



Civil Grand Jury Final Report “The Oakland Unified School District and Charter Schools”

On June 10, 2016, the Alameda County Grand Jury issued 2015-2016 Grand Jury Final Report – The Oakland Unified School District and Charter Schools. The Grand Jury identified specific concerns regarding: (1) charter authorization processes; (2) charter renewal processes; (3) student safety and welfare; (4) equitable treatment and funding of students; (5) charter school governance and management; and (6) the relationship between the District and charter schools. The Grand Jury made four (4) findings and eight (8) recommendations based upon their identified concerns and investigation.

The Oakland Unified School District (the “District”) now submits its Response to the Findings and Recommendations from the 2015-2016 Civil Grand Jury Final Report, “The Oakland Unified School District and Charter Schools.” The District agreed with three (3) of the (4) Findings identified in the Grand Jury Final Report. Specifically, the District’s Response provides detailed explanations regarding its agreement with the following grand Jury Findings:

- Charter schools are insulated from adequate public oversight;
- Current charter school authorization and evaluation systems are insufficient to ensure that each charter school provides equitable opportunities for all students; and
- There is a desire on the part of the District enact a plan to ensure that every student in Oakland is given equal opportunity to be successful but there are significant obstacles to achieving this goal.

These Findings represent concerns that the District is actively working to address through the Equity Pledge. The Equity Pledge is the District’s structured multi-phased partnership to ensure that our entire system of public schools work towards a common mission of equitable access to a high quality education for every student. This commitment is designed to collaboratively address the issues of accountability, transparency, equity and access across multiple areas including: enrollment, facilities use, special education, finance, quality school development, human capital and performance/quality staff/teachers, instructional practices, social-emotional learning, and systems for student success. Thus, the District’s current work is responsive to many of the concerns identified in the Grand Jury Report.



The Grand Jury Report identified eight (8) recommendations thoughtfully designed to assist the District in working towards greater accountability, transparency, and equity on the part of its charter school partners.

The Grand Jury Report identified eight (8) recommendations. Of the eight (8) recommendations, current District practices are overwhelmingly consistent with implementation of most of the recommendations, meaning that the District already has processes, procedures, and practices in place that are responsive to the Recommendation. For example, the work undertaken as part of the Equity Pledge, School Performance Framework, Call for Quality Schools, New Petition Application process, and Charter School Renewal Handbook are all District initiatives/programs/processes targeting the underlying issues regarding charter school accountability, transparency, and equity.

The District Response to the Grand Jury Report is available for review and provides detailed information regarding:

- The Current State of Charter Schools within the District;
- The District's rigorous standards of practices for charter school authorization, renewal, and revocation;
- The District's processes for rigorous oversight of charter schools;
- Processes designed to review systems for student success; and
- District plans, pledges, and programs already in progress to facilitate greater accountability, transparency, and equity among our charter school partners.



September 15, 2016

Presiding Judge
Alameda County Superior Court
1225 Fallon Street
Department One
Oakland, California 94612

The Alameda County Civil Grand Jury
Timothy Jones, Foreperson
1401 Lakeside Drive
Suite 1104
Oakland, California 94612

**Response of the Oakland Unified School District to Civil Grand Jury Final Report -
"The Oakland Unified School District and Charter Schools"**

Dear Presiding Judge and Foreperson Jones:

The Oakland Unified School District (the "District") submits its Responses to the Findings and Recommendations from the 2015-2016 Civil Grand Jury Final Report, "The Oakland Unified School District and Charter Schools."

The District commends the Jurors' high level of motivation to perform their work and their seriousness in studying and understanding many of the complex and critical issues facing the District. The Jurors were always professional in their interactions with District officials and employees and mindful of the many challenges the District faces.

We believe this Civil Grand Jury exemplified the effectiveness of a panel of citizens to objectively consider how government operates and then provide thoughtful insight and recommendations to the District.

The District continues to undergo ~~ne~~ many significant changes and continues its commitment to the Oakland Public Schools Equity Pledge ("Equity Pledge"). The Equity Pledge is based upon the District's belief and commitment to the idea that all students in Oakland, regardless of whether they attend a District-run public school or a charter school, deserve equitable access to high quality education. The Equity Pledge is a structured, multi-phased journey of collaborative communication and partnership between District-run schools and charter schools to ensure:

- Accessibility by serving students of all backgrounds and needs;
 - Accountability for high standards of performance;
 - Equitable access to resources that are intended to be used for public education;
 - Improved practices and knowledge sharing with other public schools;
 - Transparency with public oversight; and
 - Collaborative service of the greater public good.
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Given the impactful nature of the Equity Pledge on the relationship between the District and charter schools, we are attaching the Oakland Public Schools Equity Pledge Progress Update dated June 22, 2016 and supplemental information regarding the Equity Pledge, in addition to the responses to the Grand Jury's Findings and Recommendations.

Respectfully submitted,

James Harris, Board President

Antwan Wilson, Superintendent

I. Introduction

A. Current State of Charter Schools within the District

The number of charter schools authorized by the District increased from 9 charter schools in 2001 to 32 charter schools in 2007. (See Oakland Charter Schools Timeline, included as Attachment B). From 2007 to 2016, between charter closures and new school openings, the District's total number of authorized charters only increased by five (5). Over the course of nearly a decade, from 2007 to 2016, the number of District authorized charter schools only increased from 32 to 37. The number of charter schools authorized by the District has remained unchanged, at 37, for two consecutive school years (2015-2016 and 2016-2017 school year). (See OUSD Office of Charter Schools Fast Facts 2014-2015 is included as Attachment C.)

It is important to note that although the District is the authorizer of 37 charter schools, 44 charter schools operate within District boundaries. Alameda County Office of Education ("ACOE") is currently the authorizer of seven (7) charter schools within District boundaries. (See Attachment B.) Thus, the law permits new charter schools to locate within the District even if the District properly and legally denies a new charter petition.

The District continues to develop rigorous processes to evaluate and oversee charter schools and form strategic partnerships to improve relations with our charter school and in order to provide all students with equitable access to a high quality education. These efforts are illustrated by the District's commitment as: (1) an authorizing agency; (2) the provider of charter school oversight; and (3) a partner in the Equity Pledge.

1. Commitment as an Authorizing Agency

The District is committed to being a sound charter school authorizer. This commitment is demonstrated by the development of rigorous standards of practice to govern the evaluation of charter petitions, charter renewals, and charter revocations. Specifically, the District has developed:

- Clear, consistent application processes;
- Clear criteria for renewal and revocation;
- Consistent framework for evaluating schools' academic performance;
- Regular financial audits of schools;
- Requests for transparent reporting from charter schools; and
- Clearly defined processes for renewals, revocation, and closure.

In 2015, the District developed a New Petition Application Guide and made some revision to the Charter School Renewal Handbook.¹ The New Petition Application and Charter School Renewal Handbook were released on the District's website in August 2015 and will be used for the first time in the Fall of 2016. The New Petition Application was released over a year in advance of actual use to give our charter school partners time to familiarize themselves with the New Petition Application. Included in the New Petition Application and Charter School Renewal Handbook are appendices for the charter schools to complete. The appendices are designed to

¹ New Petition Application Guide and New Petition Application Forms and Documents available at <http://www.ousdcharters.net/new-petition-application.html>. Due to the length of the combined documents, hardcopies are not included.

provide the District with valuable and transparent information regarding the charter school's infrastructure, governance, and systems for student success.

The District was excited to establish and communicate the rigorous criteria and processes for new charter applications in particular. The District viewed the establishment of clear and consistent processes as an opportunity to further the symbiotic relationship between the District and its charter school partners and an opportunity to receive important information regarding individual charter schools' plans and commitment to the provision of thoughtful high quality educational programs. Despite the District's intent, setting rigorous criteria and asking for transparency in the design of the educational processes was not well-received by all of our charter school partners. On November 13, 2015, the District received a letter from the California Charter Schools Association ("CCSA") identifying "a number of concerns in the Charter School Renewal Handbook and the New Petition Application Guide." The CCSA alleged that the Charter School Renewal Handbook and the New Petition Application Guide "exceeded the scope of what is reasonably necessary to perform the District's oversight functions, is unnecessarily burdensome to the charter school, and surpasses the requirements of the [Charter Schools Act]." (California Charter School Association Letter, dated November 13, 2015, included as Attachment D.) The District responded to the Letter from CCSA and indicated that the processes and criteria were designed to obtain transparent information regarding the charter school's infrastructure, operations, governance, and systems for student success and were compliant with the Charter Schools Act. (District's Response to California Charter School Association Letter, dated December 11, 2015, included as Attachment E.) As evidenced by the Letter from CCSA, the District's intent to apply rigorous standards and require transparency when authorizing charters may be further challenged by CCSA.

As an authorizer, the District takes its responsibility to authorize, renew, and revoke charters very seriously. The District must ensure that it complies with the terms of the Charter Schools Act. (Compare Education Code section 47607(a), 47605(b) [renewal] and 47607(c) [revocation].) The District has held its charter schools to rigorous standards as an authorizer. For example, the District exercised the discretion granted under the Charter Schools Act when the District Board of Education ("BOE") voted to revoke the American Indian Model Schools ("AIMS") Charter for fiscal mismanagement. The revocation was appealed by AIMS to the Alameda County Office of Education ("ACOE"). The revocation was upheld by ACOE. Thus, the recommendation for revocation submitted by both District staff and ACOE staff were upheld by elected Governing Boards. However, the actions of the District BOE and ACOE were further appealed by AIMS. The State Board of Education declined to hear AIMS's appeal and deferred to the courts as the charter management organization pursued litigation. The judge in the matter reversed the decision of both the District BOE and ACOE BOE citing that AIMS had high academic results and that this should be the paramount consideration in the determination of a revocation, as opposed to fiscal mismanagement of public funds. As evidenced by the litigation with AIMS over revocation, the District's ability to revoke a charter based upon legitimate concerns is limited by the Charter Schools Act and the receptive nature of our charter school partners to work in good faith to resolve concerns regarding fiscal mismanagement, the health and safety of students, and academic performance in a non-litigious manner.

2. Rigorous Oversight

The District is continuously in the process of navigating the delicate balance of providing rigorous oversight in a manner that is consistent with the Charter Schools Act while advocating

for more transparency from our charter schools for the sake of our students, families, and the general public.

The District actively oversees its charter school partners. District oversight includes monitoring charter schools' fiscal condition and reviewing their projected budgets for multiple school years. Any concerns regarding a charter school's long-term financial viability is communicated to the charter school via Notice of Concerns, and the District works collaboratively with its charter partners to mitigate mid-year closures and charter surrenders that would leave students suddenly displaced. District oversight includes, but is not limited to:

- site visits/inspections;
- instructional observation of classrooms;
- interviews of school leadership, teachers, classified employees, parents, students, and charter board members;
- review and evaluation of new charter petitions;
- data analysis/reporting of school performance over a multi-year term;
- conflict of interests form submission;
- website audits for Brown Act compliance;
- recommending that LCAP reports are displayed publicly;
- annual audit review;
- review and analyze projected multi-year budgets;
- calculate debt and working capital ratio;
- review and analyze financial reports;
- provide fiscal analysis summary to the ACOE;
- review academic data;
- review teacher credentialing data for compliance;
- collect and review enrollment/Average Daily Attendance ("ADA");
- collect documents pertaining to expulsion reporting criteria and student exits²;
- prepare State reports regarding enrollment/ADA;
- monitor enrollment, gains/losses, and attendance on a monthly basis;
- review instructional days and minutes;
- issue Notices of Concern when remediation is required; and
- review and communicate regarding charter school's resolution of complaints.³

Thus, District oversight is much more than just monitoring a charter school's fiscal condition.

² Expulsion Notification and Documentation Requirements are set forth online at www.ousdcharter.net. In pertinent part, the following support District oversight of expulsion compliance. "Charter Schools will provide advanced notification (in alignment with parent notification) of expulsion hearings to the Oakland Unified School District Office of Charter Schools, so that an Oakland Unified School District representative may attend. The Charter School will provide to the Oakland Unified School District Office of Charter Schools for review, all documentation of findings/evidence related to expulsions; including an audio or video recording, or certified written transcript, of the hearing. All documentation needs to be submitted to the Oakland Unified School District Office of Charter Schools within 1-2 business days of the expulsion hearing decision. Please submit all expulsion notifications and documentation described above via email to silke.bradford@ousd.org and leslie.jimenez@ousd.org."

³ Forms and documents that are required to be submitted by Charter Schools are contained online at www.ousdcharter.net.

Additionally, the District has worked to implement more rigorous oversight by improving upon the Charter School Renewal Handbook and developing the New Petition Application Guide. The documents collectively require submission of transparent information regarding charter school governance and operations during the application and renewal processes. Specifically, the collective documents request information regarding:

- Corporate status;
- Third party complaints, lawsuits, and notices;
- Audits of the charter school;
- Ethics and conflicts of interest policies applicable to charter school employees; and
- School closure procedures.

Despite the request to receive and publically post such information that is pertinent to a charter school's fiscal and operational performance and the District's oversight of such, in the Letter dated November 13, 2015, the CCSA indicated that the following requests were not permissible:

- Notification to the District when the charter school changes its corporate status;
- Notification to the District of complaints against the charter school;
- Notification to the District of lawsuits filed against the charter school;
- Audits of the charter school; and
- Statements of Economic Interests required by the Reform Act (these forms are also called "Form 700".) (See Attachment C.)

District efforts to obtain more transparent information regarding its charter school partners for the purpose of providing more rigorous oversight place the District in the precarious position of trying to obtain information that would be required of a traditional public school, but is allegedly not required by a public charter school under the Charter Schools Act. Thus, the District's ability to receive this information is dependent upon the receptive nature of our charter school partners. Unfortunately, the responses from some charter school partners regarding the District's attempts to engage in rigorous oversight has resulted in threats of potential litigation and "legal action" against the District, similar to those contained within the Letter from CCSA. (See Attachment C.)

3. Ensuring Systems for Student Success

The District actively engages with its charter school partners to determine whether the charter school has enacted sound systems for student success. As indicated above, the District has evinced this commitment in the continuous improvement of the new petition application and renewal processes. Specifically, the District requests information regarding:

- The charter school's plan to develop a strong school culture which includes a focus on high academic achievement for students;
- The charter school's plan to maximize student learning and instructional time;
- The charter school's plan to offer rigorous academics; and
- The charter's school plan to expose students to educational opportunities that go beyond the "four walls" of the school and prepare students for the real world through exposure to internships, online learning, career pathways, and secondary schools.

In addition to working on the front-end during the approval and renewal process to ensure that students attending charter schools have access to high quality education, the District also reviews the performance of students attending charter-run schools. The District does not believe that standardized performance measures alone accurately capture academic growth or provide insight into school performance; however, in the proper context, standardized assessment performance metrics can provide useful information. For example, data from the California Department of Education, and compiled by the District’s Office of Charter Schools (“OCS”), which includes direct comparisons (apples to apples) between grade levels served, not blended averages, -indicates that charter-run schools do not perform worse on standardized tests than students attending District-run schools. Specifically, the data used in renewal decisions, in alignment with Charter Law, makes comparisons to “...schools that students would have otherwise attended” as well as by content matter (Math and ELA) because this data considers the needs and nationwide trends related to performance of different grade spans of students. (Education Code section 47607(b)(4)(A).)

Although OCS prefers to highlight data in the positive (i.e. schools scoring above the district-run school average), for ease of comparison purposes, the chart below is designed to be responsive to the Grand Jury Report citation regarding charter schools performing below the District-run school average.

| | SBAC 14-15 (ELA) | | | SBAC 14-15 (Math) | | |
|--------------|---|----------------------|--|---|----------------------|--|
| | District-Run Schools Below District Average | District-Run Average | Charter-Run Schools Below District Average | District-Run Schools Below District Average | District-Run Average | Charter-Run Schools Below District Average |
| K-5* | 66% | 26% | 100% | 68% | 25% | 83% |
| K-8 | 75% | 34% | 57% | 75% | 29% | 57% |
| 6-8** | 69% | 21% | 20% | 62% | 14% | 20% |
| 6-12 | 33% | 26% | 33% | 67% | 13% | 33% |
| 9-12*** | 63% | 23% | 17% | 63% | 9% | 17% |
| Total | 65% | | 47% | 67% | | 43% |

Total Number of Schools:

K-5: District Run: 50 Charter Run: 6

K-8: District Run: 4 Charter Run: 7

6-8: District Run: 13 Charter Run: 5

6-12: District Run: 3 Charter Run: 6

9-12: District Run: 8 Charter Run: 6

*6th grade scores from La Escuelita and Parker Elementary were excluded from analysis as to include the schools in the K-5 grade span.

**KIPP Bridge Academy’s 5th grade scores were excluded from analysis as to include the school in the 6-8 grade span.

***Due to alternative programming, the following five 9-12 district-run schools were not included in the table above: Dewey Academy, Ralph J. Bunche High School, Rudsdale Continuation School, and Sojourner Truth.

The chart above shows that 65% of District-run schools perform lower than the District average for the respective grade-level range on the ELA SBAC, while 47% of charter-run schools perform lower than the District average. Thus, in this limited comparison, a lower proportion of charter-run schools perform below the District average than District-run schools on the ELA SBAC. On the Math SBAC, 67% of District-run schools perform lower than the District average for the respective grade-level range, while 43% of charter schools perform lower than the district average. Thus, the District rigorously compares the performance of students attending charter-run schools and District-run schools to actively monitor and oversee the student performance in charter-run schools.

