematics		
	Valid Scores	Number At or Above Proficient	Percent At or Above Proficient	Valid Scores	Number At or Above Proficient	Percent At or Above Proficient
<b>Schoolwide</b>	150	102	68.0%	150	108	72.0%
Hispanic	138	93	67.4%	138	97	70.3%
Socioeconomically Disadvantaged	134	87	64.9%	134	93	69.4%
English Learners	130	86	66.2%	130	92	70.8%

## Comparison Analysis

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### Comparison Measure: API

- Similar Grades Served: 6-8

**API**

### OAKLAND CHARTER SCHOOLS

Order rank based on 2012 API Score

		2009	2010	2011	2012
American Indian Public Charter School II	6-8	933	974	990	981
Oakland Charter Academy	6-8	953	943	933	867

### OUSD DISTRICT SCHOOLS

Order rank based on 2012 API Score

		2009	2010	2011	2012
Oakland Charter Academy	6-8	953	943	933	867
Edna Brewer Middle	6-8	822	824	812	810
Montera Middle	6-8	814	830	809	809
Urban Promise Academy	6-8	694	734	748	761
Madison Middle	6-8	674	728	722	725
Westlake Middle	6-8	716	694	711	694
Elmhurst Community Prep	6-8	647	685	680	684
Alliance Academy	6-8	629	704	688	683
Claremont Middle	6-8	703	704	720	679
Bret Harte Middle	6-8	670	-	662	670
Roosevelt Middle	6-8	642	630	638	670
Frick Middle	6-8	597	637	656	645
ROOTS International Academy	6-8	575	593	631	645
United for Success Academy	6-8	570	608	597	622
West Oakland Middle	6-8	698	617	574	552

Comparison Measure: **CST ELA**

➤ **Similar Grades Served: 6-8**

**CST-ELA**

**OAKLAND CHARTER SCHOOLS**

Order rank based on 2012 CST % Proficient/Advanced

		2009	2010	2011	2012
American Indian Public Charter School II	6-8	81.4	91.3	96.3	91.9
<b>Oakland Charter Academy</b>	<b>6-8</b>	<b>78.6</b>	<b>82.3</b>	<b>78.8</b>	<b>68.0</b>

**OUSD DISTRICT SCHOOLS**

Order rank based on 2012 CST % Proficient/Advanced

		2009	2010	2011	2012
<b>Oakland Charter Academy</b>	<b>6-8</b>	<b>78.6</b>	<b>82.3</b>	<b>78.8</b>	<b>68.0</b>
Montera Middle	6-8	58.1	63.8	60.5	63.3
Edna Brewer Middle	6-8	57.8	62.3	60.3	60.8
Urban Promise Academy	6-8	39.9	41.5	44.8	45.2
Westlake Middle	6-8	33.6	34.2	38.3	44.1
Claremont Middle	6-8	37.2	40.4	45.7	43.0
Bret Harte Middle	6-8	37.0	33.9	36.4	40.0
Madison Middle	6-8	22.6	35.2	35.3	37.8
Elmhurst Community Prep	6-8	18.3	26.9	27.5	36.3
Roosevelt Middle	6-8	25.4	26.7	27.4	33.2
ROOTS International Academy	6-8	16.6	16.2	24.7	29.3
Frick Middle	6-8	16.9	21.7	26.9	28.4
Alliance Academy	6-8	23.4	29.8	27.2	26.6
United for Success Academy	6-8	16.2	20.3	21.2	25.6
West Oakland Middle	6-8	25.5	24.2	20.8	14.7

Comparison Measure: **CST MATH**

➤ **Similar Grades Served: 6-8**

**CST-MATH**

**OAKLAND CHARTER SCHOOLS**

Order rank based on 2012 CST % Proficient/Advanced

		2009	2010	2011	2012
American Indian Public Charter School II	6-8	84.1	96.5	99.4	96.4
<b>Oakland Charter Academy</b>	<b>6-8</b>	<b>87.6</b>	<b>94.4</b>	<b>89.1</b>	<b>72.0</b>

