



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

OFFICE OF CHARTER SCHOOLS

New Charter Petition Handbook

Updated January 2021

Oakland Unified School District
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INTRODUCTION

This handbook is prepared by the Oakland Unified School District Office of Charter Schools (OCS) to serve as a resource for petitioners seeking to submit a request during the 2020-21 school year to establish a charter school to be authorized by the District. Prospective petitioners should review and follow guidance and instructions provided in this handbook as they prepare to submit their new charter petition request. New charter petitions that do not include all required components and appendices will be returned to the petitioner and the petitioner will have the opportunity to resubmit once all requirements are met.

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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NEW CHARTER PETITION SUBMISSION AND REVIEW TIMELINE

Process Step	Timeline	Description
0. Letter of Intent/Executive Summary Submission	At least 30 days before the petitioner’s expected submission date	Petitioner emails Letter of Intent/Executive Summary ¹ to charteroffice@ousd.org .
1. Petition Submission	Determined by the charter school, is recommended no later than January prior to planned opening ²	Petitioner submits petition following guidance found in the New Petition Submission Requirements section.
2. Petition Review and Petitioner Interviews	During the interval between the time of submission (#1 above) and the date the District staff report is published (#4 below)	District staff will review and evaluate the proposed charter petition and will interview the petitioner and members of the founding board.
3. Initial Public Hearing	Within 60 days of the petition submission date	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 Frequently Asked Questions section.
4. District Staff Report and Recommendation	Published at least 15 days prior to the decision public hearing	OCS staff report published on the District Board Legislative Information Center . The report will include staff findings and typically a recommendation to approve or deny the petition based on New Charter Petition Review Criteria.
5. Decision Public Hearing and District Board Vote	Within 90 days of the petition submission date ³	Decision public hearing held where the District Board will vote to approve or deny the petition. 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 Frequently Asked Questions section.

¹ The template for Letter of Intent/Executive Summary is available on the [Applying Charter Schools page](#) of the Office of Charter Schools website.

² See OUSD Board of Education Policy 0420.4

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

NEW CHARTER PETITION SUBMISSION REQUIREMENTS

Petitioners should submit during the school year prior to the proposed first year of operation and are strongly encouraged to submit no later than the January prior to opening. For petitions received after this date, the District Board reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation. Note that petitioners must submit a Letter of Intent/Executive Summary at least 30 days prior to the petitioner's expected submission date.

All submissions must be made electronically. Hard copy submissions are neither 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. 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 list below.

Petition Submission Process

The petition review timeline starts on the day the petitioner submits a complete petition to the District office.⁴ All submissions must be made electronically using a charter petition 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.

All items 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 charter 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.** Documents that are part of the petition that are originally in Excel format (for example, budget projections) should also be submitted separately in the original Excel format, in addition to being included in the complete PDF version of the petition.

Documents required for complete petition PDF:

- A cover letter signed by the lead petitioner authorizing the submission of the new charter petition request to the District Board and certifying that the petitioner deems the petition to be complete⁵
- A completed version of the Letter of Intent/Executive Summary template.
- A copy of petition including:
 - All content required by current laws⁶ and regulations
 - All District Required Language (provided by District staff⁷)
- Appendices A-C (as necessary)⁸

⁴ EC §47607(b)

⁵ 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.

⁶ Each of the following must be included in the petition: the required number and type of signatures specified in EC §47605(a), 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).

⁷ The most 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).

⁸ All appendices can be found on the [Applying Charter Schools page](#) of the Office of Charter Schools website.

In addition to the complete petition, if the petitioner plans on using a Powerpoint when presenting at the initial public hearing, the petitioner must also submit a PowerPoint presentation for the initial public hearing. The PowerPoint that is submitted with the petition may be a placeholder, and revisions to the PowerPoint may be submitted to District Board office staff up to around 2 weeks before the date of the initial public hearing. This final Powerpoint submission deadline will be confirmed by District staff following the submission of the petition. The presentation should be no longer than 10 minutes.

