



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

OFFICE OF CHARTER SCHOOLS

Material Revision Handbook

Updated August 17, 2020

Oakland Unified School District
Office of Charter Schools
1000 Broadway, Suite 300
Oakland, CA 94607
(510) 879-1677
www.ousdcharters.net

INTRODUCTION

This handbook is prepared by the Oakland Unified School District (District) Office of Charter Schools (OCS) to guide charter schools through the process for requesting a material revision to their charter petition. Charter school staff should review and follow guidance and instructions provided in this handbook as they prepare to submit their material revision request. As a general rule, charter school staff should consult with OCS staff whenever they are considering making substantial changes to their petition to determine whether a material revision to the charter is necessary.

Please note, District staff do not advise petitioners on the development or content of petitions or material revisions 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.

CONTENTS

- Material Revision Guidelines and Categories..... 3
- Material Revision Process and Timeline..... 6
- Material Revision Request Submission Requirements..... 7
- Material Revision Criteria..... 9

MATERIAL REVISION GUIDELINES AND CATEGORIES

General Guidelines

Material revisions of charter schools are governed by the standards and criteria in the Education Code (“Ed Code” or “EC”)¹. All charter schools authorized by the District Board of Education (District Board) must consult with staff from the Office of Charter Schools (OCS) prior to implementing changes to their District Board-approved charter. Material revision requests should be submitted to the District Board for approval during the school year before such changes are to be instituted. Implementing material revisions to a charter without the prior approval of the District is a material violation of the charter and grounds for revocation.

Material Revision Categories and Examples

The District considers a request for a material revision necessary if a charter school seeks to make a material change to any of the required elements of the charter. The table below outlines a non-exhaustive list of changes that the District considers as constituting a material revision, including some specific examples. The table also includes a summary of corresponding evidence that may be considered by OCS staff when evaluating proposed changes.

Material Revision Category	Changes That Constitute a Material Revision <i>(examples in italics)</i>	Evidence That May be Considered By OCS Staff
Educational Program	Substantial changes to the educational program <ul style="list-style-type: none"> • <i>Adding a bilingual program</i> • <i>Switching from an arts-focused program to a STEM focus</i> 	<ul style="list-style-type: none"> • An analysis of the proposed change’s impact on staffing, budget, and facilities • An analysis of the community’s need for the change • Relevant experience of staff and board members in implementing similar programs • Evidence of engaging school community in the decision process • Petitioner interviews
	Changing or adding a non-classroom-based program	<ul style="list-style-type: none"> • An analysis of the proposed change’s impact on staffing, budget, and facilities • An analysis of the community’s need for the change • Evidence of engaging school community in the decision process
	Changes in the grade levels to be served <ul style="list-style-type: none"> • <i>Adding a TK section to a school that is only approved to serve grades K-5</i> 	<ul style="list-style-type: none"> • An analysis of the proposed change’s impact on staffing, budget, and facilities • An analysis whether the change is likely to serve the interests of the entire community

¹ See EC §47605(a)(4), §47607(a)(3) and (4), and §47607(b)

		<ul style="list-style-type: none"> • An analysis of the fiscal impact of the change on the District • Evidence of engaging school community in the decision process
Operational	<p>Increasing or decreasing enrollment, respectively, above or below the number originally projected in the charter petition by amounts exceeding the following thresholds:</p> <ul style="list-style-type: none"> • Increases exceeding 20 students OR 5% of the total projected enrollment • Decreases exceeding 20 students AND 10% below the projected enrollment for a given year. • <i>Adding a Kindergarten section of 25 students (resulting in the school exceeding its approved enrollment)</i> 	<p>For Increases:</p> <ul style="list-style-type: none"> • Recent demand data for the school • An analysis whether the change is likely to serve the interests of the entire community • An analysis of the fiscal impact of the change on the District <p>For Decreases:</p> <ul style="list-style-type: none"> • An analysis of the proposed change’s impact on staffing, budget, and facilities
	<p>Changes of admission requirements or procedures, including changes to lottery preferences</p> <ul style="list-style-type: none"> • <i>Adding a lottery preference for students from the neighborhood</i> • <i>Re-ordering lottery preferences</i> 	<ul style="list-style-type: none"> • An analysis of how the composition of students would have changed using data from most recent lottery (i.e. demographics of students who would have been impacted) • The demographic data used to identify proposed preferences (e.g. census, neighborhood attendance boundary, etc.) • An analysis of how the proposed preference could impact access for key vulnerable student groups
	<p>Substantial changes to governance structure, including but not limited to, addition or removal of a layer of governance</p>	<ul style="list-style-type: none"> • Revised bylaws • Rationale for proposed change • Minutes from board meeting where proposal was discussed
	<p>Entering into and/or exiting a Charter Management Organization (CMO)</p>	<ul style="list-style-type: none"> • Minutes from board meeting where proposal was discussed • Proposed terms of separation or contract with CMO
Location	<p>Relocating to or adding a non-OUSD school site/facility (not applicable to sites/facilities that either were previously approved or are owned by OUSD)</p>	<ul style="list-style-type: none"> • Evidence of safety inspections • Certificate of occupancy • Traffic study • Completed walk-through checklist (conducted with OCS staff)

	Opening of a resource center, meeting space, or other satellite facility ²	<ul style="list-style-type: none"> • Evidence of safety inspections • Certificate of occupancy • Traffic study • Completed walk-through checklist (conducted with OCS staff)
--	---	--

Examples of Other Changes That Require Notification to OCS

In general, please consult with OCS staff regarding any major changes your charter school is considering prior to implementation. For additional clarity, the following are examples of changes that the District typically does not consider as constituting a material revision, but which should still be communicated to OCS staff.

