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Enactment Date	4/28/2021 os



Board Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Sonal Murarka, Executive Director, Office of Charter Schools
Kelly Krag-Arnold, Deputy Director, Office of Charter Schools

Meeting Date April 28, 2021

Subject New Charter Petition, Oakland Youth Services (TK-3) – Staff Recommendation

Ask of the Board Deny the new charter petition request from Oakland Youth Services.

Background

- Oakland Youth Services submitted a new charter petition application on 2/1/21.
- An appropriately noticed public hearing was held on 3/10/21.
- In developing the staff report, the Office of Charter Schools held a leader capacity interview with the lead petitioner, a virtual community engagement with the petitioner and Elmhurst neighborhood school leaders, and a board capacity interview.
- The Office of Charter Schools also requested that the petitioners provide responses to some additional questions about operations and a Community Impact Questionnaire.
- Staff findings were made public by the 15-day posting requirement of 4/13/21.
- The decision public hearing is being held on 4/28/21.

Discussion If Oakland Youth Service’s new charter petition request is approved, the charter school will be authorized to serve up to 210 students in grades TK-3.

The attached Staff Report presents analysis as to why the proposed charter school does not meet the standards for *any* of the below 5 criteria necessary for opening a new charter school, per Education Code:

- Criterion 1: Has the Petitioner Presented a Sound Educational Program?
- Criterion 2: Is the Petitioner Demonstrably Likely to Successfully Implement the Proposed Educational Program?
- Criterion 3: Is the Petition Reasonably Comprehensive?
- Criterion 4: Is the Proposed Charter School Demonstrably Likely to Serve the Interests of the Entire Community in Which the School is Proposing to Locate?

- Criterion 5: Is the School District Positioned to Absorb the Fiscal Impact of the Proposed Charter School?

Fiscal Impact

The full proposed enrollment at OYS (210 students) could lead to a loss of funding that is estimated to be \$2.3 million annually.

The District is under State receivership, as described and defined by Education Code section 47605(c)(8), and is therefore not positioned to absorb the fiscal impact of the proposed charter school.

Attachment(s)

- Staff findings
- Denial resolution
- Presentation



Legislative File	
File ID Number:	21-0446
Introduction Date:	2/1/2021
Enactment Number:	21-0627
Enactment Date:	4/28/2021
By:	os

TO: Board of Education

FROM: Kyla Johnson-Trammell, Ed.D., Superintendent
Office of Charter Schools Staff – Sonali Murarka, Executive Director; Kelly Krag-Arnold, Deputy Director; Elizabeth Wendt, Compliance Specialist; Brett Noble, Analytics Specialist; Giselle Hendrie, Educational Consultant

DATE: April 28, 2021

SUBJECT: Oakland Youth Services New Charter Petition

School Overview

School Name	Oakland Youth Services		
Lead Petitioner(s)	Barbara Swoffard		
Charter Operator	N/A	Grade levels served in Year 1	TK-K
Proposed school address	Not provided	Anticipated enrollment in Year 1	84
Proposed neighborhood	Elmhurst	Grade levels served at scale	TK-3
Proposed Board District	7	Maximum enrollment at scale	210
Instructional focus	Constructivist approach	Proposed SELPA	Unclear ¹
Other distinguishing characteristics	<ul style="list-style-type: none"> • Year-round program • Teachers loop with students for all of grades TK-3 		

Staff Recommendation

Deny the petition and charter to establish Oakland Youth Services (OYS) for a five-year term, based on the following:

- The petition does not present a sound educational program
- The charter school is not demonstrably likely to successfully implement the proposed educational program
- The petition is not reasonably comprehensive
- The charter school is not demonstrably likely to serve the interests of the entire community in which the school is proposing to locate
- The District is not positioned to absorb the fiscal impact of the proposed charter school

Summary of Criteria for New Petitions

The below table outlines the criteria from State Education Code that are used to evaluate new charter petitions and whether the charter petition meets the minimum standard:

¹ In the petition there are references to belonging to three different SELPAs: OUSD, El Dorado, and OYS’s own SELPA. During the leader capacity interview with OCS staff, the petitioner was unable to clarify which SELPA the school intended to join.

