



TO: Board of Education

FROM: Kyla Johnson-Trammell, Ed.D., Superintendent
Sonali Murarka, Director, Office of Charter Schools

DATE: June 12, 2019

RE: **Oakland Charter Academy (Amethod Public Schools)**
Charter Material Revision Request

Legislative File

File ID No.: 19-0917

Introduction Date: 4/24/19

Enactment No.: _____

Enactment Date: _____

By: _____

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ACTION REQUESTED

Approve the material revision to the Oakland Charter Academy (“OCA” or “Charter School”) petition to alter the lottery preferences for its admission process. The stated purpose of this change is to provide higher preference to students from the neighborhood and to increase the diversity of the student body. Changes to the lottery preferences are scheduled to begin with the 2020 spring lottery which will impact students entering in the fall of 2020 for the 2020-21 school year.

The OCA material revision request includes several text revisions, some of which are elective and some of which are required by updates to law.

The elective material revision request includes text revisions to the following sections of the petition:

- Student Admission Policy and Procedures (see Charter Petition pg. 113-116)
 - Adds a lottery preference for students who are currently enrolled in or reside in the zip codes 94605, 94606, 94619, 94621, and 94601.

The Charter School’s material revision request also includes text revisions required by changes to law since the Charter School’s renewal petition was approved. These required changes include text revisions to the following sections of the petition:

- Statement of Assurances (see Charter Petition pg. 5-7)
 - Adds protections for individuals regardless of immigration status
 - Specifies notification requirements for students facing disciplinary proceedings
 - Specifies that parental involvement hours are not a requirement for admission
- Plan for Serving Students with Disabilities (see Charter Petition pg. 59-66)
 - Specifies the definition of students eligible for protections under Section 504
- Plan for English Learners (see Charter Petition pg. 66-72)
 - Updates the reclassification process to reflect changes in the state test

- Updates monitoring expectations post reclassification in accordance with the federal Every Student Succeeds Act (ESSA) requirements
- Health and Safety Plan (see Charter Petition pg. 103-110)
 - Outlines more comprehensive school policies on suicide prevention, female hygiene products, free and reduced-price lunch offerings, sexual health education, and the annual development and review of a school safety plan
- Suspension and Expulsion Procedures (see Charter Petition pg. 119-140)
 - Specifies the notification requirements for students facing disciplinary proceedings
 - Minimally rewords some suspendable and expellable offenses
 - Reclassifies sexual assault and attempted sexual assault as a non-discretionary offense
 - Adds Education Code citations
 - Clarifies who participates in disciplinary panels

The impact of the elective text revision was the primary focus of review by OCS staff. Revisions required by changes to law are typically incorporated as a charter comes up for review during a material revision request or a renewal petition.

SUMMARY

Staff recommends that the OUSD Board of Education approve the material revision of Oakland Charter Academy's education program based on the following:

- 1) The changes to the Student Admission Policy and Procedures are minimal and do not alter the likelihood of petitioner's ability to implement a sound educational program.
- 2) The lottery preference change will increase the likelihood of students being able to attend a school in their neighborhood, which is in line with the Community of Schools Board policy.
- 3) The lottery preference change will increase the likelihood of a more diverse student body, given the spread of zip codes included in the preference.
- 4) The likely impact of the lottery preference change is small in terms of the number of students whose admission will be affected solely because of this change.
- 5) The admission preferences are compliant with law.
- 6) The other text revisions requested in the petition reflect updates required by law.

PROCEDURAL BACKGROUND

- 1) OCS staff conferenced with the lead petitioner to discuss proposed changes on December 14, 2018.
- 2) The lead petitioner previously submitted a petition for the Oakland Charter Academy on January 9, 2019. Following the public hearing on February 6, 2019, the petitioner withdrew this petition on March 7, 2019 in order to further revise the lottery preferences.
- 3) The lead petitioner resubmitted a petition for Oakland Charter Academy on April 10, 2019 at a regularly scheduled board meeting. This submission was determined to be incomplete by OUSD Board Staff due to an omitted cover letter.
- 4) The lead petitioner resubmitted a petition for Oakland Charter Academy on April 24, 2019 at a regularly scheduled board meeting.
- 5) The lead petitioner presented at a public hearing on May 22, 2019.

STATUTORY BACKGROUND

Pursuant to Education Code §47607(a)(2):

Material revisions of charters are governed by the standards and criteria in Section 47605.

DISCUSSION

Staff conducted an evaluation of the proposed material revision pursuant to the Charter Schools Act. It was determined that the changes made to the lottery preferences in the admissions process were compliant with relevant law. Additionally, the changes made to other elements of the petition reflected the most current requirements.

