



**OAKLAND UNIFIED  
SCHOOL DISTRICT**

*Community Schools, Thriving Students*

# Summary of AB 1505 Changes to Charter Law and OUSD Next Steps



Presented by OUSD Office of Charter Schools

June 2020

[www.ousd.org](http://www.ousd.org)



@OUSDnews

# Agenda

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AB 1505 updated charter law and included many substantial changes, most of which go into effect on July 1, 2020. This deck summarizes the relevant changes to OUSD in the following areas:

1. Petition Review Criteria
2. Petition Review Timeline and Process
3. Renewal Petition Criteria
4. Appeal Process
5. Charter School Location (Operating Outside Authorizer Boundaries)
6. Teacher Credentialing
7. Technical Assistance

# 1. Petition Review Criteria

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## All Petitions (New Petitions, Renewals, Material Revisions)

- **ADDED**: Board should consider if charter is consistent with the interests of the community in which the school is proposing to locate. (Note: Cannot be used as a finding to deny a renewal petition, but may factor into denial of a renewal petition that is based on a related denial finding.)
- **ADDED**: In addition to describing how the school will achieve ethnic/racial balance (which was previously a required element), petition must now also describe how to achieve balance of English Learners and special education students.

**OUSD Notes:** Need work to define parameters for how to measure and evaluate the above.



# 1. Petition Review Criteria

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## **New Petitions and Material Revisions Proposing Expansion - Two New Potential Reasons for Denial**

1. **ADDED:** Charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.  
To deny based on this finding, the District must provide a written analysis including:
  - a. How proposed school would undermine existing services or offerings
  - b. Whether proposed program is duplicative of nearby existing program that has capacity to serve additional students
  
2. **ADDED:** District is not positioned to absorb fiscal impact of the proposed school.  
The District may only use this finding to deny a school if at least one of the following is true. (However, even if true, the District may still choose to approve the petition.)
  - a. Qualified interim certification AND county superintendent with FCMAT certify that granting charter would lead to negative interim certification, or
  - b. Negative interim certification, or
  - c. District under state receivership



## 2. Petition Review Timeline and Process

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### **CHANGED:**

- **Submission procedures.** Petition review timeline starts on the date the petition is submitted to the District office. Petitions cannot be required to be submitted via public comment.
- **Review timelines.** Deadlines for the initial public hearing and decision meeting have both been extended by 30 days, to 60 and 90 days from the petition submission date, respectively. Decision can still be extended another 30 days by mutual agreement, or done earlier.
- **Decision meetings.** Decision meeting must now be a public hearing and petitioners must be given equivalent time as district staff to present evidence and testimony to respond to staff recommendations.
- **Staff recommendations.** Staff recommendations must now be published at least 15 days before decision public hearing.
- **Material revisions.** Proposed material revisions to the charter petition at the time of renewal must be submitted separately from the renewal petition (but may be submitted concurrently).
- **Nonclassroom-based charters.** Moratorium on new nonclassroom-based charter schools until January 1, 2022.

**OUSD Notes:** Charter office staff and Board staff collaborating to implement procedural changes.



## 3. Renewal Petition Criteria

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**ADDED:** New 3-tier system based on state dashboard data from two years immediately preceding renewal. Default is the middle tier unless the school meets criteria specific to either the high or low tier.

### **High Tier (5-7 year renewal)**

- Green or Blue schoolwide on all indicators, OR
- Schoolwide academic indicators are same or higher than state average, and academic indicators for certain underperforming student groups are higher than state average for that student group.
- Note: Shall not deny for academic reasons.

### **Low Tier (denial or 2 year renewal)**

- Red or Orange schoolwide on all indicators, OR
- Schoolwide academic indicators are same or lower than state average, and academic indicators for certain underperforming student groups are lower than state average for that student group.
- Note: May only renew if specific findings are made addressing causes of low performance and evidence of achievement.