**OUSD DISTRICT SCHOOLS**

Order rank based on 2012 CST % Proficient/Advanced

		2009	2010	2011	2012
<b>Oakland Charter Academy</b>	<b>6-8</b>	<b>87.6</b>	<b>94.4</b>	<b>89.1</b>	<b>72.0</b>
Edna Brewer Middle	6-8	60.0	66.0	54.4	57.8
Urban Promise Academy	6-8	29.1	40.1	43.6	49.7
Montera Middle	6-8	52.2	58.6	48.9	48.5
Madison Middle	6-8	33.5	39.4	46.6	35.7
Roosevelt Middle	6-8	25.8	26.0	24.5	29.8
Westlake Middle	6-8	35.5	32.9	36.1	28.5
ROOTS International Academy	6-8	7.5	12.1	16.3	26.9
Alliance Academy	6-8	16.1	32.1	31.4	26.7
Elmhurst Community Prep	6-8	21.1	33.1	30.3	26.6
Claremont Middle	6-8	32.0	35.1	31.8	25.8
Bret Harte Middle	6-8	26.3	23.8	27.4	22.7
Frick Middle	6-8	14.5	21.1	26.8	18.6
United for Success Academy	6-8	18.9	22.1	13.5	14.9
West Oakland Middle	6-8	43.6	20.1	9.8	5.1

- The school has demonstrated **consistently high student CST performance** in both English Language Arts and mathematics over the past four years;
- From **2009 to 2012** the school averaged **over 77%** proficient and advanced levels in ELA.
- The school opened in 1993. In **2009** the school API performance score was **953**. As of **2012**, the school API performance score was 867. From **2009 to 2010** the school has dropped their API by **86** points.
- The school's average API score for the prior four years is 924.
- The school **has met** its AYP targets in three of the past four years.
- From **2009 to 2012** the school averaged **over 86%** proficient and advanced levels in Math.

The quality of the school's educational program and operations has been evaluated, in part, through a two-day Site Inspection conducted on **October 10 and October 11, 2012** by **District staff**. See Attachment I for the school's comprehensive ratings on the Charter School Renewal Quality Standards Criteria.

**Strengths:**

- High standards for all students as reflected in their commitment to hard work and college aspirations
- Calm and orderly classroom environments
- Consistent adherence to and focus on the existing state standards
- Use of specific, measurable student goals in the classroom
- Investment of time and money in Data Director to provide detailed analysis of student performance as evidence in the quarterly subject test abstracted directly from the test bank and evaluated for student proficiency
- Enthusiasm of students for the school and the program
- Extensive tutoring opportunities for students with their own classroom teacher
- Use of a recruitment strategy that offers assessment and tutoring for 5<sup>th</sup> grade students from neighboring feeder schools

**Challenges:**

- There is a need for the new school leadership to develop student buy in given the recent change in administration
- Lack of differentiation training for teachers to ensure that all students receive the instruction that is appropriate for their specific needs
- There are limited to no opportunities for students to use technology
- Significant teacher turn over diminished the school's capacity to run an effective "looping program" as specified in their charter petition

**Renewal Standard I:**

Based on an analysis of Oakland Charter Academy's performance outcomes and an evaluation of its educational program over the past four years, the school is deemed **academically sound** for the purposes of renewal.

The school has met or made substantial progress towards meeting its Measurable Pupil Outcomes identified in its charter.

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

The effectiveness and viability of the school has been evaluated, in part, through a two-day Site Inspection conducted on **October 10 and October 11, 2012** by District staff. See Attachment I for the school’s comprehensive ratings on the Charter School Renewal Quality Standards Criteria.