Criterion	Education Code Reference(s)	Does the Petition Meet the Standard for this Criterion?
<i>Criterion 1:</i> Does the Charter School Present a Sound Educational Program?	§47605(c)(1)	No
<i>Criterion 2:</i> Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?	§47605(c)(2)	No
<i>Criterion 3:</i> Is the Petition Reasonably Comprehensive?	§47605(c)(3) thru (6);§47605(h)	No
<i>Criterion 4:</i> Is the Charter School Demonstrably Likely to Serve the Interests of the Entire Community in Which the School is Proposing to Locate?	§47605(c)(7)	No
<i>Criterion 5:</i> Is the School District Positioned to Absorb the Fiscal Impact of the Proposed Charter School?	§47605(c)(8)	No

Procedure

1. OYS submitted a Letter of Intent to the Office of Charter Schools on 12/10/20
2. OYS submitted a complete petition to the District on 2/1/21. Note: OYS had previously submitted petitions on 2/12/20 and 3/11/20, which were deemed incomplete based on not meeting the signature requirement.
3. The initial appropriately noticed public hearing was held on 3/10/21
4. The Office of Charter Schools scheduled a virtual leader capacity interview on 3/15/21 with the lead petitioner, which no representative from OYS attended. The Office of Charter schools rescheduled and conducted the virtual leader capacity interview with the lead petitioner on 3/15/21.
5. On 4/1/21, the Office of Charter Schools hosted a virtual community engagement with the petitioner and Elmhurst neighborhood school leaders. Four school leaders attended, along with two other community members. The Office of Charter Schools invited school leaders who were unable to attend the meeting to share their feedback by email.
6. The Office of Charter Schools conducted a virtual board capacity interview on 4/2/21 with 5 members of the proposed founding board: Gabriel Burton, Cheryl Crenshaw, Glenester Irvin, Dr. Lamont Ali Frances, and Dr. Mosi Williams. This interview focused on founding board members’ past experience with governance and plans for the proposed school.
7. The Office of Charter Schools requested the petitioners provide responses to some additional questions about operations and a Community Impact Questionnaire, which the petitioners provided on 4/5/21.
8. Staff findings were made public by the 15-day posting requirement of 4/13/21.
9. The decision public hearing is being held on 4/28/21.

Summary of Findings

Below is a staff summary of the petition’s primary strengths and challenges.

Strengths

- Proposed school leadership team has a demonstrated commitment to serving the Elmhurst community.
- Petitioners are deeply motivated by the low student achievement in the area, and are proposing some effective instructional strategies to address the root causes of that low achievement.

Challenges

- Numerous and substantial inconsistencies within the petition, as well as between the petition and the capacity interviews. For example:
 - Petition references involvement in several different SELPAs, and petitioners were unable to clarify their plans.
 - Budget includes enrollment projections for students in grade 4, although the petition is for a school serving grades TK-3.

- When asked to clarify the proposed leadership structure, OCS received conflicting answers from the capacity interview, written responses from the lead petitioner, and the board capacity interview.
- There is a significant dearth of details of how to operationalize the proposed program. For example:
 - Inadequate description of facilities plans.
 - No clear plan in either the petition or in the capacity interviews about how back office support will be handled.
 - Proposed budget is missing several critical items (e.g., cost of SELPA participation, cost of food services) and also provides unrealistic estimates for other items.
 - No acknowledgement that enrollment targets and staffing will be difficult or impossible to reach given their proposed timeline for opening.
- The petition does not demonstrate an understanding of how the proposed school would impact the existing Elmhurst school communities. For example:
 - The proposed TK-3 model would heavily impact neighboring schools when students must transition for fourth grade.
 - The intention of the proposed school is to serve students from the Elmhurst neighborhood, which would negatively impact neighboring schools' enrollments; however, when asked about this issue at the board capacity interview, the petitioners said the charter school would not draw students from neighboring schools, without providing further explanation.
 - The petition did not include any meaningfully interested student signatures, thereby providing no evidence that there is broad community awareness or support for this charter school.
- The District is not positioned to absorb the fiscal impact of a new charter school, due to being under state receivership.

