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Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Jenine Lindsey, General Counsel
Kelly Krag-Arnold, Director, Office of Charter Schools

Meeting Date December 9, 2024

Subject Charter Renewal Decision Hearing – American Indian Public Charter School II

Ask of the Board Vote

Background On January 25, 2017, the OUSD Board of Education voted to approve a five-year term for American Indian Public Charter School II (“AIPCS II”). Due to the impacts of the COVID-19 pandemic, Education Code Section 47607.4 extended this term an additional three years, resulting in a charter term which currently expires on June 30, 2025.

On September 23, 2023, the OUSD Board of Education issued a Notice pursuant to Education Code 47607(e) outlining concerns regarding governance and whether AIPCS II is serving all students who wish to attend. AIPCS II submitted a Corrective Action Plan (“CAP”) on November 15, 2023, along with subsequent updates on February 1, 2024, May 1, 2024, and August 1, 2024. Upon review, and in light of new evidence, the OUSD Board of Education issued a Second Notice pursuant to Education Code 47607(e) on October 23, 2024, outlining continued concerns regarding governance and whether the school is serving all students. On November 21, 2024, AIPCS II submitted a supplementary CAP.

On September 30, 2024, AIPCS II submitted its renewal petition to OUSD. On November 13, 2024, the OUSD Board of Education held an Initial Public Hearing, where AIPCS II staff had the opportunity to present to the Board. In accordance with California Education Code, the OUSD Office of Charter Schools prepared a Staff Report which was posted publicly by November 24, 2024.

AIPCS II was placed in the High tier by the State and is consequently eligible for a 5, 6, or 7-year term.

Discussion The Charter Schools Act of 1992 established the criteria by which charter renewal applications must be evaluated. A charter school must meet the requirements set

forth in Education Code (Ed Code) Sections 47605, 47607, and 47607.2. Specifically, a charter school is evaluated on the following renewal criteria:

- I. Has the Charter School Presented a Sound Educational Program?
- II. Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?
- III. Is the Petition Reasonably Comprehensive?
- IV. Is the School Serving All Students Who Wish to Attend?

Based on the analysis in the attached Staff Report, the OUSD Office of Charter Schools (OCS) Staff recommends **denial** on the basis that the school has not adequately met each of the four renewal criteria. In particular, the report finds that (1) the school is not demonstrably likely to be able to implement the proposed program due to substantial governance concerns, and (2) the school is not serving all students who wish to attend. The OUSD Board has provided at least 30 days' notice to the Charter School of these alleged violations and provided the Charter School with a reasonable opportunity to cure the violation. Pursuant to Education Code, the analysis in this recommendation is additionally based on the following written findings: (1) The corrective action plan proposed by the Charter School has been unsuccessful; and (2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

Fiscal Impact

No direct fiscal impact.

Attachment(s)

- AIPCS II - Renewal Staff Report
- AIPCS II - Renewal Staff Presentation
- AIPCS II - Charter School Presentation
- AIPCS II – Initial 47607(e) Notice and AIPCS II CAP Submissions
- AIPCS II – Second 47607(e) Notice and AIPCS II CAP Submission
- AIPCS II – Renewal Denial Resolution