**Strengths:**

- The school uses data from multiple sources, including standardized tests, to determine areas of relative strength and weakness for students, implementing interventions to address weaknesses
- The school provides tutoring to a majority of students from 3:15-5:30 p.m., provided by classroom teachers
- Students receive progress reports every three weeks and the school is constantly monitoring student performance and providing feedback to families
- The educational program model features a self-contained classroom and extended year to maximize time spent on student learning
- The educational program model calls for teachers and students to remain together for sixth, seventh, and eighth grade (looping program) facilitating strong bonds between teachers, students, and families, as well as a deep understanding of students’ strengths and areas for growth
- Teachers spend considerable time at the school supporting students through before and after-school tutoring; students expressed appreciation for the high expectations teachers hold and students believe that the strict discipline methods are rooted in their teachers’ desires to see them succeed and receive an excellent education
- The Governing Board is actively involved in the oversight of academic and fiscal performance of the organization

**Challenges:**

- There are few formal tools for evaluating performance of teachers and administrators

**IS THE SCHOOL AN EFFECTIVE, VIABLE ORGANIZATION**

An evaluation by staff of Oakland Charter Academy Fiscal Accountability and Governance over its recent charter term included:

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

**Renewal Standard II:**

Based on this analysis, the school is deemed an **effective, viable organization** for the purposes of charter renewal.



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

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

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

Staff has reviewed the school's records on file with the District and deemed that the school has sufficiently adhered to its proposed educational program, has sufficiently pursued its measurable pupil outcomes as stated in its charter, and has been compliant in all material aspects of its regulatory elements under its charter term.

**Renewal Standard III:**

Based on review of the school's records and performance, the school is deemed to have been **faithful to the terms of its charter.**

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

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, plus specific supplementary information on operations and finance. The following table summarizes the results of the Staff’s review of the charter petition’s content.

Element	Inadequate	Reasonably Comprehensive	Statutory Reference	Comments
Required signatures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(a)(1)	
Affirmations and assurances	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(d)	
Description of the educational program of the school, including what it means to be an “educated person” in the 21 <sup>st</sup> century and how learning best occurs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(A)	
Measurable pupil outcomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(B)	
Method by which pupil progress is to be measured	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(C)	
Governance structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(D)	
Qualifications to be met by individuals employed at the school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(E)	
Procedures for ensuring health & safety of students	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(F)	
Means for achieving racial and ethnic balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(G)	
Admission requirements, if applicable	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(H)	
Manner for conducting annual, independent audits and for resolving exceptions or deficiencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(I)	
Suspension and expulsion procedures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(J)	
Manner for covering staff members through the State Teachers’ Retirement System, the Public Employees’ Retirement System or federal social security	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(K)	
Attendance alternatives for pupils residing within the district who choose not to attend the charter school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(L)	
Employee rights of return, if any	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(M)	
Dispute resolution procedure for school-authorizer issues related to the charter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(N)	
Statement regarding exclusive employer status of the school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(O)	
Procedures for school closure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(P)	
Facilities to be utilized by school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(g)	

Manner in which administrative services are to be provided	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(g)	
Potential civil liability effects	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(g)	
Proposed first year operational budget	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(g)	
Cash flow and financial projections for 3 years	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(g)	

**Renewal Standard IV:**

Petition as submitted, with appendices, contains reasonably comprehensive descriptions of all required elements set forth in charter law.

**RECOMMENDATION:**

It is the recommendation of staff, based on its thorough analysis of the charter school’s performance, to **approve** the charter renewal petition for Oakland Charter Academy, as revised per Attachment II, because the charter school has sufficiently met the standards and expectations set forth in the OUSD Charter Renewal Standards, as well as the standards and criteria set forth in the California Charter Schools Act, Education Code 47605, which governs charter school renewals.

This approval is for the charter program and operation in its entirety as proposed and revised herein. 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)*).

This report recommends that the Oakland Unified School District Board of Education approve the charter renewal petition for Oakland Charter Academy for a term of five years, as required by law (Education Code 47605 d(1)). The charter renewal term would begin on July 1, 2013 and expire on June 30, 2018. The District will not accept a charter renewal request more than 270 days prior to the expiration of the charter.

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Because the charter is a legally binding performance contract, exact language is important. Therefore, this report recommends that the charter’s text be amended as indicated in the attachment to this report. With these amendments, the charter contains reasonably comprehensive descriptions of all of the required charter elements.

This report recommends that the Board of Education approve the Oakland Charter Academy petition for charter renewal, under the California Charter Schools Act, and incorporating the text amendments attached to this report. Staff recommends this approval based on factual findings, specific to this particular charter school and renewal petition. Be it here acknowledged, pursuant to the charter petition text submitted by the petitioner that if renewal is granted the petitioner opts to receive funding directly from the state.