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I. Criterion 1: Has the Petitioner Presented a Sound Educational Program?

Determination

Based on the analysis below, OYS has **not** presented a sound educational program.

A. Educational Program Design

In evaluating whether the charter school petition presents a sound educational program design, staff considered the following factors:

- Clear and concise mission
- Target student population
- Curriculum and instructional design
- Professional development
- Assessments, data, and reporting

Strengths	Areas of Concern
<ul style="list-style-type: none"> ● Proposes a unique model: year round, small class sizes where teacher loops with students for the duration of their enrollment at the school, intentional attention to a constructivist, culturally responsive approach to teaching and learning. ● Demonstrated understanding of the social, economic, cultural, and political context of the students and community the petitioner intends to serve. ● Proposes a focus on family involvement embedded throughout educational program. ● Proposes ambitious student goals: 65-75% proficiency. 	<ul style="list-style-type: none"> ● Identifies existing educational problems but does not offer practical or actionable solutions that can be realistically implemented. Examples include: <ul style="list-style-type: none"> ○ Discusses a variety of literacy assessment tools and options, to be implemented by teachers, which are overly taxing without cohesive discussion of how these will collectively be used. ○ Lacks comprehensive discussion of formative assessment tools in mathematics. ○ Professional development plan holds unrealistic expectations for staff and lacks discussion of the overall leadership approach. ○ Proposes several programming ideas without articulating funding sources; for example, parental English classes, bussing for every student that needs it. ● Mentions a dual language model once in the petition, with no details or further description. In the community engagement meeting, it became clear that the petitioner is conflating supports for students in multiple languages with a dual language instructional model.

B. Plan to Serve Special Populations

In evaluating whether the charter school’s educational program appropriately addresses how it plans to serve special student populations, staff considered the school’s plan to serve the following student groups:

- Students with disabilities

- English Learners
- Students above or below expected levels

Strengths	Areas of Concern
<ul style="list-style-type: none"> ● Demonstrated understanding of some key pedagogical methods to support students with disabilities. 	<ul style="list-style-type: none"> ● Suggests that all English Learner students will be Spanish speakers and that every classroom will have one adult who speaks every language in the room. This is likely unrealistic given the diversity of Oakland students as well as the proposed staffing levels described in the petition. ● The special education program mentions “Special Education teachers” but does not discuss any specific programmatic elements, such as special day classes or mod-severe inclusion classes, which may be necessary to serve a population that is projected by the petitioner to be 50% students with disabilities. ● The list of conditions for suspension includes two causes (disruption, sexual harassment) that are not permissible for K-3 students. ● The notification of expulsion described in the petition is missing student’s reentry date and referral to home district.

II. Criterion 2: Is the Petitioner Demonstrably Likely to Successfully Implement the Proposed Educational Program?

Determination

Based on the analysis below, OYS is **not** demonstrably likely to successfully implement the proposed educational program.

A. Budget and Fiscal Plan

In evaluating the proposed charter school’s budget and fiscal plan, staff considered the following factors:

- Perceived likelihood of meeting enrollment targets
- Three-year budget projections
- Financial audit procedures

Strengths	Areas of Concern
No notable strengths	<ul style="list-style-type: none"> ● Projected budget is extremely unrealistic; school would very likely have a negative ending fund balance at the end of each fiscal year, and additionally would not be able to maintain a 5% reserve. <ul style="list-style-type: none"> ○ Projected operations, facilities, and custodial costs are very low ○ Enrollment targets will be difficult or impossible to reach given the stated timeline for enrollment ○ Budget assumes an average annual salary of approximately \$55,000 for each certificated FTE, and approximately \$29,500 for each classified FTE, which are much lower than average salaries for these positions ○ No projected costs for participating in any SELPA ○ No projected costs for student food services ● Budget for the 2024-25 school year includes enrollment of 42 students in grade 4 (representing 20% of the proposed enrollment and therefore revenue for that year), although the petition does not propose to serve students in grade 4

