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Board Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Sonali Murarka, Executive Director, Office of Charter Schools

Meeting Date May 5, 2021

Subject Proposal Regarding Changes to Charter Petition Process

Ask of the Board Recommend some, all, or none of these changes for consideration by the full OUSD Board.

Background On March 10, 2021, the OUSD Board approved Resolution No. 2021-0039, which directed “the Superintendent or designee to bring forth, for consideration by the Board . . . , modifications to current Board Policy regarding charter school petitions, renewals, and material revisions.”

This memo discusses potential changes to the charter petition process in light of this resolution. Staff met with numerous stakeholders in developing these options, as outlined in the staff report.

Discussion The options presented in the staff report are intended to be a menu for Board Committee members to discuss. Committee members may choose to recommend some, none, or all of these changes for consideration by the full Board. Alternately, the Committee members may direct staff to explore other alternatives.

Fiscal Impact N/A

Attachment(s)

- Staff memo

Staff Memo
Potential Changes to Charter Petitioning Process
May 5, 2021

Background

On March 10, 2021, the OUSD Board approved Resolution No. 2021-0039 (“Resolution”), which directed “the Superintendent or designee to bring forth, for consideration by the Board . . . , modifications to current Board Policy regarding charter school petitions, renewals, and material revisions.” This memo discusses potential changes to the charter petition process in light of this Resolution. The Board previously approved changes to BP 420.4, the charter schools board policy, to bring the policy into alignment with the revisions to Education Code under AB 1505.

The Charter Committee has the option to recommend some, all, or none of the below options for consideration by the full OUSD Board, or can direct staff to analyze other options. Any changes approved by the Board by June 2021 will be implemented for summer of 2021 in advance of the charter renewal process in the fall of 2021.

The Office of Charter Schools (“OCS”) staff aim to have a fair, transparent petition process that all stakeholders can participate in. In evaluating potential changes to the petition process, OCS staff met with a number of stakeholders to seek their feedback regarding challenges with the current process and ideas for potential solutions.

In particular, OCS staff consulted with the following stakeholders:

- Oakland Education Association
- California Teachers Association
- OUSD-authorized charter leaders
- California Charter Schools Association
- Educators for Democratic Schools
- Parents United for Public Schools
- Washington DC Public Charter School Board staff
- Alameda County Office of Education (ACOE) charter office staff
- Los Angeles USD charter office staff
- San Diego USD charter office staff
- State University of New York Charter School Institute staff

Challenges of Current Petition Process

Below is a synthesis of challenges and pain points identified regarding the current petition process:

- Contradictions between the staff recommendation and Board decision, which can lead to timeline issues and an unclear position during appeals
- Lack of nuance in Approve/Deny recommendation, which is challenging for schools that have both significant strengths and concerns
- Board members are not deeply familiar with individual charter schools due to infrequent contact between Board members and charter schools
- Climate and length of Board meetings can make it challenging for everyone to have their voice heard
- Lack of broad understanding among the Oakland community about charter petition processes and timelines

Potential Options for Changing Petition Process

Below are 6 options for changing the charter petitioning process. These options are intended to be a menu from which Board members could consider, and are not mutually exclusive.

