



**OAKLAND UNIFIED  
SCHOOL DISTRICT**

*Community Schools, Thriving Students*

OFFICE OF CHARTER SCHOOLS

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**Charter Renewal Handbook  
2020-21**

*Last updated: September 18, 2020*

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**INTRODUCTION**

This handbook is prepared by the Oakland Unified School District Office of Charter Schools (“OCS”) to guide charter schools through the charter renewal process during the 2020-21 school year, for a charter term beginning July 1, 2021. Charter school petitioners should review and follow guidance and instructions provided in this handbook as they prepare to submit their charter renewal petition request. OCS also holds renewal orientations each summer with staff of charter schools that will be requesting renewal during the upcoming school year.

Please note, District staff do not advise petitioners on the development or content of petitions beyond requiring certain District Required Language. Regardless of the contents of this handbook, charter school petitioners are ultimately responsible for complying with all requirements outlined in the Education Code and in any corresponding regulations.

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## RENEWAL PROCESS AND TIMELINE

Process Step	Timeline	Description
<b>1. Renewal Request Submission and Renewal Site Visit</b>	<p><i>Renewal Request Submission:</i> Determined by charter school petitioners, but (as of 8/3/20) may not occur before early October and is recommended no later than January.<sup>1</sup></p> <p><i>Renewal Site Visit:</i> May occur before or soon after the submission date as scheduled by Office of Charter Schools (“OCS”) staff in collaboration with the charter school staff. The school must submit certain requested documentation two weeks prior to the visit.<sup>2</sup></p>	<p><i>Renewal Request Submission:</i> Charter school submits petition following guidance in the <a href="#">Renewal Request Submission Requirements</a> section, but should communicate the intended submission date to OCS staff in advance. (Please note, any material revisions should be discussed with OCS staff in advance and will likely need to be submitted separately.)</p> <p><i>Renewal Site Visit:</i> District staff visit school site to interview site leaders, conduct focus groups, and observe classrooms. See <a href="#">Renewal Site Visit</a> section for additional information, including a list of documentation that charter school staff should submit in preparation for the site visit.</p>
<b>2. Initial Public Hearing</b>	<p>Within 60 days of the renewal request submission date.</p>	<p>Initial public hearing held where charter school representatives will present, interested parties will have an opportunity to comment, and the OUSD Board of Education (District Board) will have an opportunity to ask questions. See additional information in <a href="#">Frequently Asked Questions</a> section.</p>
<b>3. District Staff Report and Recommendation</b>	<p>Published at least 15 days prior to the decision public hearing .</p>	<p>OCS staff report published on the District Board <a href="#">Legislative Information Center</a>. The report will include staff findings and typically a recommendation to approve or deny the renewal based on <a href="#">Renewal Criteria</a>.</p>
<b>4. Decision Public Hearing and District Board Vote</b>	<p>Within 90 days of the renewal request submission date.<sup>3</sup></p>	<p>Decision public hearing held where the District Board will vote to approve or deny the renewal. Prior to the vote, OCS staff will present their findings, charter school representatives will have equivalent time/procedures to present their response to the report, interested parties will have an opportunity to comment, and the District Board will have an opportunity to discuss and ask questions. See additional information in <a href="#">Frequently Asked Questions</a> section.</p>

<sup>1</sup> See OUSD Board Policy 0420.4 and first paragraph of [Renewal Request Submission Requirements](#) section.

<sup>2</sup> If the renewal site visit is scheduled to take place after the renewal request submission date, then the performance report should be submitted at least two weeks prior to the submission date.

<sup>3</sup> The District and charter school may mutually agree to extend this timeline by up to an additional 30 days.

## RENEWAL REQUEST SUBMISSION REQUIREMENTS

Charter school petitioners are encouraged to submit renewal requests between the beginning of October and the end of January of the academic year immediately preceding the expiration of a charter school’s current charter term. District Board Policy currently (as of 8/3/20) states that a renewal request may not be submitted prior to 270 calendar days before the charter expiration date (approximately October 1<sup>st</sup>). In the absence of a waiver from the District Board, a renewal request may not be submitted prior to this date. *(Note: The District Board may be updating this policy prior to the 2020 renewal cycle. Office of Charter Schools staff will provide prospective renewal petitioners with information related to this update as it becomes available, including any impact on the above-mentioned submission timeline.)*

All submissions must be made electronically. Hard copy submissions are no longer required, nor requested. Documents included in the submission should be prepared with standard margins and written using an easy-to-read 11- or 12-point font and all pages should be numbered. Only complete submissions will be considered for renewal. Incomplete submissions will be rejected and will need to be resubmitted. **In order to be considered complete, submissions must include all of the documents found in the table below in the indicated format(s) as described below.**

Items #1-4 must all be included in a single, searchable PDF format with bookmarks corresponding to the table of contents. **This PDF document will be considered the official renewal petition that will be posted on the OUSD Board website.** If this PDF is not searchable (i.e. text is not recognized when using standard search functionality), the petition will be considered incomplete.