ANALYSIS

When evaluating the strength or weakness of a proposed revision, staff assess the whether the proposed changes are:

- Compliant with relevant law
- Beneficial to students/families
- Reasonably comprehensive and likely to be successfully implemented by petitioner

Strengths	Reference
<ul style="list-style-type: none">• Proposed lottery change provides a greater opportunity for students residing nearby to attend a school in their neighborhood and will have a minimal disruptive impact on enrollment patterns.• Proposed lottery change intends to diversify the student body by preferencing zip codes with higher proportions of African-American families.• The proposed text revisions to the Statement of Assurances, Plan for Serving Students with Disabilities, Plan for English Learners, Health and Safety Plan, and Suspension and Expulsion Procedures reflect updates to the law and/or best practices.	Appendix I Appendix I Appendix I
Concerns	Reference
<ul style="list-style-type: none">• None	
Additional Questions	Reference
<ul style="list-style-type: none">• High rates of staff turnover at the Amethod Public Schools Charter Management Organization and at OCA in the 2018-19 school year raise questions about the petitioner's continued likelihood of successfully implementing the program set forth in the petition should this problem remain unaddressed.	

RECOMMENDATION

Staff recommends that the Oakland Unified School District's Board of Education **approve**, with text revisions contained herein, the material revision of the Oakland Charter Academy petition under the California Charter

Schools Act. The factual findings illustrated in this report demonstrate that the material revision to the petition satisfies Education Code Section 47607(a)(2):

Material revision of charters are governed by the standards and criteria in Education Code Section 47605.

APPENDIX I – 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 via email.

Current Board-Authorized Charter Text	Page Number	Proposed Revision
<ul style="list-style-type: none">The Charter School shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender expression, gender identity, 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). [Ref. Education Code Section 47605(d)(1)]	5	<ul style="list-style-type: none">The Charter School shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender expression, gender identity, 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, including immigration status, or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]
<ul style="list-style-type: none">If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and 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.	6	<ul style="list-style-type: none">If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the Charter School within 30 days if the Charter School demonstrates that the pupil had been enrolled in the Charter School.
[N/A]	6	<ul style="list-style-type: none">The Charter School may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. [Ref. Education Code Section

		47605(n)]
Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Charter School.	64	A student who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, is eligible for protections under Section 504.
<p>Reclassification Procedures: Criteria for Student Reclassification from English Learner to Fluent English Proficient (“RFEP”):</p> <p>1. Assess English Language Proficiency The Assessment of language proficiency using an objective assessment instrument including, but not limited to the CELDT/ELPAC, is reviewed.</p> <ul style="list-style-type: none"> • Use most recent available CELDT/ELPAC data. • Student must score Early Advanced or Advanced OVERALL (or ELPAC equivalent). • No more than one subtest (Listening or Speaking or Reading or Writing) is intermediate <p>2. Compare Student’s Performance in Basic Skills Comparison of the pupil’s performance in the CAASPP from, at minimum, past three (3) years on the English section of the CAASPP, or assigned tests taken if from out of California. Students must meet an intermediate ELPAC Score AND a proficient CAASPP score in three (3) consecutive years for Reclassification.</p>	68-69	<p>Reclassification Procedures: Criteria for Student Reclassification from English Learner to Fluent English Proficient (“RFEP”):</p> <p>1. Assess English Language Proficiency The Assessment of language proficiency using an objective assessment instrument including, but not limited to the ELPAC, is reviewed.</p> <ul style="list-style-type: none"> • Use most recent available ELPAC data. • Student must score Moderately Developed or Well Developed OVERALL (or ELPAC equivalent). • No more than one subtest (Listening or Speaking or Reading or Writing) is somewhat developed. <p>2. Compare Student’s Performance in Basic Skills Comparison of the pupil’s performance in the CAASPP from, at minimum, past three (3) years on the English section of the CAASPP, or assigned tests taken if from out of California. Students must meet a Moderately Developed ELPAC Score AND a standard met (or above) CAASPP score in three (3) consecutive years for Reclassification.</p>
6. Monitor the Academic Progress of RFEP Students for two years	70	6. Monitor the Academic Progress of RFEP Students for four years
<p>Medication in School Amethod Public Schools has adopted a policy regarding the administration of medication at school that adheres to Education Code Section 49423.</p>	107-108	<p>Medication in School Amethod Public Schools has adopted a policy regarding the administration of medication at school that adheres to Education Code Section 49423. The Charter School will adhere to Education Code Section 49414 regarding epinephrine auto-injectors and training for staff members.</p> <p>Suicide Prevention Policy The Charter School shall maintain a policy on student suicide prevention in accordance with Education Code Section 215.</p>