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 charter text amendments and associated deadlines as a condition of the charter.

**ATTACHMENT I: CHARTER SCHOOL RENEWAL QUALITY STANDARDS CRITERIA**  
**ATTACHMENT II: CHARTER TEXT REVISIONS**

## ATTACHMENT I: CHARTER SCHOOL RENEWAL QUALITY STANDARDS CRITERIA

### Making Consistent Judgments

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

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

### **Criteria 1: Improving Student Achievement**

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

	<i>The criteria for making judgments on the quality of Improving Student Achievement</i>	<i>Score</i>	<i>Comments</i>
1.1	<b>Demonstrates high expectations for student achievement</b>	<b>5</b>	Strong expectation of college attendance
1.2	<b>Provides a challenging and coherent curriculum for each individual student</b>	<b>4</b>	
1.3	<b>Implements and directs learning experiences (consistent with the school's purpose and charter) that actively engage students</b>	<b>4</b>	
1.4	<b>Allocates appropriate resources in the way of instructional materials, staffing and facilities to promote high levels of student achievement</b>	<b>4</b>	
1.5	<b>Promotes academic risk taking by supporting students in a safe, healthy and nurturing environment characterized by trust, caring and professionalism</b>	<b>4</b>	
1.6	<b>Productively engages parental and community involvement as a part of the school's student support system</b>	<b>3</b>	Parents indicated there was an inability to directly communicate concerns with teachers rather than school administrators
1.7	<b>Shares its vision among the school community and demonstrates its mission in daily action and practice</b>	<b>4</b>	
1.8	<b>Involves staff, students, parents and other stakeholders in its accountability for student learning and in the school's program evaluation process</b>	<b>4</b>	

## **Criteria 2: Strong Leadership**

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

	<i>The criteria for judging the quality of Strong Leadership</i>	<i>Score</i>	<i>Comments</i>
2.1	Effectively communicates and engages stakeholders in the vision mission of the school	4	
2.2	Consistently puts into practice the educational program outlined in its charter.	4	
2.3	Generates and sustains a school culture conducive to staff professional growth	4	
2.4	Actively monitors and evaluates the success of the school’s program	4	
2.5	Provides regular, public reports on the school’s progress towards achieving its goals to the school community and to the school’s authorizer	4	
2.6	Treats all individuals with fairness, dignity and respect	4	
2.7	Has a cogent understanding of the laws that govern charter schools and monitors the trends, issues and potential changes in the environment in which charter schools operate	4	
2.8	Makes management decisions and uses his/her influence and authority for the primary purpose of achieving student success	4	
2.9	Respects diversity and implements practices that are inclusive of all types of learners consistent with the school charter	4	
2.10	Engages community involvement in the school	4	

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

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

	<i>The criteria for judging the quality of the Continuous Focus on Improvement</i>	<i>Score</i>	<i>Comments</i>
3.1	Uses information sources, data collection and data analysis strategies for self-examination and improvement	4	
3.2	Establishes benchmarks and a variety of accountability tools for monitoring student progress and uses the results of these assessments to improve curriculum and instruction	4	
3.3	Establishes both long and short term goals and plans for accomplishing the school's mission as stated in its charter	4	
3.4	Uses student assessment results to improve curriculum and instruction	4	
3.5	Uses the results of evaluation and assessment as the basis for the allocation of resources for programmatic improvement	4	



#### **Criteria 4: Responsible Governance**

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

	<i>The criteria for judging Responsible Governance</i>	<i>Score</i>	<i>Comments</i>
4.1	Ensure that policies and practices are implemented in a fair and consistent manner	4	
4.2	Monitor the trends, issues and potential changes in the environment in which charter schools operate	4	
4.3	Seek input from impacted stakeholders	4	
4.4	Enact policies that respect diversity and implements practices that are inclusive of all types of learners consistent with the school charter	4	
4.5	Actively engage the school's authorizer in monitoring the school's educational program and its fiscal status	4	
4.6	Establishes and maintains a safe environment for students, staff, and community stakeholders	4	
4.7	Consistently engages in timely reporting or required information to the District, the County, and the State	4	
4.8	Establishes clear and well-understood systems for decision-making and communication that results in a common sense of purpose and understanding for all stakeholders	4	
4.9	Maintains effective and active control of the charter school	4	
4.10	Abstains from any decision involving a potential or actual conflict of interest	4	
4.11	Ensures implementation of the student recruitment, retention, and enrollment process intended in the charter, in the school's recruitment and retention plan, and as defined by statute and regulation	4	