Document(s)	Include in Official Renewal Petition PDF?	Additional Submission Format?
1. A cover letter signed by the charter school governing board president or designee authorizing the submission of the charter renewal request to the District Board and certifying that the petitioner deems the petition to be complete <sup>4</sup>	Yes	N/A
2. A final copy of renewal petition <sup>5</sup> , including all District Required Language (provided by District staff <sup>6</sup> ) and all content required by newly enacted laws and regulations pertaining to charter schools since the previous petition	Yes	N/A
3. A performance report using the current Charter Renewal Performance Report template <sup>7</sup> provided by District staff	Yes	N/A

<sup>4</sup> Education Code (EC) §47605(b) states that “a signed certification that the petitioner deems the petition to be complete” must be included at the time of submission to commence the petition review timeline.

<sup>5</sup> The following must all be included in the petition: reasonably comprehensive descriptions of all required elements outlined in EC §47605(c)(5), the required affirmations outlined in EC §47605(e), the declaration required by EC §47605(c)(6), and all required information outlined in §47605(g).

<sup>6</sup> An updated version of the District Required Language can be found on the [Petitioner Resources page](#) of the Office of Charter Schools website. Please make sure that the version included in the petition corresponds to the most recent version of this document (typically updated near the start of each school year).

<sup>7</sup> An updated version of the Charter Renewal Performance Report template can be found on the [Renewing Charter Schools page](#) of the Office of Charter Schools website.

4. Financial statements, including the annual operating budget and 3-year cashflow and financial projections, as well as all backup and supporting documents and budget assumptions (i.e. anticipated revenues and expenditures, including special education, and projected ADA)	Yes	Microsoft Excel (or Word, if appropriate)
5. A red-line copy of renewal petition, showing all changes made to the charter school's most recent District Board-approved petition <sup>8</sup>	No	Microsoft Word
6. A PowerPoint presentation for the initial public hearing (may be a placeholder). The presentation should be no longer than 10 minutes. Revisions to the PowerPoint may be submitted to District Board office staff up to 11 days before the date of the initial public hearing.	No	Microsoft PowerPoint

**Petition Submission Process**

The petition review timeline starts on the day the petitioner submits the petition to the district office.<sup>9</sup> All submissions must be made electronically using a charter renewal request submission form created by District staff. A link to the submission form will be provided to petitioners by the District's Office of Charter Schools staff upon request. Within five business days of the submission, District staff will review and confirm via email whether the petition submission is deemed complete.

**Note regarding Material Revisions at the time of renewal:** Although a material revision request may be submitted concurrently with the renewal petition, it typically must be submitted separately.<sup>10</sup> Prior to submitting the renewal petition, petitioners should consult with OCS staff regarding any substantial proposed changes to the petition to determine whether these changes constitute a material revision necessitating a separate submission.

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<sup>8</sup> The red-line copy only needs to include changes made to the charter petition (i.e. #3). Red-line changes to other items included in the submission are unnecessary and should not be included.

<sup>9</sup> EC §47607(b)

<sup>10</sup> EC §47607(a)(3); If a renewal petition contains a material revision, it may not be considered and may need to be resubmitted separate from the renewal request. For additional guidance related to material revision requests, see the [OUSD Material Revision Handbook](#).

## RENEWAL SITE VISIT

The renewal site visit is scheduled by Office of Charter School (“OCS”) staff in collaboration with the charter school and may occur prior to the submission of the charter renewal request by the school, depending on scheduling needs. During the site visit, which is typically scheduled for two consecutive days, the team observes teaching and learning, conducts interviews with school leadership, and holds focus groups with teachers, students, families, and the governing board. This visit provides OCS with additional evidence to evaluate the school’s program and operations and serves to corroborate and supplement information provided in the charter petition.