B. Governance and Board Capacity

In evaluating the governance and board capacity of the proposed charter school, staff considered the following factors:

- Governance structure
- Experience and qualifications of founding board members

Strengths	Areas of Concern
<ul style="list-style-type: none"> Founding board members demonstrated deep passion and commitment to serving students in the Elmhurst community. 	<ul style="list-style-type: none"> There are several inconsistencies between the petition and the bylaws, including the number of board members, the number of family board members, and the term length. Many of the proposed charter board members did not have familiarity with the legal requirements for charter schools or requirements around transparent governance. Although the founding board recently recruited several additional skilled members, it does not appear that the group as a whole has had time to become a cohesive decision-making body or incorporate the expertise of new board members into the charter school’s petition. Board members shared, at times, visions and practices for the school which did not align with the information included in the petition, including around the organizational structure.

C. Organizational Capacity

In evaluating the organizational capacity of the proposed charter school, staff considered the following factors:

- Experience and qualifications of school site leadership
- Experience and qualifications of founding staff
- Procedures for hiring and school site safety

Strengths	Areas of Concern
<p>No notable strengths</p>	<ul style="list-style-type: none"> Proposes unrealistic instructional model; for example, teachers will be in classrooms with 14 students, of whom 90% are low income, 50% are students with disabilities, and 85% are English learners. However, there is no clear discussion of the support staff and or structures that will be layered into the classroom to support this model. References several positions without discussing the details or responsibilities of these positions, including a “Superintendent of Schools”. Petition lacks a comprehensive hiring plan, including mechanisms to recruit and hire school leadership, teachers, and support staff. Furthermore, the roles and amount of support staff necessary is not fully discussed, such as paraprofessionals. Lead petitioner displayed minimal understanding of charter law and AB 1505 during the leader capacity interview, but also stated that she would be the

	<p>individual responsible for ensuring the proposed school complies with all legal requirements.</p> <ul style="list-style-type: none"> ● Petition does not name a Founding Director, so actual organizational capacity is challenging to determine. ● Petition contains significant typos that interfere with staff's ability to understand the intent of the petition.
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D. Facilities

Staff attempted to evaluate the suitability of the petitioner's proposed facility or plan to acquire a facility. There is no plan in the petition regarding acquiring an appropriate facility for the school. The petition states that OYS does not intend to acquire a facility through Proposition 39, but provides no further information about the location of a proposed school site, beyond the general Elmhurst neighborhood. Furthermore, the proposed budget included in the petition assumes unrealistically low costs associated with renting or owning a facility and providing custodial services for the school. In written responses to follow-up questions that staff received, the petitioner provided a proposed address for the school. However, the address provided is currently zoned "RD-1" for detached residential, and the lot does not appear to include a suitable facility for a school.

III. Criterion 3: Is the Petition Reasonably Comprehensive?

In order for a charter school’s new petition to be approved, the petition must include all of the following:

- Reasonably comprehensive descriptions of all 15 required elements
- All other information required by the Ed Code
- All OUSD-specific requirements

Evidence considered for this criteria includes a review of the corresponding sections of the new charter petition.

Determination

Based on the analysis below, the OYS charter petition is **not** reasonably comprehensive.

A. The Required Fifteen Elements

All charter petitions must include a “reasonably comprehensive” description of 15 required elements related to the school’s operation.² The following table summarizes staff findings related to whether this standard was met for each element.

