



OAKLAND UNIFIED  
SCHOOL DISTRICT

*Community Schools, Thriving Students*

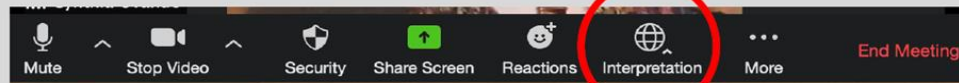
# Board Orientation | Charter Oversight February 19, 2021



# Interpretation / Interpretación / 翻譯

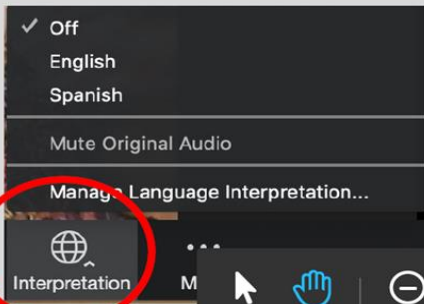
## 1 Go to Controls

Vaya a los controles | 控制項



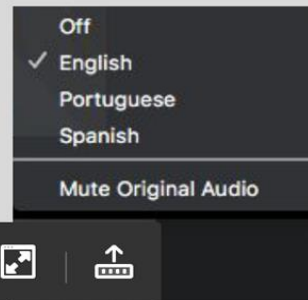
## 2 Click “Interpretation”

Clic en “Interpretación” | 翻譯



## 3 Choose a Language

Escoja un idioma | 選擇一種語言



# Land Acknowledgement

# Outcomes

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To have a common understanding of:

- The charter school landscape in Oakland
- The OUSD Staff and Board's role in
  - charter school oversight
  - charter school facilities
  - charter renewal process

# Board Norms

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- Honor Time - No Sidebars, Technology Aligned to Meeting Purpose, Start and End on Time
- Act as a Collective Body - Honor Relationships
- Honor Confidentiality
- Check for Understanding, Surface Assumptions
- Share Divergent Views - Value as a Learning Opportunity
- Celebrate Successes and Each Other's Contributions
- Presume Positive Intent
- No Personal Attacks
- Step Up Step Back

# Team Building Activity: Pair Share

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- **Purpose:** Keeping in mind the desire to get to know a bit more about each other as we might in a retreat setting
- **Pair Share (10min/5min each):** Share one thing you would like your partner to know about *What drives you to do this work + You also get to ask your partner one thing you'd like to know about them that doesn't pertain to their motivations to do the work*, and they will have the same opportunity to share and pose a question to you.

*You will receive a notice in your group when you hit the 5min mark, indicating it is your partner's turn to share and then pose a question to you*

# Instructions for Public in Breakout Grps

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- The public will not be automatically added to any of these breakout rooms, but are welcome to join.
- You can request to join any breakout room.
- At any time, you can leave a breakout room, rejoin the main room, and request to join a different breakout room.
- Members of the public can observe any breakout room but cannot actively participate in the discussion.

# Overview of Charter Landscape & The Role of the Charter Office



# Role of the OUSD Charter Office

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- Provide oversight to charter schools authorized by the OUSD Board
- Core responsibilities:
  - Ensure compliance with terms of charter and applicable law -> issuing Notices of Concern when concerns arise
  - Evaluate charter school petitions: new, renewal, and revisions
  - Monitor educational program through annual site visits
  - Monitor financial standing throughout the year
  - Intake of and monitor complaints from families and staff
  - Implement Prop. 39 for charters seeking space in district facilities
  - Support Board appointments to charter boards
- Funded by a 1% oversight fee charged to all charter schools
- Team places a high value on transparent processes and procedures

# Resources for OUSD Charter Information

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- OUSD Office of Charter Schools Website: [www.ousdcharters.net](http://www.ousdcharters.net)
  - Overview of OUSD-authorized charter schools
  - Information on AB 1505 (new charter law)
  - Information for charter families: their rights, how to file complaint
  - Prop 39 process and documentation
- Enrollment Dashboards: [www.ousddata.org/public-dashboards.html](http://www.ousddata.org/public-dashboards.html)
  - Inclusive of charter school information
  - Feeder pattern dashboard - Where do students transition from one year to the next?
  - Live/Go dashboard - Where do students attending each school live?  
Where do students living in each attendance area go to school?