### **Site Visit Components and Schedule**

The renewal site visit should include each of the following components (*suggested times in italics*):

- Initial Meeting with School Leader to review schedule (*15 minutes*)
- School Leader Interview (may also invite School Leadership Team/CMO Home Office staff) (*1 hour*)
- Classroom Observations (*3 hours*)
- Teacher Focus Group (*1 hour*)
- Family Focus Group (*1 hour*)
- Student Focus Group (*1 hour*)
- Governing Board Focus Group (*1 hour*)
- Lunch (OUSD review team will provide own lunch) (*30 minutes*)

As indicated in the document request table at the end of this section, the renewal site visit schedule should be submitted two weeks prior to the site visit. For convenience, a sample schedule is provided in the table below. Please revise this schedule as necessary, making sure to include all of the components listed above. OCS staff will review the draft and follow up if any changes are necessary. Please note, the findings from the renewal site visit will be incorporated into the staff report and not debriefed at the end of the renewal site visit.

<b>Two-Day Site Visit Schedule (Sample)</b>		
<b>Time</b>	<b>Day 1</b>	<b>Day 2</b>
9:00-9:15	Initial Meeting with School Leader	Initial Meeting with School Leader
9:15-10:15	School Leader Interview	Family Focus Group
10:15-12:00	Classroom Visits	Classroom Visits
12:00-1:00	Teacher Focus Group*	Student Focus Group*
1:00-1:30	Lunch	
1:30-2:30	Governing Board Focus Group	

\*If lunch is being provided for teachers/students during the focus groups, please ensure it is set up prior to the designated interview time and that adequate coverage has been scheduled for teachers.

### **Site Visit Focus Groups**

Please ensure that focus groups contain a representative group of your school’s stakeholders, featuring members with differing viewpoints and backgrounds. Please refer to the following table for recommendations regarding the composition and size of each focus group.

Focus Group	Recommended Participants
Governing Board	<b>3-5 governing board members</b> (making sure that the number of members present does not constitute a quorum) who can answer questions regarding the school’s budgets, finance, and governance. May be conducted by phone, if necessary.
Students	<b>Maximum of 8 students.</b> Please ensure group is representative of the student body in terms of ethnicity, gender, and special populations. Typically, schools invite ~2 students per grade level for grades 3 and up.
Families	<b>Maximum of 8 family members/parents.</b> Please ensure group is representative of the student body and that a non-staff member interpreter is present if needed.
Teachers	<b>Maximum of 8 teachers.</b> Please ensure group is representative of grade levels and subject areas at the school and do not include any staff members who supervise teachers.

**Site Visit Document Request**

Please provide the documentation listed below in accordance with the following guidance and timelines.

Submission Instructions/Timing	Documentation Requested
Documents to email to <a href="mailto:charteroffice@ousd.org">charteroffice@ousd.org</a> at least two weeks prior to the site visit or the submission of the renewal request, whichever is earlier.	<ol style="list-style-type: none"> <li>1. Performance report (using <a href="#">current template</a>). <i>Note: The performance report should be included in the charter petition.</i></li> <li>2. Renewal site visit schedule</li> <li>3. Parent/teacher/student surveys and results from most recent survey</li> <li>4. Annual Professional Development schedule</li> </ol>
Documents/Information to upload to the <a href="#">Reporting Center</a> at least two weeks prior to the site visit or the submission of the renewal request, whichever is earlier.	<ol style="list-style-type: none"> <li>1. Current student/family handbook</li> <li>2. Current admissions policy</li> <li>3. Current governing board bylaws</li> <li>4. Fiscal management policies</li> <li>5. Current governing board roster</li> </ol> <p><i>The following items are also required for any non-OSD facility that the school occupies:</i></p> <ol style="list-style-type: none"> <li>6. Most recent fire/safety inspection</li> <li>7. Current copy of Certificate of Occupancy/Conditional Use Permit/Evidence of Building Code Inspection</li> <li>8. Current lease (or evidence of ownership, if owned by the charter school)</li> </ol>
Documents to provide at the start of the renewal site visit. Please provide two hard copies of each.	<ol style="list-style-type: none"> <li>1. Daily bell schedule</li> <li>2. Master schedule, including teacher names, subject/grade levels teaching, and room numbers</li> <li>3. Map of the classrooms, including teacher names, subject/grade levels teaching, and room numbers</li> </ol>

## RENEWAL CRITERIA

The Charter Schools Act of 1992 establishes the criteria by which charter renewal applications must be evaluated. The Office of Charter Schools (“OCS”) staff is primarily responsible for conducting the due diligence necessary to inform the Board regarding the renewal. In order to recommend the approval of a charter school renewal to the OUSD Board of Education (“District Board”), OCS staff must determine that the charter school has met the requirements set forth in the Education Code (“Ed Code” or “EC”). For clarity, these requirements have been organized into the following four renewal criteria, outlined in this section.