Element	Reasonably Comprehensive?
1. Description of the educational program of the school, including what it means to be an “educated person” in the 21st century and how learning best occurs.	Yes
2. Measurable student outcomes	Yes
3. Method by which student progress is to be measured	Yes
4. Governance structure	No
5. Qualifications to be met by individuals employed at the school	Yes
6. Procedures for ensuring health and safety of students	Yes
7. Means for achieving a balance of racial and ethnic, English learner, and special education students	Yes
8. Admission policies and procedures	No
9. Manner for conducting annual, independent financial audits and manner in which audit exceptions and deficiencies will be resolved	Yes
10. Suspension and expulsion procedures	No
11. Manner for covering STRS, PERS, or Social Security	Yes
12. Attendance alternatives for students residing within the district	Yes
13. Employee rights of return, if any	Yes
14. Dispute resolution procedure for school-authorizer issues	Yes
15. Procedures for school closure	Yes

Source: Ed Code §47605(c)(5) subsection (A) thru (O) and staff analysis of the charter petition

Findings for elements that are not reasonably comprehensive

Element 4 – Governance: The petitioner has stated the intent to require parent volunteer hours, which is illegal.

Element 8 – Admission policies and procedures: Admissions priorities are not clearly specified. Unclear why siblings would be exempt from the lottery as opposed to receiving a preference. Mention of a “weighted preference” for certain groups of students without specifying what weight, or whether it is in fact a priority rather than a weight. Mention of “students at Oakland Youth Services founders” under list of students exempt from the lottery and then “Children of Oakland Youth Services founders” under list of students receiving a

² EC §47605(c)(5)

weighted priority – unclear if these are intended to be the same group and, if so, whether they are exempted or weighted in the lottery.

Element 10 – Suspension and expulsion procedures: The list of conditions for suspension includes 2 causes (disruption, sexual harassment) that are not permissible for TK-3 students.

B. Other Required Information

In addition to the required 15 elements, Education Code also requires charter petitions to include the following information.

Other Required Information	Included in Petition?
The required number and type of signatures specified in §47605(a). ³	Yes
An affirmation of each of the conditions described in EC §47605(d).	Yes
A declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Government Code §3540 thru 3540.2.	Yes
Information regarding the proposed operation and potential effects of the charter school, including: <ul style="list-style-type: none"> • The facilities to be used by the charter school, including where the charter school intends to locate. • The manner in which administrative services of the charter school are to be provided. • Potential civil liability effects. 	No
Financial statements that include the annual operating budget and 3-year cashflow and financial projections, backup and supporting documents and budget assumptions.	Yes

Source: Ed Code §47605(c)(3), §47605(c)(4), §47605(c)(6), and §47605(h)

C. OUSD-Specific Requirements

OUSD-Specific Requirement	Included in Petition?
District Required Language	Yes
Executive Summary ⁴	No

³ OYS chose to meet this requirement via teacher signatures. In order to meet this requirement via teacher signatures, the petition “must be signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation” per EC §47605(a)(1)(B).

⁴ The Executive Summary that was included in the petition did not follow the requested format and did not fully respond to the specified questions.

IV. Criterion 4: Is the Proposed Charter School Demonstrably Likely to Serve the Interests of the Entire Community in Which the School is Proposing to Locate?

Determination

Based on the analysis below, OYS is **not** demonstrably likely to serve the interests of the entire community in which the school is proposing to locate.

A. Community Engagement

In evaluating OYS's previous community engagement, staff considered the following factors:

- Petitioner's prior community engagement
- Meaningfully interested student/teacher signatures
- Feedback gathered from community meeting

Strengths	Areas of Concern
No notable strengths	<ul style="list-style-type: none"> ● Minimal evidence of outreach that has been conducted by the petitioners in the community: some community leaders from District 7 have been engaged, but not families, preschool service providers, or other elementary schools. ● The petitioner provided 3 teacher signatures as evidence of meaningful interest. Based on the experience of the interested teachers (Middle school teacher, K-12/Young Adults Program), it seems that these teachers may have experience with older students.