# Activity - Read and React

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## Goals

- Understand the current landscape of charter schools in Oakland
- Share initial takeaways and outstanding questions

## Handouts

- Handout 1: 2020-21 Oakland District-Run and Charter Schools (Map)
- Handout 2: Oakland Charter Landscape

## Task

- Review charter landscape handout and map individually [5 min]
- Each board member shares 1 key takeaway from the data (e.g., something that validates your assumptions or something surprising) and 1 outstanding question [1-2 min each]
- Whole group discussion [8 min]

# Understanding Charters and Facilities

# Charter Facilities Background

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- 26** charter schools located exclusively in non-OSD facilities
- 14** charter schools located exclusively in OSD facilities
- 3** charter schools split across both OSD and non-OSD facilities

Of the 17 charter schools in OSD facilities:

- 11 sited individually
- 6 co-locations (incl. one with central office dept and not a school)

**See also Handout 3: 2020-21 Facilities Fast Facts**

*Note: Qualifying charters are eligible to receive funding towards the costs of renting private facilities through SB 740*

# 17 Current Facilities Use Agreements

Charter School	District Site	FUA End Date
Achieve Academy	Hawthorne	June 2061
American Indian Public High	Lakeview	June 2021
Ascend Charter School	3707 E 12th St	June 2022
Aspire Berkley Maynard	Golden Gate	June 2060
Bay Tech	King Estates	June 2023
Community School for Creative Education	2111 International Blvd	June 2022
Cox Academy	Cox	June 2025
East Bay Innovation Academy	Marshall	June 2024
Envision Academy	WOMS/Lowell	June 2021

# 17 Current Facilities Use Agreements (cont.)

Charter School	District Site	FUA End Date
Francophone Charter School	Toler Heights	June 2022
KIPP Bridge	Lafayette	June 2056
Lazear Academy	Lazear	June 2055
Learning Without Limits	Jefferson	June 2022
LPS Oakland R&D	Castlemont	June 2059
Oakland Military Institute	Longfellow	June 2033
Oakland Unity Middle School	1180 70th Avenue	June 2024
Urban Montessori	Tilden	June 2022

# Charters in District Facilities

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Three sources of District facilities arrangements with charters:

- Prop 39
- In-Lieu of Prop 39 Agreements
- Prop 51 Agreements

The District is not required to provide facilities for an approved charter school except (a) under the Prop. 39 process, and/or (b) for conversion charters.



# Proposition 39 Overview

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- Proposition 39 was passed in 2000
- Annual process that entitles charter schools to locate on one or more District sites for one school year
- Charter school must be offered space that is “reasonably equivalent” to space at comparison schools
- Annual process is documented publicly on OUSD Office of Charter Schools website
- Standard Facilities Use Agreement used for all accepted offers
- In Sept. 2020, OUSD and CA Charter School Association settled lawsuit brought by CCSA
  - Settlement primarily codified existing OUSD practices

# Annual Proposition 39 Timeline

November 1	Charter School submits Prop. 39 Facilities Request Form
December 1	District submits objections to Charter School's ADA projections
January 1	Charter School responds to Projection Objection Letter
<b>February 1</b>	<b>District submits Preliminary Facilities Offer to Charter School</b>
March 1	Charter School responds to Preliminary Facilities Offer
<b>April 1</b>	<b>District submits Final Facilities Offer to Charter School</b>
May 1	Charter School responds to Final facilities offer

## Board Actions

- January: Approve preliminary multi-site resolution
- March: Approve final offers and final multi-site resolution

# Prop 39 Fee Historical Trends

Fiscal Year	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Rate/Sq. Ft	\$4.36	\$3.80	\$4.73	\$4.74	\$3.85	\$4.62	\$4.74
Change from Prior Year	-	-\$0.56	+\$0.93	+\$0.01	-\$0.89	+\$0.77	+\$0.12

*The rate per square foot changes each year. It is calculated as follows:*

[OUSD Facilities costs paid for out of general fund]

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[Total square footage in District]

# 2021-22 Prop. 39 Applicants

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Charter School	Status (as of Feb 9, 2021)
American Indian Public Charter I (6-8)	Preliminary offer at Franklin
American Indian Public Charter II (K-8)	Preliminary offer at McClymonds and Monterera
American Indian High	Preliminary offer at Lakeview
Aspire ERES	Preliminary offer at Brookfield
East Bay Innovation Academy	Preliminary offer at Skyline for grades 9-12. Withdrew for grades 6-8; signed in-lieu for Marshall campus.
Latitude High	Preliminary offer for Bret Harte
Yu Ming	Preliminary offer for McClymonds

*All schools that have not withdrawn their request must receive a Final Offer by April 1*

