



# Second 47607(e) Notice and AIPCS II Corrective Action Plan Submission

1. [Second 47607\(e\) Notice](#) issued by the OUSD Board of Education to AIPCS II on October 23, 2024
2. [AIPCS II Supplementary Corrective Action Plan](#) submitted to OUSD on November 21, 2024



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# **Second 47607(e) Notice** issued by the OUSD Board of Education to AIPCS II on October 23, 2024



October 23, 2024

### **30-Day Notice re: Concerns regarding AIMS Governance and Whether AIPCS II is serving all students who wish to attend**

American Indian Public Charter School II (“AIPCS II”), a charter school serving students in grades K-8, is authorized by the Governing Board (“Board”) of the Oakland Unified School District (“OUSD” or “District”). Its current Charter Petition expires on June 30, 2025, and the school submitted a renewal petition to the District on September 30, 2024.

Although AIPCS II was placed in the High Tier by the California Department of Education (“CDE”), California Education Code section 47607, subdivision (e) provides, in relevant part, that “the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or is not serving all pupils who wish to attend.” To deny a charter renewal petition based on the standard set forth in Education Code section 47607, subdivision (e), a charter authorizer must have provided “at least 30 days’ notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school.”

In light of significant evidence which gave rise to substantiated concerns that AIPCS II is demonstrably unlikely to successfully implement the program set forth in its petition and is not serving all pupils who wish to attend, the OUSD Board of Education issued a Notice to AIPCS II, pursuant to Education Code section 47607(e), on September 27, 2023 (“Initial Notice” or “September 2023 Notice”). Per the recommendations included in the Initial Notice, AIPCS II submitted a written Corrective Action Plan (“CAP”) to OUSD on November 15, 2023, with subsequent written updates to OUSD on February 1, 2024, May 1, 2024, and August 1, 2024.

Upon reviewing the Corrective Action Plan and associated evidence, and in light of new evidence from the California Department of Education, the OUSD Board continues to have concerns regarding AIPCS II’s governance and whether the Charter School is serving all students who wish to attend. Therefore, this Notice (“Notice” or “October 2024 Notice”) represents an additional 30-day notice regarding these concerns, pursuant to Education Code section 47607(e). Importantly, this Notice does not negate the contents of the September 2023 Notice nor does it aim to serve as the OUSD Board’s determination as to whether the initial CAP and subsequent updates have been, or have not been successful in remedying the concerns outlined in the September 2023 Notice. This determination will occur at the Decision Hearing as part of the OUSD Board’s decision to approve or deny the AIPCS II renewal petition submitted on September 30, 2024. The purpose of this Notice is to address continuing concerns, as well as to provide Notice of new ones.

By this Notice, OUSD is providing AIPCS II with an additional opportunity to cure or remedy the concerns set forth herein. AIPCS II, at its option, may develop a supplementary corrective action plan (“supplementary CAP”).



## AIPCS II is not serving all students who wish to attend

### Part 1: California Department of Education Enrollment Data

State law mandates that, upon request, the State provide charter school authorizers with certain aggregate data, specified in the law, reflecting student enrollment patterns for authorized charter schools. The State does not provide any guidance regarding how this data should be interpreted. This data includes the following for each year of the charter term:

- **Data Set 1:** The percentage of students enrolled at any time between the beginning of the school year and the census day who were not enrolled at the end of the same school year, and the average State test results for these students from the prior school year, if available.
- **Data Set 2:** The percentage of students enrolled during the prior school year who were not enrolled as of the census day of the school year in question (excluding students who completed the highest grade served by the school), and the average State test results for these students from the prior year, if available.

The tables below summarize the data provided by the State. To avoid exposing potentially personally identifiable information, State test results are excluded for any group with fewer than 11 students. Additionally, it is important to note the data provided is limited in that it can only show correlation, not causation. Therefore, while an analysis is included below, the data, on its own, cannot definitively show whether or not the school is serving all students who wish to attend. However, OUSD finds the data concerning enough to include in this Notice given the evidence outlined in the September 2023 Notice, including at least one substantiated violation of the Charter School’s suspension, expulsion, or involuntary disenrollment policies.