Although the District does not have a “Charter Compact,” in efforts to further evaluate student systems of success, the District did develop measurable pupils outcomes (“MPOs”) in partnership with charter leaders. (See Collective Measurable Pupil Outcomes Handouts included as Attachment F.) Through the work of the Equity Pledge, the District is working with its charter partners to co-construct a School Performance Framework (“SPF”). This collaborative effort was designed to ensure that all schools (District-run and charter-run) are tracking the same types of data. Specifically, as part of the Equity Pledge, the District is co-constructing a framework of common metrics by Fall of 2017 for measuring school quality and continuous improvement across all of Oakland’s public schools (district-run and charter), and communicating publicly about school quality. In addition to determining the common metrics to use in a shared framework, the District and its charter partners will also develop infrastructure for data gathering, reporting, and sharing across sectors. This type of targeted data gathering will enable the District to continue to monitor student performance in a manner that allows for meaningful direct comparisons (apples to apples) between grade levels served. (See Collective Measurable Pupil Outcomes Handouts included as Attachment F.)

The District remains committed to developing rigorous standards and innovative partnerships with our charter schools to ensure that students are being afforded every opportunity for success at charter-run schools. However, as noted above, the District’s ability to satisfy this commitment is limited by the confines of the Charter Schools Act and the receptive nature of our charter school partners to engage in transparent information sharing.

4. Oakland Public Schools Equity Pledge

The District has been actively working through the Equity Pledge to remedy the complicated issues surrounding equity and access. The Equity Pledge is a structured, multi-phased journey of collaborative communication and partnership between District-run schools and charter-run schools to ensure:

- Accessibility by serving students of all backgrounds and needs;
- Accountability for high standards of performance;
- Equitable access to resources that are intended to be used for public education;
- Improved practices and knowledge sharing with other public schools;
- Transparency with public oversight; and
- Collaborative service of the greater public good.

Charter schools serve approximately 28% of Oakland public school students and the District is committed to ensuring that our entire system of public schools work towards a common mission

of equitable access to a high quality education for every student. [Emphasis added]. This commitment is designed to collaboratively address the issues of equity and access across multiple areas including: enrollment, facilities use, special education, finance, quality school development, human capital/quality teachers, instructional practices, social-emotional learning, and systems for student success. (See Attachment A.) To ensure that the commitment to equity and access is correctly coordinated and fulfilled across the multiple areas, the District hired a full-time Director of Cross-Sector Collaboration who will be responsible for program management of the Equity Pledge.

As evidenced by the implementation of and ongoing investment into the Equity Pledge, the District remains committed to rigorously addressing the complicated issues of equity and access. Although the District's ability to satisfy this commitment is sometimes limited by the parameters of the Charter Schools Act, the District remains committed to working collaboratively with our charter schools to bridge the gaps to equitable access to high quality education at both District-run and charter-run schools.

II. Oakland Unified School District Responses to the Grand Jury's Findings

Finding 16-35: While charter schools use public funding, they are insulated from adequate public oversight.

District Response Finding 16-35:

The District agrees with this finding. As noted above, there are limitations on an authorizer's ability to provide rigorous oversight given the parameters of the Charter Schools Act. Additionally, as discussed in detail above, District attempts to provide more rigorous oversight through increased rigor of the Charter School Renewal and New Petition standards that would infuse more transparency and public oversight into the process, have resulted in pushback from some of our charter partners and the CCSA.

Charter schools are largely insulated from adequate public oversight by California's Charter School Act of 1992. For example, the law requires charter schools to maintain governing boards but their governing board members are not elected by the general public. Rather, their board members are self-selected. Therefore, charter schools are provided leeway under the law to maintain governance structures that insulate them from public accountability and rigorous public oversight.

These concerns were recently highlighted by the District's Director of Quality Diverse Providers, Dr. Silke Bradford, in a presentation to the California State Senate Education Committee. Dr. Bradford identified the necessity for public transparency and charter schools' posting of: charter school finances and operations, contact information for self-selected board members, LCAP documents, budgets, audit reports, and fiscal and conflict of interest policies as initial requirements to minimize charter schools' insulation from public transparency and oversight. (Please reference PURE Presentation materials which are included as Attachment G.)

Finding 16-36: The current authorization and evaluation systems of charter schools are insufficient to ensure that each provides equitable opportunities for all students.

District Response Finding 16-36:

The District partially agrees with this finding and would substitute “charter law” for “evaluation systems. There are multiple factors that contribute to inequitable access and opportunity within the charter school system. The complexity of this issue is vividly memorialized in “Unequal Access: How Some California Charter Schools Illegally Restrict Enrollment.” (Unequal Access: How Some California Charter Schools Illegally Restrict Enrollment by the American Civil Liberties Union and Public Advocates, included as Attachment H.) According to this Report, “over 20% of all of California’s charter schools, have policies that are plainly exclusionary.” (See Attachment H, Page 2.) This Report highlights the manners in which charter schools across the State engage in practices that deny students equitable opportunities and access to charter schools.⁴ The Report identifies expelling students who do not maintain strong grades or test scores as examples of a commonly used exclusionary practice. (See Attachment H, Page 2.)

The District’s OCS provides rigorous oversight to ensure that students attending charter-run schools are being provided with equitable opportunities. For example, upon receipt of the ACLU report identifying exclusionary practices allegedly engaged in by Oakland charter schools, OCS promptly reached out to the charter schools to determine the accuracy regarding their practices. (See Attachment F.)

Additionally, OCS tracks student exits and requires expulsion reporting as permitted by law. Specifically, OCS requires: “Charter Schools will provide advanced notification (in alignment with parent notification) of expulsion hearings to the Oakland Unified School District Office of Charter Schools, so that an Oakland Unified School District representative may attend. The Charter School will provide to the Oakland Unified School District Office of Charter Schools for review, all documentation of findings/evidence related to expulsions; including an audio or video recording, or certified written transcript, of the hearing. All documentation needs to be submitted to the Oakland Unified School District Office of Charter Schools within 1-2 business days of the expulsion hearing decision.”

Other oversight systems are also in place to ensure equitable access and opportunities for all students. For example, when families come to the District enrollment office after leaving a charter school, families receive a survey asking about the reason for their choice to leave a charter-run school. These surveys are reviewed by OCS and the charter school is investigated if the reason(s) cited for the student’s decision to leave suggests any exclusionary practices on the part of the charter school.

⁴ On August 12, 2016, the ACLU publically released an article that identified specific District charter schools that allegedly engaged in these exclusionary practices. The District received advance notice that the article would be released and promptly reached out to charter leaders on August 2, 2016. Specifically, the District engaged in prompt communication with its charter schools to quickly determine their compliance based upon the allegations. OSC quickly developed a chart identifying the responses that the District received from its charter schools and the District’s analysis of whether its charter schools are compliant. This chart is also included as part of Attachment H.

The systems and procedures in place within the District for authorizing and evaluating charter schools are as robust as legally permissible and are used as a model for other authorizers and school boards, as evidenced by repeated panel and presentation honors at authorizer conferences at the state and national level, as well as California School Board Association conferences. The District is working within the parameters of the Charter Schools Act and simultaneously engaging in collaborative partnerships such as the Equity Pledge to address the complex systemic issues that result in inequitable opportunities for students.

Finding 16-37: There is no plan in place in the Oakland Unified School District to manage the proliferation of charter schools.

District Response Finding 16-37:

The District does not agree with this finding. The District has authorized charter schools to operate in Oakland since 1992. Between 2001 and 2007, the District saw a spike in charter school authorizing, primarily during the period of State Administration. In 2007, the District redesigned its authorizing practices by establishing clear standards of quality, consistent review processes, and increasing the rigor of its charter renewal evaluations. As a result, in approximately a decade's time, between school closures and opening, the total number of charter school authorized by the District only increased by five (5). Thus, the District has developed and applied rigorous application processes and standards to properly vet any increase in the number of charter applications that are submitted to the District.

In addition, the District is increasing the quality and performance of District-run schools with the expectation that this will support a decrease in the demand for adding more public schools in Oakland. Specifically, one of the goals of the District's Call for Quality Schools is to move from haphazard school growth to managed growth. (Overview included as Attachment I). Furthermore, the Call for Quality Schools focuses on giving local school communities direct input into the school models pursued when their schools are not performing at acceptable levels. All while the district sets the standards for what must be true in school redesign plans – whether district-run or charter.

Despite the District's work to minimize the demand for charter schools, it is important to note that as it pertains to authorizing new charter petitions, the District must manage:

- multiple external factors that contribute to increased numbers of new charter petitions;
- legal limitations on the District's ability to deny new charter petitions; and
- the legal right for charter schools to be formed within the District but be authorized by another agency.

State and private support of the formation charter schools, can result in an increase in new charter petitions being submitted to districts throughout the State. For example, the Public Charter Schools Grant Program is a grant program funded by the Federal Charter Schools Program which provides grants of up to \$575,000.00 to plan and implement new charter schools. (See Attachment J.) The availability of public and private funds to plan and implement new charter schools can impact the number of new charter petitions submitted. Once a new charter petition is submitted, school districts are limited by the Charter Schools Act in terms of their ability to deny the new charter petition. The Charter Schools Act does not allow for a cap on the number of charters in the city or state. Moreover, Education Code section 47605(b)

states that “[i]n reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged.”

The District therefore faces a myriad of factors that tilt the playing field in favor of the formation and approval of new charter schools. Despite this perceived preference for the establishment of charter schools, the District has a robust application review process designed to properly vet charter applications that are submitted to the District. Even, if the District denies a charter petition, a new charter school has two (2) additional options to seek approval by another authorizing agency. (See Education Code section 47605(j)). A charter school may appeal the decision of the local school district to the county office of education. (See Education Code section 47605(j)). If a county office of education denies the charter petition, the charter school gets another bite of the apple in the form of an appeal to the state board of education. (See Education Code section 47605(j)). Accordingly, although the District is being proactive to decrease the demand for charter schools and utilize a rigorous application review process, a number of external factors complicate the District’s ability manage a rapid rise in the number of charter schools in Oakland.

Finding 16-38: There is a desire on the part of the Oakland Unified School District administration to enact a plan to ensure that every student in OUSD regardless of the school they attend, is given equal opportunity to be successful, but there are significant obstacles to achieving this goal.

District Response Finding 16-38:

The District agrees with this finding. As discussed in detail throughout this Response, the District is actively engaging in the Equity Pledge as a collaborative partnership to ensure that every student in OUSD is given an equal opportunity to be successful. In addition, the Call for Quality Schools, which is the process supporting the redesign of persistently underperforming district-run schools and support innovative ideas to accelerate academic progress in district-run schools before they become low performing, is also evidence of the work to increase the number of high quality education options in Oakland. The District must manage a myriad of factors to achieve the goal of equal opportunity for all students. Some of these factors include, but are not limited to, increased numbers of new charter petitions, legal limitations on the District’s ability to deny new charter petitions, charter schools ability to operate without true public accountability, and the legal right for charter schools to be formed within the District by another agency authorizer.

III. Oakland Unified School District Responses to the Grand Jury’s Recommendations

Recommendation 16-28: The Oakland Unified School District must increase the staffing of the Office of Charter Schools to allow more thorough oversight of charter schools.

District Response Recommendation 16-28:

The District is doing what it can, within its control to implement this recommendation. The District’s Office of Charter Schools (“OCS”) has a very committed and competent staff that do an excellent job of managing the responsibilities associated with charter school oversight.

Currently, OCS has a staff of 5 FTE. The 1% oversight fee paid by charter schools could support a total of 7 FTE. The District is in the process of hiring a 6th FTE for OCS and is currently interviewing for the right candidate. It is important to note that multiple District employees, not specifically staffed as OCS FTE, contribute greatly to the day-to-day management and oversight of our charter schools by providing cross sector/cross departmental support.

Recommendation 16-29: The Oakland Unified School District, Office of Charter Schools, must increase its number of on-site visits to charter schools.

District Response Recommendation 16-29:

The District's practices are consistent with implementation of this Recommendation. The District engages in a robust site visit process. The District conducts annual site visits of all schools, in addition to the multi-day in depth renewal site visits of schools, which include instructional observation of classrooms, and can include interviews with school leadership, teachers, classified employees, parents, students, and charter board members. In addition, more site visits of charter schools are also conducted by District leaders and staff, particularly to observe best practices in charter-run schools. Beyond the additional visits described, OCS also holds a variety of other meetings at particular charter schools. OCS also visits charter-run schools to investigate certain complaints made by students/families or staff at a school. Thus, the robust number and depth of site visits exceeds the requirements of the Charter Schools Act. (See, e.g., Education Code section 47604.32(a)).

Recommendation 16-30: The Oakland Board of Education, the Office of Charter Schools, and OUSD's [S]uperintendent must attend charter board meetings to ensure compliance with state law and procedures, and to better assess the management and priorities of each school.

District Response Recommendation 16-30:

The District's current practice addresses the underlying goal of this Recommendation; however, exact implementation of this Recommendation does not appear feasible. OCS attends and presents at charter school board meetings, but does not send a District representative to every board meeting of every charter school. There are 37 charter schools within the District. The District has two Board Meetings per month, excluding the necessity for Special Meetings, as well as the ACOE BOE meetings that staff must attend in the event of decision appeals. Mandated attendance of District Board Members, OCS and the Superintendent at charter school board meetings does not seem practical or feasible.

The District's current practice of attending and presenting at some charter school meetings is consistent with the underlying goal of this Recommendation to better assess the management and priorities of each school. In addition the following governance oversight is provided on an on-going basis:

- Conflict of Interest form submission;
- Website audits for Brown Act Compliance; and
- Review of Board approved budget submitted June 30th for the future school year.

In addition to the governance oversight identified above, the District consistently provides oversight and engages in many opportunities for collaborative discussion that enable the District to better assess the management and priorities of each school. The opportunity to assess management and priorities of each school is afforded to the District during these routine oversight activities:

- site visits;
- instructional observation of classrooms;
- interviews of school leadership, teachers, classified employees, parents, students, and charter board members;
- review and evaluation of new charter petitions;
- data analysis/reporting of school performance over five year term;
- review of LCAP report if posted on charter school website;
- annual audit review;
- review and analyze projected budgets;
- calculate debt and working capital ratio;
- review and analyze financial reports;
- provision of fiscal analysis summary to the Alameda County Office of Education;
- review of academic data;
- review of teacher credentialing data for compliance;
- collection and review of enrollment/Average Daily Attendance (“ADA”);
- collection of documents pertaining to expulsion reporting criteria and student exits;
- preparation of State reports regarding enrollment/ADA;
- monitoring of enrollment, gains/losses, and attendance on a monthly basis;
- review of instructional days and minutes;
- issuance of Notices of Concern when remediation is required; and
- review and communication regarding charter school's resolution of complaints.

Thus, the District's current practice is responsive to the underlying goal of this Recommendation.

Recommendation 16-31: The Oakland Unified School District must not authorize or renew a charter school unless that charter [school] agrees to join the [S]uperintendent's proposed Oakland Equity Pledge, and adhere to the same accountability system for measuring achievement.

District Response Recommendation 16-31:

The District's current practice addresses the underlying goal of this Recommendation. Although, the Charter Schools Act does not expressly permit an authorizer to require a charter school to fulfill any obligations that fall outside of the reasons set forth in Education Code section 47605(b)(5), the District is focused on working collaboratively through the Equity Pledge to co-construct a set of expectations and agreements with our charter partners. Once co-constructed and agreed upon, these expectations and agreements will inform our renewal processes going forward. The Equity Pledge includes a commitment to work with the District's charter partners to co-construct a School Performance Framework (“SPF”). The SPF will be a co-constructed system under which all schools are adhering to the same accountability system for measuring student achievement.

Recommendation 16-32: There must be a facilities review to ensure that all Oakland Unified School District charter school venues are safe and comply with appropriate safety and building codes.

District Response Recommendation 16-32:

The District's practices are consistent with implementation of this Recommendation. All schools moving to a new location, or opening a new school, must comply with all applicable city and state code. Specifically, buildings that have been used as schools are evaluated for compliance with the Field Act (Education Code section 17280 *et seq.*), while sites that have not been previously operated as a school site are required to be compliant with local building codes. Charter Schools are required to provide evidence that the facility complies with the following legal requirements prior to occupancy:

- Zoning
- Building Code
- California Environmental Quality Act
- Adequate classroom space, non-classroom space, and specialized teaching space; and
- Compliance with California Department of Education regulations regarding safety factors for school site. (See New School Facility Application, included as Attachment K.)

In addition to copious monitoring of schools' satisfaction of the requirements set forth above and completion of the New School Facility Application, OCS completes a walkthrough related to newly occupied facilities to ensure that school venues are safe and comply with appropriate safety and building codes.

Recommendation 16-33: The Oakland Unified School District, in collaboration with its charter schools, must prepare a comprehensive strategic plan to ensure that the future growth of charter schools in the city will continue to improve student outcomes. The plan should address OUSD's expected outcomes, efficient use of available resources and maximize the uses of tax dollars for the benefit of all students.