- Terminating staff due to a concern for student safety
- Changing school leaders
- Revising board bylaws
- Changing board chair

²As outlined in EC §47605.1(c); Note: Primarily applicable to non-classroom based charter schools.

MATERIAL REVISION PROCESS AND TIMELINE

Material revisions are governed by the standards and criteria outline in Ed Code Section 47605. The following outlines the District's typical process for reviewing charter material revision requests.

1. Submit Material Revision Request *(typically during the school year prior to the proposed change)*

A complete material revision request must be submitted following guidance in the [Material Revision Submission Requirements](#) section. The request should be submitted during the school year before the proposed changes are to be instituted. The charter school should communicate its intended submission date to Office of Charter School (OCS) staff in advance.

2. Present at Public Hearing *(typically within 60 days of the submission date)*

District Board staff will typically schedule a public hearing within 60 days of submission. OCS staff will inform the petitioners of their public hearing date and time once it is scheduled. At the public hearing, petitioners will be allotted up to 10 minutes to present regarding the proposed material revision. Petitioners should be prepared to answer questions from District Board members following the presentation. Questions are typically related to the changes requested by the material revision, but petitioners may also receive questions about other aspects of their charter.

3. District Staff Report and Recommendation *(made public in compliance with the Brown Act)*

OCS staff is responsible for conducting the due diligence necessary to inform the Board regarding the material revision and will provide a report to the Board that typically includes a recommendation to approve or deny the material revision. The OCS staff report will be made publicly available in compliance with the Brown Act prior to (typically at least 72 hours before) the decision meeting. See [Material Revision Criteria](#) section for more information regarding criteria used to evaluate the material revision.

4. Decision Meeting *(typically within 90 days of the submission date)*

A decision meeting will be scheduled and held as close as practicable within 90 days of the submission date. OCS staff will inform petitioners of the decision meeting date once it is scheduled. At the decision meeting, OCS staff will present its report and recommendation. Interested parties will be given an opportunity to comment and the District Board will have an opportunity to discuss and ask questions prior to voting on the material revision.

MATERIAL REVISION REQUEST SUBMISSION REQUIREMENTS

Charter schools should typically submit material revision requests during the school year prior to the year in which it the proposed revisions are expected to take effect. Material revision submission requirements vary depending on the type of revision being requested.

Petition Submission

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. All submissions must be made electronically using a material revision request submission form created by District staff. Hard copy submissions are no longer required, nor requested. Only complete submissions will be considered. Incomplete submissions will be rejected and will need to be resubmitted. **In order to be considered complete, submissions must include all of the documents listed below relevant to the type of material revision in the indicated format(s), if specified.** 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.

Required Documentation

Documentation Required for All Material Revisions

The following documents must be submitted for all material revisions requests. Items #1-2 should be included in a single, searchable PDF format with bookmarks corresponding to the table of contents. **If the material revision is approved, this PDF document will be considered the official petition.** If this PDF is not searchable (i.e. text is not recognized when using standard search functionality), the petition will be considered incomplete. Other documentation specified below is required in order for the submission to be deemed complete, but should not be included in the official petition PDF document.

1. A **cover letter** signed by the charter school governing board president or designee that:
 - a. authorizes the submission of the charter material revision request to the District Board
 - b. certifies that the petitioner deems the revised petition to be complete
 - c. explains the reason for the proposed revision, its impact to the school, and identifies the specific elements and/or sections where material revisions are being proposed
2. A **final copy of revised petition**, including:
 - a. The most recent version of the District's Statement of Assurances
 - b. The most recent version of the District Required Language³
 - c. All information required by Ed Code,⁴ including reasonably comprehensive description(s) of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed⁵
3. A **red-line Microsoft Word copy of the revised petition** where changes are being proposed, showing all changes made to the charter school's most recent District Board-approved petition. Note: If the

³ 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).

⁴ All charter petitions must include all of the following: affirmations required by EC §47605(c)(4), reasonably comprehensive descriptions of all required elements outlined in EC §47605(c)(5), the declaration required by EC §47605(c)(6), and all required information outlined in §47605(g).

⁵ EC §47607(b)

proposed material revision is being considered around the time of renewal and the proposed changes correspond to the upcoming charter term, then the red-line petition should only show changes made to the proposed renewal petition as if the renewal petition had already been approved.

