



OAKLAND UNIFIED SCHOOL DISTRICT

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**OAKLAND UNIFIED SCHOOL DISTRICT  
Office of the Superintendent**

**August 25, 2010**

Legislative File

File ID No.: 10-1737

Introduction Date: 6/23/2010

Enactment No.: \_\_\_\_\_

Enactment Date: \_\_\_\_\_

By: \_\_\_\_\_

TO: OUSD Board of Education

FROM: Tony Smith, Ph.D, Superintendent  
David Montes de Oca, Coordinator, Office of Charter Schools

SUBJECT: ARISE High School-Charter Material Revision Request

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**ACTION REQUESTED**

**Approve the charter material revision request** to revise the charter term of ARISE High School from July 1, 2007 to expire on June 30, 2012.

**SUMMARY**

Staff recommends that the Board of Education **approves the charter material revision request** for ARISE High School, under the California Charter Schools Act. The material revision request presents a sound educational program; the petitioners are demonstrably likely to successfully implement the program; and the material revision request contains reasonably comprehensive descriptions of the sixteen required elements, as required by the California Charter Schools Act. Staff recommends approval based on factual findings, specific to this particular material revision request, detailed in this report.

## PROCEDURAL BACKGROUND

- 1) OUSD approved ARISE High School on June 21, 2006 to serve students in grades 9-12.
- 2) The staff recommendation recommended approval of the charter for a five year term, which is the maximum permitted under the law.
- 3) The school did not begin operation until August 2007; therefore, the school is seeking a revision of its charter term to accurately reflect the actual term of the school's operation.
- 4) A material revision request for ARISE High School was submitted on June 23, 2010 at a regularly scheduled Board of Education meeting proposing to revise its charter term to reflect its operational history.
- 5) Staff evaluated the material revision request based on the California Charter Schools Act and the application of the OUSD Petition Evaluation Rubric.
- 6) A public hearing was held on August 11, 2010.

## STATUTORY BACKGROUND

California Charter law outlines the criteria governing the approval or denial of charter material revision requests. The following excerpt is taken from the California Charter Schools Act, California Education Code §47607.

*(a)(2) Renewals and material revisions of charters shall be governed by the standards and criteria in Section 47605, and shall include, but not be limited to a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.*

The following excerpt is taken from the California Charter Schools Act, California Education Code §47605. This excerpt delineates charter material revision approval and denial criteria:

*Education Code Section 47605 (a)(6)(b) [...] 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 following evidence, specific to this particular petition, supports this recommendation for **approval**.

**MATERIAL REVISION IMPACT:**

**\* Staff notes that the relative impact of the ARISE High School charter material revision request will assist the District in effectively monitoring, overseeing and evaluating the charter school.**

- The material revision request, as recommended herein makes **no programmatic changes**.
- The Oakland Unified School District charter renewal standards require schools to provide a **performance report demonstrating trends in performance over time**. The renewal criteria standards that are incorporated into the onsite quality reviews conducted both by staff as well as by a third-party review team are established based on a **five year charter term representing five years of school operation**.
- In **January 2008**, it was acknowledged by District Board Leadership during board proceedings in review of a three year charter term that conducting a renewal evaluation of a school that has operated for less than five years is problematic due to the absence of clear performance trends and evidence of the school's ability to sustain positive performance outcomes over time.

**The material revision request presents a sound educational program, based on an analysis of the request pursuant to Education Code §47605 (b)(1) above; supported by the following evidence:**

**EVIDENCE**

*Education Code §47605(b)(5)(A)(i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21<sup>st</sup> century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.*

Analysis of the petition with respect to the material revision of the educational program presents the following **sound educational program** elements:

<b>Educational Program</b>	<b>Evidence</b>	<b>Page Number</b>
	<b>The educational program remains unchanged from the originally submitted petition.</b>	7-28

**The petitioner is demonstrably likely to successfully implement the program set forth in the material revision request, based on an analysis of the request and research on the school pursuant to Education Code §47605 (b)(2) above; supported by the following evidence:**

**EVIDENCE**

Petitioner Capacity	Findings
	1) ARISE High School does not currently have outstanding Notices of Concern or issues of non-compliance with the District.  2) At the time of this report, there is no evidence to indicate that the petitioners are demonstrably unlikely to successfully implement the program.