NEW CHARTER PETITION REVIEW CRITERIA

The Charter Schools Act of 1992 establishes the criteria by which charter petitions must be evaluated. In order to recommend the approval of a new charter petition to the OUSD Board of Education (District Board), the Office of Charter Schools 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 five new petition review criteria, outlined in this section.

- I. Has the Petitioner Presented a Sound Educational Program?
- II. Is the Petitioner Demonstrably Likely to Successfully Implement the Proposed Educational Program?
- III. Is Each of the Required 15 Elements of the Petition Reasonably Comprehensive?
- IV. Is the Proposed Charter School Demonstrably Likely to Serve the Interests of the Entire Community in Which the School is Proposing to Locate?
- V. Is the School District Positioned to Absorb the Fiscal Impact of the Proposed Charter School?

Criteria I: Has the Petitioner Presented a Sound Educational Program?

In order for a new charter petition to be approved, the petitioner must present a sound educational program for its students.⁹ Evidence considered for this criteria may include but is not limited to:

- Proposed educational program, including framework for identifying and responding to needs of all students (including students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations);
- Target student population, including grade levels, approximate numbers of students, and specific educational interests, backgrounds or challenges;
- A framework for instructional design that is aligned with the needs of the target student population;
- Petitioner capacity interview;
- Proposed goals and outcomes for students;
- Description of instructional design and strategies;
- LCFF/LCAP annual goals;
- Plan for how special education services will be provided (including identifying students who qualify for special education services providing access to appropriate services);
- Plan for how English learner services will be provided (including identifying students who qualify for English learner services providing access to appropriate services); and
- Plan for collecting and analyzing performance data; and
- Detailed description of how instructional minute requirements, per Ed. Code 47612.5, will be met; and
- If the charter school will serve high school students, a description of how the school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements.

⁹ EC §47605(c)(1)

Criteria II: Is the Petitioner Demonstrably Likely to Successfully Implement the Proposed Educational Program?

In order for a new charter petition to be approved, the petitioner must be demonstrably likely to successfully implement the program set forth in the petition.¹⁰ Evidence considered for this criteria may include but is not limited to:

- Financial and operational plan;
- Governance structure and founding board health;
- Petitioner and founding board capacity interview;
- Plan to secure appropriate facilities for the school;
- Petitioner’s engagement with the community the school intends to serve and demonstration of demand for the program; and
- Track record of petitioner in successfully operating and/or leading schools.

Criteria III: Is Each of the Required 15 Elements of the Petition Reasonably Comprehensive?

In order for a new charter petition to be approved, charter petitions must include all of the following information required by the Ed Code:

- The required number and type of signatures as specified in Ed Code §47605(a)¹¹
- Reasonably comprehensive descriptions of the 15 required elements¹²
- An affirmation of each of the conditions described in Ed Code §47605(e)¹³
- 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 3540.2¹⁴
- All information required by Ed Code §47605(g). Specifically:
 1. 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.
 2. 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 for each grade level proposed to be served).

¹⁰ EC §47605(c)(2)

¹¹ EC §47605(c)(3); In addition to other requirements outlined in EC §47605(a), the petition must include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher’s signature, means that the teacher is meaningfully interested in teaching at the charter school. Please note that signatures of parents/guardians may be more likely than teacher signatures to be considered as evidence that the proposed charter school is likely to serve the interests of the entire community.