- I. Has the Charter School Presented a Sound Educational Program?
- II. Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?
- III. Is the Petition Reasonably Comprehensive?
- IV. Is the Charter School Serving All Students Who Wish to Attend?

### **Renewal Criteria I: Has the Charter School Presented a Sound Educational Program?**

In order for a charter school’s renewal petition to be approved, it must present a sound educational program for its students, primarily based on the charter school’s past performance.<sup>11</sup>

#### ***Renewal Tiers***

The law outlines a three-tiered system for most<sup>12</sup> charter schools seeking renewal, including additional criteria and conditions for evaluating the soundness of a school’s educational program depending on the school’s renewal tier.<sup>13</sup> At the time of renewal, charter schools’ California School Dashboard (state dashboard) outcomes will be used to determine whether a school meets the high, middle, or low renewal performance criteria. The following table outlines the specific state dashboard criteria that a school must meet to qualify under each renewal tier as interpreted by the State Department of Education.

Renewal Tier	State Dashboard Criteria for Meeting Renewal Tier <sup>14</sup>
<b>High</b> <i>EC §47607(c)</i>	For the two most recent years preceding renewal, either: <ol style="list-style-type: none"> <li>1. Scored green or blue schoolwide on all state indicators<sup>15</sup> OR</li> <li>2. For all academic indicators,<sup>16</sup> <ol style="list-style-type: none"> <li>a. Received “status” scores schoolwide that are the equal to or higher than the state average AND</li> </ol> </li> </ol>

<sup>11</sup> EC §47605(c)(1)

<sup>12</sup> The three-tiered system does not apply to schools that qualify for the Dashboard Alternative School Status (DASS) program.

<sup>13</sup> EC §47607(c)(2) and EC §47607.2

<sup>14</sup> Per EC §47607(c)(3), references to “academic indicators” in this table mean California Schools Dashboard indicators based on statewide assessments in the California Assessment of Student Performance and Progress system, the English Language Proficiency Assessments for California, and the college and career readiness indicator. For the English Learner (EL) Progress Indicator, status level was used as a proxy for color on the 2019 Dashboard for school that had at least 30 EL students with results. Specifically, on the EL progress indicator, Very High/High and Very Low/Low status levels were respectively used as proxies for Blue/Green and Red/Orange colors.

<sup>15</sup> Can only be met if a school received schoolwide colors for at least two academic indicators.

<sup>16</sup> Can only be met if a school received colors for at least two of the identified underperforming student groups for at least two academic indicators.



	b. Majority <sup>17</sup> of student groups performing statewide below the state average in each respective year received “status” scores that are above the state average.
<b>Middle</b> <i>EC §47607.2(b)</i>	Did not meet either High or Low tier criteria.
<b>Low</b> <i>EC §47607.2(a)</i>	For two most recent years preceding renewal, either: 1. Scored red or orange schoolwide on all state indicators <sup>15</sup> OR 2. For all academic indicators, <sup>16</sup> a. Had “status” scores schoolwide equal to or lower than the state average AND b. Majority <sup>17</sup> of student groups performing statewide below the state average in each respective year received “status” scores that are below the state average.

As outlined in the table below, applicable renewal conditions and evaluation criteria vary, depending on a school’s identified renewal tier.

<b>Renewal Tier</b>	<b>Renewal Conditions and Additional Evaluation Criteria<sup>18</sup></b>
<b>High</b> <i>EC §47607(c)</i>	<ul style="list-style-type: none"> <li>• May be renewed for 5, 6, or 7 years.</li> <li>• Only required to update the petition to include reasonably comprehensive description of any new requirements, and as necessary to reflect the current program offered by the school.<sup>19</sup></li> </ul>
<b>Middle</b> <i>EC §47607.2(b)</i>	<ul style="list-style-type: none"> <li>• May renew for 5 years or may deny only upon making written findings that: <ol style="list-style-type: none"> <li>a. The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the students of the school, AND</li> <li>b. The closure is in the best interest of the students, AND</li> <li>c. The decision provided greater weight to performance on measurements of academic performance.</li> </ol> </li> <li>• Shall consider schoolwide performance and performance of all student groups on both state and local indicators included in the State Dashboard, providing greater weight to performance on academic indicators.</li> <li>• Shall also consider clear and convincing evidence, demonstrated by verified data,<sup>20</sup> showing either:</li> </ul>

<sup>17</sup> The California Department of Education interpreted majority as greater than or equal to 50% in its methodology for determining charter renewal tiers.

