

Charter Renewal Staff Recommendation American Indian Public Charter School II

*OUSD Office of Charter Schools
December 9, 2024*



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students



Charter Renewal Overview

Charter School Renewal Overview

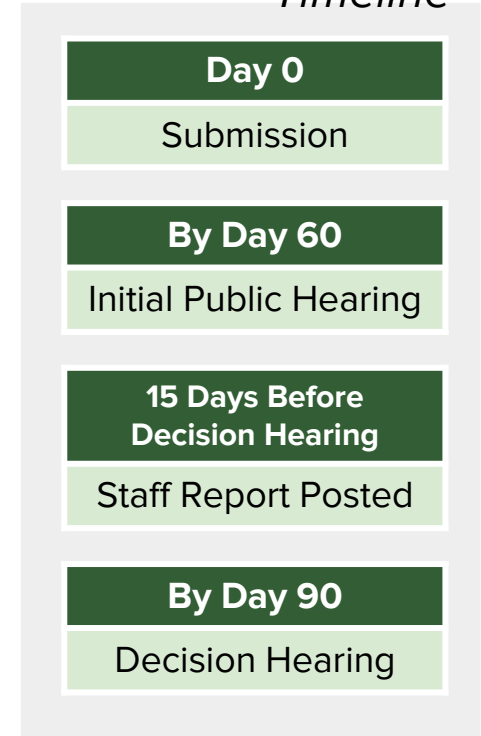
Background

Every 5 years (typically), a Charter School must submit a renewal petition to their authorizer in order to continue operating. The authorizer, the OUSD Board of Education, must evaluate the renewal petition based on criteria outlined in California Education Code and the school's Renewal Tier placement. The Board must vote within 90 days of submission to approve or deny the petition.

COVID-19 Impact on Charter Renewal

Due to the lack of Dashboard data after COVID, the State legislature extended all charters' terms by a total of **three years**. Therefore, all OUSD-authorized charter schools that are up for renewal this fall are currently in **year 8** of their charter term.