## 2021-22 Prop. 39 Applicants (cont.)

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Charter School	Status (as of Feb 9, 2021)
Achieve Academy	Withdrew; signed Prop 51 FUA
Cox	Withdrew; signed in-lieu for Cox campus
Envision Academy (Middle grades only)	Signed 30-day extension for preliminary offer
Francophone	Withdrew; signed in-lieu for Toler Heights
LPS	Withdrew; signed in-lieu for Castlemont
Unity Middle	Withdrew; signed in-lieu at former SOL campus
Urban Montessori	Withdrew; signed in-lieu at Tilden/John Swett

*All schools that have not withdrawn their request must receive a Final Offer by April 1*

# In Lieu of Prop 39 Lease Overview

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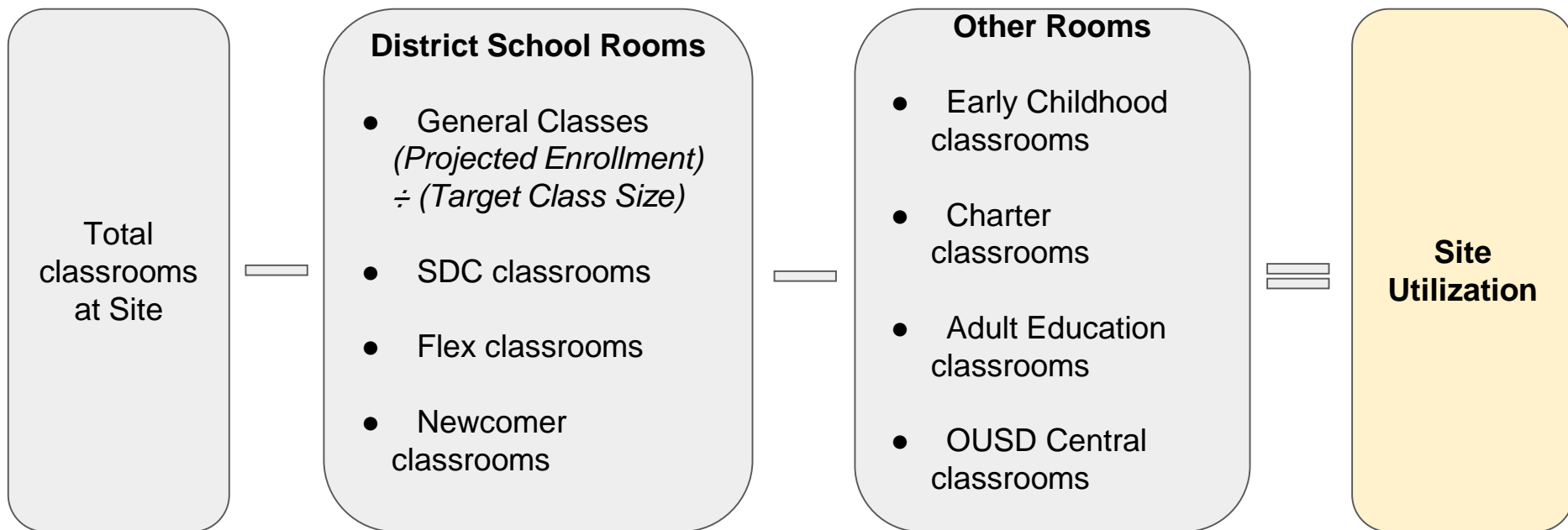
- The District has historically negotiated in lieu of Prop. 39 agreements for some charter schools
- Can be negotiated earlier in the school year, reducing uncertainty on both charter and district side
- Generally 1-4 years
- Typically for schools already occupying the lease site
- Standardized Facilities Use Agreement (FUA) template, in which charter school takes on more maintenance responsibilities than under Prop 39
- Premiums built into the FUA to charge more than the Prop 39 rate for multi-year leases

# Site Utilization

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- Prop 39 offers are given at sites that have underutilized space
- The utilization formula was developed by OUSD in conjunction with MKThink as part of the work on the facilities master plan.
  - It is used across OUSD by multiple offices to inform program placement decisions
  - Underutilized space is not necessarily empty; schools often use all spaces available to them
- Projected site utilization for next year can be viewed in the utilization dashboard
  - <https://dashboards.ousd.org/views/UtilizationDashboard/Introduction>