<sup>18</sup> Renewal conditions relate specifically to Renewal Criteria I. Notwithstanding the three-tier system, all charter schools must meet renewal criteria outlined in subsequent sections in order to qualify for renewal.

<sup>19</sup> A school that is eligible for technical assistance and/or concurrently meets the low tier criteria does not qualify to be renewed under the high tier criteria.

<sup>20</sup> EC §47607.2(c) defines verified data as data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. Verified data will only be considered until January 1, 2026 for schools operating on or before June 30, 2020. Prior to January 1, 2021, the State Board of Education will establish criteria to define verified data and identify an approved list of valid and reliable assessments that shall be used for this purpose. Once defined, only data sources adopted by the State Board may be used as verified data. However, prior to this happening, a charter school may present data consistent with the State’s description of verified data. See the Frequently Asked Questions section for additional information regarding what may be considered as verified data for renewals taking place during the fall of 2020.

	<ul style="list-style-type: none"> <li>a. The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school OR</li> <li>b. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.</li> </ul>
<p><b>Low</b> <i>EC §47607.2(a)</i></p>	<ul style="list-style-type: none"> <li>• Shall generally not renew; however, the chartering authority shall consider the following factors and may renew only for 2 years upon making both of the following written factual findings: <ul style="list-style-type: none"> <li>a. The charter school is taking meaningful steps to address the underlying cause(s) of low performance, which are or will be written in a plan adopted by the governing body of the charter school AND</li> <li>b. There is clear and convincing evidence, demonstrated by verified data, showing either: <ul style="list-style-type: none"> <li>a. The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school OR</li> <li>b. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.</li> </ul> </li> </ul> </li> </ul>

**Alternative Schools Criteria**

The three-tier system does not apply to schools that qualify for the Dashboard Alternative School Status program (DASS schools). For DASS schools, the chartering authority should consider the charter school’s performance on (a) the state and local indicators included in the State Dashboard and (b) alternative metrics applicable to the charter school based on the student population served.<sup>21</sup> DASS schools are only eligible for a 5-year renewal and the chartering authority may only deny renewal of DASS schools upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students.

**Additional Evidence Considered**

In addition to evidence mentioned above, the following may be considered in assessing the soundness of a school’s educational program, depending on the charter school’s renewal tier.

- State Dashboard Indicators
- School Performance Analysis – based on State Dashboard and CORE Growth data
- Comparison of Academic Performance for Key Student Groups – based on the school’s State test outcomes (and graduation outcomes for high schools) in comparison to the average for students from the same key student groups attending Oakland public schools
- Verified Data (only applicable to Low/Middle renewal tiers)
- [School Quality Review Rubric](#) Ratings – based on renewal site visit
- Performance Improvement Plan (only required for Low renewal tier schools, but may be requested for some Middle tier schools)
- Alternative Metrics (only applicable for DASS schools)

**Renewal Criteria II: Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?**

In order for a charter school’s renewal petition to be approved, it must be demonstrably likely to successfully implement the program set forth in the petition.<sup>22</sup> Evidence considered for this criteria include:

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<sup>21</sup> EC §47607(c)(7)

<sup>22</sup> EC §47605(c)(2)

- Financial condition
- Enrollment and attendance
- Enrollment demographics
- Compliance with regulatory elements (including notices of concern, website posting, and teacher credentialing)
- Board health and effectiveness

***Additional requirements for denial based on fiscal/governance concerns:*** Any renewal petition may be denied 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;<sup>23</sup> however, the chartering authority may only do so after it has 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. After doing this, the chartering authority may deny renewal only by making either of the following findings:

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

### **Renewal Criteria III: Is the Petition Reasonably Comprehensive?**

In order for a charter school’s renewal petition to be approved, the petition must include reasonably comprehensive descriptions of the following 15 required elements:<sup>24</sup>

1. Description of the school’s educational program
2. Measurable pupil outcomes (see updated guidance on the [Petitioner Resources page](#) of the OCS website)<sup>25</sup>
3. Method by which student progress is to be measured
4. Governance structure
5. Qualifications to be met by individuals employed at the school
6. Procedures for ensuring health and safety of students
7. Means for achieving a balance of racial and ethnic, English learner, and special education students<sup>26</sup>
8. Admission policies and procedures
9. Manner for conducting annual, independent financial audits and manner in which audit exceptions and deficiencies will be resolved
10. Suspension and expulsion procedures
11. Manner for covering STRS, PERS, or Social Security
12. Attendance alternatives for students residing within the district
13. Employee rights of return, if any
14. Dispute resolution procedure for school-authorizer issues
15. Procedures for school closure

All charter petitions must also contain the following information required by the Ed Code:

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<sup>23</sup> EC §47607(e)

<sup>24</sup> EC §47605(c)(5)

<sup>25</sup> In light of updated charter accountability legislation and tools (e.g. the State Dashboard), the District is transitioning away from the Collective Measurable Pupil Outcomes (MPOs) that many charter schools adopted previously. A simplified MPO template will be posted on the [Petitioner Resources page](#) of the OCS website.