### Analysis

**Data Set 1:** For the first set of data, students who left the Charter School performed slightly below (between 20 points and 1 point below), moderately below (between 21 points and 40 points below), or significantly below (more than 40 points below) the Charter School’s school wide average for each year of the charter term for which data is available. While this represents a concerning trend, the total number of students tested was not significant enough to conclude definitively that the school is not serving all students who wish to attend.

**Figure 1:** Charter School Enrollment Data – Education Code Section 47607(d)(1)(B)

Data Set 1	2017-18	2018-19	2019-20	2022-23
Percent of students enrolled at the Charter School between start of the school year and census day who were not enrolled at the end of the school year	4.87% (33 of 678)	4.59% (38 of 828)	2.54% (17 of 668)	3.23% (22 of 681)
Number of these students with State test results from the prior year	14	16	ELA: 5 Math: 6	12



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ELA: Difference between average DFS of unretained students and schoolwide average	-29.93 Unretained = -0.43 School = 29.5	-59.81 Unretained = -28.81 School = 31	N/A*	-12.57 Unretained = 9.33 School = 21.9
Math: Difference between average DFS of unretained students and schoolwide average	-46.03 Unretained = 1.57 School = 47.6	-37.32 Unretained = 9.38 School = 46.7	N/A*	-26.3 Unretained = -14 School = 12.3

**Source:** Aggregate enrollment-pattern data provided by the State

\* Data excluded due to an insufficient number of students with results for this group

**Data Set 2:** The second set of data demonstrates that students who left the Charter School performed below the Charter School’s schoolwide average for each year of the charter term for which data is available. There were multiple data points within this second set of data which cause concern:

1. The percentage of students who left AIPCS II more than doubled from 2017-18, with over 20% of students leaving in 2022-23.
2. Students who left the Charter School consistently performed below the Charter School’s schoolwide average across both subjects and across all years for which data is available.
3. In 2022-23, the difference between the average DFS for unretained students and the schoolwide average was the greatest out of all OUSD-authorized charter schools with reportable data (22 schools for ELA and 21 schools for Math).
4. For every year measured, AIPCS II ranked in the bottom 5 of OUSD-authorized charter schools when measuring the difference between the average DFS for unretained students and the schoolwide average.

Taken together, the data included in Figure 2 below suggests that AIPCS II may not be serving all students who wish to attend, as students who perform lower on state tests are exiting the school at consistently disproportionate rates. Given the evidence outlined in the September 2023 Notice, including witness statements which attested that AIPCS II employs practices which indirectly push lower-achieving students to disenroll, this data is particularly concerning.

**Figure 2:** Charter School Enrollment Data – Education Code Section 47607(d)(1)(C)

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)
Number of these students with State test results from the prior year	38	ELA: 47 Math: 45	ELA: 111 Math: 113	ELA: 107 Math: 108
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



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<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>

Source: Aggregate enrollment-pattern data provided by the State

**Part 2: Enrollment of Students with Disabilities and Child Find Compliance**

The September 2023 Notice outlined concerns regarding whether AIPCS II is serving all students who wish to attend, particularly students with disabilities. Specifically, the Notice referenced a very low enrollment rate of students with disabilities at AIPCS II, non-compliance with Child Find requirements, multiple complaints submitted to OUSD regarding the experiences of students with disabilities at AIPCS II, and witness statements which outlined a pattern of ineffective special education programming.

The CAP submitted by AIPCS II, and the subsequent updates, outlined a variety of steps to address the concerns identified in the Notice, including, but not limited to, the following:

- Marketing and Recruitment:** AIPCS II updated website and recruitment materials to include information about special education programming.
- Board Presentations:** AIPCS II gave presentations to the AIMS Governing Board regarding enrollment demographic data and special education law and best practices, including Child Find requirements.
- Staff Training:** AIPCS II submitted a staff training schedule which identified various professional development opportunities to learn about special education processes, requirements, and best practices.