District Response Recommendation 16-33:

The District's practices are consistent with implementation of this Recommendation. The Equity Pledge is the District's structured multi-phased partnership to ensure that our entire system of public schools work towards a common mission of equitable access to a high quality education for every student. [Emphasis added]. This commitment is designed to collaboratively address the issues of equity and access across multiple areas including: enrollment, facilities use, special education, finance, quality school development, human capital and performance/quality staff/teachers, instructional practices, social-emotional learning, and systems for student success. (See Attachment A). The Equity Pledge:

- Identifies the District's expected outcomes and allows the District and its charter partners to collaboratively develop a united set of expected outcomes;
- Ensure efficient use of available resources, including facilities; and
- Set up systems to maximize the use of tax dollars for the benefit of all students.

Additionally, the District is working collaboratively with some of its charter partners on a new Parcel Tax approved for the November 2016 ballot that would contribute to maximizing the use of tax dollars for the benefit of all students. As evidenced by the investment in and implementation of the Equity Pledge, the District remains committed to developing innovative partnerships with our charter schools that target improved student outcomes.

Recommendation 16-34: The Oakland Unified School District should seek independent legal counsel as well as advice from the state to ascertain how to exercise more rigor in the charter school renewal and approval process.

District Response Recommendation 16-34:

The District's practices are consistent with implementation of this Recommendation. The District works with independent legal counsel to ascertain how to exercise more rigor in the charter school approval and renewal process. Specifically, OCS retained John Yeh, a Partner at the Law Firm of Burke, Williams & Sorensen, LLP for regular legal advice and consultation throughout the 2015-2016 and 2016-2017 school years. Attorney Yeh has over 25 years of legal experience and 15 years experience representing school districts throughout the State in the area of charter school law. Attorney Yeh has extensive experience advising school districts on granting, denial, oversight, monitoring, and revocation of charters. Accordingly, Attorney Yeh is specially qualified to advise the District on how to properly and legally infuse more rigor into District charter school renewal and approval processes.

The District, through OCS, consults with the California Department of Education Charter Schools Division as necessary for advice. Accordingly, current District practice is consistent with the Recommendation.

Recommendation 16-35: The Oakland Unified School District should focus its lobbying efforts to seek state revision of charter school legislation to improve the authorization process.

District Response Recommendation 16-35:

The District's practices are consistent with implementation of this Recommendation. For example, on August 3, 2016, the Senate Education Committee held an informational hearing regarding charter school oversight in California. The committee asked panelists, including Dr. Bradford, Director of Quality Diverse Providers, to respond to the following question: "**Role of Charter School Authorizers: Are there mechanisms in place to ensure sufficient oversight and accountability?**" Dr. Bradford's response identified four mechanisms through which authorizers can hold charter schools accountable. As illustrated by this presentation, the District is committed to seeking state revision of charter school legislation to ensure that charter schools are: accountable to the public; uphold basic student rights; have a student body that is more representative of the student body; and provide equal access to all students. (See Attachment G.)

APPENDIX

Attachment A

Oakland Public School Equity Pledge

Progress Update

June 22, 2016



OAKLAND
PUBLIC SCHOOLS
**EQUITY
PLEDGE**

PROGRESS UPDATE

June 22, 2016



Agenda

1 Overview of the Equity Pledge

2 Structure and Timeline

3 Working Group Updates



... Because **ALL** students in Oakland, regardless of whether they attend a district-run public school or a charter public school, deserve equitable access to a high quality education

Why an Equity Pledge now?

1. OUSD oversees a **variety of public schools & programs**
2. **Charter public schools now serve 28%** of Oakland public school students
3. Collectively, we all have an **obligation to serve all public school students in Oakland**
4. We need our entire-system of public schools to **work collaboratively towards our common vision of a great education for every child**



How is this different? What will it achieve?

- The Oakland Public Schools Equity Pledge **puts students at the center and our shared value of equity first**
- It is a long-term process of **creating a collaborative system** in which charter and district leaders work together to solve problems, hold each other accountable, and innovate for the future
- We will create a **set of agreements** for charter public schools and the district that will lead to **changes that better serve ALL students in Oakland**

Agenda

1 Overview of Equity Pledge

2 Structure and Timeline

3 Working Group Updates

We are at the start of a multi-phased journey, with district, charter & the community working together to create better outcomes for kids



 Indicates current phase

Phase 1 was focused on bringing district and charter leaders together to build new relationships and identify broad areas of work

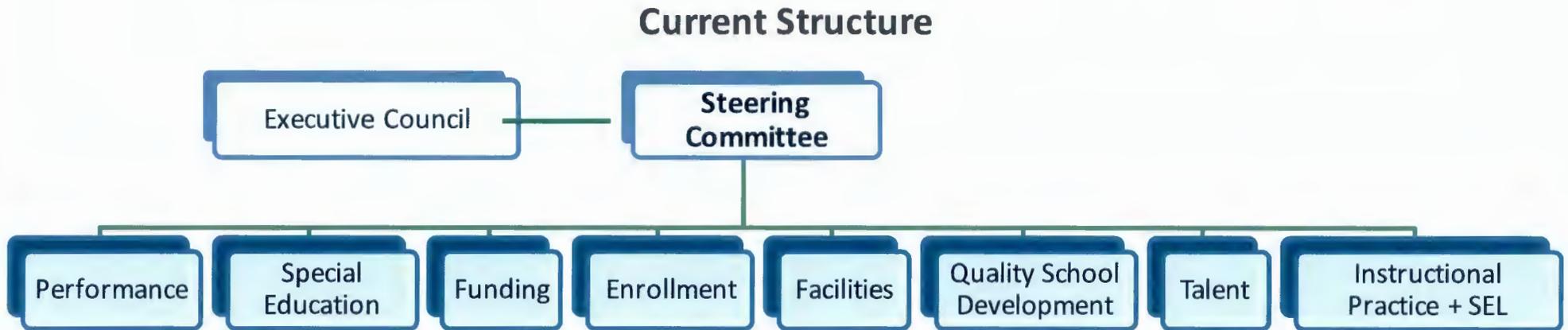
What we accomplished

- **Identified 8 key areas of focus** to advance equity for all Oakland students
- **Formed small groups of dedicated district and charter leaders** and started to build trust across sectors
- **Conducted a “Meeting of the Whole” for all participants** to share progress and see connections
- **Conducted a community forum** to inform the Oakland community about the Pledge
- **Created a dedicated website** to serve as the primary communication platform for the Pledge

What we learned

- We need to ensure that **community members from all backgrounds** can participate in the Pledge
- We need to ground the work in **common values**
- We need to **create the time and space to build relationships at each meeting** as progress is faster when trust is established

Currently, there are eight working groups composed of diverse, committed educators and subject-matter experts



Criteria for selection:

- Representative of the committing organizations (OUSD / Charter Sector)
- Committed to do what is best for all public school students in the city
- Open-minded
- Able to see a problem from multiple perspectives
- Have relevant subject-matter knowledge

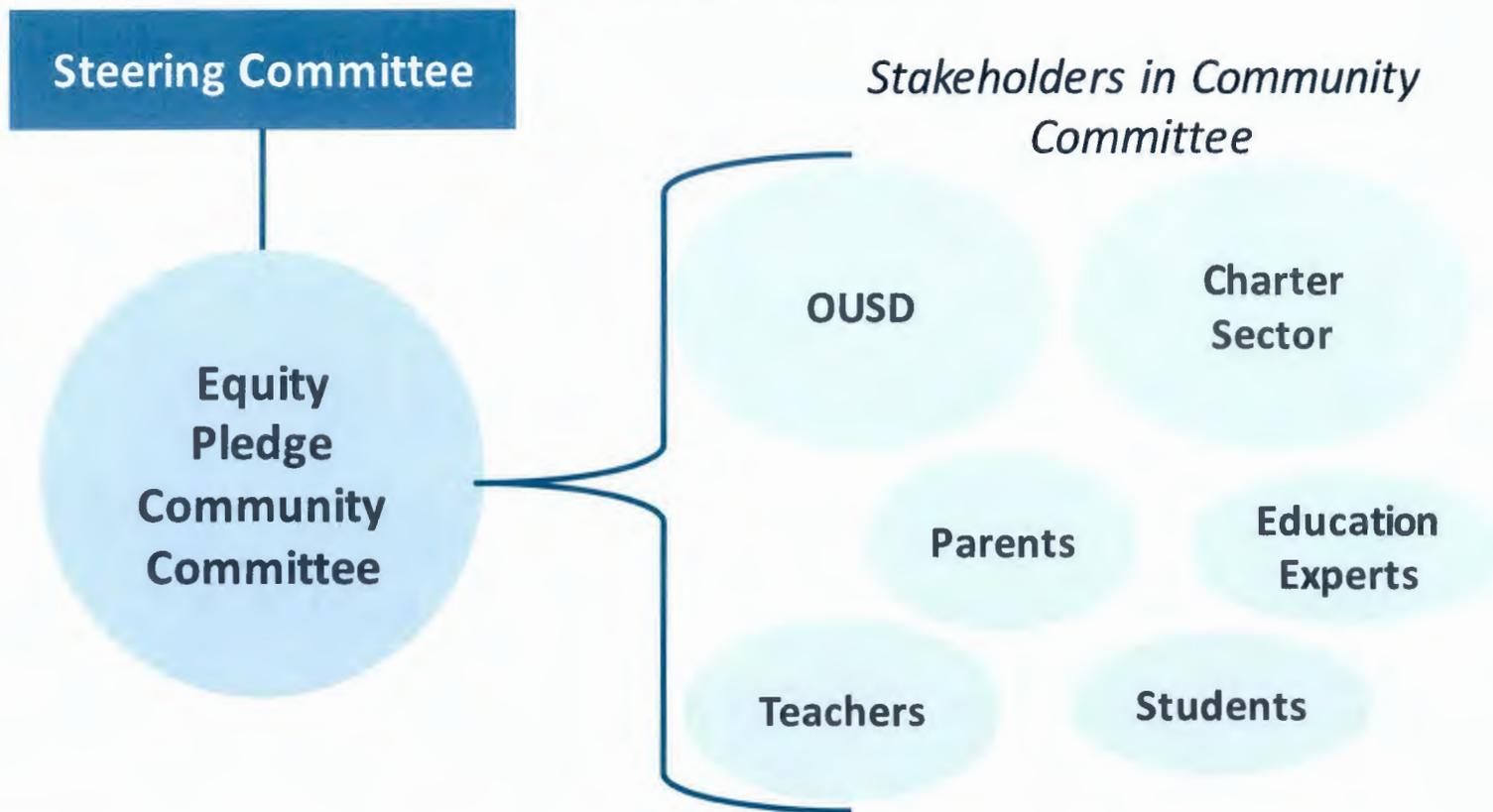
Other considerations:

- Represent diverse voices
- Include decision-makers, influencers and doers
- Willing to commit the time to fully participate

In phase 2, we want to evolve this structure to include diverse, community voices, and to help participants see the interconnections in their work

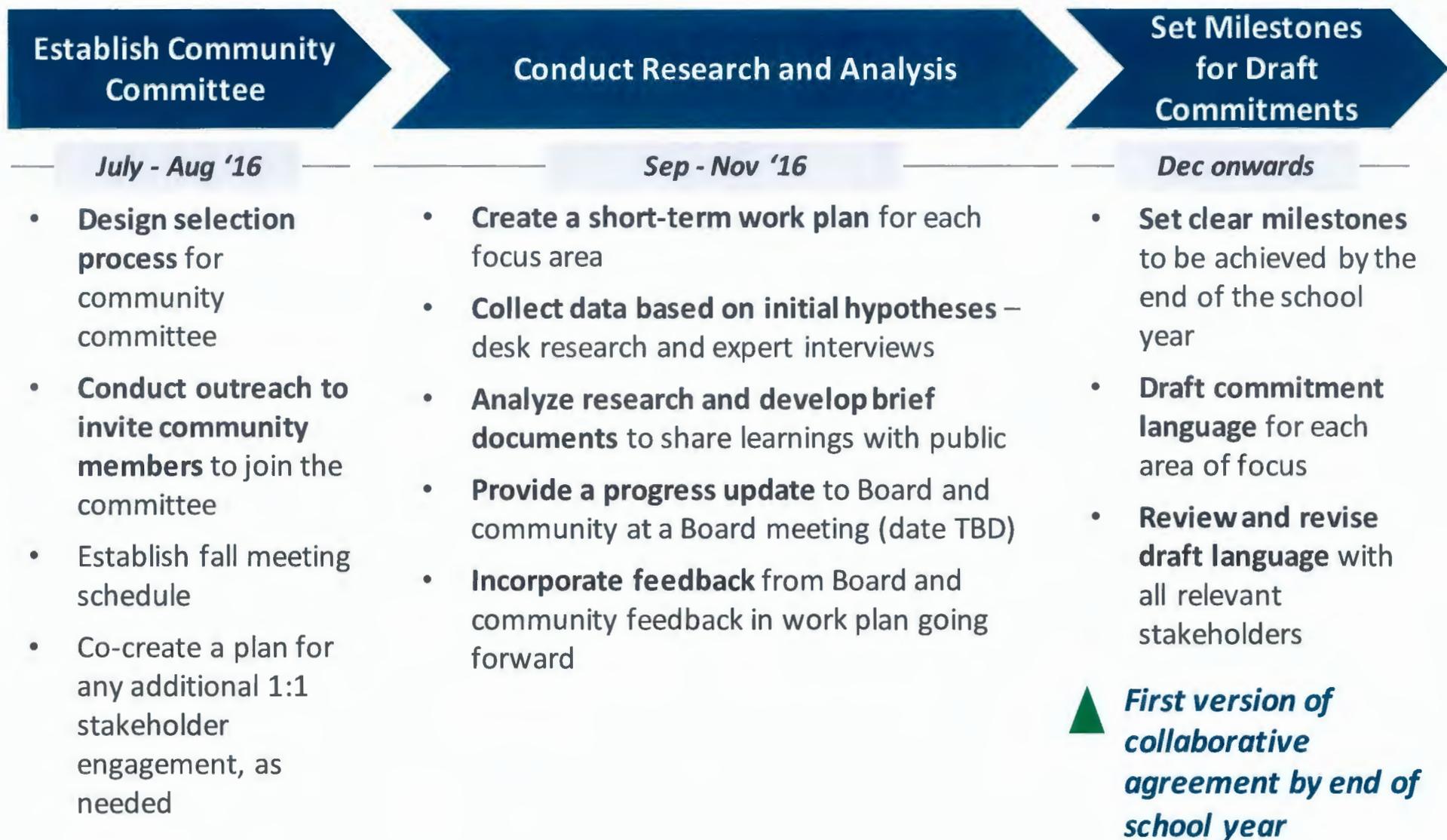
In Phase 2, we plan to shift to a larger format structure which will involve existing participants and bring community members on board

Proposed Structure



- The **Steering Committee will continue to oversee and guide the effort**, including setting the agenda for meetings
- There will be **meetings of the whole committee every month starting late August**, and smaller group meetings focused on each topic area as needed
- Opportunities for additional community engagement will be created at monthly meetings

High-level Work Plan for School Year 2016-2017



Agenda

1 Overview of Equity Pledge

2 Structure & Timeline

3 Working Group Updates

Performance Working Group

Guideline

Developing a framework of common metrics by Fall of 2017 for measuring school quality and continuous improvement across all of Oakland's public schools, and communicating publicly about school quality.



Working Group Members

JEAN WING

Executive Director,
Research, Assessment &
Data, OUSD

NOAH BRADLEY

Chief Academic Officer,
Education for Change
Public Schools

- Alicia Bowman, Director, School Portfolio Management, OUSD
- David Montes de Oca, Deputy Chief, Continuous School Improvement, OUSD
- John Ericson, Director of Data Analysis and Assessment, Aspire Public Schools
- Kaia Vilberg, Strategic Fellow, Research, Assessment & Data, OUSD
- Paul Koh, Head of School, Lighthouse Community Charter School
- Marc Tafolla, Policy Director, GO Public Schools
- Anne Soto, Director, Educate78
- Emmile Brack, Vice President of Operations, Schoolzilla

Note: Bold names indicate co-chairs. Members listed are who have been in attendance at working group meetings

Special Education Working Group

Guideline

Reviewing strategies to ensure all of Oakland's public school students with special needs have increased access to high quality, and appropriate, education programs.



Working Group Members

DEVIN DILLON

Chief Academic Officer,
OUSD

KATE NICOL

Executive Director,
Vincent Academy

- Sheilagh Andujar, Deputy Chief, Programs for Exceptional Children, OUSD
- Sondra Aguilera, Elementary Network Superintendent (Area 2), OUSD
- Jody Talkington, Director of Project Management, Academic Division, OUSD
- Joe Pacheco, Director of Student Services, Leadership Public Schools
- Sarah Notch, Director of Special Education, Oakland School for the Arts
- Joshua Kim, New Executive Director of Programs for Exceptional Children, OUSD

Funding Working Group

Guideline

Ensuring all public schools in Oakland have equitable access to available pools of public funding and developing processes for fair allocation of funds.