# Site Utilization Formula



2020-21 Utilization 1-pagers: <https://tinyurl.com/OUSDUtilizationFormula>



# Prop. 51 Overview

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- Under Prop. 51, \$500 million was provided for the Charter School Facilities Program
  - No standardized timeline, unlike Prop 39
  - Deadline for recipients to secure lease to use funds is coming up
- Permits a charter school to apply for funding for new construction and/or rehabilitation projects of district-owned facilities that are at least 15 years old
  - Charter school receives a long-term loan from the State for 50% of the project costs, and receives the other 50% of the funds as a grant from the State
- Generally requires a longer-term lease

# Prop. 51 Recipients

Charter School	Mod/New Construction	Status (As of February 2021)
Aspire Berkley Maynard	Modernization	Approved long-term lease; construction anticipated to begin in 2023
East Bay Innovation Academy	Both	On hold
Education for Change - Lazear	Both	Approved long-term lease; construction anticipated to finish June 2021
Education for Change - Achieve	Modernization	Approved long-term lease; construction anticipated to begin Summer 2021
KIPP Bridge	Modernization	No current plans to move forward
Lodestar - Lighthouse	Both	No current plans to move forward
Leadership Public Schools R&D	Both	Approved long-term lease; construction anticipated to begin in 2022
Urban Montessori Charter	Both	Preliminary conversations between charter and OCS
Yu Ming	Both	No current plans to move forward

- District and Charter are not required to move forward in these cases
- To move forward, Charter needs to be interested and Board approve long-term lease

# Activity - Discussion of Lease Structures

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**What are the advantages and disadvantages of each of the three lease structures?**

- Prop 39
- In-lieu of Prop 39
- Prop 51

## **Task**

- Break into small groups
- Each small group will discuss one lease structure
- Whole group share out

# Break

# Charter Renewal Process

# Renewal Review Timeline and Process

## Renewal Request Submission *(initiates timeline)*

Timeline starts on the date the petition is submitted to the District office. Petitions cannot be required to be submitted via public comment.

## District Staff Report and Recommendation *(published at least 15 days prior to the decision public hearing)*

Staff report outlines staff findings from renewal review and recommendation.

## Initial Public Hearing *(within 60 days of submission date)*

Petitioner presentation, public comments, and OUSD Board may discuss/ask questions.

## Decision Public Hearing *(within 90 days of submission date)*

District staff presentation, petitioner response to staff recommendation, public comments, OUSD Board may discuss/ask questions, OUSD Board votes to approve or deny the renewal.

**Note:** Proposed material revisions must be submitted separately, but may be submitted concurrently at the time of renewal.

# Upcoming Renewals

10 OUSD-authorized charter schools are up for renewal in Fall 2021

School Name	Grade Levels	Enrollment	OUSD District
American Indian Public Charter II	K-8	658	3
ASCEND	TK-8	510	5
Aspire Lionel Wilson College Prep	6-12	506	7
ARISE High	9-12	387	5
Civicorps	12 (ages 18-24)	54	3
KIPP Bridge	TK-8	561	3
Learning Without Limits	K-5	410	5
LPS Oakland R&D	9-12	493	7
Oakland Charter High	9-12	456	5
Oakland Unity High	9-12	372	6

*Additionally, 4 ACOE-authorized charter schools are up for renewal in the fall: Aurum Preparatory Academy, Lazear Charter Academy, Opportunity Academy, and Urban Montessori*

# Renewal Petition Criteria

Criteria	Key Evidence Considered
<b>1. Charter Presents a Unsound Educational Program?*</b> [§47605(c)(1); §47607(c)(1)]	<ul style="list-style-type: none"> <li>• State Dashboard tier and indicators</li> <li>• Key student group performance comparisons</li> <li>• School Quality Review site visit</li> <li>• Performance Improvement Plan, if applicable</li> </ul>
<b>2. Is Charter Demonstrably Unlikely to Successfully Implement the Proposed Educational Program?</b> [§47605(c)(2)]	<ul style="list-style-type: none"> <li>• Financial condition of charter school</li> <li>• Enrollment, attendance, and demographics</li> <li>• Compliance with regulatory elements</li> <li>• Board health and effectiveness</li> </ul>
<b>3. Is the Petition Reasonably Comprehensive?</b> [§47605(c)(4)-(6); §47605(h)]	<ul style="list-style-type: none"> <li>• Required charter petition elements and information</li> </ul>
<b>4. Is the Charter School Serving All Students Who Wish to Attend?*</b> [EC §47607(d)]	<ul style="list-style-type: none"> <li>• State-provided enrollment pattern data</li> <li>• Any substantiated complaints related to non-compliance with suspension/expulsion procedures</li> </ul> <p><i>NOTE: The Education Code generally limits the basis for denial of renewals to these criteria</i></p>