¹² EC §47605(c)(5)

¹³ EC §47605(c)(4)

¹⁴ EC §47605(c)(6)

3. 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 submitted to the District must include the following District-specific requirements:

- All current District Required Language¹⁵

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

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

In order for a new charter petition to be approved, the proposed charter school must be demonstrably likely to serve the interests of the entire community in which the school is proposing to locate.¹⁶ Evidence considered for this criteria may include but is not limited to:

- Petitioner’s engagement with the community the proposed school intends to serve
- District’s analysis and petitioner’s analysis (from Letter of Intent/Executive Summary) of impact on surrounding district and charter schools including, but not limited to:
 - Fiscal impact
 - Impact on enrollment
 - Impact to existing services or programmatic offerings
 - Duplicative programming
- Feedback from a community meeting convened by OUSD
- The proposed Charter School’s targeted pupil population, and whether existing charter schools under the same network or Charter Management Organization would serve as feeder schools into the proposed Charter School

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

In order for a new charter petition to be approved, the school district must be positioned to absorb the fiscal impact of the proposed charter school.¹⁷ A school district is not positioned to absorb the fiscal impact of the proposed charter school and may deny a petition if any of the following conditions are met:

- The district has a qualified interim certification and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team (FCMAT), certifies that approving the material revision would result in the school district having a negative interim certification;
- The district has a negative interim certification; or
- The district is under state receivership.

¹⁵ The most 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).

¹⁶ EC §47607(c)(7)

¹⁷ EC §47607(c)(8)

Summary of Potential Denial Findings

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

Criteria	Denial Finding(s)
I: Has the Petitioner Presented a Sound Educational Program?	<p>Required finding:</p> <ul style="list-style-type: none"> • <i>The charter school presents an unsound educational program for the students to be enrolled in the charter school.</i>
II: Is the Petitioner Demonstrably Likely to Successfully Implement the Proposed Educational Program?	<p>Required finding:</p> <ul style="list-style-type: none"> • <i>The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.</i>
III: Is the Petition Reasonably Comprehensive?	<p>Required finding:</p> <ul style="list-style-type: none"> • <i>The petition does not contain the required number of signatures, OR</i> • <i>The petition does not contain reasonably comprehensive descriptions of the required 15 elements, OR</i> • <i>The petition does not contain all of the required information. (Specify the missing required information.)</i>
IV: Is the Proposed Charter School Demonstrably Likely to Serve the Interests of the Entire Community in Which the School is Proposing to Locate?	<p>Required finding:</p> <ul style="list-style-type: none"> • <i>The proposed charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.</i> <p>Additional finding requirements: A written factual finding must detail specific facts and circumstances that analyze and consider the following factors:</p> <ul style="list-style-type: none"> • The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings. • Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.
V: Is the School District Positioned to Absorb the Fiscal Impact of the Proposed Charter School?	<p>Required finding:</p> <ul style="list-style-type: none"> • <i>The school district is not positioned to absorb the fiscal impact of the proposed charter school because one of the following is true:</i> <ul style="list-style-type: none"> ○ <i>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;</i> ○ <i>The district has a negative interim certification; or</i> ○ <i>The district is under state receivership.</i>

THE FIFTEEN REQUIRED CHARTER ELEMENTS

All charter petitions are required to include fifteen elements outlined in Education Code § 47605(c)(5). The table below includes a brief description of each element and the reference to the corresponding Education Code section. Note that all District Required Language is required to be included in the charter petition.

Element Description	Education Code § 47605(c)(5) Subparagraph
1. Description of the educational program of the school, including what it means to be an “educated person” in the 21st century and how learning best occurs.	(A)
2. Measurable student outcomes	(B)
3. Method by which student progress is to be measured	(C)
4. Governance structure	(D)
5. Qualifications to be met by individuals employed at the school	(E)
6. Procedures for ensuring health and safety of students	(F)
7. Means for achieving a balance of racial and ethnic, English learner, and special education students ¹⁸	(G)
8. Admission policies and procedures	(H)
9. Manner for conducting annual, independent financial audits and manner in which audit exceptions and deficiencies will be resolved	(I)
10. Suspension and expulsion procedures	(J)
11. Manner for covering STRS, PERS, or Social Security	(K)
12. Attendance alternatives for students residing within the district	(L)
13. Employee rights of return, if any	(M)
14. Dispute resolution procedure for school-authorizer issues	(N)
15. Procedures for school closure	(O)

¹⁸ Element 7 was modified as part of AB 1505.