Working Group Members

RUTH ALAHYDOIAN

Chief Financial Officer,
OUSD

LARISSA ADAM

Chief Talent Officer,
Education for Change
Public Schools

- Louise Bay Waters, Superintendent & CEO, Leadership Public Schools
- Minh Co, Accounting Manager, OUSD
- Vernon Hal, Senior Business Officer, OUSD
- James Harris, Board Trustee, OUSD
- Peter Laub, Executive Vice President & Chief Client Services Officer, EdTec
- Brian Stanley, Executive Director, Oakland Public Education Fund
- Stanley Zheng, Chief Strategy Officer, Education for Change

Enrollment Working Group

Guideline

Improving and simplifying public school enrollment for all Oakland families.



Working Group Members

CHARLES WILSON

Executive Director, Enrollment and Registration Management, OUSD

DAVID CASTILLO

Head of School, Urban Montessori Charter School

- Yusef Carrillo, Enrollment Coordinator, OUSD
- Charles Cole, Specialist, Community Engagement, OUSD
- Laurie Jones, Founder, East Bay Innovation Academy
- Elise Gresch, Director of Technology, KIPP Bay Area Schools
- Russ Ballati, Consultant, OUSD
- Manisha Patel, Project Manager, Technology Services, OUSD
- Mirella Rangel, Director, Community Engagement, GO Public Schools
- Shannon Fitzgerald, Enrollment Strategies and Systems Consultant

Facilities Working Group

Guideline

Ensuring our facilities are safe and educationally productive for students and developing processes to equitably allocate taxpayer-funded facilities and bond dollars to maximize students' access to high-performing education programs.



Working Group Members

ROLAND BROACH

Executive Director of
Custodial & Grounds, OUSD

DELPHINE SHERMAN

Chief Financial Officer,
Aspire Public Schools

- Adam Kaye, Director of Real Estate, KIPP Bay Area Schools
- Andrea Epps, Attorney, Office of the General Counsel
- Jorge Lopez, Chief Executive Officer, Amethod Public Schools
- Shelley Benning, Founder, East Bay Innovation Academy
- Silke Bradford, Director, Quality Diverse Providers, OUSD
- Stanley Zheng, Chief Strategy Officer, Education for Change Public Schools

Quality School Development Working Group

Guideline

Reviewing the Quality School Development policy and processes to promote successful school development that is student-centered and community-informed.



Working Group Members

ALLEN SMITH

Chief of Schools, OUSD

KIMI KEAN

Area Superintendent, Bay Area, Aspire Public Schools

- David Montes de Oca, Deputy Chief, Continuous School Improvement, OUSD
- Dirk Tillotson, Board member, Education for Change Public Schools
- Carolyn Gramstorff, Director, Emerging School Design Lab, Educate 78

Talent Working Group

Guideline

Identifying strategies and promoting collaborative efforts to attract and retain talented teachers, staff and leaders in Oakland to serve our public school students.



Working Group Members

TARA GARD

Executive Director, HR
Operations & Staffing, OUSD

WILLIAM NEE

Vice Principal, Unity High
Charter School

- Ashley Marie Hill, Chief of Staff, Talent Division, OUSD
- David Chambliss, Deputy Chief, Teaching and Learning, OUSD
- Devin Krugman, Head of School, East Bay Innovation Academy
- Heather Kirkpatrick, Chief People Officer, Aspire Public Schools
- Rochelle Rogers-Ard, Director, Leadership Development & Employee Engagement, OUSD

Instructional Practice & Social Emotional Learning Working Group

Guideline

Sharing effective instructional practices across all Oakland public schools, including areas like academics, curriculum, assessment, socio-emotional learning and use of technology, while promoting existing collaboration efforts between schools.



Working Group Members

IDA OBERMAN

Executive Director,
Community School for
Creative Education

NICOLE KNIGHT

Executive Director, English
Language Learner and
Multilingual Achievement
Office, OUSD

- Lauren Klaffky, Chief Academic Officer, Leadership Public Schools
- Rinat Fried, Data Analyst II, OUSD
- Kyla Johnson Trammell, Network Superintendent of Elementary Schools, OUSD
- Greg Klein, Senior Director, Innovation and Learning, Rogers Family Foundation*
- Brett Tankersley, School Improvement Partner, OUSD*

Note: Bold names indicate co-chairs. Members listed are those who have been in attendance at working group meetings

**Advisors tapped as needed*

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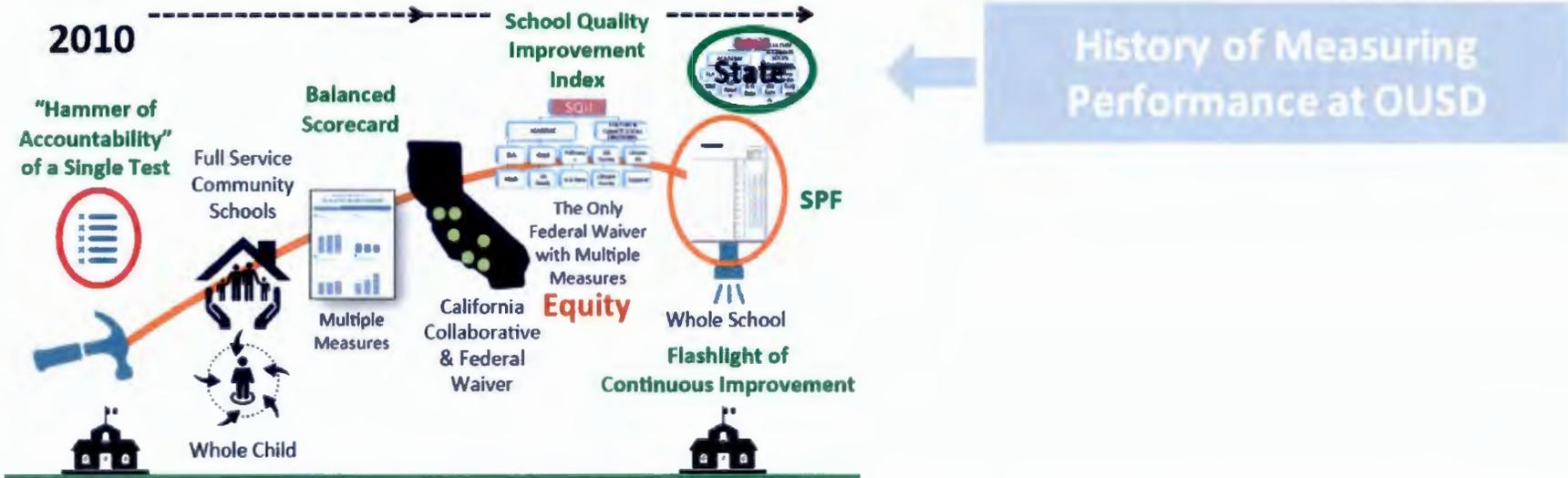
Performance

Work in progress – three meetings completed

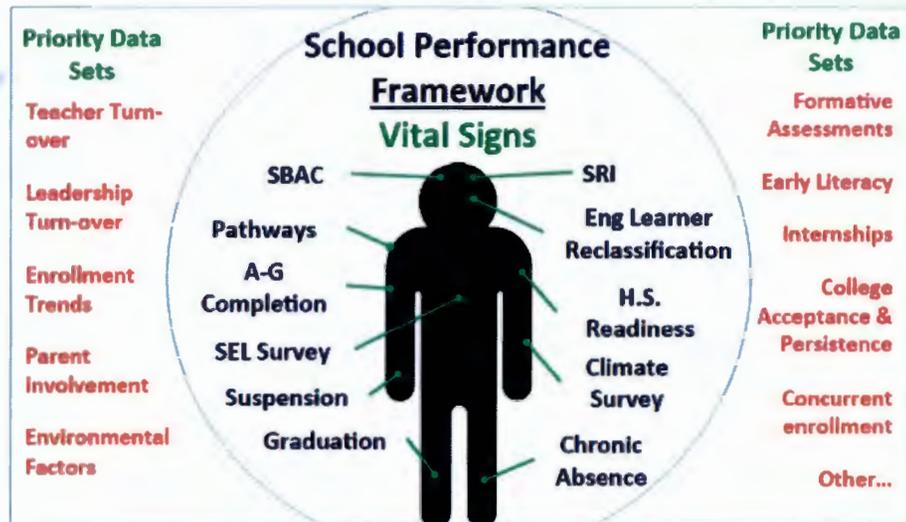
- **Discussed the importance of a common performance framework** in delivering equitable outcomes to all Oakland families
- **Identified two key strengths** of a common performance framework:
 - Provides the public with **transparent apples to apples comparisons** across sectors so they can make informed choices about schools
 - Allows families, educators and administrators to **identify bright spots and targeted areas of growth** to support school improvement
- **Reviewed the current version of OUSD's School Performance Framework** for district-run schools and gathered initial feedback from Working Group members and from Superintendent's monthly meeting with charter leaders
- **Came to consensus** that measuring academics and school culture/climate is important, as well as measuring growth
- **Collected community input** at May 24th Equity Pledge community forum where workshop participants discussed the approach of using multiple indicators including measures of growth and improvement, and discussed the challenge of data collection and communication
- **Developed plan for deeper engagement across charter sector**

Performance

PWG members now have a shared understanding of the evolution of OUSD's performance measurement framework



School Performance Framework



Performance

We have developed a month-by-month plan of action to develop a common performance framework over the next 15 months

| Month | Key Objective |
|----------------|--|
| April-May 2016 | Provide a common introduction of the SPF and its goal/purpose to charter sector representatives |
| May-June 2016 | Engage and assess charter school sector perspectives on quality |
| Oct 2016 | Agree to a core set of indicators and their definitions Continue engagement across charter sector, including new territory of gathering data across sectors and schools |
| Nov 2016 | Define comparable metrics for indicators that may vary across schools (example: reading assessment) |
| Nov 2016 | Define how charter school data may be gathered and analyzed |
| Dec 2016 | Agree to how charter school performance will be reported |
| Jan 2017 | Establish how the charter SPF will be used (functions in cross-sector collaboration, charter oversight & renewal decision-making) |
| Jan 2017 | Agree to how the SPF will be disseminated & communicated |
| Feb-Mar 2017 | Develop a soft roll-out plan (communication plan - training, FAQs, informing the public of the existence of a charter SPF) |
| Fall 2017 | Public launch |

Performance

Community and stakeholder input and engagement will be a key aspect of our work

Draft plan of activities to seek input and share progress

Category

Activities

Educators input and engagement

- Engage and assess charter school sector perspectives on quality and define parameters of charter school engagement, data collection, and reporting
- Identify the stakeholders for this project and define their interest; develop a communication, outreach and engagement plan

Community input and engagement

- Conduct outreach with parents to help understand their perspectives on how they view school performance and strategies to communicate the new framework

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Special Education

Work in progress – four meetings completed

- **Highlighted the importance of equity as a lens to discuss special education (SPED) needs** in Oakland by sharing personal stories of the impact of education on their lives and on those within their sphere of influence
- **Identified gaps in data concerning special education servicing and funding** across district and charter schools; in the process of collecting and synthesizing this data
 - Educational Research Systems (ERS), who has been working with the district, has recently completed a substantial review of OUSD's special education finances which will be studied by the group
- **Reviewed the OUSD program guide and parent handbook from OUSD to improve information for parents** about the comprehensive process of enrolling special needs children
- **Plan to engage the charter sector to test interest in participating in the creation of a single program guide** as well as in sharing data around special education
- **Received input from community members at the May 24th forum** where participants expressed the complexity of the special education enrollment process

Special Education

Short-term work plan – Fall 2016

| Component | Main Activities |
|---|--|
| Data Collection & Analysis | <ul style="list-style-type: none">• Collect information on current special education programs and services across district and charter sector to understand the existing landscape• Review the current informational resources available to parents and community in order to identify information and access gaps• Develop recommendations on how to collect and present data to the public• Create improved city-wide informational resources for parents and community |
| Stakeholder and Community Engagement | <ul style="list-style-type: none">• Create a community engagement plan that includes interviews and focus groups with parents in order to understand their perspectives and needs when accessing special education services for their children• Engage charter and OUSD leaders to participate in development of city-wide special education informational resources for families and community |
| Outputs | <ul style="list-style-type: none">• Recommendations on how district/charter schools will collaborate to equitably service special education students• Data collection and comparison analysis of district and charter special education finances• City-wide informational resources for parents and community |

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Funding

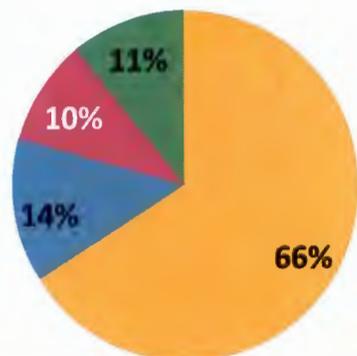
Work in progress – four meetings completed

- **Discussed the lack of information on the funding landscape** – available resources and costs for all public schools in Oakland
- **Developed a baseline understanding of per pupil spending** using public data, including the OUSD financial budget, charter school budgets, and enrollment numbers
- **Reviewing both revenue and cost data** for district and charter schools to understand **potential areas of inequity** in funding
- **Collecting community input** and conducting outreach to a preliminary set of stakeholders, including the Measure G Oversight Committee, ACOE, and various affinity groups
- **Developing a one-page public flyer to share learnings** from the research collected on funding distributions across district/charter schools. The goal is to draw attention to issues such as how funding connects to teacher recruitment/retention, lack of facilities, and strained resources for special needs students
- Prioritizing areas of inequity emerging from research and developing creative solutions to these problems

Funding

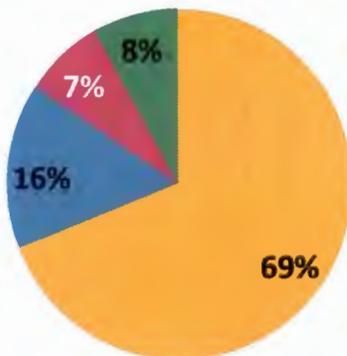
Snapshot of district & charters projected revenues by source for 2015/16 FY shows that charter schools have slightly lower per pupil revenues

Oakland Unified School District (OUSD)



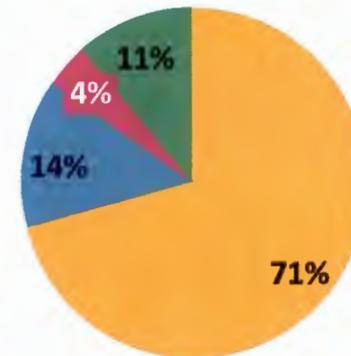
Local Revenues Include Measure G & Measure N Parcel Taxes

OUSD Charter Schools (n=37)



Local Revenues Include Measure N Parcel Tax

ACOE Charter Schools (n=7)



Local Revenues Include Measure N Parcel Tax

Local Control Funding Formula Sources
Other State Revenues

Federal Revenues
Other Local Revenues

| Metric | Oakland Unified School District | OUSD Charter Schools | ACOE Charter Schools |
|---------------------------|---------------------------------|----------------------|----------------------|
| Average Daily Attendance | 35,276 | 11,401 | 2,249 |
| Average Per Pupil Revenue | \$14,554 | \$13,040 | \$12,057 |

Source: 2015/16 FY - District & Charters Projected Revenues (Based on 2nd Interim - General Fund)

Funding

The proportion of K-12 students eligible for a Free Reduced Price Meal (FRPM) count for the 2015/16 SY varies across all Oakland Public Schools

| School Type | Average % | Range (%) | |
|-------------------------------------|-----------|-----------|-----|
| | | Min | Max |
| OUSD (87 schools) | 74.1% | 5.5% | 97% |
| OUSD Charter (37 schools) | 74.1% | 12% | 96% |
| ACOE Charters (7 schools) | 66.9% | 7% | 92% |

Funding

Short-term work plan – Fall 2016

| Component | Main Activities |
|---|---|
| Data Collection & Analysis | <ul style="list-style-type: none">• Gather cost and revenue per-pupil breakdowns for both district/charter schools• Identify information gaps and draft recommendations on how to collect and present data to the public• Identify short-term and long-term goals to address potential areas of inequity• Review strategies adopted by other districts to allocate resources and costs |
| Stakeholder and Community Engagement | <ul style="list-style-type: none">• Finalize and refine a list of organizations and stakeholders from whom to seek input and chart next steps, including the Measure G Oversight Committee, ACOE, and various affinity groups• Develop a plan to gather community input by organizing focus groups and/or by conducting a survey |
| Outputs | <ul style="list-style-type: none">• Develop an informational flyer on the funding landscape in Oakland• Develop draft language on how district/charter schools can collaborate to equitably allocate funding resources |

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Enrollment

Work in progress – three meetings completed

- **Reviewed the District's Strategic Regional Analysis and the OUSD's Enrollment Blueprint** to understand existing data and previous work completed relevant to enrollment
- **Identified strategic outreach and awareness building as critical components** in helping families navigate the enrollment process
- **Identified 5 high-level "belief statements"** to serve as the guiding principles in the creation of the Equity Pledge commitments
- **Have begun to identify joint commitments** that could potentially populate the Equity Pledge
- **Have begun to review commitment language in other cities** to explore ideas and for how this collaborative work can be done successfully
- **Developing a plan to best seek community input, specifically the voices of parents;** potential strategies include dedicated focus groups on family experience of the enrollment process

Enrollment

Belief statements

We will build an OUSD/Charter collaboration plan anchored on the following:

| | |
|---|--|
| 1 | We believe that detailed information about all Oakland-area public schools - including school performance data - should be proactively shared with families. |
| 2 | We believe that applying to multiple public schools in Oakland should be easy to do for all families, requiring minimal time, effort, and know-how. |
| 3 | We believe that it is important to honor legally-granted charter school autonomies while pursuing system-wide coordination. |
| 4 | We believe that the process of enrolling students in public schools should be fair, transparent, and efficient. |
| 5 | We believe that public schools should share equitably in the responsibility to serve students with the highest needs. |

The above belief statements went through multiple iterations within the Enrollment Working Group.