4.12	Employs best practices to hire effective school leader and annually and systematically assesses the performance of school leader against clearly defined goals, and makes effective and timely use of the evaluations	4	
4.13	Implements an accountability process for the school's academic results and operates with a clear set of goals for the school, and has developed a set of tools for understanding progress towards meeting those goals	4	
4.14	Involves parents/guardians as partners in the education of their children and maintains positive relationships with parents.	3	The school lacks an authentic and meaningful structure for parent engagement aligned with the vision described in the charter petition

**Criteria 5: Fiscal Accountability**

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

	<i>The criteria for making judgments on Fiscal Responsibility</i>	<i>Score</i>	<i>Comments</i>
5.1	Creates and monitors immediate and long-range financial plans to effectively implement the school's educational program and ensure financial stability and sustainability	4	
5.2	Conducts an annual financial audit which is made public	4	
5.3	Establishes clear fiscal policies to ensure that public funds are used appropriately and wisely	4	
5.4	Ensures financial resources are directly related to the school's purpose: student achievement of learning goals	4	
5.5	Managing cash flow	4	
5.6	Enrollment is stable and/or growing at the rate anticipated by the charter school as projected in the approved charter and in the multi-year budget.	4	

Oakland Unified School District  
Office of Charter Schools

**CHARTER TEXT REVISIONS – OAKLAND CHARTER ACADEMY MIDDLE SCHOOL**

**APPENDIX B - REQUIRED CHARTER TEXT REVISIONS:** The approved charter is amended from the filed petition to incorporate the revisions below. The charter school must submit to the District’s Office of Charter Schools a revised charter to include all revisions outlined below in one hard copy and one electronic copy in *WORD* format on a CD or via email of no later than **5pm on June 1, 2013**.

Charter Text	Text Reference	Revision
<u>Measurable Pupil Outcomes</u>	Page 74	<i><b>The charter school agrees to revisit Measureable Pupil Outcomes in an effort to increase accountability.</b></i>
<u>Governance</u>	Page 84	<b>Add the following text and remove any text to the contrary:</b>  <i><b>“Oakland Charter Academy Middle School 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.”</b></i>
<u>Student Admissions Policies and Procedures</u>	Page 99	<b>Add the following text and remove any text to the contrary:</b>  <i><b>Oakland Charter Academy Middle School will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition nor discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).</b></i>  <i><b>As part of the Fall Information Update, Oakland Charter Academy Middle School will notify the District in writing of</b></i>

		<p><i>the application deadline and proposed lottery date. Oakland Charter Academy Middle School will ensure that all application materials will reference these dates as well as provide complete information regarding application procedures, key dates, and admissions preferences and requirements consistent with approved charter."</i></p>
<u>Public Records</u>	Page 123	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i>"Oakland Charter Academy Middle School acknowledges that pursuant to Article XVI section 8.5(e) of the California Constitution, sections 2(e), 6, and 8 of Proposition 98, and sections 33126.1(b), 35256(c), and 35258 of the Education Code require schools, including Oakland Charter Academy Middle School to provide certain information in certain formats in certain ways to the general public and specifically to parents of students at Oakland Charter Academy Middle School and of the District. Oakland Charter Academy Middle School further acknowledges that it has the obligation to provide all of such information to the District that is required by these referenced authorities in a timely manner so that the District may meet its obligations under those authorities as well. To the extent that there is information that the District has, but that Oakland Charter Academy Middle School does not have that Oakland Charter Academy Middle School needs in order to meet its obligations, the District shall provide the same to Oakland Charter Academy Middle School in a reasonably timely manner upon request."</i></p>
<u>Reporting and Accountability</u>	Page 74	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i>"If Oakland Charter Academy Middle School does not test (i.e., STAR) with the District, Oakland Charter Academy Middle School hereby grants authority to the State of California to provide a copy of all test results directly to the District as well as the charter school.</i></p> <p><i>Test results for the prior year, if not provided directly to the District by the State, will be provided by the charter school to the District no later than September 1 of each year."</i></p>
<u>External Reporting</u>	Page 80	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i>"Oakland Charter Academy Middle School will maintain sufficient staff and systems including technology, required to ensure timely reporting necessary to comply with the law and to meet all reasonable inquiries from District and other</i></p>