APPENDICES

All appendices and supporting documentation must be submitted as part of the charter petition. Appendix templates and forms are provided in the “New Petition Application Forms and Documents” section of the OCS website (<https://www.ousdcharters.net/applying-charter-schools.html>). Required appendices are listed below.

Appendix A: Signatures Forms

Appendix B: OUSD Due Diligence Questionnaire

Appendix C: Budget and Financial Plan

FREQUENTLY ASKED QUESTIONS

1. Are there any new requirements for new charter petitions due to updated charter law?

Yes, charter petitions are required to comply with all new requirements for charter petitions under AB 1505. Please refer to the New Charter Petition Review Criteria section above for more information on the requirements to provide information relating to community impact and fiscal impact. Please note that element 7 of the required 15 elements has been modified as well, as noted above.

2. Can a petitioner receive assistance with a new charter petition?

Although District staff does not advise petitioners on the development or content of petitions beyond requiring certain District Required language, petitioners may choose to work with other individuals or organizations in developing a new charter petition. Charter school petitioners are ultimately responsible for complying with all requirements outlined in the Education Code and in any corresponding regulations.

3. What happens if a new charter petition is incomplete?

If a petition is incomplete or improperly submitted, it will be rejected and must be resubmitted. Please refer to the New Charter Petition Submission Requirements section above for detailed information on the requirements for submitting a new charter petition.

4. Who makes the final decision about a new charter petition?

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 a new charter petition. If a vote is made and there aren't enough votes to approve or deny, no board action has been taken, and the District Board may postpone the decision until a later date. However, the District Board should act within the required timeline (typically 90 days of the new charter request submission date, but the District and charter school petitioner may mutually agree to extend this timeline by up to an additional 30 days).

5. 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 a new charter. During public hearings regarding new charter petitions, interested parties are provided an opportunity to comment to the District Board regarding their support of or opposition to the proposed petition 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. Advanced notice of District Board public hearings related to new charter petitions is published in a newspaper of general circulation and are typically noticed in the East Bay Times/Oakland Tribune.

6. What happens at public hearings related to new charter petitions?

School district boards are required to hold a public hearing to hear and discuss any proposal for the establishment of a new charter school (“initial public hearing”). Charter petition decisions must also 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. If there are additional speakers who wish to speak who are not part of the formal presentation of the school, they will have an opportunity to do so as part of public comment. 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 new charter petition to the District.

Decision Public Hearing. At the public hearing where the District Board will make a decision, District staff present their findings regarding the proposed charter petition 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 charter petition.

Documentation from previous charter petition decisions, including OCS staff reports and video recordings of 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.

7. 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 [New Charter Petition Submission Requirements](#) section, the PowerPoint (or a placeholder) for the initial public hearing must be provided at the time the charter petition is submitted. Petitioners have until around 2 weeks before the date of the hearing to resubmit a revised PowerPoint to the [District Board staff](#) (and CC charteroffice@ousd.org). Please confirm the specific date with District staff following the submission of the petition.

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) at least 7 days before the date of the decision hearing.

8. Can a charter school petitioner request a certain date and/or time for its 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.

9. 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.)

10. What happens if a new charter petition is denied?

If a new charter petition is denied, the petitioner may:

1. Choose not to pursue an appeal.
2. Choose to appeal the District Board decision to the Alameda County Board of Education (County Board).¹⁹ If the County Board denies the petition, 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.²⁰ 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.

If a new charter petition is denied by the District Board and the denial is not overturned on appeal by either the County Board or the State Board, the petitioner will not be permitted to open the proposed charter school.

¹⁹ 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 different material terms, the County Board will remand the petition to the District Board for reconsideration and a decision within 30 days.

²⁰ 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 different material terms, the State Board will remand the petition to the District Board for reconsideration and a decision within 30 days.