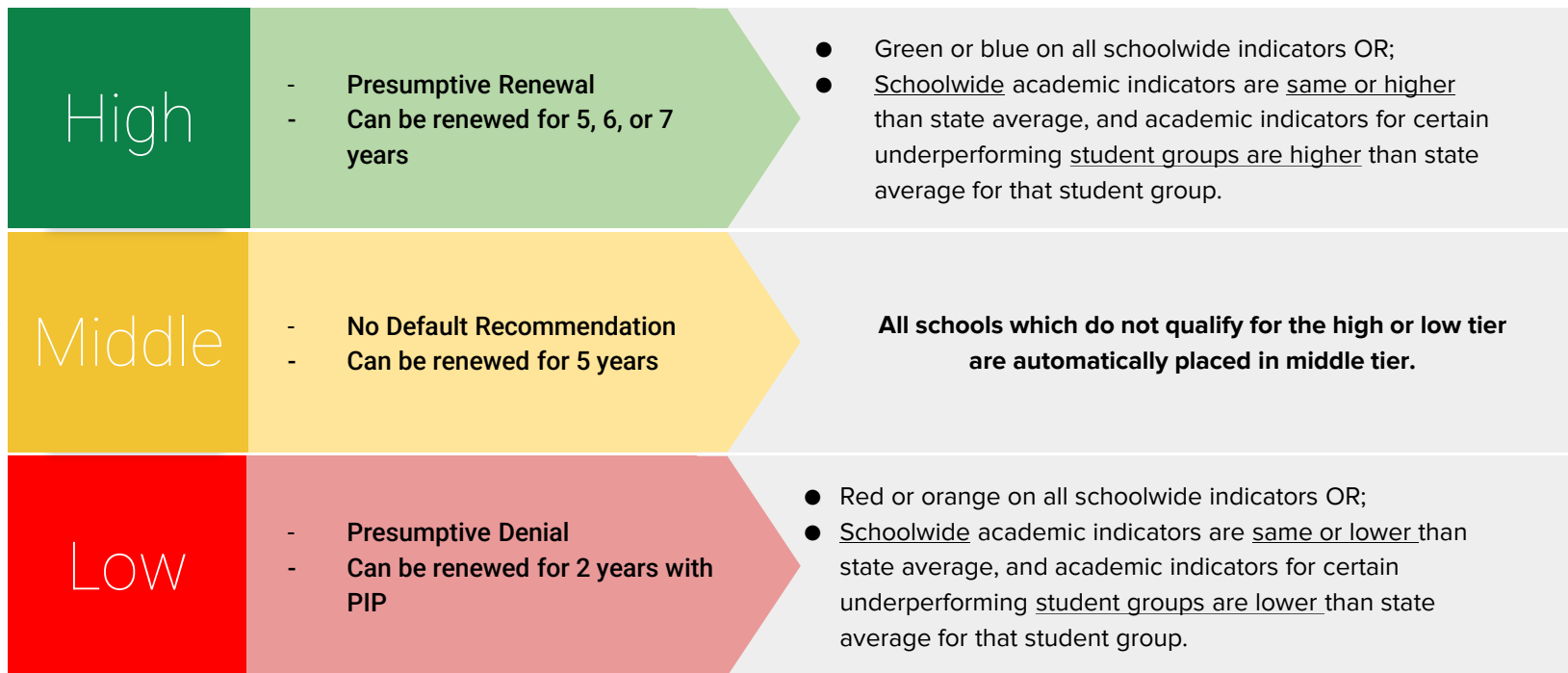
Timeline



Charter School Renewal Criteria

01	Has the Charter School Presented a Sound Educational Program?	<ul style="list-style-type: none">• Renewal Tier Placement• State Testing Performance and CORE Growth Data (if applicable)• Graduation Outcomes (if applicable)• Verified Data• Site Visit Information
02	Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?	<ul style="list-style-type: none">• Enrollment Information and Demographics• Fiscal Analyses• Notices of Concern• Board Health and Effectiveness• Staffing and Teacher Credentialing
03	Is the Petition Reasonably Comprehensive?	<ul style="list-style-type: none">• Analysis of 15 Required Elements per California Education Code• Analysis of other OUSD required items
04	Is the Charter School Serving All Students Who Wish to Attend?	<ul style="list-style-type: none">• State-provided Enrollment Data• Substantiated Complaints related to suspension/expulsion if applicable <p>Note: Ed. Code limits consideration to only these data sources</p>

How Does CDE Calculate Renewal Tiers?





AIPCS II

Renewal Analysis and Staff Recommendation

AIPCS II Overview

American Indian Public Charter School II (AIPCS II)

Charter Management Organization	AIMS	Neighborhood	Chinatown / Downtown Oakland
Grade Span	K-8	OUSD Attendance Area	Elem: Lincoln Middle: Westlake
OUSD Board District	District 2	Current Enrollment	612

AIMS CMO Overview



OUSD Lakeview Campus
AIMS High School
Grades 9-12



AIMS 12th Street Campus
AIPCS II + *AIMS Middle School*
Grades K-8 + Grades 6-8

AIPCS II General Renewal Timeline

September
30, 2024

Renewal Submission

AIPCS II submitted the renewal petition and all associated documents to the OUSD Office of Charter Schools.

November
13, 2024

Initial Public Hearing

OUSD Board of Education held an Initial Public Hearing where representatives of the Charter School had the opportunity to present.

November
24, 2024

Staff Report Posted

The OUSD Staff Report and recommendation was posted to the OUSD Board of Education website.

December
9, 2024

Decision Hearing

OUSD Board of Education is holding the Decision Hearing at which they will vote to approve or deny the renewal petition.

As part of the renewal process, the OUSD Office of Charter Schools conducted a site visit at AIPCS II on April 22-23, 2024 and a charter board interview with members of the AIMS governing board on August 7, 2024.

AIPCS II CA Dashboard Results

	ELA	Math	EL Progress	Suspension	Chronic Absenteeism
2021-22	High 21.9 pts above standard	High 12.3 pts above standard	Very High 66.7% making progress	Very Low 0.3% suspended	Medium 7.9% chronically absent
2022-23	Green 21.6 pts above standard <i>Decreased 0.3 pts</i>	Green 21.1 pts above standard <i>Increased 8.8 pts</i>	Yellow 64.7% making progress <i>Decreased 2%</i>	Yellow 0.9% suspended <i>Increased 0.6%</i>	Red 17.1% chronically absent <i>Increased 9.2%</i>
2023-24	Blue 38 pts below standard <i>Increased 16.3 pts</i>	Green 26.5 pts below standard <i>Increased 5.4 pts</i>	Red 37.4% making progress <i>Decreased 27.3%</i>	Orange 1.3% suspended <i>Increased 0.4%</i>	Yellow 15.1% chronically absent <i>Decreased 2%</i>