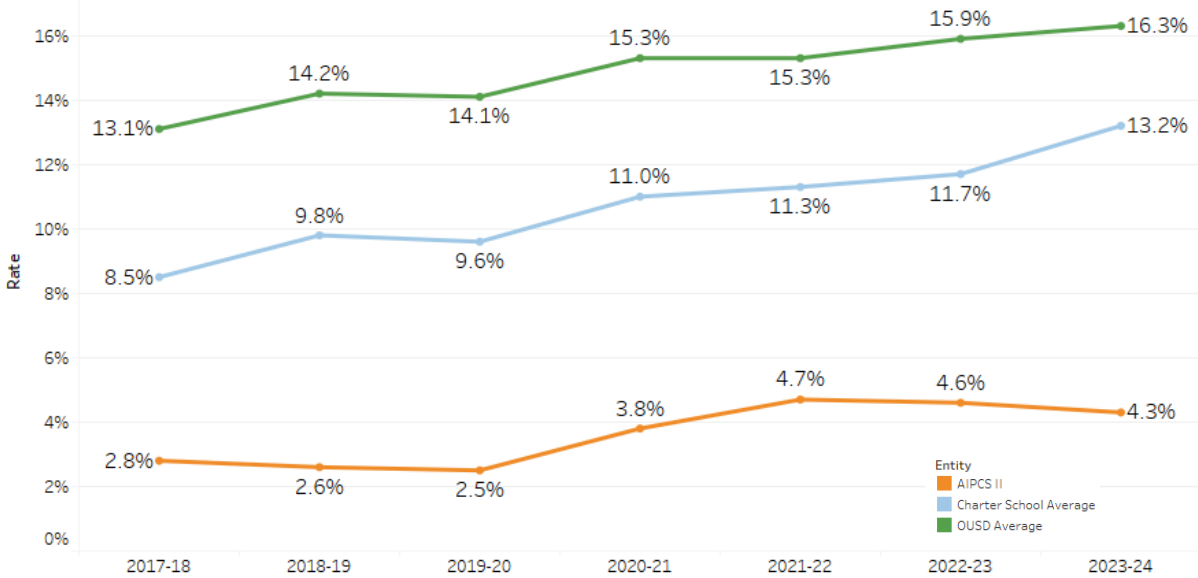
Although OUSD recognizes that meaningful change takes time, the District continues to have concerns based on evidence currently available to OUSD. These concerns are outlined below.

**A. Enrollment of Students with Disabilities**

As shown in the figure below, in the 2023-24 school year, the enrollment rate of students with disabilities increased at both OUSD and across OUSD-authorized charter schools. For the latter, the enrollment rate increased by 1.4 percentage points. Conversely, the enrollment rate of students with disabilities at AIPCS II decreased from 4.6% to 4.3% in 2023-24.



**Figure 3: Enrollment Rate of Students with Disabilities over Charter Term**



**Source:** California Department of Education

**B. Child Find Compliance**

In the September 2023 Notice, OUSD outlined concerns regarding AIPCS II’s compliance with Child Find requirements. Specifically, the Notice referenced the below special education referral data from the 2021-22 school year.