B. Community Impact

In evaluating the community impact of OYS's proposed school, staff considered the following factors:

- Impact to existing services and programs (including enrollment)
- Duplicative programming
- Support for the program in the surrounding community

Strengths	Areas of Concern
<ul style="list-style-type: none"> ● Some elements of the proposed program are unique to OYS and are not currently offered in any neighboring schools, such as teachers looping with students for all of grades TK-3. 	<ul style="list-style-type: none"> ● The petition did not include any meaningfully interested student signatures, thereby providing no evidence that there is broad community awareness or support for this charter school. ● The petition did not include any analysis of the school's impact on the community. ● The unusual grade span (TK-3) would likely be challenging for both families and surrounding school

	<p>communities as students transition to a new school in the 4th grade.</p> <ul style="list-style-type: none"> • The petitioner intends to locate the school in close proximity to several other elementary school programs that are under-enrolled, which may further exacerbate under-enrollment at those schools and undermine their programming. • If the proposed charter school is fully enrolled at 210 students, it may result in a loss of \$2.3 million annually in ADA revenue for the District. The enrollment at OYS would lead to a decrease in enrollment at other neighborhood schools serving the same grades. This loss of enrollment would, in turn, lead to a loss of funding, which would have a direct negative impact on existing services, academic offerings, and programmatic offerings at the other neighborhood school.
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V. Criterion 5: Is the School District Positioned to Absorb the Fiscal Impact of the Proposed Charter School?

Determination

Based on the analysis below, the District is **not** positioned to absorb the fiscal impact of OYS.

A. Fiscal Impact Criteria

A new charter petition may be denied if the district is not positioned to absorb the fiscal impact of the charter school, as defined by any of the three criteria below.

Criteria	Has the District met this standard?
The district has a qualified interim certification and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team (FCMAT), certifies that approving the material revision would result in the school district having a negative interim certification.	No
The district has a negative interim certification.	No
<i>The district is under state receivership.</i>	Yes

VI. Appendix

Enrollment of Neighboring Schools

Enrollment for Grades TK-3 Only in Neighboring Schools

School	Enrollment for Grades TK-3				
	2016-17	2017-18	2018-19	2019-20	2020-21
ACORN Woodland Elementary	202	201	192	192	192
Aspire College Academy	176	184	197	194	170
Aspire Monarch Academy	276	280	286	285	284
Brookfield Elementary	207	199	164	150	138
Cox Academy	395	399	411	387	378
East Oakland Pride Elementary	235	224	205	229	212
EnCompass Academy Elementary	213	214	237	260	232
Esperanza Elementary	226	237	246	272	284
Francophone Charter School of Oakland	158	169	193	218	202
Fred T. Korematsu Discovery Academy	246	213	188	152	124
Lighthouse Community Charter	192	207	205	206	211
Lodestar	169	205	254	266	230
Madison Park Academy	202	213	167	159	182
New Highland Academy	248	239	240	238	205
Parker Elementary	139	184	153	131	102
Reach Academy	267	283	263	288	286
Rise Community	177	168	144	144	143
TK-3 Total Enrollment	3728	3819	3745	3771	3575

Source: CALPADS Census Day Enrollment 2016-17 thru 2019-20 (Official); 2020-21 (Preliminary).

Table includes all schools that serve any of grades TK-3 within an approximately 2-mile radius of the proposed address of the school.

State Test Outcomes for Neighboring Schools

Summary of Neighboring Elementary School State Test Outcomes by Student Group

Student Group	Median State Test Proficiency for Nearby Elementary Schools ⁵ (ELA/Math average)		
	2016-17	2017-18	2018-19
All Students	20%	24%	19%
Black or African American	13%	15%	12%
Economically disadvantaged	19%	21%	19%
English learner	5%	8%	8%
Hispanic or Latino	21%	25%	22%
Students with disabilities	5%	5%	7%

Source: 2016-17 thru 2018-19 CAASPP ELA/Math Smarter Balanced Assessment Research Files

⁵ Includes all schools listed in the subsequent table.