<sup>26</sup> English learners and special education students were added to this element starting in 2020 as part of AB 1505.

- An affirmation of each of the conditions described in Ed Code §47605(e).<sup>27</sup>
- 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.<sup>28</sup>
- All information required by Ed Code §47605(g). Specifically:
  - a. Information regarding the proposed operation and potential effects of the charter school on the authorizer, including :
    - The facilities to be used by the charter school, including specifically where the charter school intends to locate,
    - The manner in which administrative services of the charter school are to be provided, and
    - Potential civil liability effects, of the charter school on the authorizer.
  - b. Financial statements that include the annual operating budget and 3-year cashflow and financial projections, backup and supporting documents and budget assumptions (i.e. anticipated revenues and expenditures, including special education, and projected average daily attendance).
  - c. If the school is to be operated by, or as, a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

Finally, all charter petitions must include the following District-specific requirements:

- All current District Required Language
- A Charter Renewal Performance Report using the current District-provided template.

Evidence considered for this criteria includes a review of the corresponding sections of the charter petition, including changes made from the prior petition, as well as checks for any additional requirements enacted since the charter was last approved.

#### **Renewal Criteria IV: Is the Charter School Serving All Students Who Wish to Attend?**

In order for a charter school’s renewal petition to be approved, the school must be serving all students who wish to attend.<sup>29</sup> Evidence considered for this criteria include:

- State-provided enrollment pattern data
- Substantiated complaints and notices of concern related to noncompliance with suspension/expulsion procedures and laws

***Additional requirements for denial based on this concern:*** In order to deny a petition based on a finding that a school is not serving all students who wish to attend, the chartering authority must specifically identify evidence supporting its finding. Furthermore, the chartering authority may only deny a charter school under this criteria after it has 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. After doing this, the chartering authority may deny renewal only by making either of the following findings:

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

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<sup>27</sup> EC §47605(c)(4)

<sup>28</sup> EC §47605(c)(6)

<sup>29</sup> EC §47607(e)

**Summary of Potential Denial Findings**

For clarity, the specific findings required to deny a renewal petition under each renewal criteria are summarized in the table below.

Renewal Criteria	Denial Finding(s)
<p><b>I: Has the Charter School Presented a Sound Educational Program?</b></p>	<ul style="list-style-type: none"> <li>• May not be used to deny renewal of High Tier schools.</li> <li>• Required finding:               <ul style="list-style-type: none"> <li>○ <i>The charter school presents an unsound educational program for the students to be enrolled in the charter school.</i></li> </ul> </li> <li>• Additional findings may be required to deny renewal of a school under this criteria. Specifically, for:               <ul style="list-style-type: none"> <li>○ <u>Low Tier schools</u>: no additional denial finding is required. (Conversely, Low Tier schools require specific findings in order to be renewed.)</li> <li>○ <u>Middle Tier schools</u>: all of the following denial findings must also be made:                   <ul style="list-style-type: none"> <li>▪ <i>The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the students of the school, AND</i></li> <li>▪ <i>The closure is in the best interest of the students, AND</i></li> <li>▪ <i>(If applicable) The decision provided greater weight to performance on measurements of academic performance.</i></li> </ul> </li> <li>○ <u>DASS schools</u>: the following denial finding must also be made:                   <ul style="list-style-type: none"> <li>▪ <i>The closure of the charter school is in the best interest of students.</i></li> </ul> </li> </ul> </li> </ul>
<p><b>II: Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?</b></p>	<ul style="list-style-type: none"> <li>• Required finding:               <ul style="list-style-type: none"> <li>○ <i>The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.</i></li> </ul> </li> <li>• If this finding is due to substantial fiscal or governance factors, then one of the following findings must also be made:               <ul style="list-style-type: none"> <li>○ <i>The corrective action proposed by the charter school has been unsuccessful, OR</i></li> <li>○ <i>The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.</i></li> </ul> </li> </ul>
<p><b>III: Is the Petition Reasonably Comprehensive?</b></p>	<ul style="list-style-type: none"> <li>• Required finding:               <ul style="list-style-type: none"> <li>○ <i>The petition does not contain reasonably comprehensive descriptions of the required 15 elements, OR</i></li> </ul> </li> <li>• <i>The petition does not contain all of the required information. (Specify the missing required information.)</i></li> </ul>
<p><b>IV: Is the Charter School Serving All Students Who Wish to Attend?</b></p>	<ul style="list-style-type: none"> <li>• Required finding:               <ul style="list-style-type: none"> <li>○ <i>The charter school is not serving all students who wish to attend.</i></li> </ul> </li> <li>• Additionally, one of the following findings must also be made:               <ul style="list-style-type: none"> <li>○ <i>The corrective action proposed by the charter school has been unsuccessful, OR</i></li> <li>○ <i>The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.</i></li> </ul> </li> </ul>