AIPCS II Renewal Tier Analysis

AIPCS II was placed in the High Tier based on Criterion 2

Presumptive Renewal; Eligible for 5, 6, or 7-year renewal term

Indicator	Student Group	2022			2023		
		School Status	State Status	Result	School Status	State Status	Result
ELA	Schoolwide	21.9	-12.2	Higher	21.6	-13.6	Higher
	African American	8.5	-57.7	Higher	12	-59.6	Higher
	English Learner	4.1	-61.2	Higher	6.7	-67.7	Higher
	Hispanic/Latino	-8.8	-38.6	Higher	-26	-40.2	Higher
	SED	15.5	-41.4	Higher	20.2	-42.6	Higher
Math	Schoolwide	12.3	-51.7	Higher	21.1	-49.1	Higher
	African American	-4.2	-106.9	Higher	2.3	-104.5	Higher
	English Learner	-0.9	-92	Higher	16.5	-93.4	Higher
	Hispanic/Latino	-50.7	-83.4	Higher	-62.1	-80.8	Higher
	SED	6.8	-84	Higher	22.3	-80.8	Higher
EL Progress		66.7%	50.3%	Higher	64.7%	48.7%	Higher

High Tier Education Code Background

Education Code 47607(e)

Shall only be denied with a finding that the school is demonstrably unlikely to successfully implement the program set due to a written finding which demonstrates either:

- A. *Substantial fiscal or governance concerns; or*
- B. *The school is not serving all pupils who wish to attend*

May only be denied for either of the two reasons listed above after the authorizer has provided **at least 30 days' notice to the charter school of the alleged violation and with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school.** The authorizer may then deny renewal only by making either of the following findings:

- A. *The corrective action proposed by the charter school has been unsuccessful; or*
- B. *The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.*

AIPCS II 47607(e) Notice Timeline

September 2023	November 2023	October 2024	November 2024
<p>Initial 47607(e) Notice</p> <p><i>The OUSD Board issued a Notice pursuant to Education Code 47607(e) due to concerns regarding governance and whether AIPCS II is serving all students who wish to attend.</i></p>	<p>AIPCS II Corrective Action Plan</p> <p><i>AIPCS II submitted a Corrective Action Plan ("CAP") - with subsequent updates in February 2024, May 2024, and August 2024, as recommended in the 47607(e) Notice</i></p>	<p>Second 47607(e) Notice</p> <p><i>The OUSD Board issued a Second Notice pursuant to Education Code 47607(e) to document new evidence and to give AIPCS II an additional opportunity to correct the unresolved concerns.</i></p>	<p>AIPCS II Supplementary CAP</p> <p><i>AIPCS II submitted a supplementary CAP in response to the concerns outlined in the Second 47607(e) Notice.</i></p>

Although only 30 days notice is required, the initial 47607(e) Notice was submitted over a year in advance of the AIPCS II renewal submission to allow ample time for AIPCS II to investigate and remedy the concerns. The second 47607(e) Notice was issued 47 days before this Decision Hearing.



Governance Concerns and AIPCS II CAP Response

Governance Concern 1: School Safety

Background

- **Outdated Safety Plan:** AIPCS II failed to maintain a legally compliant School Safety Plan despite staff alerting leadership of the problem.
- **Noncompliant Safety Drills:** Required safety drills were either not conducted or conducted ineffectively.
- **Minimal Staff Training:** Staff received minimal safety training.
- **Inadequate Supervision:** Student supervision was inadequate, with incidents including unsupervised children and overcrowded PE classes.
- **Security Concerns:** Other concerns included unmonitored entrances and dangerous pick up and drop off procedures.

AIPCS II CAP

- **Updated Safety Plan:** AIPCS II approved a legally compliant, updated 2023-24 Safety Plan.
- **Safe School Committee:** AIPCS II developed a committee to provide input on the Safety Plan including parents, students, and staff.
- **Safety Training:** AIPCS II held staff safety trainings.
- **Safety Drills:** AIPCS II submitted a log showing 2023-24 and 2024-25 safety drill schedules.
- **Fire Inspection:** AIPCS II submitted an updated fire inspection.