Enrollment

Short-term work plan – Fall 2016

| Component | Main Activities |
|---|---|
| Research & Analysis | <ul style="list-style-type: none">• Share 5 belief statements with broader stakeholder group to get input• Review commitment statements from other cities who have successfully collaborated around enrollment• As joint commitments are drafted, check-in with OUSD and charter stakeholders to ensure financial and operational feasibility |
| Stakeholder and Community Engagement | <ul style="list-style-type: none">• Identify a list of organizations and stakeholders from whom to seek input• Develop a plan to obtain community input by organizing focus groups |
| Outputs | <ul style="list-style-type: none">• Draft joint commitments relative to school selection, application, and enrollment for review by charter and district leaders, as well as the community |

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Facilities

Work in progress – three meetings completed

- Brainstormed and **prioritized several areas for action:**
 - **Building relationships** across district and charter stakeholders
 - Exploring structure to do **more collaborative long-term master planning**; this could include analysis of enrollment data in all schools and survey of charter schools to understand needs and growth plans across the city of Oakland
 - Strengthening **protocols for maintenance processes** for charter schools occupying district facilities
 - Exploring potential of **long-term leases** and development of new and under-used facilities
- **Conducted dialogue with external expert** on creative solutions for facilities challenges implemented in LA and the possibilities for applying these tools in Oakland*
- **Solicited feedback at community forum**, where new ideas emerged such as co-located programming, partnerships with housing developers, and leveraging alternative funds and social impact bonds

Facilities

Short-term work plan – Fall 2016

| Component | Main Activities |
|---|--|
| Data Collection & Analysis | <ul style="list-style-type: none">• Gather student enrollment data and trends to understand growth• Identify information gaps and draft recommendations on how to collect data• Prioritize short-term and long-term goals. For e.g., short-term goals could be to bring charter school leaders together to understand one another's growth plans and facility needs and surveying families and communities; long-term goals, to find innovative, longer-term solutions to facility constraints in Oakland and to use collected data to help develop a Facilities master plan |
| Stakeholder and Community Engagement | <ul style="list-style-type: none">• Relationship building among members of the working group and building empathy between the district and charter sectors around facilities• Focus groups of charter schools and district schools on biggest facilities challenges and potential solutions |
| Outputs | <ul style="list-style-type: none">• Develop a timeline for creating a joint strategic plan• Develop draft language on how the district and charters will collaborate to equitably allocate facilities resources |

Appendix

1. Performance
2. Special Education
3. Funding
4. Enrollment
5. Facilities
- 6. Quality School Development**
7. Talent
8. Instructional Practice & Social Emotional Learning

Quality School Development

Work in progress – three meetings completed

- **Reviewed the current Quality School development policy** and administrative regulations (BP 6005)
- Determined that there is a unique opportunity to **clarify the role charters can play in OUSD's call for quality schools**
- **Acknowledged the urgency for quality school development** because currently only 25% of Oakland students are in quality schools
- **Conducting dialogues with experts and community stakeholders** to gather perspectives on district-charter collaboration for quality schools and lessons learned from other experiences in cross-sector collaboration*
- **Conducting discussions with charter leaders** to understand incentives and barriers around participation in school transformation, and redesign
- **Developed a draft framework** to guide a three-step process for long-term collaboration around quality schools in Oakland

* *Dialogues conducted with Gia Truong (Envision) and Javier Guzman (Big Picture)*

Quality School Development
Draft framework for collaboration



Quality School Development

Learning questions as we move forward



What specific aspects of the QSD policy and admin regulations are at natural intersection points between district and charter schools?



How can the current indicators, measures, and metrics that inform the QSDP be more transparent? Is there a need and/or opportunity to communicate these to all Oakland educators to further increase transparency and buy-in?



How could the QSD working group leverage best practices from both district/charter schools to provide recommendations to decision makers?

Quality School Development

Short-term work plan – Fall 2016

| Component | Main Activities |
|---|---|
| Data Collection & Analysis | <ul style="list-style-type: none">• Collect data on how OUSD and other public school districts have leaned into mutually beneficial agreements regarding quality school development, as well as corollary issues such as special education servicing, and facilities• Review and share proof points for successful school transform (e.g. Dolores Huerta, OUSD)• Interview various stakeholders, including teachers and principles to understand the pain-points in the system• Determine how to best to partner with other working groups to capture cross cutting data |
| Stakeholder and Community Engagement | <ul style="list-style-type: none">• Develop a plan to gather community input from parents, teachers, and various other stakeholders, including OCO, PLAN, GO, EBAYC to document incentives, barriers, and best practices in school design• Proactively build relationships and trust amongst all these different actors to ensure long-term collaboration around quality schools |
| Outputs | <ul style="list-style-type: none">• Develop draft language on how district/charter schools will learn from each other and codify best practices around quality school development• Develop a blueprint for how charter schools can participate in the quality school transformation process |

Appendix

1. Performance
2. Special Education
3. Funding
4. Enrollment
5. Facilities
6. Quality School Development
- 7. Talent**
8. Instructional Practice & Social Emotional Learning

Talent

Work in Progress – Two Meetings Completed

- Discussed the **multi-faceted challenge of teacher shortage**
 - At national, regional, and local levels, researchers have identified potential reasons for the shortage, including stagnant pay, a lagging pay scale considering economic trends, increased attrition rates, increased retirements, and fewer college students enrolling in teacher training programs *
 - Over the past 5 years, enrollment in teaching programs has been down by more than 50%
- **Prioritized teacher recruitment and retention** as a two-pronged, cross-sector issue that would benefit from collaborative efforts from both sectors
- **Identified the barriers in the lifecycle of teacher candidates** and how we might help them overcome those
- **Discussed possible structures for teacher recruitment pipelines in Oakland**, including existing positive exemplars that could be built upon and scaled (e.g. Teach Tomorrow in Oakland program)
- Received preliminary community input on May 24th

* Source: *What California Can Do To Address Teacher Shortages*, Linda Darling-Hammond and Patrick Shields
(<http://bit.ly/1riYVoc>)

Talent

Inspired by Teach Tomorrow In Oakland



The image shows a screenshot of the Teach Tomorrow in Oakland website. At the top, the text "TEACH TOMORROW IN OAKLAND" is displayed in a white, monospace font on a black background. To the right is a logo with green hills and a sun. Below this is a navigation bar with links: "HOME" (highlighted in green), "About Us", "News and Events", "Photos", "Partners", and "FAQ - Contact Info". The main content area features a photograph of a woman with braids wearing a dark t-shirt that says "Hella Scientific" and has social media icons for Facebook, Twitter, and YouTube. A yellow speech bubble overlay on the right contains the text: "TTO is excited to congratulate cohort 2 on completing their 5th year teaching in oakland!". Below this, a blue rounded rectangle contains the text: "Watch the video and check out that they had to say, plus the advice they have for new teachers!". At the bottom right of this section is a circular button with a white left-pointing arrow.

TTO is excited to welcome our 7th cohort of local, diverse teachers who have all committed to teaching in Oakland for at least five years!

Talent

Short-term work plan – Fall 2016

| Component | Main Activities |
|---|---|
| Data Collection & Analysis | <ul style="list-style-type: none">• Gather mid-year and end-of-year survey data gathered by district and charter schools to chart the life cycle of teacher recruitment and retention• Begin drafting a budget to scale a teacher recruitment and retention pipeline system |
| Stakeholder and Community Engagement | <ul style="list-style-type: none">• Develop an action plan to gather further community input• Provide resources to educate and empower Oakland residents to be advocates for teachers• Engage funders to invest in a pipeline system |
| Outputs | <ul style="list-style-type: none">• Create survey data to collect deeper insight into why teachers stay and leave• Develop draft language for how district/charter schools will collaborate to create a pipeline of local, diverse teachers committed to Oakland• Develop a blueprint for how district/charter schools can collaboratively recruit, professional develop, and retain teachers |

Appendix

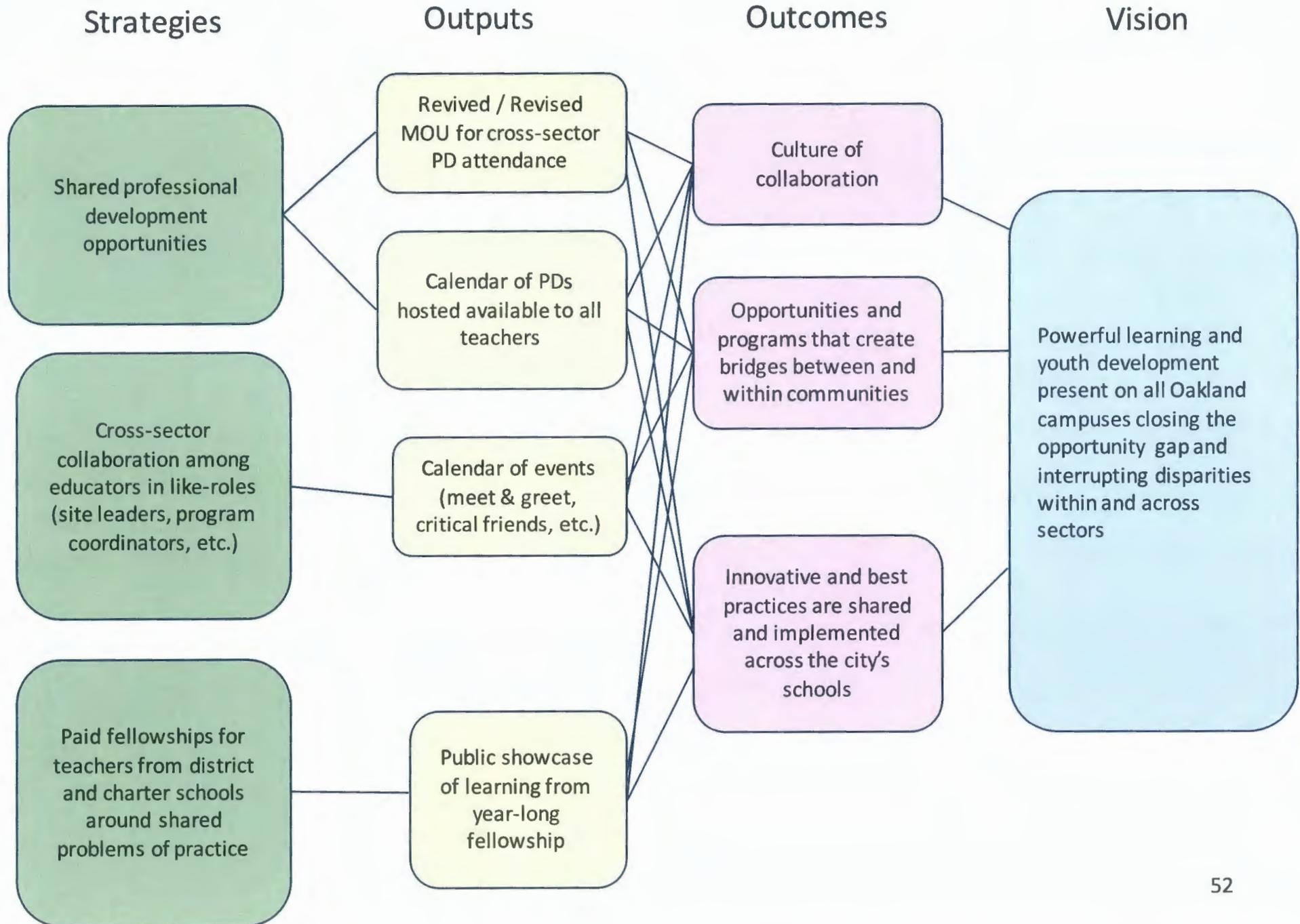
1. Performance
2. Special Education
3. Funding
4. Enrollment
5. Facilities
6. Quality School Development
7. Talent
- 8. Instructional Practice & Social Emotional Learning**

Instructional Practice & Social Emotional Learning

Work in progress – three completed meetings

- Brainstormed and initially **prioritized two areas for action:**
 - Building **better systems to support school visits**
 - Creating **structured inquiry groups** around specific topics such as trauma-informed instruction
- **Conducted dialogues with external experts** who uplifted insights from the Partnership around Literacy Strategies and from Blended Learning, for e.g., *teachers learn best from other teachers, teachers should drive inquiry, etc.*
- **Refined immediate opportunities for action:** shared professional development opportunities; collaboration among educators in like-roles; and learning opportunities for teachers from both sectors around shared problems of practice
- **Collaborating with Special Education and Quality School Development working groups** to develop strategies for improving teacher learning
- **Created a draft theory of change** with strategies, outputs, and outcomes related to the identified opportunity areas and have begun to seek feedback from other stakeholder
- **Held initial conversations** with the Personalized Learning and Social Emotional Learning Departments at OUSD

A theory of change for Instructional Practice and SEL



Instructional Practice & Social Emotional Learning

Short-term work plan – Fall 2016

| Component | Main Activities |
|--------------------------------------|---|
| Data Collection & Analysis | <ul style="list-style-type: none">• Focus on shared campuses and feeder schools to develop a pilot for collaborative learning on tested practices• Identify areas of inquiry for schools through focus groups and data analysis• Review current MoU on cross-sector professional development opportunities and attendance |
| Stakeholder and Community Engagement | <ul style="list-style-type: none">• Obtain community input by organizing focus groups |
| Outputs | <ul style="list-style-type: none">• Revised MOU for cross-sector professional development attendance• Calendar of professional development opportunities available to all teachers• Draft language on how district and charter will collaborate among educators |



OAKLAND
PUBLIC SCHOOLS
**EQUITY
PLEDGE**

Attachment B

Oakland Charter Schools Timeline

Oakland Charter Schools Timeline

| OAKLAND CHARTER SCHOOLS 2000-01 | | |
|--|-----------------------------|-----------------|
| OPENED | CLOSED | OUSD Authorized |
| Aspire Monarch Academy | Oak Tree Charter | 9 |
| North Oakland Community Charter School | | ACOE Authorized |
| | | 0 |
| | | Total: 9 |
| OAKLAND CHARTER SCHOOLS 2001-02 | | |
| OPENED | CLOSED | OUSD Authorized |
| Civicorps Elementary | Meroe International Academy | 10 |
| Oakland Military Institute | | ACOE Authorized |
| | | 0 |
| | | Total: 10 |
| OAKLAND CHARTER SCHOOLS 2002-03 | | |
| OPENED | CLOSED | OUSD Authorized |
| Growing Children | NONE | 15 |
| Lighthouse Community Charter | | ACOE Authorized |
| Aspire Lionel Wilson College Prep | | 0 |
| Oakland School for the Arts | | Total: 15 |
| University Prep Charter Academy | | |
| OAKLAND CHARTER SCHOOLS 2003-04 | | |
| OPENED | CLOSED | OUSD Authorized |
| East Oakland Leadership Academy | NONE | 17 |
| Oakland Unity High School | | ACOE Authorized |
| | | 0 |
| | | Total: 17 |
| OAKLAND CHARTER SCHOOLS 2004-05 | | |
| OPENED | CLOSED | OUSD Authorized |
| Bay Area Technology School | NONE | 21 |
| Aspire Millsmont Academy | | ACOE Authorized |
| Oasis High School | | 0 |
| YEP | | Total: 21 |

OAKLAND CHARTER SCHOOLS 2005-06

| OPENED | CLOSED | OUSD Authorized |
|--|--------|-----------------|
| American Indian Public Charter High School | NONE | 28 |
| Aspire Berkley Maynard | | ACOE Authorized |
| CA College Prep Academy | | 0 |
| World Academy | | Total: 28 |
| Lighthouse Community Charter High School | | |
| Cox Elementary | | |
| LPS College Park | | |

OAKLAND CHARTER SCHOOLS 2006-07

| OPENED | CLOSED | OUSD Authorized |
|----------------------------------|--------------------------------|-----------------|
| Achieve Academy | West Oakland Community Charter | 30 |
| Space Exploration Academy | Growing Children | ACOE Authorized |
| Junior Space Exploration Academy | | 1 |
| Oakland Aviation High School | | Total: 31 |

OAKLAND CHARTER SCHOOLS 2007-08

| OPENED | CLOSED | OUSD Authorized |
|--|----------------------------------|-----------------|
| Oakland Charter High School | University Prep Charter Academy | 32 |
| American Indian Public Charter School II | Space Exploration Academy | ACOE Authorized |
| ARISE High School | Junior Space Exploration Academy | 1 |
| COVA | | Total: 33 |
| KIPP Bridge Charter Academy | | |

OAKLAND CHARTER SCHOOLS 2008-09

| OPENED | CLOSED | OUSD Authorized |
|---|-------------------------|-----------------|
| East Oakland Leadership Academy High School | Oasis High School | 32 |
| Aspire Golden State Academy | CA College Prep Academy | ACOE Authorized |
| | | 1 |
| | | Total: 33 |