Schoolwide State Test Outcomes for Nearby Elementary Schools

School Name	ELA/Math Average Percent Meeting Standard All Students		
	2016-17	2017-18	2018-19
ACORN Woodland Elementary	32%	35%	42%
Aspire College Academy	20%	28%	23%
Aspire Monarch Academy	39%	43%	46%
Brookfield Elementary	16%	12%	17%
Cox Academy	18%	24%	19%
East Oakland Pride Elementary	15%	20%	17%
EnCompass Academy Elementary	29%	24%	14%
Esperanza Elementary	24%	26%	31%
Francophone Charter School of Oakland	69%	71%	80%
Fred T. Korematsu Discovery Academy	14%	21%	19%
Lighthouse Community Charter	26%	32%	34%
Lodestar	21%	25%	24%
Madison Park Academy TK-5	20%	20%	17%
New Highland Academy	10%	9%	12%
Parker Elementary	26%	21%	20%
Reach Academy	4%	9%	11%
Rise Community	3%	6%	10%

Source: 2016-17 thru 2018-19 CAASPP ELA/Math Smarter Balanced Assessment Research Files

**RESOLUTION OF THE
BOARD OF EDUCATION
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 2021-0212

Denial of Oakland Youth Services New Charter Petition Resolution

WHEREAS, Oakland Youth Services (“OYS” or “Charter School”) submitted a request to approve a New Charter Petition (“Charter Petition”) that was deemed complete and received by the District on February 1, 2021;

WHEREAS, OYS’s Charter Petition is seeking an initial charter term of five years commencing July 1, 2021;

WHEREAS, a public hearing on the New Petition was properly noticed for and held by the Board of Education of OUSD (“Board”) on March 10, 2021;

WHEREAS, the District’s Staff Report was publicly posted by April 13, 2021, at least 15 days in advance of the decision hearing on April 28, 2021;

WHEREAS, the Charter Schools Act (Ed. Code § 47600 *et seq.*), as amended most recently by Assembly Bill No. 1505 (“CSA”), establishes the standards and criteria by which charter school petitions are to be approved or denied;

WHEREAS, the Staff Report, attached hereto and incorporated herein by reference, groups the aforementioned “standards and criteria” into five criteria as follows:

- Criterion 1: Has the Petitioner Presented a Sound Educational Program? [§47605(c)(1)]
- Criterion 2: Is the Petitioner Demonstrably Likely to Successfully Implement the Proposed Educational Program? [§47605(c)(2)]
- Criterion 3: Is the Petition Reasonably Comprehensive? [§47605(c)(3)-(6);§47605(h)]
- Criterion 4: Is the Proposed Charter School Demonstrably Likely to Serve the Interests of the Entire Community in Which the School is Proposing to Locate? [§47605(c)(7)]
- Criterion 5: Is the School District Positioned to Absorb the Fiscal Impact of the Proposed Charter School? [§47605(c)(8)];

WHEREAS, the Staff Report, in evaluating the Charter Petition, found that it did not meet the standards for any of the five criteria; and

WHEREAS, on this basis, the Staff Report recommended denial of the Charter Petition.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby adopts all aspects of the Staff Report on OYS’s Charter Petition in favor of denial, which is incorporated herein by reference, except to the extent that any aspect of the Staff Report is inconsistent with this Resolution;

BE IT FURTHER RESOLVED THAT, the Board finds that OYS *presents an unsound educational program for the pupils to be enrolled in OYS* and incorporates specific facts found in the Staff Report to support this finding including, but not limited to, the following:

- Discusses a variety of literacy assessment tools and options, to be implemented by teachers, which are overly taxing without cohesive discussion of how these will collectively be used,
- Lacks a comprehensive discussion of formative assessment tools in mathematics,
- Holds unrealistic expectations for staff and lacks discussion of the overall leadership approach with respect to the professional development plan,
- Proposes several programming ideas without articulating funding sources (e.g., parental English classes, bussing for every student that needs it),
- Mentions a dual language model once in the petition, with no details or further description,
- Suggests that all English Learner students will be Spanish speakers and that every classroom will have one adult who speaks every language in the room, and
- Mentions “Special Education teachers” but does not discuss any specific programmatic elements with respect to the special education program;