OUSD Analysis

- **Positive Evidence:** *AIPCS II took appropriate steps to be in compliance with required safety protocols and procedures. OUSD also appreciated the development of the Safe School Committee.*
- **Remaining Concerns:** *No action steps were taken regarding PE supervision and students continued to report feeling unsafe given the vacancies in the PE position and the high student: teacher ratio.*

Governance Concern 2: Workplace and Complaints

Background

- **Dissolution of HR Department:** AIPCS II dissolved HR department resulting in confusion and HR related violations
- **Labor Code Violations:** Witnesses reported multiple labor code violations including a lack of required breaks.
- **UCP Violations and Dysfunctional Complaint System:** AIPCS II violated UCP complaint procedures and witnesses described a pattern of administration ignoring concerns or violating confidentiality.
- **Retaliation:** Concerning pattern of employee terminations after filing complaints.
- **Document Maintenance:** AIPCS II did not track complaints, terminations, and other important workplace data.

AIPCS II CAP

Human Resources

- Hired an HR Coordinator
- Created HR Page on website
- HR PD for AIPCS II leadership

Complaints and UCPs

- Mandated UCP training and posted UCP forms in all classrooms.
- Presented complaint summary to AIMS Board.
- Updated website to include complaint procedures and Ombudsman information.
- Allocated funds for confidentiality and investigations training.

Retaliation and Workplace

- Distributed Climate Survey to staff.
- Approved funding for harassment and retaliation training.

OUSD Analysis

- **Positive Evidence:** *AIPCS II increased transparency regarding HR and complaint procedures and systems. School also developed systems to improve complaint processing and tracking. OUSD received fewer complaints in 2023-24 than in previous years.*
- **Remaining Concerns:** *Evidence shows that AIPCS II took steps to spread misinformation regarding the 47607(e) Notice and discouraged community members from contacting OUSD. Complaint logs submitted by AIPCS II did not align with complaints submitted to OUSD.*

Governance Concern 3: Staffing and Credentialing

Background

- **Vacancies:** AIPCS II had 16 vacancies in 2022-23, including 0 credentialed kindergarten teachers for a total enrollment of 54 students and only 1 credentialed 5th grade teacher for a total enrollment of 70 students.
- **Over-reliance on emergency credentials:** AIPCS II relied heavily on the use of emergency credentials, meant to be a “last resort” when hiring.
- **High Turnover:** AIPCS II had very high teacher turnover rates, which witnesses described having a severe impact on the educational program and workplace environment.

AIPCS II CAP

- **Board Presentations:** AIMS leadership provided monthly staffing and credentialing reports to the AIMS Board.
- **Recruitment Channels:** AIPCS II provided a list of 2022-23 and 2023-24 recruitment channels.
- **Partnerships:** AIPCS II partnered with Swing and Scoot Education to employ long-term substitutes.

In the November 2024 CAP, AIPCS II also proposed the following action step:

- **Steering Committee:** AIPCS II will create a monthly committee to address retention, recruitment, and credentialing issues.

OUSD Analysis

- **Positive Evidence:** *AIPCS II decreased the total number of vacancies at the site from 16 in 2022-23, to 9 in 2023-24, to 4 in 2024-25 (Census Day figures).*
- **Remaining Concerns:** *AIPCS II continues to have a very high percentage of “Ineffective” educators. Students reported a variety of concerns regarding the “rotating teachers” and the impact on their learning. Despite this evidence, AIPCS II has continued to deny the existence of staffing issues or pointed to the nationwide staffing shortage as the sole reason for any issues.*

Governance Concern 3: Staffing and Credentialing

	2022-23	2023-24	2024-25
Clear <i>Authorized by clear or preliminary credential or by local assignment option 80005(b)</i>	17.4%	25.9%	36.4%
Intern <i>Authorized by intern credential</i>	21.7%	7.4%	0.0%
Out-of-Field <i>Authorized by GELAP, SELAP, short-term waiver, emergency EL permit, or Local Assignment Option</i>	4.4%	7.4%	9.1%
Ineffective <i>No legal authorization or authorized by emergency credential (PIP, STSP), variable term waivers, or substitute permits (excluding vacancies)</i>	56.5%	59.3%	54.5%

In 2022-23, OUSD and the State had an “Ineffective” rate of 31.6% and 4.9%, respectively.

Governance Concern 4: Accountability and Governance

Background

- **Notices of Concern:** AIPCS II and AIMS received 7 Notices of Concern prior to the September 2023 Notice and 3 Notices after. Of these 10, 5 were Brown Act violations or violations related to AIMS board meetings.
- **Accountability:** During the investigation, concerns arose regarding AIMS and AIPCS II leadership's willingness to acknowledge the existence of issues at the school and their willingness to hold themselves accountable.