		<i>authorized reporting agencies.”</i>
<u>Governance Structure of the School</u>	Pages 120	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i>“Oakland Charter Academy Middle School, in accordance with Education Code Section 47604.3, shall promptly respond to all reasonable inquiries, including but not limited to, inquiries regarding financial records, from the District and shall consult with the District regarding any such inquiries. <del>Oakland Charter Academy Middle School The school</del> acknowledges that it is subject to audit by OUSD if OUSD seeks an audit of <b>Oakland Charter Academy Middle School</b> <del>the school</del>, 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 <b>Oakland Charter Academy Middle School</b> <del>the school</del> by law or charter provisions.”</i></p>
<u>Governance Structure</u>	Page 84	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i>“Members of Oakland Charter Academy Middle School’s Governing Board, any administrators, managers or employees, and any other committees of the School shall at all times comply with federal and state laws, nonprofit integrity standards and OUSD’s Charter School policies and regulations regarding ethics and conflicts of interest so long as such policies and regulations are not in conflict with any then-existing applicable statutes or regulations applicable to charter schools.</i></p> <p><i><b>Oakland Charter Academy Middle School and/or its non-profit corporation will be solely responsible for the debts and obligations of the charter school.”</b></i></p>
<u>Addressing Parent Complaints</u>	Page 90	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i><b>Oakland Charter Academy Middle School</b> <del>The school</del> will establish complaint procedures that address both complaints alleging discrimination or violations of law and complaints regarding other areas. <b>Oakland Charter Academy Middle School</b> <del>The School</del> will not, at any time, refer complaints to the District.</i></p> <p><i><b>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</b></i></p>

		<p><b>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.</b></p> <p><b>Oakland Charter Academy Middle School will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 (Title IX) and Section 504 of the Rehabilitation Act of 1973 (Section 504) including any investigation of any complaint filed with Oakland Charter Academy Middle School alleging its noncompliance with these laws or alleging any actions which would be prohibited by these laws. Oakland Charter Academy Middle School will notify all its students and employees of the name, office address, and telephone number of the designated employee or employees.</b></p> <p><b>Oakland Charter Academy Middle School will adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action, which would be prohibited by Title IX, or Section 504.</b></p> <p><b>Oakland Charter Academy Middle School will implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex or mental or physical disability in the educational program or activity which it operates, and that it is required by Title IX and Section 504 not to discriminate in such a manner.”</b></p>
<p><u>Health and Safety Procedures</u></p>	<p>Page 96</p>	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><b>“Oakland Charter Academy Middle School 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.”</b></p>