BE IT FURTHER RESOLVED THAT, in addition to and separately from the prior paragraph, the Board finds that OYS *is demonstrably unlikely to successfully implement the program set forth in the petition* and incorporates specific facts found in the Staff Report to support this finding including, but not limited to, the following:

- Projected budget is extremely unrealistic and missing key elements, such as the costs of participating in any SELPA and the costs of student food services,
- Projected budget for the 2024-25 school year includes enrollment of 42 students in grade 4, although the petition does not propose to serve students in grade 4,
- Several inconsistencies between the petition and the bylaws, including the number of board members, the number of family board members, and the term length, and
- Petition lacks a comprehensive hiring plan, including mechanisms to recruit and hire school leadership, teachers, and support staff;

BE IT FURTHER RESOLVED THAT, in addition to and separately from the prior two paragraphs, the Board finds that the OYS petition *is not reasonably comprehensive* and incorporates specific facts found in the Staff Report to support this finding, including but not limited to, the following:

- The description of Element 4 – Governance contains a stated intent to require parent volunteer hours, which is illegal to require,
- The description of Element 8 – Admissions Policies and Procedures does not clearly specify how the admissions preferences would be implemented, and
- The description of Element 10 – Suspension and Expulsion Procedures contains two causes for suspension that are not legally permissible for TK-3 students;

BE IT FURTHER RESOLVED THAT, in addition to and separately from the prior three paragraphs, the Board finds that OYS *is not demonstrably likely to serve the interests of the entire community*

in which the school is proposing to locate and incorporates specific facts found in the Staff Report to support this finding including, but not limited to, the following:

- The petition did not include any meaningfully interested student signatures, thereby providing no evidence that there is broad community awareness or support for this charter school,
- The unusual grade span (TK-3) would likely be challenging for both families and surrounding school communities as students transition to a new school in the 4th grade, and
- The full enrollment at OYS (210 students) would lead to a decrease in enrollment at other neighborhood schools serving the same grades, leading to a loss of funding (est. \$2.3 million annually), which would have a direct negative impact on existing services, academic offerings, and programmatic offerings at the other neighborhood school;

BE IT FURTHER RESOLVED THAT, in addition to and separately from the prior four paragraphs, the Board finds that *the District is not positioned to absorb the fiscal impact of the proposed charter school* and incorporates specific facts found in the Staff Report to support this finding including, but not limited to, the following:

- The District is under State receivership, as described and defined by Education Code section 47605(c)(8);

BE IT FURTHER RESOLVED THAT, in considering these factors, the Board is relying on the information, data, and analysis of these factors found in the Staff Report; and

BE IT FURTHER RESOLVED THAT, the Board hereby denies OYS's Charter Petition as submitted for a five-year term, commencing July 1, 2021.

PASSED AND ADOPTED on April 28, 2021, by the Governing Board of the Oakland Unified School District by the following vote:

PREFERENTIAL AYE: Student Director Jessica Ramos

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Gary Yee, Mike Hutchinson, Aimee Eng, VanCedric Williams, Clifford Thompson, Vice President Benjamin "Sam" Davis, President Shanthi Gonzales

NOES: None

ABSTAINED: None

RECUSED: None

ABSENT: Student Director Samantha Pal

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held on April 28, 2021.

Legislative File	
File ID Number:	21-0446
Introduction Date:	2/1/2021
Enactment Number:	21-0627
Enactment Date:	4/28/2021 os

OAKLAND UNIFIED SCHOOL DISTRICT



Shanthi Gonzales
President, Board of Education



Kyla Johnston-Trammell
Superintendent and Secretary, Board of Education