**Figure 4: 2021-22 Special Education Enrollment and Referrals**

School	Grades	Enrollment	SPED Enrollment	SPED Percentage	Total Referrals	Referral Percentage
AIPCS II	K-8	643	30	4.7%	0	0.0%
AIMS Middle	6-8	235	12	5.1%	1	0.4%
Lincoln	K-5	674	78	11.6%	21	3.1%
Franklin	K-5	498	71	14.3%	19	3.8%
MLK Jr.	K-5	339	69	20.4%	13	3.8%
Roosevelt	6-8	571	114	20%	13	2.3%
Westlake	6-8	277	60	21.7%	3	1.1%

Per data that AIMS submitted to the OUSD Office of Charter Schools, in the 2023-24 school year, there were three total referrals for IEP evaluations at AIPCS II across grades K-8, with 2 referred by teachers and 1 by a parent. While this is an increase from 0 in the 2021-22 school year, it still falls well below the average for nearby schools of similar size. Additionally, in the Staff Focus Group at the AIPCS II Renewal Site Visit conducted on April 22-23, 2024, educators at AIPCS II expressed that the referral and subsequent evaluation process was slow and could be improved.



**Governance Concerns**

The September 27, 2023 Notice outlined a variety of governance issues at AIPCS II, including, but not limited to, concerns regarding retaliation, the dissolution of the Human Resources department, an ineffective complaint tracking and investigation process, non-compliance with Uniform Complaint Procedure (“UCP”) processes, high rates of teacher turnover, a reliance on emergency credentials for staff, and unsafe school conditions related to an outdated Comprehensive School Safety Plan and non-compliance with required safety drills. While OUSD is still evaluating the Charter School’s progress on resolving these issues based on the actions taken in the CAP, concerns remain based on evidence currently available to OUSD. These concerns are outlined below.

*A. Teacher retention and credentialing*

On Census Day 2023, only 32% of core assignments at the elementary level were staffed by individuals with a preliminary or clear credential. The other 68% were considered “ineffective”, or were either vacant or staffed by an individual with an emergency or no credential. Of particular concern, for the first half of the school year, AIPCS II did not have any 1st grade educators employed.

**Figure 5: 2023-24 Census Day CORE Assignments at AIPCS II Elementary**

Grade	Section	Credential Status on Census Day 2023	Notes
K	A	None	PIP issued on 11/19/23
	B	Prelim Math	Out-Of-Field
1	A	Vacant	Filled by educator with STSP on 2/2/24
	B	Vacant	Filled by educator with PIP on 12/26/24
	C	Vacant	
2	A	STSP	
	B	Clear MS	
	C	None	STSP issued on 12/25/23
3	A	None	STSP issued on 12/1/23
	B	Prelim MS	
	C	STSP	
4	A	STSP	
	B	Prelim MS	
	C	Prelim MS	
	D	Vacant	
5	A	Prelim MS	
	B	STSP	
	C	None	STSP issued 12/25/23
	D	Vacant	

Source: Data submitted to OUSD by AIMS; California Commission on Teacher Credentialing

At the middle school level at AIPCS II, approximately 19% of core section assignments (for a total of 3 sections) were staffed by individuals with a preliminary or clear credential, although 1 of these 3 sections





was out-of-field for the educator. Another 19% of assignments were staffed by educators with an Intern Credential, although the educator for 1 of these 3 sections was not authorized by a credential after December as the Intern Credential expired. The remaining 63% of assignments were either vacant or staffed by an individual with an emergency or no credential.

**Figure 6: 2023-24 Census Day CORE Assignments at AIPCS II Middle**

Grade / Assignment	Section	Credential Status on Census Day 2023	Notes
6th Grade <i>Math and Science</i>	A	None	PIP issued 12/1/23
	B	Prelim Social Studies	Out-Of-Field for both
6th Grade <i>English and History</i>	A	None	STSP issued 12/20/23
	B	PIP	
7th Grade <i>Math and Science</i>	A	Vacant	Filled by Educator with Clear MS on 10/8/23
	B		
	C	Vacant	Only 2 students per CALPADS report
7th Grade <i>English and History</i>	A	PIP	
	B		
	C	Vacant	Only 2 students per CALPADS report
8th Grade <i>Math and Science</i>	A	Prelim MS	
	B		
	C	Intern MS	Expired 12/1/23
8th Grade <i>English and History</i>	A	Intern MS	
	B		
	C	Vacant	Remained Unfilled

Source: Data submitted to OUSD by AIMS; California Commission on Teacher Credentialing