<p><u>Dispute Resolutions Procedures</u></p>	<p>Page 114</p>	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i>"The staff and Governing Board members of Oakland Charter Academy Middle School agree to attempt to resolve all disputes between the District and Oakland Charter Academy Middle School regarding this charter pursuant to the terms of this section. Both will refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.</i></p> <p><i>Any controversy or claim arising out of or relating to the charter agreement between the District and Oakland Charter Academy Middle School, except any controversy or claim that in any way related to revocation of this charter, shall be handled first through an informal process in accordance with the procedures set forth below.</i></p> <p><i>(1) Any controversy or claim arising out of or relating to the charter agreement, except any controversy or claim that in any way related to revocation of this charter, must be put in writing ("Written Notification") by the party asserting the existence of such dispute. The Written Notification must identify the nature of the dispute and all supporting facts known to the party giving the Written Notification. The Written Notification may be tendered by personal delivery, by facsimile, or by certified mail. The Written Notification shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 PM or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail. All written notices shall be addressed as follows:</i></p> <p><b>To Charter School, c/o School Director: Oakland Charter Academy Middle School</b></p> <p><b>To Coordinator, Office of Charter Schools:</b> <i>Director of Charter Schools: Oakland Unified School District Charter Schools Division 1031 Tilden Ave. Oakland, CA 94604</i></p> <p><b>Educational Center at Tilden 4551 Steele Street, Room 10 Oakland, California 94619</b></p>
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		<p>(2) A written response (“Written Response”) shall be tendered to the <b>party providing the Written Notification</b> within twenty (20) business days from the date of receipt of the Written Notification. <b>The Written Response shall state the responding party’s position on all issues stated in the Written Notification and set forth all fact which the responding party believes supports its position.</b> 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. <b>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.</b></p> <p>(3) If the controversy, claim, or dispute <b>is not</b> 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 <del>60</del> <b>30</b> 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. <b>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...</b></p> <p>(4) If the mediation is not successful, the parties agree <b>that each party has exhausted its administrative remedies and shall have any such recourse available by law</b></p>
<p><u>Suspension and Expulsion</u></p>	<p>Pages 111</p>	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><b>“Oakland Charter Academy Middle School shall notify, within 30 days, the superintendent of the school district of any pupil who is expelled or leaves Oakland Charter Academy Middle School without graduating or completing the school year for any reason. The school district notified shall be determined by the pupil’s last known address.</b></p>



		<i>Oakland Charter Academy Middle School shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information, pursuant to Education Code Section 47605(d)(3)."</i>
<u>Suspension and Expulsion: Due Process for Students with Disabilities</u>	Pages 111	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i>"In the case of a special education student, or a student who receives 504 accommodations, <b>Oakland Charter Academy Middle School</b> <del>the school</del> 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 115	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i>"To the extent that Oakland Charter Academy Middle School is a recipient of federal funds, including federal Title I, Part A funds, Oakland Charter Academy Middle School has agreed to meet all of the programmatic, fiscal and other regulatory requirements of the No Child Left Behind Act and other applicable federal grant programs. Oakland Charter Academy Middle School agrees that it will keep and make available to the District any documentation necessary to demonstrate compliance with the requirements of the No Child Left Behind Act and other applicable federal programs, including, but not limited to, documentation related to required parental notifications, appropriate credentialing of teaching and paraprofessional staff, where applicable, or any other mandated federal program requirement. The mandated requirements of NCLB include, but are not the limited to, the following:</i></p> <ul style="list-style-type: none"> <li><i>• Notify parents at the beginning of each school year of their "right to know" the professional</i></li> </ul>