Option	Considerations
<p>1. Staff report with analysis and without recommendation</p> <ul style="list-style-type: none"> ● Staff would no longer provide an Approve/Deny recommendation in staff reports ● Staff would continue to perform a rigorous analysis and a synthesis of key strengths and challenge 	<ul style="list-style-type: none"> ● Findings would need to be developed for denials (other than Low tier charters). Unclear at what point in time this would happen, especially given the 15-day window for publishing findings, per AB 1505. Also unclear what would trigger the need for such findings would need to be developed. ● An additional meeting would likely be needed to determine if findings are necessary. All 3 meetings would need to occur within 90 days of petition submission: <ul style="list-style-type: none"> ○ Initial public hearing (within ~30 days) ○ Recommendation meeting (within ~60 days) ○ Determination hearing (within 90 days). ● Denial findings must include evidence that closure is in the best interest of students, per AB 1505. Unclear when this analysis would be developed, and by whom, as it could not be done with integrity for all charters in advance of the decision hearing. ● Potential unintended consequence that charter schools have less incentive to participate in OCS-led initiatives, such as around equitable enrollment practices.
<p>2. Staff report without analysis and without recommendation</p> <ul style="list-style-type: none"> ● Staff would no longer provide an Approve/Deny recommendation in staff reports ● Staff present data without an analysis or assessment of the data 	<ul style="list-style-type: none"> ● Largely same as above, but need for even greater clarity with respect to how to develop findings and how to address whether closure is in the best interest of students ● This would be more consistent with ACOE process ● Would put greater onus on Board members to synthesize the data and evidence
<p>3. Introduce new recommendation option: “Approval with Significant Improvement Plan”</p> <ul style="list-style-type: none"> ● For renewing charter schools that are approved but have one major concern, require charters to submit a Performance 	<ul style="list-style-type: none"> ● Provides a middle ground between full renewal and non-renewal ● Serves as a way to transparently communicate staff and Board concerns to the charter school and the public ● Sets clear goals for accountability that the charter school should meet during the

<p>Improvement Plan that specifies quantifiable targets for this key area of concern.</p> <ul style="list-style-type: none"> ● Staff would monitor annually against these targets and reserve the right to pursue non-renewal if progress is not made by the end of the next charter term. ● Re-agendize these schools for charter committee discussion in 2 years for a public update on progress made. 	<p>upcoming charter term</p> <ul style="list-style-type: none"> ● LAUSD uses this practice (“renewal with a benchmark”)
<p>4. Place charter <i>approval</i> recommendations on consent agenda, can be pulled by Board members</p> <ul style="list-style-type: none"> ● If staff continue to provide a recommendation, agendize charter renewals on the consent agenda. ● Individual board members would pull any charter renewals for further discussion and a separate vote if desired. ● Denials would not be on consent 	<ul style="list-style-type: none"> ● This practice may expedite some charter renewals, thereby leaving more time for deeper discussion on other charter renewals ● Consent agenda should be used for non-controversial decisions, which means it may not be appropriate for many charter-related items ● Staff would need to evaluate which items would be appropriate for this ● LAUSD uses this practice
<p>5. Consider additional options for gathering written public commentary on charter petitions</p> <ul style="list-style-type: none"> ● Create an additional electronic forum for the public to submit commentary on a charter petition, during a longer window (e.g., one month). ● Include a summary of the results of this community feedback in staff analysis 	<ul style="list-style-type: none"> ● Could allow for more individuals to share their perspective, given the short window that ecomment is currently available ● Could help expedite decision meetings
<p>6. Revise charter board policy</p> <ul style="list-style-type: none"> ● Revise the charter board policy (BP 420.4), with community input, to update and codify policies that are currently outlined in staff materials, such as criteria for the following: <ul style="list-style-type: none"> ○ 6- or 7-year renewals ○ Evaluating community impact ○ Evaluating if closure is in the best interest of students 	<ul style="list-style-type: none"> ● May help build broader community understanding for the charter petition processes ● May lengthen the charter petition and review processes

Additionally, we have listed below some changes to staff practice we are considering, in order to further address the current challenges:

- Meeting with charter school families during renewal, in order to explain the timeline, process, and steps for participating in Board meetings
- Notifications to neighboring school communities regarding charter petition requests, to allow more individuals to share their perspective
- Introduce “Board-to-Board” conversations. Based on OCS staff analysis, if there is a persistent and/or significant concern with a charter school or charter organization, staff would invite charter school/organization to present to the Charter Committee to discuss the issue and potential actionable next steps.
- Agendize all charter schools for Board discussion, either at Committee or a full Board meeting, mid charter term. This could provide an opportunity for Board members to more deeply engage with charter schools outside the renewal process.