# AB 1505 - State Renewal Tier System

- AB 1505 added a 3-tier system
- Default is middle tier unless school meets criteria for high or low tier
- Other than low tier schools, schools may only be denied if Board adopts specific findings outlined in the law

<b>High Tier</b>	Eligible for 5-7 year renewal Shall not deny for academic reasons
<b>Middle Tier</b>	Eligible for 5 year renewal In order to deny, must make all of the following findings: <ul style="list-style-type: none"><li>● Decision must provide greater weight to academic performance</li><li>● Charter has failed to make sufficient progress toward meeting standards</li><li>● Closure is in the best interest of students</li></ul>
<b>Low Tier</b>	Presumptive denial. Eligible for 2-year renewal only if Board adopts findings that school is addressing causes of low performance and evidence of achievement
<b>DASS Schools (Alternative)</b>	3-tier system does not apply Eligible for a 5-year renewal

# AB 1505 - Governance/Fiscal Denials

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- Regardless of tier, any renewal petition may be denied for either:
  - Demonstrably unlikely to successfully implement the program *due to substantial fiscal or governance factors*
  - OR
  - School is not serving all students who wish to attend
    - Again, must be supported by State-provided enrollment data and/or substantiated complaints that charter failed to comply with suspension/expulsion procedures
- Charter must be given 30 days to provide a corrective action plan and plan must be deemed unsuccessful or unviable.

*Note: Although AB 1505 allows for consideration of community and fiscal impact when evaluating new charter petitions and certain material revisions, these criteria may not be used to deny the renewal of an existing charter school*

# Renewal Decision Implications

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- If renewal is approved by the District Board:
  - District retains oversight of charter for duration of approved charter term, receiving a 1% oversight fee from charter
  - Charter must operate in compliance with approved charter petition, including District Required Language included in petition, and any future proposed material revision to charter must be approved by District Board
- If renewal is denied by the District Board:
  - Charter school may appeal the decision to County
  - If appeal is approved by County, then County becomes authorizing entity, **with authority to approve/deny future material revisions**
  - If denied at County, school may appeal to State to determine District or County abused its discretion in denying petition

# Activity - Renewal Petition Criteria

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## Scenario:

- ABC Charter School is up for renewal
- Serves 325 students in grades K-5
- Opened in 2017
- Located in North Oakland

## Task:

- What further questions or considerations would you want to know before making a decision?
  - For each question/consideration, under which criteria does it fall?
- Each board member shares 1-2 questions/considerations and corresponding petition criteria

# Public Comment & Questions

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# Closing: Reflections & Appreciations

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- Something\_\_\_\_\_said really pushed my thinking...
- I appreciated getting to hear a bit more about\_\_\_\_\_...
- I found it useful the way\_\_\_\_\_reframed a question or point...



# Quality Schools in Every Neighborhood!



**OAKLAND UNIFIED  
SCHOOL DISTRICT**  
*Community Schools, Thriving Students*

1000 Broadway, Suite 300, Oakland, CA 94607

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



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# Appendix



# SB 740: The Charter School Facility Grant Program

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- Provides annual grants to qualifying charter schools to assist with facilities lease costs for the school. To qualify:
  - Charter school must be at least 55% FRL OR physically located in the attendance area of a district elementary school that is at least 55% FRL
- Administered by the California School Finance Authority
- Funding awarded based on school's ADA - \$1,184 per ADA in 2019-20, or up to 75% of their total lease costs (whichever was lower)
- Funding cannot be used for district, state, or federal facilities
- Funding cannot be used to purchase facilities

# Criteria for Long Term Charter Leases

Access (Community Benefit)	<ul style="list-style-type: none"><li>● Benefit to District school, if co-located</li><li>● Positive community sentiment</li><li>● High demand program with clear community it is serving</li></ul>
Equity	<ul style="list-style-type: none"><li>● Higher % of in-district students</li><li>● Reflective of OUSD: % of English Learners, students with IEPs, low-income students</li><li>● Backfills students</li></ul>
Quality	<ul style="list-style-type: none"><li>● Strong State Dashboard performance or CORE growth</li></ul>
Operational Sustainability	<ul style="list-style-type: none"><li>● No or few notices of concern</li><li>● Strong fiscal health and stable enrollment</li><li>● Efficient use of facilities in the past</li></ul>