## FREQUENTLY ASKED QUESTIONS

This section provides information regarding frequently asked questions that are not addressed elsewhere in this handbook.

### **Q1. What is the purpose of a public hearing?**

A public hearing occurs during a District Board meeting and is an opportunity for the public to speak regarding an issue or proposed action, such as a petitioner’s request for charter renewal. During charter renewal public hearings, interested parties are provided an opportunity to comment to the District Board regarding their support of or opposition to the renewal and Board members typically discuss and may ask questions related to the request. A public hearing can occur at a regularly-scheduled District Board meeting or at a special District Board meeting scheduled outside the regular cadence of Board meetings. District Board public hearings related to charter renewal require advance notice in a newspaper of general circulation and are typically noticed in the Oakland Tribune.

### **Q2. What happens at public hearings related to charter renewal?**

Previously, school district boards were only required to hold one public hearing related to the renewal of a charter petition (“initial public hearing”), but the meeting where the Board made a renewal decision was not required to be a public hearing. However, AB 1505 added the requirement that effective July 1, 2020, charter renewal decisions must be made during a public hearing (“decision public hearing”).

*Initial Public Hearing.* At the initial public hearing, the school will be allotted up to 10 minutes to make its presentation. Speaker cards are not required to be submitted for the 10-minute presentation. If there are additional speakers who wish to speak who are not part of the formal presentation of the school, they must submit speaker cards. Additionally, although the estimated time of the public hearing is listed in the public hearing notice, the actual time may occur later in the agenda depending on the pace of the meeting. Please take this into consideration when selecting presenters. If a school wishes to present a PowerPoint presentation during the initial public hearing, it must include the PowerPoint document (or a placeholder) in its submission at the same time that it submits the charter renewal petition.

*Decision Public Hearing.* At the public hearing where the District Board will make a decision, District staff present their findings regarding the renewal request and petitioners will be allotted equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. As is the case for all public hearings, members of the public will once again have the opportunity to comment and Board members may elect to discuss and ask questions prior to voting to approve or deny the renewal request.

Documentation from recent charter renewals, including OCS staff reports and video recordings of charter renewal public hearings and decision meetings are publicly available on the [District Board’s Legislative Information Center](#). Corresponding documentation and video links may be found by selecting “Charter School Petition” from the dropdown menu, clicking “Search Legislation”, and selecting the corresponding link.

### **Q3. What requirements exist for petitioners that wish to use a PowerPoint presentation at either of the public hearings?**

Although not required, petitioners may choose to use a PowerPoint as part of their presentation at either public hearing. To do so, petitioners must adhere to the following requirements when submitting their PowerPoint(s).

*Initial Public Hearing.* As noted in the [Renewal Request Submission Requirements](#) section, the PowerPoint (or a placeholder) for the initial public hearing must be provided at the time the renewal petition is submitted. Petitioners have until 11 days before the date of the hearing to resubmit a revised PowerPoint to the [District Board staff](#) (and CC [charteroffice@ousd.org](mailto:charteroffice@ousd.org)).

*Decision Public Hearing.* As mentioned above, petitioners will have equivalent time and procedures to present evidence and testimony to respond to District staff recommendations and findings, which will be published at least 15 days before the decision public hearing. Though not required, if petitioners wish to use a PowerPoint at the decision public hearing, they must submit the PowerPoint to [District Board staff](#) (and CC [charteroffice@ousd.org](mailto:charteroffice@ousd.org)) at least 7 days before the date of the decision hearing.

**Q4. Can a charter school petitioner request a certain date and/or time for its renewal public hearings?**

Although District staff may request feedback from the charter school petitioner regarding potential dates, District Board staff are responsible for scheduling all District Board public hearings and may not be able to accommodate the petitioners' preferences.