AIPCS II CAP

- **Acknowledgement:** AIPCS II acknowledged the need for improvements in an October 2023 letter to OUSD.
- **CAP Committee:** AIPCS II created a CAP Advisory and Monitoring Committee which included a Leadership Consultant, the AIMS Director of Schools, AIPCS II site admin, the AIMS Superintendent, other AIMS admin, 2 Board members, and 4 independent advisors.
- **CAP Submission:** AIPCS II submitted a CAP and updates as recommended in the September 2023 Notice.
- **24-25 Training:** AIPCS II developed a 2024-25 governance training and coaching schedule for AIPCS II leadership.

OUSD Analysis

- **Positive Evidence:** *AIPCS II developed an organized CAP which included many of the recommendations outlined in the September 2023 Notice.*
- **Remaining Concerns:** *AIPCS II and AIMS leadership has continued to deny many of the concerns outlined in the September 2023 and October 2024 Notices, frequently shifting all accountability towards OUSD, former personnel, or other external factors.*



Serving all Students Concerns and AIPCS II CAP Response

Enrollment Concern 1: Students with Disabilities

Background

- **Low enrollment of students with disabilities:** AIPCS II and other AIMS schools serve a significantly lower population of students with disabilities than OUSD and other Oakland charter schools.
- **Failures of Child Find requirements:** In the 2022-23 school year, AIPCS II did not identify *any* students for special education evaluation in compliance with IDEA's Child Find.
- **Lacking accommodations:** Witnesses reported the school did not provide required accommodations and services and described the school engaging in retaliatory practices to encourage students with disabilities to disenroll.

AIPCS II CAP

- **Training:** AIPCS II trained the Board and staff on Child Find obligations.
- **Recruitment:** AIPCS II increased recruitment and marketing efforts with students of disabilities and updated the Special Education information on the AIMS website.
- **Staffing:** AIMS increased SPED staffing.

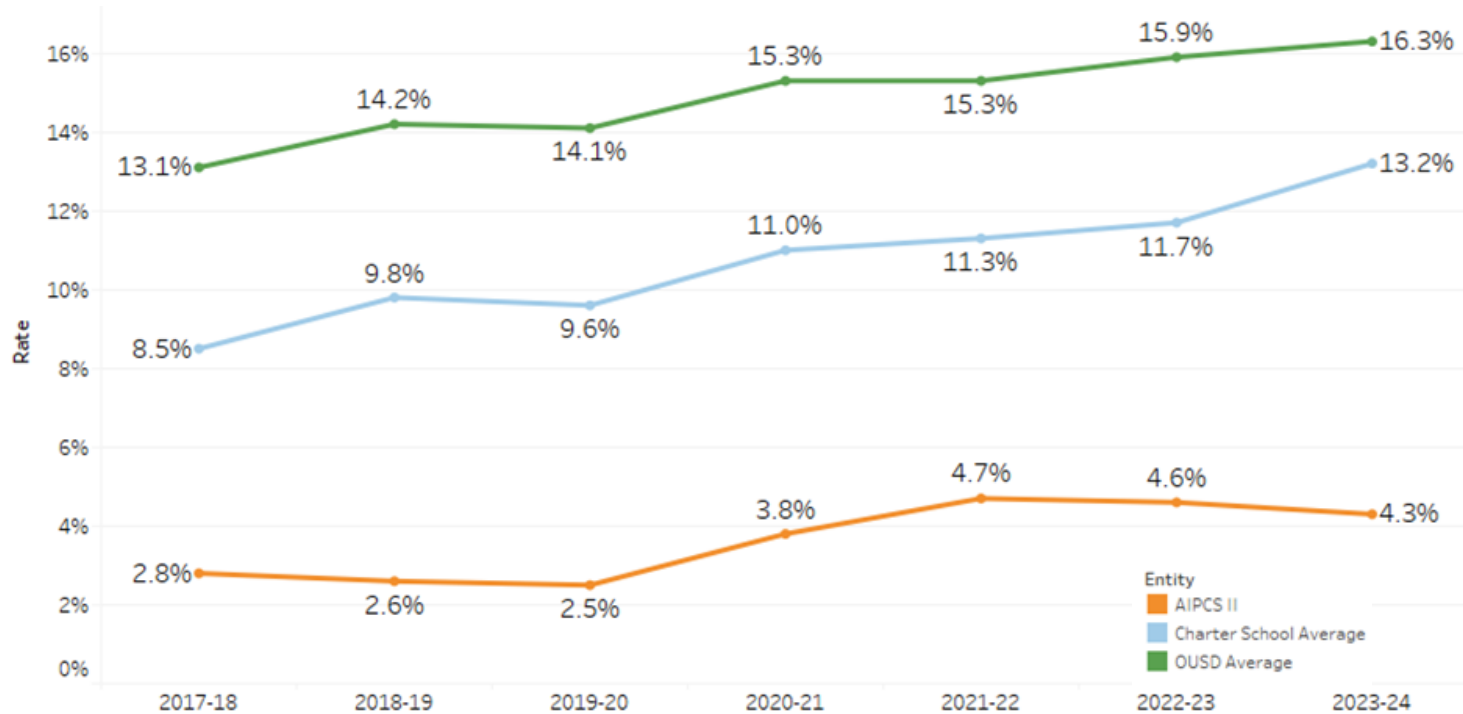
In the November 2024 CAP, AIPCS II also proposed the following action steps:

- **Parent Meetings:** AIPCS II will host quarterly Child Find meetings to increase awareness around special education.
- **Referrals:** AIPCS II will enhance referral processes for IEP evaluations.
- **Community Workshops:** AIPCS II will work with community orgs to provide workshops for parents of students with disabilities.

OUSD Analysis

- **Positive Evidence:** *AIMS has increased staffing both at AIPCS II and across the AIMS schools.*
- **Remaining Concerns:** *AIPCS II continues to have a very low population of students with disabilities and a very low referral rate per Child Find. Per data submitted by AIPCS II, 52% of IEP reviews were late with no valid excuse in 2023-24, with 3 annual meetings never held at all. OUSD received 3 additional complaints alleging failures in special education programming and non-compliance with required accommodations and processes.*

Enrollment Concern 1: Students with Disabilities



Enrollment Rate of Students with Disabilities

Enrollment Concern 2: Academically Struggling Students

Background

- **Improper Recruitment Practices:** Witnesses alleged AIPCS II was engaging in improper recruitment practices outside of the Oakland Enrolls process.
- **Retention and Pushout:** Witnesses shared AIPCS II engaged in practices which would encourage academically struggling students to disenroll and reported AIPCS II would hold back students as a way to push these students out. Following a complaint, OUSD confirmed AIPCS II improperly held back a student in violation of their own policy.
- **CDE Enrollment Data:** CDE enrollment data shows students who exit AIPCS II perform significantly worse on state tests than the schoolwide average.

AIPCS II CAP

AIPCS II did not take any specific actions outlined in the CAP to address these concerns beyond outlining their already existing enrollment processes to the AIMS Board.

In the November 2024 CAP, AIPCS II also proposed the following action steps:

- **Root Cause Analysis:** AIPCS II will conduct root cause analysis regarding enrollment.
- **Targeted Outreach:** AIPCS II will launch targeted outreach to underrepresented groups .
- **Recruitment Materials:** AIPCS II will revise recruitment materials to reflect inclusive support services.

OUSD Analysis

- **Positive Evidence:** *OUSD saw fewer mid-year student exits during 2023-24.*
- **Remaining Concerns:** *AIPCS II has not addressed the CDE enrollment data. Additionally, enrollment data shows AIPCS II is holding students back a grade at a much higher level than other Oakland charter schools. Student focus groups also noted that students at AIPCS II have left after being told they would be held back.*

Enrollment Concern 2: Academically Struggling Students

The figure below shows the total number of students repeating a grade at AIPCS II, AIMS Middle School, and all other Oakland charter schools, in grades K-8. As shown below, AIPCS II and AIMS MS students make up almost half of all students held back for most years of the charter term, despite lacking retention policies. *As a note, this data only includes students who **remained at the school**, it does not include any students who were told they must repeat a grade and consequently disenrolled.*

	18-19	19-20	20-21	21-22	22-23	23-24	24-25
AIPCS II Total	19	18	15	7	11	3	9
AIMS MS Total	4	7	2	1	4	3	1
Total at all other Oakland Charter Schools	28	35	15	38	12	8	18
Percentage of AIMS students held back vs. all Oakland Charter Schools in grades K-8	45%	42%	53%	21%	56%	43%	44%

AIPCS II Retention Policies are included as Appendix E in the Staff Report.

Enrollment Concern 2: Academically Struggling Students

The CDE Enrollment data shows that students who leave AIPCS II perform significantly worse on state tests than the schoolwide average. The difference between these scores was the largest out of all OUSD authorized charter schools in 2022-23.