	<p><i>Feminine Hygiene Products</i> The Charter School will stock at least 50% of its restrooms with feminine hygiene products, and shall not charge students for these products, pursuant to Education Code Section 35292.6.</p> <p><i>Nutritionally Adequate Free or Reduced Price Meal</i> The Charter School shall provide each needy student, as defined in Education Code Section 49552, with one nutritionally adequate free or reduced-price meal, as defined in Education Code Section 49553(a), during each schoolday.</p> <p><i>California Healthy Youth Act</i> The Charter School shall teach sexual health education and HIV prevention education to students in grades 7-8, at least once, pursuant to the California Healthy Youth Act (Education Code Section 51930, et seq.).</p> <p><i>Comprehensive School Safety Plan</i> The Charter School shall adopt a Comprehensive School Safety Plan, to be reviewed and updated by March 1 of every year, which shall include, but not be limited to: (1) an assessment of the current status of school crime committed on Charter School facilities and at Charter School-related functions; and (2) identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the Charter School's procedures for complying with applicable laws related to school safety, which shall include the development of all of the following pursuant to Education Code Section 32282(a)(2)(A)-(J):</p> <ul style="list-style-type: none"> • child abuse reporting procedures • routine and emergency disaster procedures • policies for students who committed an act under Section 48915 and other Charter School-designated serious acts leading to suspension, expulsion, or mandatory expulsion recommendations • procedures to notify teachers of dangerous students pursuant to Education Code Section 49079 • a discrimination and harassment policy consistent with Education Code Section 200
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		<ul style="list-style-type: none"> • provisions of any schoolwide dress code that prohibits students from wearing “gang-related apparel,” if applicable • procedures for safe ingress and egress of pupils, parents, and employees to and from the Charter School • a safe and orderly environment conducive to learning • the rules and procedures on Charter School discipline • procedures for conducting tactical responses to criminal incidents
<p>The Charter School shall admit all pupils who wish to attend the Charter School. No test or assessment shall be administered to students prior to acceptance and enrollment into the Charter School. The Charter School will comply with all laws establishing minimum and maximum age for public school attendance in charter schools. Admission, except in the case of a public random drawing, shall not be determined by the place of residence of the pupil or his or her parent or legal guardian within the state.</p>	114	<p>The Charter School shall admit all pupils who wish to attend the Charter School. No test or assessment shall be administered to students prior to acceptance and enrollment into the Charter School. The Charter School will comply with all laws establishing minimum and maximum age for public school attendance in charter schools. Admission, except in the case of a public random drawing, shall not be determined by the place of residence of the pupil or his or her parent or legal guardian within the state. In accordance with Education Code Sections 49011 and 47605(d)(2)(B)(iv), admission preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.</p>
<p>In accordance with Education Code Section 47605(d)(2)(B), admission preferences shall be given to the following students in the following order:</p> <ol style="list-style-type: none"> 1. Siblings of existing students of the Charter School 2. Students who are enrolled in the immediate prior grade level of another Amethod Public Schools charter school 3. Children of the Charter School’s teachers and staff (not to exceed 10% of the Charter School’s enrollment) 4. Residents of the District 5. All other students 	115	<p>In accordance with Education Code Section 47605(d)(2)(B), admission preferences shall be given to the following students in the following order:</p> <ol style="list-style-type: none"> 1. Siblings of existing students of the Charter School 2. Students who are enrolled in the immediate prior grade level of another Amethod Public Schools charter school 3. Children of the Charter School’s teachers and staff (not to exceed 10% of the Charter School’s enrollment) 4. Students who are currently enrolled in or who reside in the zip codes 94605, 94606, 94619, 94621, and 94601 which encompasses the attendance areas of the local elementary school. 5. Residents of the District 6. All other students

		The Charter School and the District agree to adhere to the requirements related to admission preferences as set forth in Education Code Section 47605(d)(2)(B)(i)-(iv).
[N/A]	120-121	No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the right to initiate the procedures specified below for suspensions, before the effective date of the action. If the student's parent, guardian, or educational rights holder initiates the procedures specified below for suspensions, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the suspension and expulsion procedures described below.
c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.	121	c) Unlawfully possessed, used or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.	122	k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. This section shall apply to pupils in any of grades 4 to 12, inclusive.
n) Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code Section 243.4.	122	[deleted, only included in non-discretionary suspension, pg. 125]
2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:	125-126	2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:

a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Site Director or designee's concurrence.		a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Site Director or designee's concurrence. b) Brandishing a knife at another person. c) Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, et seq. d) Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n)
c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.	126	c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
m) Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code Section 243.4.	127	[deleted, only included in non-discretionary expellable offenses]
Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil: a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Site Director or designee's concurrence.	130	Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil: a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Site Director or designee's concurrence. b) Brandishing a knife at another person. c) Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, et seq. d) Committing or attempting to commit a sexual assault or

		committing a sexual battery as defined in Education Code Section 48900(n)
At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.	131	At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense, in accordance with Education Code Section 47605(b)(5)(J)(i).
D. Authority to Expel A student may be expelled either by the Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of an Administrative Panel, to be assigned by the Board of Directors as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a member of the Charter School Board of Directors. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.	132	D. Authority to Expel As required by Education Code Section 47605(b)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law. A student may be expelled either by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel, to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil or a member of the Charter School Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final decision.