4. A **PowerPoint presentation** for the initial public hearing (may be a placeholder). (*Optional, but required if the petitioners plan on using a PowerPoint during their presentation at the public hearing.*) The presentation should be no longer than 5 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.

Additional Documentation Required for School Location Material Revisions

The following documentation is required for all School Location material revisions. As mentioned above, a School Location material revision is not required if the school is relocating to an OUSD-owned school site/facility.

- The following information should be included/addressed in the cover letter:
 - The address of the proposed school location
 - The proposed occupancy date
 - Reason/rationale for changing the school location
 - School/neighborhood community engagement regarding the new school location
 - Financial costs of the project and the resources available to fulfill these
- A budget reflecting the impact of the revision for each remaining year of the charter term
- A completed copy of the [pre-opening site walkthrough checklist](#), completed during a walkthrough with OUSD staff (charter schools should schedule a walkthrough with OUSD staff in advance of the submission date)
- A copy of the facility lease
- All relevant and required permits, certificates, studies, insurance, and inspections

Additional Documentation Required for Educational Program or Operational Material Revisions

The following documentation is required for all Educational Program or Operational material revisions.

- Evidence that the charter school's governing board has approved the material revision request and supporting documentation, such as a signed board resolution or meeting minutes with a vote of approval
- Documentation supporting the material revision such as certifications, revised organization charts or bylaws, school performance data, demographic data, or other evidence that supports the change.

Material Revisions at the Time of Renewal

Although a material revision request may be submitted concurrently with the renewal petition (i.e. to take effect at the start of the renewal term), it typically must be submitted separate from the renewal request.⁶ In such situations, the petition included in the material revision request should be based on the proposed renewal petition as if that petition had already been approved (i.e. the red-line version of the material revision petition should only reflect changes made to the submitted renewal petition). The material revision request may only be approved subsequent to the approval of the renewal petition upon which the material revision is based.

⁶ 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. 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.

MATERIAL REVISION CRITERIA

The Charter Schools Act of 1992 establishes the standards and criteria by which material revisions are governed.⁷ In order to recommend the approval of a material revision to the OUSD Board of Education (District Board), the Office of Charter Schools (OCS) must determine that the charter school has met the relevant Education Code (EC) requirements. For clarity, these requirements have been organized into the following five material revision criteria outlined below.

Please note, only criteria relevant to the proposed material revision will be assessed. Examples of evidence that may be considered for different types of material revisions can be found above in the [Material Revision Guidelines and Categories](#) section. The first three criteria (as listed below) generally apply to all charter petitions and material revisions. Criteria IV and V only apply to certain types of material revisions and under specific circumstances as described below in the corresponding sections.

- Criteria I: Has the Charter School Presented a Sound Educational Program?⁸
- Criteria II: Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?⁹
- Criteria III: Is the Petition Reasonably Comprehensive?¹⁰
- Criteria IV: Is the Charter School Demonstrably Likely to Serve the Interests of the Entire Community in Which the School is Proposing to Locate?¹¹
- Criteria V: Is the School District Positioned to Absorb the Fiscal Impact of the Proposed Charter School?¹²

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

This criteria applies only to material revisions proposing expansion and analysis under this criteria must be limited to consideration only of the impact of the proposed material revision.¹³ In order for petitions where this criteria applies to be approved, the school must be demonstrably likely to serve the interests of the entire community in which the school is proposing to locate. In order to deny a material revision under this criteria, the District will (1) consider the fiscal impact of the proposed material revision in its analysis of this finding and (2) detail specific facts and circumstances that analyze and consider the following factors:

1. The extent to which the proposed material revision to the charter would substantially undermine existing services, academic offerings, or programmatic offerings.
2. Whether the proposed material revision to the charter would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate.

⁷ EC §47607(a)(3) and (b)

⁸ EC §47605(c)(1)

⁹ EC §47605(c)(2)

¹⁰ Including information required by EC §47605(c)(4) thru (6) and EC §47605(h), OUSD's District Required Language as well as any additional requirements enacted since the charter was last approved.

¹¹ EC §47605(c)(7)

¹² EC §47605(c)(8)

¹³ EC §47607(a)(4); Material revisions proposing expansion include (but are not limited to) proposed grade level expansions, increases in enrollment, changes in school location.

Criteria V: Is the School District Positioned to Absorb the Fiscal Impact of the Proposed Charter School?

This criteria applies only to material revisions proposing expansion and analysis under this criteria will be limited to consideration only of the impact of the proposed material revision.¹³ In order for a charter school’s material revision proposing expansion to be approved, the District must be positioned to absorb the fiscal impact of the proposed charter school. However, the District may only use this criteria to deny a material revision if at least one of the following is true:

- The District has a qualified interim certification and the county superintendent of schools, in consultation with the County Office FCMAT, certifies that approving the material revision would result in the school district having a negative interim certification
- The District has a negative interim certification
- The District is under state receivership