OAKLAND CHARTER SCHOOLS 2009-10

| OPENED | CLOSED | OUSD Authorized |
|-------------------------|---------------------------------|-----------------|
| Civicorps Middle School | Dolores Huerta Learning Academy | 32 |
| Aspire ERES Academy | Oasis High School | ACOE Authorized |
| | | 1 |
| | | Total: 33 |

| OAKLAND CHARTER SCHOOLS 2010-11 | | |
|---------------------------------------|---|-----------------|
| OPENED | CLOSED | OUSD Authorized |
| NONE | Cox Elementary to ACOE | 31 |
| | | ACOE Authorized |
| | | 2 |
| | | Total: 33 |
| OAKLAND CHARTER SCHOOLS 2011-12 | | |
| OPENED | CLOSED | OUSD Authorized |
| Vincent Academy | Oakland Aviation High School | 31 |
| | | ACOE Authorized |
| | | 5 |
| | | Total: 36 |
| OAKLAND CHARTER SCHOOLS 2012-13 | | |
| OPENED | CLOSED | OUSD Authorized |
| LPS Oakland R&D | Civicorps Elementary | 33 |
| 100 Black Men | Civicorps Middle School | ACOE Authorized |
| ASCEND Charter School | | 7 |
| Learning Without Limits | | Total: 40 |
| OAKLAND CHARTER SCHOOLS 2013-14 | | |
| OPENED | CLOSED | OUSD Authorized |
| Aspire College Academy | Millsmont Academy | 32 |
| | LPS College Park | ACOE Authorized |
| | East Oakland Leadership Academy High School | 6 |
| | | Total: 38 |
| OAKLAND CHARTER SCHOOLS 2014-15 | | |
| OPENED | CLOSED | OUSD Authorized |
| Aspire Triumph Tech Academy | 100 Black Men | 32 |
| Downtown Charter Academy | E.C. Reems | ACOE Authorized |
| East Bay Innovation Academy | World Academy | 6 |
| EPIC Charter Academy | | Total: 39 |
| OAKLAND CHARTER SCHOOLS 2015-16 | | |
| OPENED | CLOSED | OUSD Authorized |
| Castlemont Junior Academy | | 37 |
| Castlemont Primary Academy | | ACOE Authorized |
| Francophone Charter School of Oakland | | 7 |
| Roses In Concrete | | Total: 44 |
| Oakland Unity Middle School | | |

OAKLAND CHARTER SCHOOLS 2016-17

| | | |
|--|---------------------------|-----------------|
| Lodestar: A Lighthouse Community Charter Public School | Castlemont Junior Academy | OUSD Authorized |
| | | 37 |
| | | ACOE Authorized |
| | | 7 |
| | | Total: 44 |

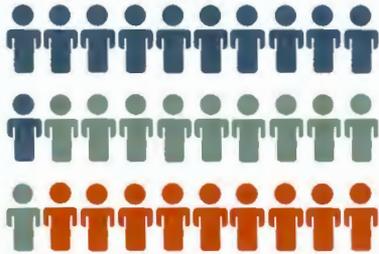
Attachment C

OUSD Office of Charter Schools
Fast Facts 2014-2015

OUSD Office of Charter Schools

FAST FACTS 2014-15

ENROLLMENT 2014-15



10,981
TOTAL

4,180 Kindergarten-Grade 5 Students, 3,567 Grade 6-8 Students, 3,234 Grade 9-12 Students

SCHOOLS 2014-15

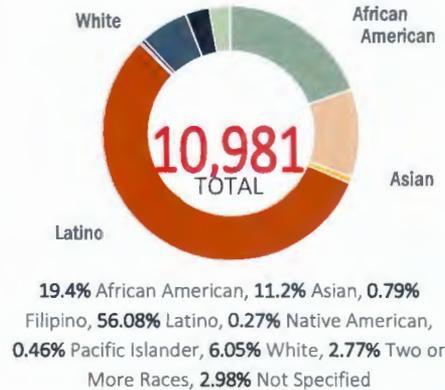


6 Grade K-5 Schools, 7 Grade K-8 Schools, 4 Grade 6-8 Schools, 5 Grade 6-12 Schools, 6 Grade 9-12 Schools and 3 Other Grade Configurations

FREE/REDUCED-PRICE LUNCH 2014-15

77.5% STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH

STUDENTS 2014-15



ATTENDANCE 2014-15



FACILITIES 2014-15

18 NUMBER OF CHARTERS IN DISTRICT FACILITIES

17 NUMBER OF CHARTERS WITH LONG TERM LEASES

1 NUMBER OF PROP 39 OFFERS

1 NUMBER OF ACCEPTED OFFERS

ENGLISH LEARNERS 2014-15

31.6% ENGLISH LANGUAGE LEARNER STUDENTS
3,471 Total

SPECIAL EDUCATION 2014-15

12 NUMBER OF CHARTERS IN OUSD SELPA

GRADUATION 2013-14

539 TOTAL NUMBER OF GRADUATES

NEW CHARTER SCHOOLS

6 NUMBER OF PETITIONERS

5 NUMBER APPROVED

CHARTER CLOSURES

1 NUMBER OF CHARTERS CLOSED (EC Reems closed as of July 1, 2014)

CHARTER RENEWALS

4 NUMBER OF APPROVED

0 NUMBER OF DENIED

Produced by the department of

Quality, Accountability & Analytics

Updated 10/13/15

DATA SOURCES: ENROLLMENT - CDE School Enrollment Downloadable Data File; SCHOOLS - Office of Charter Schools; FREE/REDUCED PRICE LUNCH - CDE Free and Reduced Meals Program Downloadable Data File; STUDENTS - CDE School Enrollment Downloadable Data File; ATTENDANCE - Office of Charter Schools Finance Reports; FACILITIES - Office of Charter Schools; ENGLISH LEARNERS - CDE English Learners Downloadable Data File; SPECIAL EDUCATION - Office of Charter Schools; GRADUATION - CDE Graduates Downloadable Data File; NEW CHARTER SCHOOLS - Office of Charter Schools; CHARTER CLOSURES - Office of Charter Schools; CHARTER RENEWALS - Office of Charter Schools

GRAPHICS: downloaded from <http://icons8.com>

Attachment D

California Charter School Association Letter

Dated November 13, 2015



www.calcharters.org

Sacramento Office: 1107 9th Street, Suite 200 • Sacramento, CA 95814 • p 916-448-0995 • f 916-448-0998

Los Angeles Office: 250 East 1st Street, Suite 1000 • Los Angeles, CA 90012 • p 213-244-1446 • f 213-244-1448

November 13, 2015

David Montes de Oca, Deputy Chief
Oakland Unified School District
1000 Broadway, Suite 680
Oakland, CA 94607

Dear Mr. Montes de Oca:

The California Charter Schools Association (CCSA) has identified a number of concerns in the Charter Renewal Handbook and the New Petition Application Guide produced by the Oakland Unified School District (OUSD or District) Office of Charter Schools. While CCSA supports the efforts of OUSD to provide clear direction to new and renewing petitioners, it is essential that these materials are fully aligned and in compliance with the Charter Schools Act.

CCSA has identified significant issues in the New Petition Application Guide and the Charter Renewal Handbook related to the District Required Language (DRL), submission timelines and the inclusion of additional materials in the charter petition. On behalf of CCSA and our charter school members in Oakland, I am writing to bring these issue to your attention with the objective of reaching a resolution that will guarantee OUSD's compliance with the timelines and procedures required by the Charter Schools Act (CSA).

Both the Charter Renewal Handbook and the New Petition Application Guide require the DRL to be incorporated into the petition prior to approval. The DRL required by OUSD exceeds the scope of what is reasonably necessary to perform the District's oversight functions, is unnecessarily burdensome to the charter school, and surpasses the requirements of the CSA.

OUSD's DRL requires charter schools to obtain accreditation by the Western Association of Schools and Colleges prior to graduating a first cohort of students, requires notification to the district of changes in corporate status, complaints, notices and lawsuits that is outside of the requirements of the law, and grants the district additional authority to authorize audits of the school, the costs of which are to be borne by the charter school. In addition, the DRL imposes requirements for ethics and conflicts of interest that are not applicable to charter schools as they are governed by nonprofit boards subject to their own ethics and conflict of interest rules.

The DRL imposes additional reasons for which OUSD may revoke a charter. The CSA sets forth the specific and limited reasons why a charter may be revoked; a charter authorizer may not expand upon these reasons. Further, the closure procedures outlined in the DRL exceed the requirements of the CSA.

The DRL imposes significant restrictions for District facilities by requiring the school to execute an agreement for the use of OUSD facilities as a condition of the approval of the charter petition. The CSA does not authorize conditional approvals. In addition, requiring the charter school to negotiate with the District under a specific timeline creates an unfair advantage to

OUSD during the charter petition process. OUSD's DRL around leasing and licensing of facilities limits the ability of charter schools to contract with third parties to provide afterschool and extracurricular activities for students.

These requirements, particularly around the facilities, exceed the requirements outlined in the CSA for approval of a charter petition. A charter school authorizer may not add to an applicant's statutory obligations for securing approval (Educ. Code § 47605; *United Teachers of Los Angeles v. Los Angeles Unified School Dist.* 54 Cal.4th 504 (Cal.2012).) So long as the statutory criteria are met, the governing board of the school district shall act within the statutory timelines and shall not deny a petition for the establishment or renewal of a charter school. (Educ. Code § 47605(b).)

The California Supreme Court recently struck down an attempt by the Los Angeles Unified School District ("LAUSD") to circumvent the procedures set forth in the California Code of Regulations governing facilities offers to charter schools under Proposition 39. In that case, the Court held that LAUSD may not unilaterally impose on charter schools a method of offering facilities that is at odds with the governing regulation. (*California Charter Schools Assn. v. Los Angeles Unified School Dist.* (2015) 60 Cal.4th 1221, 1241). This ruling would prevent a school district from imposing procedures or requirements, such as those imposed by the DRL, which are at odds with existing laws or regulations.

In addition to the imposition of the DRL, the New Petition Application Guide and the Charter Renewal Handbook restrict the time period during which a charter petition may be submitted for consideration by the District. We believe that the District is unreasonably restricting the time period in which a charter school may submit a petition for initial approval or renewal.

The New Petition Application Guide outlines that new petitions "should be filed at the Office of Charter Schools (OCS) from the 1st-4th of each month (excluding the month of July/holidays/office closure) between 9AM-12PM and 1PM-4PM." In addition, the New Petition Handbook requires all petitioners to submit a Letter of Intent prior to submission of a new petition. The District lacks authority to restrict the time period during which a charter petition may be submitted for consideration by the OUSD. In addition, a Letter of Intent is not required by law and an authorizer may not add to the requirements for approval of a petition.

The Charter Renewal Handbook states that renewal submissions may occur "no sooner than 270 days and no later than 150 days prior to the expiration of the charter" and must be submitted at a "regularly scheduled OUSD Board of Education meeting." The Charter Schools Act does not limit the time period during which a charter petition may be submitted, other than to state that the renewal request may be submitted once the school has been in operation for four years. OUSD's requirements around submission of renewal petitions exceed those outlined in law; we object to any restriction on the time period during which a charter petition or renewal request may be submitted.

The Charter Renewal Handbook FAQ response to the length of the charter renewal process may be misleading to readers of this document. The Handbook states that the decision meeting "will occur approximately 60* to 90 days following submission of a charter renewal submission request." The 30 day extension is "universally requested" by OUSD. The Charter Schools Act requires that the renewal decision occur within 60 days. Should the District or Board of Education require additional time to determine whether a charter school meets the criteria for approval or renewal, the Act allows the statutory timeline to be extended by 30 days upon mutual agreement of the parties. It should not be universally requested. (Educ. Code 47605(b);

5 C.C.R. 11966.4(c)(1).).

In addition to the extralegal requirements set forth by OUSD in the DRL, the additional appendices required for new and renewing petitions add new elements to the charter petition and create an undue burden for charter petitioners. These appendices include the Charter Renewal Performance Report, OUSD's 5 Pillars of Quality School Development, the Due Diligence Questionnaire and the appendices focused on student demographic information.

Because the CSA already sets forth an exhaustive list of criteria and procedures for approval of a charter petition, a charter school authorizer may not add to an applicant's statutory obligations for securing approval (Educ. Code § 47605; *United Teachers of Los Angeles v. Los Angeles Unified School Dist.* 54 Cal.4th 504 (Cal.,2012).) So long as the statutory criteria are met, the governing board of the school district shall act within the statutory timelines and shall not deny a petition for the establishment or renewal of a charter school. (Educ. Code § 47605(b).)

For the reasons outlined above, CCSA strongly urges the District to promptly address the concerns related to the New Petition Application Guide and Renewal Handbook. The District should eliminate all references to District Required Language, address all restrictions on the submission of new or renewal petition requests, and refine requirements in the charter petition to only those required by the Charter Schools Act. Should the District continue to impose these requirements, we remind you that the District may be subject to legal action by one or a group of charter schools to enforce the procedures set forth in law.

We invite the OUSD's Office of Charter Schools to meet and discuss these concerns and how we can work together to address necessary revisions to the New Petition Application Guide and the Renewal Handbook.

Thank you for your consideration of these important issues. Please do not hesitate to contact me with any questions.

Sincerely,



Patrick Walsh
Regional Director, Alameda County
California Charter Schools Association

cc: Silke Bradford, Director of Quality Diverse Providers

Attachment E

District's Response to CCSA

Dated December 11, 2015



December 11, 2015

Patrick Walsh
Regional Director, Alameda County
California Charter Schools Association
1107 9th St., Suite 200
Sacramento, CA 95814

Re: Oakland Unified School District
New Petition Application Guide, District Required Language, Charter Renewal
Handbook

Dear Mr. Walsh:

We hope this finds you well. The Oakland Unified School District (“District”) is in receipt of the California Charter Schools Association (CCSA’s) November 13, 2015 letter expressing concerns about the District’s use of its New Petition Application Guide, District Required Language and Charter Renewal Handbook. We appreciate the value you have placed in the District’s ongoing efforts to increase transparency and accountability in its commitment to quality schools across Oakland. These values are represented by the diligent and thoughtful feedback you have submitted to the District for its consideration. We write to reaffirm the legality of the District’s policy documents addressing the charter petition process and criteria, and note these documents are intended to facilitate the process by providing petitioners with written guidance on the District’s criteria and procedures for processing and evaluating charter petitions.

More importantly, these policy documents serve as an essential instrument in carrying out the District’s Call for Quality Schools, which is designed to ensure that all schools in District – charter and traditional – promote the District’s core principles of equity of opportunity, equity of access, and equity of accountability.

A. The Charter Petition Process and District Oversight Duties:

The process of evaluating and granting/denying a charter petition is a quasi-legislative process. (*California School Boards Ass’n v. State Bd. of Educ.* (2010) 186 Cal.App.4th 1298, 1324.) Speaking in the context of approving Statewide Benefit charters under Education Code section 47605.8, the court noted that “[t]he State Board is an agency authorized to exercise its discretion in the approval and formation of a statewide charter school, a quasi-legislative act.”

Education Code section 47605(b) provides school district charter authorizers discretion to determine whether a charter petition meets the statutory requirements for approval. Specifically, the statute provides that school boards have the discretion to determine whether factual findings exist to support any of the following grounds justifying denial of a petition:

The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

...

(5) The petition does not contain reasonably comprehensive descriptions of all of the [16 requirement elements].

Moreover, school district charter authorizers have ongoing jurisdiction to monitor the academic performance of their charter schools. For example, Education Code section 47607(b)(4)(A) provides that a charter school can only be eligible for renewal of its term if:

The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

Education Code section 47607 (c)(1) likewise sets forth the conditions under which an authorizer can revoke a charter based on its academic performance:

A charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

... (B) Failed to meet or pursue any of the pupil outcomes identified in the charter.

Initially, a school district must ensure that granting the charter is “consistent with sound educational practice.” (Education Code section 47605(b)) This duty continues in the charter-granting agency’s oversight, renewal and revocation obligations under the statute.

B. The DRL and Other Components of the New Petition Application Guide and Charter Renewal Handbook All Fall within the District’s Oversight Powers:

1. WASC Accreditation

CCSA objects to the District’s inclusion of academic accountability provisions in the DRL, such as the requirement that the charter school obtain accreditation by the Western Association of Schools and Colleges (WASC) prior to graduating its first cohort of students. As you know, WASC accreditation is required for charter school students to gain admissions into universities in the University of California and Cal State University system. In fact, this requirement aligns precisely with Education Code section 47605(b)(5)(A)(iii), which requires a charter petition to contain the following:

If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.

Because failure to attain WASC accreditation directly impacts students’ prospects of admission to a UC or CSU school, a school district clearly has the authority to require a charter school to attain WASC accreditation prior to graduating its first cohort of students. This is inherent in the District’s oversight powers as granted by Education Code § 47607(c)(1)(B), which provides that “[a] charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of

substantial evidence, that the charter school did any of the following: ... [f]ailed to meet or pursue any of the pupil outcomes identified in the charter.”

2. Other Operational Requirements:

An authorizer’s oversight powers extend to a charter school’s fiscal and operational performance as well. (*See, e.g.*, Education Code §47604.32(d), § 47604.33.) Other Education Code sections also affirm an authorizer’s oversight duties over a charter school’s fiscal and operational performance. For example, Education Code § 47607(c)(1) provides that “[a] charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following: (A) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter ... (C) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement. (D) Violated any provision of law.” In fact, under Education Code § 47604(c), an authorizer’s failure to do conduct its oversight duties could expose it to financial liability as a result of the charter school’s conduct.