## 3. Renewal Petition Criteria

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### **Middle Tier (5 year renewal or denial)**

May be approved or denied based on additional analysis.

If the District Board chooses to deny, it must adopt all of the following findings:

- The charter school has failed to make sufficient progress toward meeting standards for students,
- Closure is in the best interest of students, and
- The decision provided greater weight to academic performance

**OUSD Notes:** Currently, most charter schools in Oakland would fall into the Middle Tier.



## 3. Renewal Petition Criteria

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### **Other Denial Criteria**

**CHANGED**: Any renewal petition may be denied for either of the reasons below, regardless of tier.

Denial on these criteria may only be used after school has been given 30 days to provide a corrective action plan and plan is deemed unsuccessful or unviable.

1. Substantial fiscal or governance concerns, OR
2. The school is not serving all students who wish to attend
  - Requires review of State-provided enrollment data and substantiated complaints that school has not complied with its suspension/expulsion procedures.

## 4. Appeal Process

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**CHANGED:** County denials may only be overturned by the state (SBE) if SBE finds that the district and/or county abused its discretion in denying the petition.

- **ADDED:** SBE appeals require district to prepare records of the decision hearing.
- **CHANGED:** SBE will no longer authorize charter schools after phase-out period.

**ADDED:** If an appeal petition includes material changes from previously submitted petition, petition will be remanded to district for reconsideration and a decision within 30 days.

**OUSD Notes:** There is still some discussion around what constitutes a “documentary record of the decision hearing”.

If SBE finds that a district and/or county abused its discretion, SBE would then designate either the district or county to authorize the charter school.

## 5. Charter School Location

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**CHANGED:** Charter schools operating outside of authorizer's boundaries may continue to do so until time of renewal. However, to continue operating at the same site after renewal, charter school must get approval from the school district where the school is operating or submit its renewal request to that district.

**OUSD Notes:** There is one charter school in Oakland that currently meets this criteria: Alternatives in Action, authorized by Alameda Unified. That school is up for renewal in Fall 2020. Our current understanding is that the school is planning to submit a charter petition to Alameda County to try to receive a Countywide benefit charter.

## 6. Teacher Credentials

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**CHANGED:** Current charter school teachers have until July 1, 2025 to obtain appropriate credentials. All new teachers hired after 2019-20 school year must hold appropriate credentials.

- Previously, charter school teachers of non-core/non-college preparatory courses were not required to be credentialed. Charter school teachers of core/college preparatory courses were required to be credentialed.

**OUSD Notes:** OUSD's Office of Charter Schools will continue to monitor the credentialing status of charter teachers. The State has rolled out a new system to streamline this process that is already underway.

## 7. Technical Assistance

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**CHANGED:** Technical assistance will be provided by the school district to qualifying charter schools until June 30, 2022; after that time, the county will provide technical assistance to qualifying charter schools.

**OUSD Notes:** Until June 2022, Alameda County will be leading the technical assistance work for qualifying charters with support from OUSD. For the 2020-21 school year, Oakland Military Institute was the only OUSD-authorized charter school identified for technical assistance.



# Next Steps and Timeline

- Compile summary of AB 1505 and develop implementation plans
- Seek additional clarification from legal and CDE regarding unclear parts of AB 1505
- Determine process for checking new teacher credentialing requirements

Feb–Apr

May–Jun

July–Aug

Sep–Jan

- Hold charter renewal orientation with schools going through the renewal process in 2020-21
- Update the following:
  - Charter renewal staff report template
  - Charter School Board Policy
  - Charter School Administrative Regulations
  - New petition handbook

- Present AB 1505 update to the Board
- Share AB 1505 update with charter schools
- Gather feedback from Legal, CDE, other authorizers, CCSA, and local charter schools on implementation
- Update the following:
  - Petition review procedures
  - Charter renewal handbook
  - Material revision guidelines

- Conduct renewal process according to AB 1505 timelines and requirements
- Hold initial and decision public hearings for charter schools requesting renewal