Furthermore, based on information submitted to OUSD by AIPCS II, the educator retention rates for core assignments at both the elementary and middle school grades continue to be of concern. Although the retention rates improved slightly from 2022-23 to 2023-24, the Charter School still had turnover in over 25% of core subject positions. Additionally, of the core subject educators retained, 50% currently have either no credential authorizing instruction or an emergency credential which expires in January 2025. At the April 23-24, 2024 renewal site visit, both students and staff mentioned the vacancies and turnover rate as a problem. Students specifically shared that the vacancies and turnover make it not only difficult to learn, but also makes it harder to build relationships with teachers. Staff shared the frequent turnover makes it difficult to collaborate on best practices and grade-level content.

**Figure 7: AIPCS II Core Assignment Retention Rates**

	2022-23	2023-24
<b>Elementary</b>	<b>50%</b>	<b>70%</b>
<b>Middle</b>	<b>50%</b>	<b>75%</b>

Source: Data submitted to OUSD by AIMS; California Commission on Teacher Credentialing



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While OUSD recognizes there is an educator shortage which has impacted schools across California, the vacancy rates, turnover rates, and the use of emergency credentials at AIPCS II have still been much higher than at other OUSD-authorized charter schools. OUSD therefore has continued concerns regarding the staffing at AIPCS II and the impact it has on student learning.

### B. General Governance Concerns

In addition to concerns regarding staffing, OUSD has continued concerns regarding the general governance of AIPCS II. Since the September 2023 Notice, the OUSD Office of Charter Schools has issued multiple Notices of Concerns as outlined below.

**Figure 8: 2023-24 Notices of Concern**

Date Sent	Category	Description
1/22/24	Response to OCS Inquiry	Despite multiple attempts at informal communication and an extension, AIPCS II did not respond to OCS' inquiry regarding student exit data.
2/20/24	Brown Act Violation	The AIMS Board held a full day Special Board Meeting which listed "planning session" as a closed session item and the sole item on the agenda, in violation of the Brown Act.
10/17/24	Exposure of Confidential Employee and Student Information	Multiple board meeting agendas posted on the AIMS Board on Track Site included social security numbers and home addresses for AIMS employees and confidential student information.

### **Conclusion**

Again, the purpose of this Notice is to ensure that AIPCS II has an opportunity to address the concerns outlined therein prior to the Charter School's Decision Hearing. If AIPCS II chooses to develop a supplementary Corrective Action Plan to address these concerns, please submit any documentation to Kelly Krag-Arnold, Director of the OUSD Office of Charter Schools: [kelly.krag.arnold@ousd.org](mailto:kelly.krag.arnold@ousd.org).



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# **AIPCS II Supplementary Corrective Action Plan submitted to OUSD on November 21, 2024**

## **Supplemental Corrective Action Plan (CAP) for AIPCS II Submitted November 21, 2024**

### **1. Introduction and Purpose of the Steering Committee**

This Supplemental Corrective Action Plan (CAP) addresses the specific concerns highlighted by the Oakland Unified School District (OUSD) in its October 23, 2024 notice regarding the American Indian Public Charter School II (AIPCS II). In addition to this supplemental CAP, we refer the District to the enclosed log and supporting evidence of AIPCS II's implementation efforts to date and responses to OUSD oversight requests seeking further information regarding AIPCS II's operations, including evidence addressing OUSD's feedback and questions in its October 9, 2024 letter.

Central to this plan is forming a Steering Committee, which will oversee the CAP's implementation. The Steering Committee acts as a collaborative entity, uniting representatives from diverse stakeholder groups, including parents, students, faculty, and district administrators. This diverse composition ensures a holistic approach to problem-solving and strategic decision-making.

The primary purpose of the Steering Committee is to ensure accountability, monitor progress, and facilitate effective communication among all stakeholders. By managing the execution of action steps, evaluating outcomes, and making necessary adjustments, the committee is pivotal in achieving meaningful and sustainable improvements. This collaborative approach is the optimal step forward to ensure compliance with educational standards, enhance governance, improve student services, and foster a positive learning environment for all students.