Data Set 2	2017-18	2018-19	2019-20	2022-23
Percent of students enrolled at the Charter School during the prior school year who were not enrolled as of the census day for the specified year (excluding graduating students)	8.77% (58 of 661)	9.88% (67 of 678)	16.55% (137 of 828)	20.42% (137 of 671)
ELA: Difference between average DFS of unretained students and schoolwide average	-14.76 Unretained = 14.74 School = 29.5	-42.87 Unretained = -11.87 School = 31	-12.28 Unretained = 12.32 School = 24.6	-38.97 Unretained = -17.07 School = 21.9
<i>Difference compared with other OUSD authorized charter schools with at least 11 students tested</i>	<i>2nd largest out of 18</i>	<i>3rd largest out of 20</i>	<i>4th largest out of 18</i>	<i>Largest out of 21</i>
Math: Difference between average DFS of unretained students and schoolwide average	-24.39 Unretained = 23.21 School = 47.6	-39.46 Unretained = 7.24 School = 46.7	-35.76 Unretained = 13.84 School = 49.6	-47.07 Unretained = -34.77 School = 12.3
<i>Difference compared with other OUSD authorized charter schools with at least 11 students tested</i>	<i>4th largest out of 18</i>	<i>4th largest out of 19</i>	<i>4th largest out of 18</i>	<i>Largest out of 22</i>



Staff Recommendation

Staff Recommendation

The OUSD Office of Charter Schools recommends DENIAL

OCS recommends denial with the finding that the school is demonstrably unlikely to successfully implement the program due to written findings in the Staff Report which demonstrates **both**:

- A. *Substantial fiscal or governance concerns; **and***
- B. *The school is not serving all pupils who wish to attend*

After giving AIPCS II **at least 30 days' notice of the alleged violations and a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school**, OCS recommends the following findings:

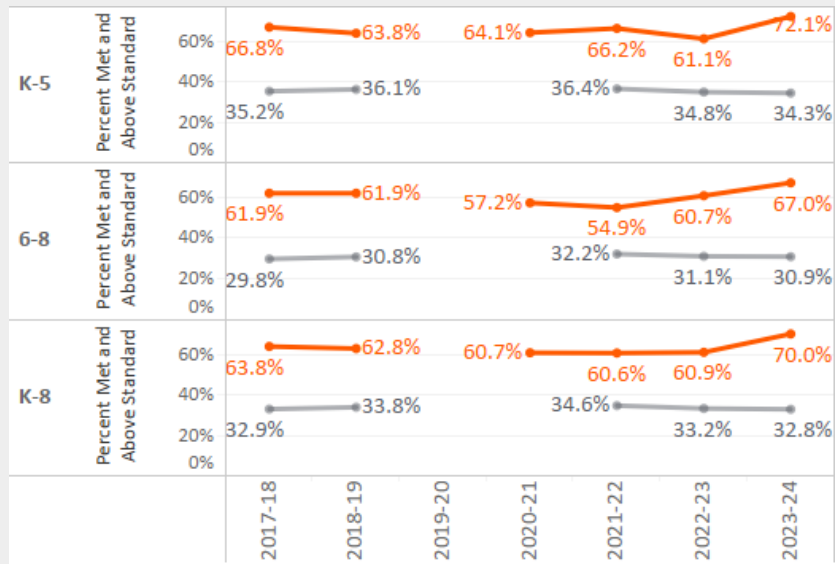
- A. *The corrective action proposed by the charter school has been unsuccessful; **and***
- B. *The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.*