		<p><i>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></p> <ul style="list-style-type: none"> <li>• <i>Develop jointly with, and distribute to, parents of participating children, a school-parent compact.</i></li> <li>• <i>Hold an annual Title I meeting for parents of participating Title I students.</i></li> <li>• <i>Develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy.</i></li> </ul> <p><i>Oakland Charter Academy Middle School also understands that as part of its oversight of the school, the Office of Charter Schools may conduct program review of federal and state compliance issues.”</i></p>
Facilities	Page 96	<p><b><u>Add the following text and remove any text to the contrary:</u></b></p> <p><i>“If Oakland Charter Academy Middle School fails to submit a certificate of occupancy or other valid documentation to the District verifying that the intended facility in which the school will operate complies with Education Code Section 47610, not less than 30 days before the school is scheduled to begin operation pursuant to the first year of this renewal term, it may not commence operations unless an exception is made by the Office of Charter Schools and/or the local planning department or equivalent agency. If Oakland Charter Academy Middle School moves or expands to another facility during the term of this charter, Oakland Charter Academy Middle School shall provide a certificate of occupancy or other valid documentation to the District verifying that the intended facility in which the school will operate complies with Education Code Section 47610, to the District for each facility at least 30 days before school is scheduled to begin operations in the facility or facilities. Oakland Charter Academy Middle School shall not begin operation in any location for which it has failed to timely provide a certificate of occupancy to the District, unless an exception is made by the Office of Charter Schools and/or the local planning department or equivalent agency.</i></p> <p><i>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 123	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i>“The District may charge for the actual costs of supervisorial oversight of Oakland Charter Academy Middle School not to exceed 1% of the charter school’s revenue, or the District may charge for the actual costs of supervisorial oversight of the Charter School not to exceed 3% if Oakland Charter Academy Middle School is able to obtain substantially rent free facilities from the District. Notwithstanding the foregoing, the District may charge the maximum supervisorial oversight fee allowed under the law as it may change from time to time.”</i></p>
<u>Miscellaneous Charter-Related Issues</u>	Page 123	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i>“Oakland Charter Academy Middle School must submit its renewal petition to the Office of Charter Schools no earlier than 270 days before the charter is due to expire unless otherwise agreed by the Office of Charter Schools...”</i></p>
<u>Miscellaneous Charter-Related Issues</u>	Page 123	<p><b>Add the following text and remove any text to the contrary:</b></p> <p><i>“The District may revoke the charter of Oakland Charter Academy Middle School in accordance with Education Code Section 47607.any successor provisions to section 47607, or other statutory provisions, if enacted after the date of the charter, regarding the revocation of charters.</i></p>
<u>Impact on Charter Authorizer</u>	Page 123	<p><b>Add the following text and remove any text to the contrary:</b></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"> <li>○ September 1 – Final Unaudited Financial Report for Prior Year</li> <li>○ December 1 – Final Audited Financial Report for Prior Year</li> <li>○ December 1 – First Interim Financial Report for Current Year</li> <li>○ March 1 – Second Interim Financial Report for Current Year</li> <li>○ June 15 – Preliminary Budget for Subsequent Year</li> </ul>
<u>Impact on Charter Authorizer</u>	Page 123	<p><b>Add the following text and remove any text to the contrary:</b></p>

	<p><b><i>"Oakland Charter Academy Middle School agrees to observe and abide by the following terms and conditions as a requirement for receiving and maintaining their charter authorization:</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>Oakland Charter Academy Middle School is subject to District oversight.</i></b></li> <li>• <b><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 Oakland Charter Academy Middle School.</i></b></li> <li>• <b><i>The District is authorized to revoke this charter for, among other reasons, the failure of Oakland Charter Academy Middle School to meet generally accepted accounting principles or if it engages in fiscal mismanagement in accordance with Education Code Section 47607.</i></b></li> </ul> <p><b><i>Accordingly, the District hereby reserves the right, at District cost, pursuant to its oversight responsibility, to audit Oakland Charter Academy Middle School books, records, data, processes and procedures through the Office of Charter Schools or other means. The audit may include, but is not limited to, the following areas:</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>Compliance with terms and conditions prescribed in the charter,</i></b></li> <li>• <b><i>Internal controls, both financial and operational in nature,</i></b></li> <li>• <b><i>The accuracy, recording and/or reporting of school financial information,</i></b></li> <li>• <b><i>The school's debt structure,</i></b></li> <li>• <b><i>Governance policies, procedures and history,</i></b></li> <li>• <b><i>The recording and reporting of attendance data,</i></b></li> <li>• <b><i>The school's enrollment process, suspension and expulsion procedures, and parent involvement practices,</i></b></li> <li>• <b><i>Compliance with safety plans and procedures, and</i></b></li> <li>• <b><i>Compliance with applicable grant requirements.</i></b></li> </ul> <p><b><i>Oakland Charter Academy Middle School shall cooperate fully with such audits and to make available any and all records necessary for the performance of the audit upon 30 day's notice to Oakland Charter Academy Middle School.</i></b></p>
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		<p><b><i>When 30 days notice may defeat the purpose of the audit, the District may conduct the audit upon 24 hour's notice.</i></b></p> <p><b><i>In addition, if an allegation of waste, fraud or abuse related to Oakland Charter Academy Middle School operations is received by the District, the Oakland Charter Academy Middle School shall be expected to cooperate with any investigation undertaken by the Office of Charter Schools, at District cost. This obligation for the District to pay for an audit only applies if the audit requested is specifically requested by the District and is not otherwise required to be completed by Oakland Charter Academy Middle School by law or charter provisions."</i></b></p>
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