Therefore, the District has the authority to ensure that a charter school meets all applicable legal requirements in the following areas addressed in the DRL:

- Corporate status;
- Third Party Complaints, Notices and Lawsuits;
- Audits of the Charter School;
- Ethics and Conflicts of Interest applicable to Charter School Officials and Employees;
- Closure procedures.

CCSA has not cited any legal authority, or provided any legal argument, supporting its contention that the District’s DRL in the above areas exceed the scope of its oversight jurisdiction over charter schools as established by the Education Code.

C. Conditions in the Charter Granting Process

CCSA opposes the provision in the DRL that a charter school execute a facilities agreement as a condition of approval, stating that “[t]he [Charter Schools Act] does not authorize conditional approvals.” We note that the court in *California School Boards Ass’n v. State Bd. of Educ.*, *supra*, 186 Cal.App.4th 1298 adjudicated the issue of conditions contained in a charter petition, and in fact held that a cause of action could

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lie to enforce conditions of approval through a writ of mandate. (*Id.* at 1326.) Therefore, we disagree with your contention that “[t]he [Charter Schools Act] does not authorize conditional approvals.” Moreover, the District’s provisions regarding leasing and licensing of its facilities are consistent with its status as the owner of the sites occupied by the charter school.

D. The District’s Procedural Requirements are Proper and Lawful:

The District’s requirement that the petition be submitted during a regularly scheduled board meeting is supported by Education Code 47605(a)(1), which states that once petitioners have gathered the required signatures, “[t]he petition may be submitted to the governing board of the school district.” Also, as your letter acknowledges, the timing parameters applicable to the submission of a petition govern when they “*should* be filed at the Office of Charter Schools.” (Emphasis Provided.) The District does not treat any of the timing restrictions you identify as a prerequisite for submitting a petition, and therefore such parameters do not violate the Education Code.

While it was explained in our recent meeting that the underlying rationale and intention of the District to change its submission guidelines to specified days and times was to create more opportunities and less delays for charter petitioners in submitting a charter, as compared to the current process, the District has nonetheless determined that it will maintain its current practice within its Administrative Regulations as written, which sets forth that a charter petition shall be submitted at a regularly scheduled board meeting.

E. CCSA Relies Upon Inapplicable Legal Authority:

CCSA cites *United Teachers of Los Angeles v. Los Angeles Unified School District* (2012) 54 Cal.4th 504 for the proposition that “[a] charter school authorizer may not add to an applicant’s statutory obligations for securing approval.” The *United Teachers* case in fact stands for the proposition that collective bargaining agreement provisions between a school district and exclusive representative cannot “control the approval or denial of a charter petition nor delay or obstruct the charter petition approval process.” (*Id.* at 528.) None of the provisions discussed herein are contained in a collective bargaining agreement, and, as noted above, all derive from the District’s oversight powers and responsibilities under the Education Code.

CCSA’s reliance upon *California Charter Schools Assn. v. Los Angeles Unified* (2015) 60 Cal.4th 1221 is similarly misplaced. That case addressed a school district’s calculation of

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the ratio of Average Daily Attendance to teaching stations under the regulations implementing Proposition 39 (Education Code section 47614). (*See, e.g., Cal. Admin. Code tit. 5, § 11969.1 et seq.*) That case did not address the charter petition review process in any manner.

Conclusion:

While the District appreciates CCSA's feedback on its New Petition Application Guide, DRL and Charter Renewal Handbook, it disagrees with CCSA's contention that the provisions cited in your letter exceed the District's authority under the Education Code. As set forth above, the Charter Schools Act clearly gives charter-authorizing school districts broad discretion in conducting its oversight duties over charter schools' academic, fiscal and operational performance. This authority extends to the petition review and granting process and criteria. All of the requirements contained in the District's DRL and other documents align with, and are designed to promote, a charter school's coherence with the educational, operational and fiscal requirements necessary for the success of an OUSD-authorized charter school.

More importantly, the District's policy documents are designed to facilitate charter schools' alignment with the Call for Quality Schools, designed to ensure quality school options for the children of the Oakland Unified School District. All of the requirements contained in the New Petition Application Guide, DRL and Charter Renewal Handbook not only comply with the Education Code, they are designed to promote the District's core principles of equity of opportunity, equity of access, and equity of accountability.

Respectfully,



David Montes de Oca
Deputy Chief
Continuous School Improvement
Office of Post-Secondary Readiness
Oakland Unified School District

Attachment F

Collective Measurable Pupil Outcomes



OUSD Office of Charter Schools Collective Measurable Pupil Outcomes (MPOs)

OUSD's Collective MPOs were developed in partnership with charter leaders from around the city that participated in three working groups during the 2014-2015 school year. Charter schools that adopt the Collective MPOs still have the autonomy to "fill in the blanks" with individual performance thresholds/goals. In addition, it is important to note the Collective MPO content was intentionally aligned with LCAP metrics so that schools would be tracking the types of data mandated by the state.

The need:

The vast majority of charter schools authorized by OUSD have one or more problems with their MPOs, which can generally be categorized into two areas:

- A lack of discrete goals, targets, or instruments: many MPOs listed multiple goals, targets, or instruments. This made evaluating the MPO as "met" or "not met" impossible.
- Not measurable: an MPO is not measurable if there is no instrument identified or if the instrument identified is no longer used by the school (i.e. portfolios, standards based grading, etc.) or the state (i.e. CSTs).

In light of the transition to the Common Core, the need to update/revise Charters' MPOs has become even more critical, as many MPOs still reference the outdated standardized state assessments by name (i.e. CST).

Site-specific MPOs:

We recognize that many Charter Schools have unique program offerings that warrant being highlighted, but would not be captured by the Collective MPOs. For this reason, the Collective MPO template allows for 0-3 site-specific MPOs.

Timeline of events:

Final Working Group (February 2015)
Site Collective MPO Drafts (April 2015)
Collective Material Revision (Post- SBAC results/October 2015)



OUSD's Office of Charter Schools Collective MPOs Rationales

| | |
|----------------------------------|---|
| SBAC ELA | State renewal criteria. |
| SBAC Math | State renewal criteria. |
| Reading or ELA Assessment | Internal formative assessments are crucial to the academic success of any school. In this period of state testing transition they have become even more critical. We focused on reading assessments for two reasons: they are the least likely to change due to the transition to Common Core and are correlated with future academic success (i.e. high school graduation). We realized that it was important to allow flexibility for an ELA assessment in the place of a reading assessment, particularly for high schools where it is not as common practice to administer reading assessments. |
| EL Reclassification | The California English Language Development Test (CELDT) is given as an initial assessment to newly enrolled students whose primary language is not English and as an annual assessment to English learners enrolled in transitional kindergarten through grade twelve in California public schools. It is used to determine the level of English language proficiency, as well as assess the progress of English Learners (ELs). It is important that ELs receive the targeted support and resources that they need to succeed. Individual student progress tracking (growing/advancing to the next CELDT level) is key to ensuring children are on track to be reclassified. This is why this collective MPO focuses on CELDT level growth each year. It allows for schools to identify students who are not making progress and are at risk for becoming long term English Learners. |
| Chronic Absence | <p>National and local research clearly show that chronic absence marks a “tipping point” that has an impact on student learning and achievement, with both short-term and long-term consequences. Missing too much kindergarten, for example, affects not only kindergarten early literacy, but also predicts third grade and fifth grade reading levels. The same is true for math.</p> <p>Typically, school systems focus on Average Daily Attendance (ADA) and truancy (unexcused absences). However, ADA can hide deceptively high rates of chronic absenteeism. Oakland research showed that seven schools -- all with 95% ADA -- had chronic absence rates ranging from a low of 5.8% to a high of 17.3%. Likewise, focusing</p> |



OFFICE OF CHARTER SCHOOLS

| | |
|----------------------------------|---|
| | <p>only on truancy misses those students with excused absences who are missing too much school and whose learning and academic achievement are most likely to suffer.</p> <p>Reducing school-wide chronic absence rates to just 5% or less of enrolled students means that most students are not missing so much school that their academic learning suffers. It also means that the school can provide more targeted resources and supports to increase attendance among this relatively small proportion of chronically absent students.</p> |
| Cohort Graduation | <p>Most high school students should be able to graduate in four years, with their ninth grade cohort. Thus, the cohort graduation rate is an indication that students are on track throughout their four years of high school. At the same time, we recognize that graduation -- whether with one's cohort or not -- is clearly an important milestone in preparing students for college, career, and life. While reducing cohort dropout rate and retaining students who need more time is important, the cohort graduation rate provides a uniform and state-calculated metric to use across all schools.</p> |
| Family and Student Survey | <p>Feedback from family and students is critical for continuous school improvement. While we did not require any specific survey or question(s), we did highlight three areas that must be addressed: (1) school safety; (2) academic instruction; (3) voice in school decision-making and/or opportunity for feedback.</p> |

Attachment G

PURE Presentation

Dr. Silke Bradford

State Senate Education Committee

Attachment G

PURE Presentation

Dr. Silke Bradford

State Senate Education Committee

What mechanisms do Authorizers need to hold charter schools accountable to fulfilling the responsibilities of PURE public schools?

Summary of Recommendations

Public Accountability

School finance and operations should be transparent to the public. Charter schools should be required to publicly post the following:

- Budget and audit reports,
- LCAP document and budget,
- Fiscal and conflict of interest policies, and
- Board member contact information.

Uphold Basic Student Rights

All public schools should be required to participate in the federal meal programs. Despite widely available food vendor services, at least 18% of California charter schools do not currently serve meals to children.

- A version of Assembly Member Eng's AB 1594 (2012) should be resurrected, no longer exempting charter schools from federal meal program participation.

Representative Student Body

Increase accountability related to Element 7 [EC § 47605(b)(5)(g)] allowing authorizers to not only evaluate a charter's recruitment plan to achieve "racial and ethnic balance," but also the actual enrollment outcomes.

- Special Education and English Learner students should also be included in Element 7.

Equal Access

When charter law was established over 20 years ago, traditional school districts did not have open enrollment/lotteries. Today, districts like Oakland Unified hold city-wide lotteries for enrollment.

- If a charter school is located in such a district, the charter school should participate in that system, as opposed to holding an independent lottery.

Ensuring Access and Equity for All

Questions? Silke.Bradford@ousd.org

Attachment H

Unequal Access: How Some California
Charter Schools Illegally Restrict Enrollment

ACLU Report Shows Need for District,
Charter Schools To Work Together

ACLU Report: School Enrollment Policy
Violations: Allegations & Responses



Unequal Access

How Some California Charter Schools Illegally Restrict Enrollment

Charter schools are changing the landscape of public education in California.

The original vision of charter schools in the 1990s was to provide new opportunities to improve the quality of education for thousands of students living in under-resourced communities. However, charter schools can also heighten existing inequities. Through admissions policies that exclude vulnerable students by erecting various barriers to entry, charter schools have the potential to create a two-tiered system of public education. We believe charter schools are viable only if they are open to all students.

Although charter schools may be privately controlled and receive non-government funding, they are part of California's public education system. The California Constitution requires that all students, whether they choose to attend traditional public schools or charter schools, have equal access to educational opportunity. Like other public schools, it is illegal for charter schools to select which students to

enroll. The state legislature made this principle clear in the California Charter Schools Act, which plainly requires charter schools to **"admit all pupils who wish to attend."**¹ In other words, except for limitations due to space, **charter schools may not enact admissions requirements or other barriers to enrollment and must admit all students who apply, just as traditional public schools cannot turn away students.**

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Although the law is clear, our review of California charter schools' public, written policies reveals that many charters illegally prevent students from enrolling or remaining at their schools. **Specifically, out of the roughly 1,200 charter schools in California, at least 253, representing over 20% of all of California's charter schools, have policies that are plainly exclusionary because they:**

- **Deny enrollment to students who do not have strong grades or test scores.**

Example: Western Center Academy, Riverside County: "In order to apply as a sophomore: . . . Students must be earning an 'A' or 'B' in both Geometry and Biology; Students must have an overall 3.0 or higher GPA with no failing grades."

- **Expel students who do not maintain strong grades or test scores.**

Example: The Grove School, San Bernardino County: "Only students who show steady academic progress and remain independent and self-motivated (as evidenced by participation, attendance and effort) will be eligible for enrollment."

- **Deny enrollment to students who do not meet a minimum level of English proficiency.**

Example: Forest Charter School, Nevada County: "Each Student must demonstrate a language arts ability that is equivalent to scoring 80% or higher on a basic language arts assessment that is no lower than one grade level below his or her enrolled grade level." In addition to taking an exam, students may demonstrate English proficiency by "Independently writing a letter/paragraph to the teacher (and in front of the teacher) that demonstrates the required language arts ability."

- **Select students based on onerous pre-enrollment requirements such as student or parent/guardian essays or interviews.**

Example: University Preparatory High School, Tulare County: "Prior to admission, both students and parents will be required to complete The Student Application for Admission and participate in an interview."

- **Discourage or preclude immigrant students from attending by requiring parents/guardians or students to provide Social Security numbers or other citizenship information before enrollment.**

Example: Juan Bautista de Anza Charter Academy, San Diego County: "Check here if student was born outside the U.S. but granted U.S. citizenship at time of birth; Check here if foreign student temporarily schooling in the U.S.; Check here if student is foreign born and has been enrolled less than 3 cumulative years in the U.S."

- **Refuse to enroll students unless their parents/guardians volunteer or donate money to the school.**

Example: Paragon Collegiate Academy, Yuba County: "I support the parent partnership expectations and will fulfill 20 or more hours of annual volunteer service with Paragon Collegiate Academy. PCA recognizes that not all parents can be in the classroom for these hours, therefore, other specific service opportunities can and will be arranged on a one-to-one basis. A buy-out option is also available (only as a last option). PCA believes that showing your child that you are invested in their education is vital to their success. The fee is \$15.00 per hour for each hour that parents are unable to volunteer."

The policies identified in this report are likely only the tip of the iceberg.

Many charter schools do not post their admissions procedures, student handbooks, or enrollment materials online, and we have received reports from students and parents/guardians across the state that charter schools are engaging in exclusionary practices that are not apparent in the public materials.

These practices disadvantage certain groups of students, including legally protected classes such as English-language learners, students with disabilities, and immigrants, among others, by deterring or outright precluding enrollment. These exclusionary policies violate the California Education Code, the California and U.S. Constitutions, and state and federal civil rights laws.²

The fact that the websites, handbooks, and other public materials of so many schools contain plain violations demonstrates a clear failure of accountability. The entities that authorize charter schools, which include the California State Board of Education, county offices of education, and local public school districts, are responsible for ensuring that charter schools follow all laws and abide by the terms of their charters.³ Regardless of whether this failure is caused by a lack of resources, a misunderstanding of the law, or inadequate procedures for reviewing charter policies, it is troubling that so many authorizing entities have missed these clear violations of the law, all of which are publicly posted on the schools' websites.

What can you do?

According to the California Department of Education: "What is the protocol for filing a complaint about a charter school?"

Complaints should first be addressed at the school site by talking with the teacher and, if necessary, the school principal. If the problem is not resolved, the school's governing board should be contacted, followed by the school's charter-authorizing entity. Charter schools receiving federal funds are subject to provisions of the Uniform Complaint Procedure."⁴

Complaints can also be filed directly with the county office of education for the county where the charter school is located.⁵ Upon receiving a complaint, the county superintendent may monitor or conduct an investigation into the operations of the charter school.⁶

We are calling on the California Department of Education to issue guidance making clear that the practices highlighted in this report are illegal and ordering any offending charter schools to change their policies and immediately and publicly notify parents/guardians and students.

We ask charter school operators and charter-authorizing entities to check charter policies and public materials for legal compliance and to ensure that schools maintain simple and straightforward admissions procedures.

We urge students and their families to check their local charter schools' policies and advocate for changes when these policies are confusing, discouraging, or illegal. If the school refuses to remedy the problems, families, students and others should file complaints with the schools' authorizers or the county office of education where the school is located. Because charter schools lack a centralized authority, we must all be vigilant in ensuring that they meet their obligations.

Other exclusionary programs:

We are also concerned by the proliferation of magnet schools in California, many of which enact admissions barriers and exclude students for a variety of reasons, including based on academic performance. Such schools may amplify existing inequities by creating a system in which students who are already performing well receive more services at the expense of the students who need the most help.

In this report, we provide (1) an analysis of illegal charter school policies; (2) a description of the framework of laws that prohibit exclusionary policies; and (3) recommendations to ensure equal admission.

These policies are part of a larger trend.

In California and across the nation, certain charter schools have adopted other requirements and entrance barriers, some of which are beyond the scope of this report, including: applications made available just a few hours each year; lengthy application forms, often printed only in English; barriers based on disciplinary records; requiring teacher or other recommendations; medical records requirements; assessment exams; requiring documentation of a disability; and requirements about students' behavior at home.⁷

Examples:

- Willow Creek Academy, Marin County: "Willow Creek Academy's program must be determined to be an appropriate setting in which to implement your child's current IEP [Individualized Education Program] before they can be enrolled."
- West Sac Prep Charter, Sacramento County: "West Sac Prep Charter follows a lottery policy that gives preference to students who meet the following criteria. Please complete all questions: Please indicate parent(s) education level."
- SunRidge Charter, Sonoma County: Parents must enter into a partnership with the school to ensure their children receive "[w]holesome, minimally processed family meals"; have "[p]rotective layers of natural fibers, including hats for warmth and protection from the sun"; and have a "media free experience . . . at home. Media refers to electronic and screen technology, including handheld devices."