### **2. CAP Steering Committee Composition**

The CAP Steering Committee will include:

- - Representatives from AIMS Parents United
- - Staff and Faculty Advisory representatives
- - Superintendent of AIMS
- - AIMS Chief of Staff
- - Other central and site administrators

### **3. Needs Assessment Process**

To effectively address the concerns and tailor the action steps, the Steering Committee will conduct a root cause and comprehensive needs assessment. This process will involve:

- Data Collection: Gather quantitative and qualitative data from various sources, including student performance metrics, teacher feedback, parent surveys, and community input.

- Stakeholder Interviews: Conduct interviews and focus groups with key stakeholders, such as teachers, parents, students, and community leaders, to gain deeper insights into specific needs and challenges.
- Gap Analysis: Analyze current practices and resources against desired outcomes to identify gaps and areas that require improvement.
- Prioritization of Needs: Based on the data collected and analyzed, prioritize the identified needs to focus on the most critical areas first.

#### 4. Identified Concerns and Action Steps

The following concerns have been raised by OUSD, along with corresponding actions to be taken by the CAP Steering Committee:

##### A. Governance and Management Concerns

- Concern: OUSD noted issues regarding governance effectiveness, characterized as high teacher turnover and non-compliance with legal requirements.

- Action Steps:

- Conduct a comprehensive review of governance policies by January 2025.
- Implement training for at least 80% of board members on governance best practices by March 2025.
- Establish clear communication protocols for board meetings and decision-making processes.
- Provide training for the Board Secretary on the Brown Act, including correct posting of agendas and note-taking procedures by April 2025.
- Establish a monthly credentialed teacher recruitment and retention steering committee to address turnover issues and to address how to better hire and retain credentialed teachers.

##### B. Student Enrollment and Retention Issues

- Concern: AIPCS II is reportedly not serving all students who wish to attend, particularly lower-achieving students and those with disabilities.

● - Action Steps:

- - Conduct root cause analysis regarding current enrollment/population levels.
- - Based on analysis, launch targeted outreach initiatives to underrepresented groups by January 2025.
- - Revise recruitment materials to reflect inclusive support services by February 2025.
- - Set a goal to increase enrollment of students with disabilities from the current base of 6% by 2% in the first year, 3% in the second year, and 5% in the third year, aiming for a total increase of 10% over three years.

##### C. Special Education Services Compliance

- Concern: Low enrollment of students with disabilities and non-compliance with Child Find requirements.

- Action Steps:

- - Host quarterly Parent-Child Find meetings to raise awareness and engage families in identifying and supporting students with disabilities.
- - Enhance referral processes for IEP evaluations, aiming for a 30% increase in referrals by the end of the 2024-2025 school year.
- - Collaborate with community organizations to provide workshops and resources for parents of children with special needs.

(It is important to consider that with respect to special education, OUSD has continuously been placed on the State's significant disproportionality list for the overidentification of African American students in special education, and it is of critical importance that AIMS' identification and referral practices do not rise to OUSD's overidentification practices. See 2021, 2022, 2023, and 2024 lists published by the State at <https://www.cde.ca.gov/sp/se/qa/sigdisp.asp>.)

#### 5. Monitoring and Reporting

To ensure accountability and transparency, the CAP Steering Committee will conduct quarterly meetings starting January 2025. These meetings will focus on reviewing progress, discussing challenges, and adjusting strategies as needed. Additionally, quarterly reports will be submitted to both the OUSD Office of Charter Schools (OCS) and the OUSD Board or Charter Committee to keep them informed on progress made towards achieving the goals outlined in this CAP.

By adhering to this structured approach, AIPCS II aims to effectively address the concerns raised by OUSD and demonstrate its commitment to improving educational outcomes for all students.