**The material revision request contains reasonably comprehensive descriptions of the 16 required charter elements, based on an analysis of the petition pursuant to Education Code §47605 (b)(5) above; supported by the following evidence:**

**EVIDENCE**

*Education Code §47605(b)(5)(A)(i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to education, what it means to be an “educated person” in the 21<sup>st</sup> century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.*

<b><u>Element A</u> Educational Program</b>	<b>Rating Meets</b>	<b>NOT REVISED</b>

*Education Code §47605(b)(5)(B) The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.*

<b><u>Element B</u> Measurable Pupil Outcomes</b>	<b>Rating Meets</b>	<b>NOT REVISED</b>

*Education Code §47605(b)(5)(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.*

<b><u>Element C</u> Methods of Assessment</b>	<b>Rating Meets</b>	<b>NOT REVISED</b>

*Education Code §47605(b)(5)(D): The governance structure of the school, including but not limited to, the process to be followed by the school to ensure parental involvement.*

<b><u>Element D</u> Governance</b>	<b>Rating Meets</b>	<b>NOT REVISED</b>

Education Code §47605(b)(5)(E): The qualifications to be met by individuals to be employed by the school.

<b>Element D Governance</b>	<b>Rating Meets</b>	<b>NOT REVISED</b>
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Education Code §47605(b)(5)(F): The procedures that the school will follow to ensure the health and safety of pupils and staff... .

<b>Element F Health &amp; Safety</b>	<b>Rating Meets</b>	<b>NOT REVISED</b>
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Education Code §47605(b)(5)(G): The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

<b>Element G Racial &amp; Ethnic Balance</b>	<b>Rating Meets</b>	<b>NOT REVISED</b>
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Education Code §47605(b)(5)(H) Admission requirements, if applicable.

<b>Element H Admission requirements</b>	<b>Rating</b>	<b>NOT REVISED</b>
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Education Code §47605(b)(5)(I): The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

<b>Element I Financial Audits</b>	<b>Rating Meets</b>	<b>NOT REVISED</b>
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Education Code §47605(b)(5)(J): The procedures by which pupils can be suspended or expelled.

<b>Element J Suspension Expulsion</b>	<b>Rating Meets</b>	<b>NOT REVISED</b>
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Education Code §47605(b)(5)(K): The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

<b>Element K Employee Retirement</b>	<b>Rating Meets</b>	<b>NOT REVISED</b>
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*Education Code §47605(b)(5)(L): The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.*

<b>Element L</b> <b>Attendance</b> <b>Alternatives</b>	<b>Rating</b> <b>Meets</b>	<b>NOT REVISED</b>
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*Education Code §47605(b)(5)(M): A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.*

<b>Element M</b> <b>Employee</b> <b>Return</b> <b>Rights</b>	<b>Rating</b> <b>Meets</b>	<b>NOT REVISED</b>
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*Education Code §47605(b)(5)(N): The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.*

<b>Element N</b> <b>Dispute</b> <b>Resolution</b>	<b>Rating</b> <b>Meets</b>	<b>NOT REVISED</b>
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*Education Code §47605(b)(5)(O): A declaration 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 (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).*

<b>Element O</b> <b>Exclusive</b> <b>Employer</b>	<b>Rating</b> <b>Meets</b>	<b>NOT REVISED</b>
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*Education Code §47605(b)(5)(P): A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.*

<b>Element P</b> <b>School</b> <b>Closure</b>	<b>Rating</b> <b>Meets</b>	<b>NOT REVISED</b>
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## RECOMMENDATION

Staff recommends that the Oakland Unified School District Board of Education **approves** the **charter material revision request** by ARISE High School under the California Charter Schools Act. The factual findings illustrated in this report demonstrate that the request satisfies the standards and criteria of *Education Code § 47605*.

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)*).

The term of this charter is established here from July 1, 2007, through June 30, 2012. 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)*).