**Q5. How can members of the public who are unable to attend the public hearings provide public comment?**

Individuals may provide public comment electronically (eComment) in advance of District Board meetings by following instructions below, which correspond to instructions available on the [District Board website](#). All eComments are automatically emailed directly to all District Board members.

1. Access the [Calendar tab](#) of the District's Legislative Information Center
  2. Select the "eComment" link to the right of the corresponding calendar meeting item
  3. Click the "Comment" button for the corresponding agenda item
  4. Fill out the requested information, including your comment, and click the "Submit Comment" button
- (Note: First time users may be required to register to use eComment system.)

**Q6. What qualifies as "verified data" for charter schools undergoing renewal in the fall of 2020?**

**Purpose.** Verified data may be considered for schools meeting the middle or low renewal tier criteria to provide evidence that (a) the school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in the school, or (b) strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

**Definition.** The Ed Code defines verified data as "data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced." Prior to January 1, 2021 the State Board of Education (State Board) will establish criteria to define verified data and identify an approved list of valid and reliable assessments to be used for this purpose. Once defined, only data sources adopted by the State Board may be considered as verified data. However, prior to this happening (i.e. for schools requesting renewal during the fall of 2020), a charter school may present data consistent with the Ed Code's definition of verified data. Charter schools undergoing renewal in the fall of 2020 that plan on submitting data that they believe should be considered as "verified data" should consult with OCS staff prior to submitting its renewal request. Please note, data sources that are not nationally recognized and peer-reviewed, such as internally produced assessments (e.g. teacher ratings, school survey results, internally designed assessments, etc.), do not qualify and will not be considered as verified data.

**Q7. How is the length of the renewal term determined for schools meeting the high tier renewal criteria (i.e. schools that may be eligible for an extended renewal term of up to 7 years)?**

The District's Charter School Board Policy does not outline criteria for extended renewal terms. The District's Office of Charter Schools is working with stakeholders to determine under what conditions it may recommend an extended renewal term. Ultimately, the District Board will make the final decision regarding whether to grant an extended renewal term.

**Q8. Who makes the final decision?**

The final decision will be made by a vote of the District Board at the decision public hearing. OCS staff will prepare a staff report and recommendation to be presented at the decision public hearing in advance of the Board vote.

Four votes (a majority of the 7-person Board) are required in order to pass a motion to officially approve or deny renewal of a charter petition. If a vote is made and there aren't enough votes to approve or deny, the District Board may postpone the decision until a later date. However, the District Board must act within the required timeline (typically 90 days of the renewal request submission date, but the District and charter school petitioner may mutually agree to extend this timeline by up to an additional 30 days). If the District Board has not passed a motion of denial with 4 votes by the end of this timeline, adopting a written factual finding justifying grounds for denial, then the charter petition for renewal, in most cases, is deemed approved.

**Q9. What happens if a charter renewal request is denied?**

If a charter renewal request is denied, the petitioner may:

1. Choose not to pursue an appeal, in which case it will cease operation on the last day of the charter term. The Office of Charter Schools will work with the charter school, as appropriate, to support with closure procedures and transitions for students attending the charter school.
2. Choose to appeal the District Board decision to the Alameda County Board of Education (County Board).<sup>30</sup> If the County Board denies the renewal request, the school may then choose to appeal to the State Board of Education (State Board) if it believes that either the District or County Board abused their discretion.<sup>31</sup> If the State Board determines there was an abuse of discretion and overturns the denial, it will, in consultation with the petitioner, designate either the District Board or the County Board as the chartering authority. However, if the school chooses not to pursue an appeal to the State Board and/or its appeal is denied by the State Board, it will cease operation on the last day of the charter term.

If a renewal request is denied by the District Board and the denial is not overturned on appeal by either the County Board or the State Board, OCS staff will collaborate with the charter school throughout the closure process.

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<sup>30</sup> See EC §47605(k)(1) for additional information regarding appeals to the County Board. The petitioner must provide a copy of the appeal petition to the District at the time it submits to the County Board. If the appeal petition contains new or materially different terms, the County Board will remand the petition to the District Board for reconsideration and a decision within 30 days.

<sup>31</sup> See EC §47605(k)(2) for additional information regarding appeals to the State Board. District staff will prepare the District Board documentary record for an appeal to the State Board no later than 10 business days after a request is made by the petitioner. The petitioner must provide a copy of the appeal petition and supporting documentation to the District and County Boards at the time it submits to the State Board. If the appeal petition contains new or materially different terms, the State Board will remand the petition to the District Board for reconsideration and a decision within 30 days.