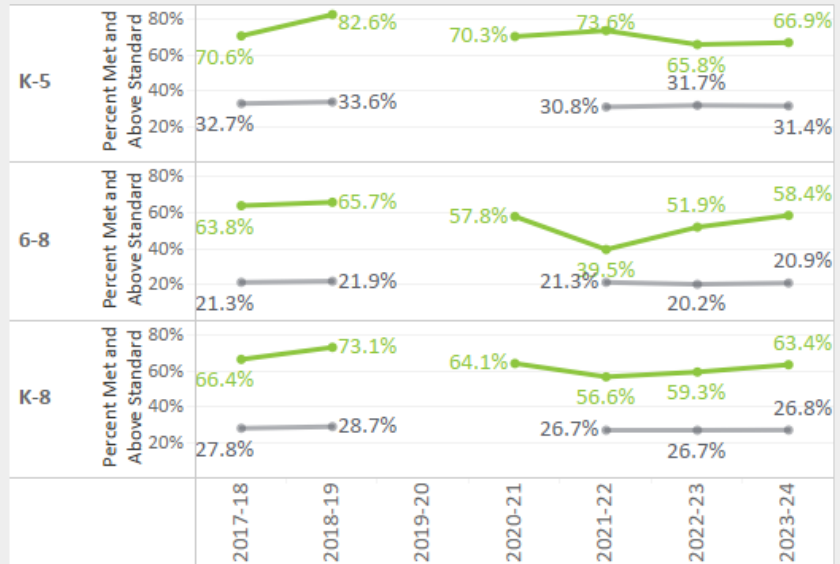
Appendix

AIPCS II Academic Performance

ELA SBAC



Math SBAC

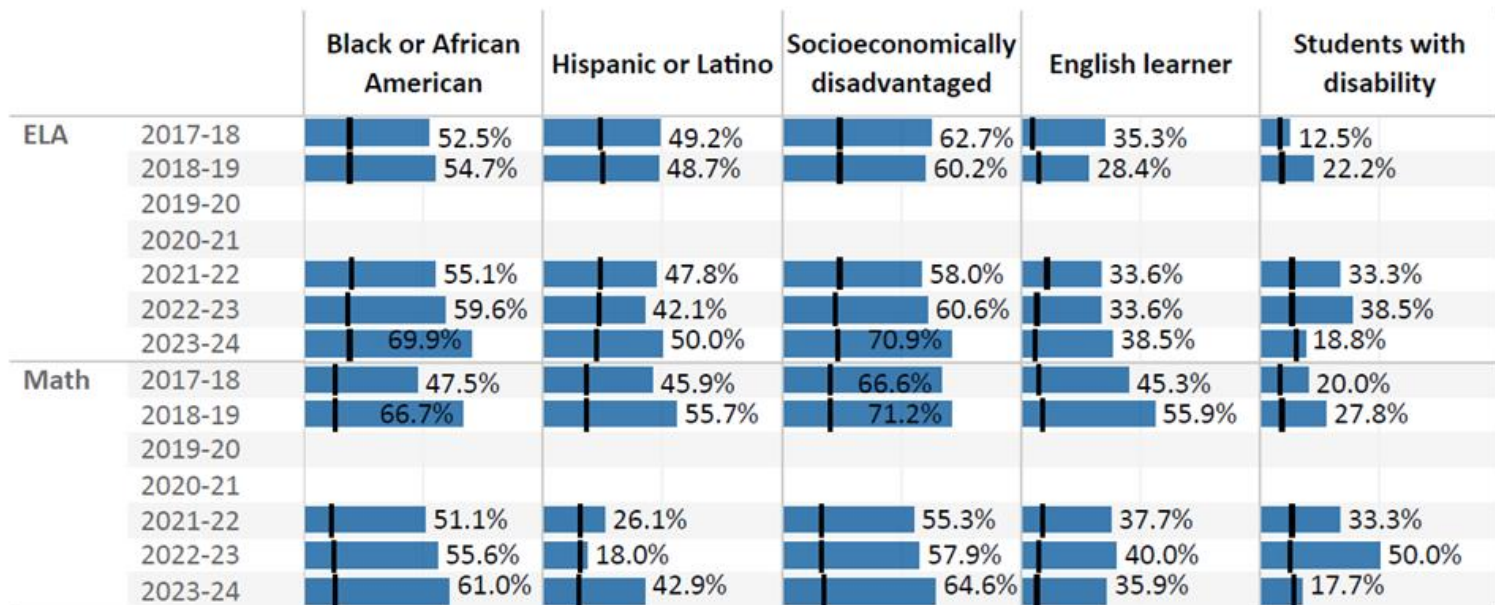


AIPCS II has consistently had higher average proficiency rates than OUSD in both ELA and Math across all years of the charter term.

2023-24 Student Demographics

Student Group	Charter School	OUSD schools in Comparison HSAAs	OUSD
Hispanic/Latino	7.3%	15.1%	47.3%
Black/African American	45.4%	23.7%	20.1%
Asian	36.3%	17.6%	9.8%
White	5.7%	24.4%	11.5%
Two or More Races	2.9%	13.4%	6.8%
Other Race/Ethnicity	0.3%	1.3%	1.9%
Not Reported	2.1%	4.5%	2.6%
Socioeconomically Disadvantaged	78.0%	59.2%	81.4%
English Learners	27.4%	14.5%	32.9% (K-8 only: 34.7%)
Special Education	4.3%	15.9%	16.3% (K-8 only: 15.6%)

Key Student Group Performance vs. OUSD



■ Greater
■ Lower
 — OUSD average

English Learner Progress