ACADEMIC REQUIREMENTS

Charter schools are governed by fewer rules than traditional public schools; they have the flexibility to develop unique learning environments and pursue innovative pedagogical approaches. However, under California law (*described in more detail in the Legal Framework section, page 15*), charter schools still must accept all students who apply if space permits.⁸ If the school is at capacity, it must use a random lottery to select students.⁹ In California, charter schools may not deny admission to students who have struggled academically in their previous schools or push out students who do not meet certain performance standards.¹⁰ Indeed, charters should embrace those students because they may benefit most from the schools' innovative educational philosophies.

In California, charter schools may not deny admission to students who have struggled academically in their previous schools or push out students who do not meet certain performance standards.

The majority of charter schools in California that make their policies available online appear to accept all students. However, at least 22 schools in California have policies that expressly exclude low academic performers: (*Visit aclusocal.org/unequal-access for a list of offending schools and the report's methodology*)

- University High School, Fresno County: "Students entering UHS as **freshmen must have completed all of Algebra 1, Clovis USD Advanced Math 8 or Math 8, or other UHS approved math equivalent course with a grade of 'B' or better at each semester by the end of the 8th grade.** Include a copy of your final report card from Grade 7, and your first semester report card for Grade 8; applications will not be processed without this. Junior transfer applicants must submit a high school transcript."

- Visalia Technical Early College, Tulare County: "Requirements: 9-12 grade . . . **attendance record of 70% or higher.** No pattern of violence or discipline issues."

- Nuvview Bridge Early College High School, Riverside County: "Students applying for Nuvview Bridge Early College High School **must demonstrate a commitment to academics by having at least a 2.0 most recent term or cumulative G.P.A. of most recent four terms** (whichever is higher) from unweighted core classes of English Language Arts, Mathematics, Social Studies, and Science. Basic or above on state standardized tests are highly encouraged." "Eleventh and Twelfth grade applicants **must have passed both sections of the CAHSEE** prior to acceptance."

- Health Sciences High, San Diego County: "**HSHMC, Inc. will evaluate the performance of all enrollees annually and consider each for readmission.**" Criteria for evaluating students re-admission include:
 - Whether or not the student may have engaged in disruption of school activities or willful defiance of valid school authorities.¹¹
 - Whether or not the student and student's family reasonably continue to demonstrate a commitment to the instructional program.
 - Whether there is evidence of non-compliance with the provisions of the Student Handbook.

- Redding School of the Arts II, Shasta County: "Students entering Redding School of the Arts must be in **good standing academically and behaviorally at their current or previous school.** . . . Students will not be admitted to RSA with 10 or more absences, 5 unexcused absences, or excessive tardies."

- Elise P. Buckingham Charter Magnet High School, Solano County: "Buckingham Charter Magnet High School is a performance-based school. . . . [Students must]
 - **Complete 100% of all assigned work** (daily work, authentic assessments, and comprehensive tests) that is to be submitted within the deadlines established by each instructor.

- o **Maintain a minimum 70% competency level (equivalent to a C-), as established by each instructor's grading policy, in a minimum of four (4) academic classes** per semester.
- o **Failure to maintain these requirements will lead to dismissal from the school.** . . . To maintain compliance, students must [also] earn a minimum of 20 units per semester, maintain a 97% attendance rate, and maintain positive behavior."

- Western Center Academy, Riverside County: "Requires 3.0 minimum G.P.A. without failing grades for 9th grade applicants, and 'A' or 'B' grades in Geometry (along with the 3.0 G.P.A. without failing grades) for 10-12th grade applicants."

The legislature intended charters to provide low-performing students with greater opportunities to succeed, not fewer.

The California legislature created charter schools to "increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils

who are identified as academically low achieving."¹² So even if charter schools do not maintain policies that explicitly exclude low-performing students, they should not have any policies or practices that discourage academically struggling students from attending. The legislature intended charters to provide low-performing students with greater opportunities to succeed, not fewer. Still, many schools maintain policies that appear to be designed to discourage low-performing students from applying initially or push them out once enrolled.

- Mare Island Technology Academy, Solano County: "Students who do not turn in one or more assignments are subject to an escalating series of consequences, including calls home, Academic Recovery sessions scheduled after school and on Saturdays, and behavioral contracts. **Students who refuse to turn in assigned work, and/or refuse to comply with Academic Support assignments, will be designated as "Intentional non-Learners" and are subject to termination of enrollment (TOE)."***

- Mueller Charter, San Diego County: "Mueller Charter Leadership Academy (MCLA) is an academically rigorous, accelerated program that reflects the curriculum standards and expectation of a high achieving middle school 'honors' program. All eligible students are welcome to apply. However, it should be noted that **because this is a highly advanced, demanding program, it may not be appropriate for everyone.**"

- Accelerated Achievement Academy, Mendocino County: "Students in grades 9-12 who are on academic probation two consecutive semesters are considered to be in **a school that does not meet their needs.**"

RECOMMENDATION: Although charter schools may be privately controlled and receive private sources of funding, charter schools are still public schools, not private schools. To comply with the law, schools must accept all students and may not adopt any academic admissions requirements. To avoid all doubt, schools should ask for transcripts or test scores only after the school has enrolled the student and guaranteed him/her a place in the school. Schools may never disenroll, expel, or otherwise encourage a student to leave for struggling academically. Instead, the school must provide those students with extra attention and support.

* *Emphasis added to policy examples.*

My grandson Angelo attended Orange County School of the Arts (OCSA). He has suffered serious health issues throughout his childhood. School, in particular, has become a challenge as he struggles to keep up with homework while checking in and out of hospitals. When I heard he was attending OCSA, I was happy and proud. Every time I picked him up from school, he was surrounded by friends, and his teachers praised him for his hard work, resilience and talent. However, after three years of him going to OCSA, I received a call from the school counselor requesting that I come to school to discuss his poor performance. They explained that Angelo's G.P.A. had fallen to 2.0 and that he faced dismissal unless he could bring his G.P.A. up within 10 days. When I asked how this happened so suddenly, especially since my grandson had been doing exceptionally well throughout the years, the school counselor merely replied, "it looks like this may not be the place for you. Maybe you should go back to your home school." Over the next two weeks, Angelo fought tirelessly to bring his grades up. Every day, he stayed up well into the night to complete assignments. He did bring his grades up, but despite his efforts, OCSA decided to dismiss him anyway. When they told Angelo that he had to leave the school, he was devastated. An otherwise positive kid, he started crying. Destroyed by the incident, he spiraled into a depression and grew quiet and distant. He is now trying to catch up at his new school, but it has been a struggle.

— Grandparent of former OCSA student

Families and students want charter schools to be respectful of community needs and wants. In September 2015, the Oceanside Unified School District informed families that Jefferson Middle School might be converted to a performing arts charter school. The school district proposed partnering with the Orange County School of the Arts Charter School to open a charter school. This charter school would have required a successful audition and a certain grade-point average for its students. It would have also strongly encouraged a \$5,000 donation per student. Students, teachers, and families spoke up against the proposed charter school at a packed hearing.

Community activists saw that the proposed partner charter, OCSA in Santa Ana, did not serve the students in its low-income neighborhood. Although people of color make up about 90% of the population in Santa Ana, only 10% to 20% of students who attended OCSA were people of color. Residents of the neighborhood surrounding Jefferson were concerned that the proposed charter school would similarly exclude local children of color.

Despite fierce opposition, the school district approved the charter school. However, in light of community concerns and environmental requirements, in February 2015, OCSA decided to search for a different location.

— Lillie Sanchez, Human Rights Council of Oceanside

The National Alliance for Public Charter Schools:

"Charter schools are unique public schools that are allowed the freedom to be more innovative while being held accountable for advancing student achievement. Because they are public schools, they are:

- Open to all children;
- Do not charge tuition; and
- Do not have special entrance requirements."¹³

ENGLISH LANGUAGE PROFICIENCY REQUIREMENTS

California has a long tradition of providing equal educational opportunity and access to students who come from families where English is not the primary language.¹⁴ **Like traditional public schools, charters may not bar from attending or otherwise discriminate against students who are learning English or whose families speak another language at home.**¹⁵ Based on our review of documents available online, many charter schools uphold this tradition and work to provide services and resources to students learning English; however, a handful of charter schools maintain policies that openly discriminate against students who are English learners or whose parents/guardians predominantly speak another language.

- Forest Charter, Nevada County: Students must “**scor[e] 80% or higher on a basic language arts assessment that is no lower than one grade level below his or her enrolled grade level.** . . . Independently writ[e] a letter/paragraph to the teacher (and in front of the teacher) that demonstrates the required language arts ability.”
- Community Montessori, San Diego County: “**Parents are expected to be enrolled in a program to learn English as well.**”
- West Sac Prep Charter, Sacramento: “West Sac Prep Charter School follows a lottery policy that gives preference to students who meet the following criteria. . . . What is the primary language spoken at home?”

Some schools do not have policies that exclude English learners outright but still include language in their public materials signaling that those students are not welcome. It is a violation of both federal and California law to adopt a policy that has an unjustified detrimental impact on protected classes of people, including English learners.¹⁶ For instance, Manzanita Middle School in Contra Costa has an application form that is available only in English and asks a number of questions aimed to identify English learners. The application only has a single sentence in Spanish: “Manzanita provides ALL instruction in English. We do not have bilingual classes. Manzanita usa INGLES para toda instruction. No tenemos classes bilingues.” Such policies leave schools vulnerable to legal liability because they may suppress attendance by English learners by sending a message that they are not welcome, which is generally prohibited by state and federal law.¹⁷

Further, many schools have forms that ask about the student’s and parent’s/guardian’s home language, students’ place of birth, or other information aimed to identify English learners during the admissions process. While schools need to determine students’ level of English proficiency to identify what services they need, questions about language proficiency **in the admissions materials** may have a chilling effect on non-English speaking families and discourage them from applying.

- Pacific Collegiate School, Santa Cruz County: “**What is the primary language spoken at home?**”
“If Foreign Born: When did the student first attend school in the United States?”
- American River Charter, El Dorado County: “What language/dialect does your son/daughter most frequently use at home? Which language/dialect did your son/daughter learn when he/she first began to talk? **What language/dialect do you most frequently speak to your child?** Has your child ever been given the CELDT Test (Calif English Language Development Test)?”

RECOMMENDATION: Charter schools should make clear that they will accept and serve all students, including students who are English learners and whose parents/guardians are not proficient in English. Charter schools should only ask for information regarding the student’s or parent’s/guardian’s English proficiency or administer English proficiency tests after the school guarantees the student a spot. Further, charter schools should prominently note that they will use information families provide about their English proficiency only to identify services for the student and it will not affect his/her enrollment eligibility.

I am a ninth grader in high school. I live with my mother, father, sister, and older brother. I speak English and Spanish at home equally. When I am at school I speak mostly in English. I am an English-language learner. I went to Public Safety Academy of San Bernardino (PSASB) for middle school. I went there because I wanted to be a police officer.

When I was at PSASB I had trouble understanding my teachers. My teachers talked too fast and used words that were not familiar to me. When I asked for help, some teachers would help me but others would not. I received no help from the school to help me learn English. I did not receive tutoring or any special classes, so my grades started to drop.

At the end of the first semester of my 8th grade year, I was kicked out for failing to maintain a 2.0 G.P.A. At the time, my G.P.A. was 1.9. In late December, the principal called me into a meeting with her and several other English-language learner students. The principal told us we were being kicked out because of our poor grades. She sent me home with a letter to my parents saying that I was no longer allowed to go to PSASB. I was sad about leaving my school and it was so hard for me to catch up at my new school.

— *English-language learner student*

Charter schools must provide English language services.

In addition to not maintaining any minimum language requirements, charter schools must provide English-language services to students who are not proficient in English. As the U.S. Supreme Court recognized in 1974, schools must provide an effective language instruction education program that allows students to have meaningful access to the school's academic content.¹⁸

PRE-ENROLLMENT INTERVIEW AND ESSAY REQUIREMENTS

Some charter schools have burdensome and complicated applications or enrollment processes resembling those of private schools. **Charter schools may not use students' performance on essays or interviews to determine which students to enroll.**¹⁹ These hurdles undermine the principle that charter schools must provide opportunities to all students, not only a select few, and violate the Charter Schools Act's requirement that charter schools must admit all students who wish to enroll.²⁰

Further, even when charter schools require essays or interviews but purportedly do not use them to select students, these hurdles give the appearance of selectivity, which may discourage applications from students from less-privileged backgrounds or students who lack confidence in their abilities. Such policies may violate state and federal civil rights laws if they have an unjustified negative disparate impact on protected student groups such as students of color, English learners, or immigrant students.²¹

At least 92 California charter schools maintain mandatory essay or interview requirements. (*Visit aclusocal.org/unequal-access for a list of offending schools*).

Interview Requirements:

- Delta Charter, Santa Cruz County: “**Interview Details: You must be on time to guarantee an interview. Remember to bring the following: Two Letters of Reference; . . . Writing sample; . . . Letter of Intent to Apply; . . .** Transcripts; . . . Recent Grade Reports (If available); . . . Special Education Requirements/I.E.P.; . . . Application Form - Completed.”
- University Preparatory High, Tulare County: “Prior to admission, both student and parents/guardians will be required to complete the Student Application for Admission and **participate in an interview.**”
- Redding School of the Arts II, Shasta County: “Students in grades 6-8 must **complete an interview process** prior to enrollment.”
- Forest Charter School, Nevada County: “Forest Charter School **interviews each student and family** to ensure our personalized learning program is the best fit for your student.”
- Orange County School of the Arts (OCSA), Orange County: “Prospective and current OCSA students can audition for a maximum of two conservatories or programs. Audition requirements should be carefully reviewed, applicants who do not conform to the audition requirements will not be considered for admissions.”
- Orchard View School, Sonoma County: “At the appointment with the student and parent, the philosophy of the school will be explained and a decision will be made regarding the appropriate placement of the student at Orchard View School.”

Essay Requirements:

- Orange County Educational Arts Academy, Orange County: “Grades 2 and 3 – Personal Essay Instructions: In a 2 to 3 paragraph essay (minimum 5 sentences per paragraph), tell us why you want to come to OCEAA – what interests you most about the school? You must use proper grammar and punctuation.”
- Paragon Collegiate Academy, Yuba County: “Please have your child write a letter from the student stating why they would like to attend Paragon Collegiate Academy. (If your children are unable to write, please have them draw a picture on the back representing the same.)”
- Creative Connections Arts Academy Elementary School, Sacramento County: “Student Essay Form: Write a one-page essay describing why you want to attend Creative Connections Arts Academy Elementary School and why you would be a good addition to the student body. You may use the space below or attach another handwritten sheet. All students must complete essay in his/her own handwriting (Parental assistance is okay for children entering Kindergarten); typed responses will not be accepted. . . . Parent/Guardian Essay Form Write a one-page essay describing why you want your child to attend Creative Connections Arts Academy Elementary School and why your participation would benefit the school. You may use this page, or attach a computer generated response.”
- University Preparatory High, Tulare County: “**Please read the following article, *Let Kids Run Wild Online, out of Time Magazine* and produce a 500-600 word persuasive essay taking a stance on kids’ online access.** Do you agree that kids should be free to explore online without parent interference or should parents have control over what their kids do online? Your persuasive essay needs to be typed, contain a clear stance, be double-spaced, use spell check and grammar check, use MLA Format, and be clear and concise.”

- Tree of Life Charter, Mendocino County: “1. What are your responsibilities at home that pertain to taking care of yourself (getting dressed, brushing teeth, washing clothes, etc.)? 2. What are your responsibilities at home that pertain to helping your family? 3. Do you have pets for which you are responsible? If so, what kind of pet and what are your duties? 4. What activities do you like to do at home? 5. How do you usually spend your time at home? 6. Do you receive an allowance or spending money? If so, do you earn it by doing special jobs, or do you receive it whether you do jobs or not? School Life. 7. Where did you go to school before Tree of Life Charter School? Did you enjoy that school? 8. What activities do you like to do at school? 9. What activities do you do well at school? 10. What activities were most difficult for you at school? 11. What would you like to learn next? 12. What do you want more help with? 13. Have you ever done research or reports on subjects that you chose because you wanted to find out something? If so, what were your favorites? 14. In this school students have the freedom to set their own goals and make decisions about what they want to study. Have you ever done this before? How do you think you will do? 15. In this school students are excited about learning and do not need grades or competition to get them to learn better. What do you think about this? 16. In this school students and staff decide together about rules of respect and responsibility. Have you ever done this before? 17. Do you have any questions about this school that haven’t been answered?”

**Alex Medler, vice president of policy and advocacy at the
National Association of Charter School Authorizers:**

“I believe strongly that these [test and interview] practices should not be allowed. There shouldn’t be barriers to entry based on test performance or interviews where the school is picking or choosing the child.”²²

RECOMMENDATION: Charter schools should not maintain any essay or interview requirement during the application or enrollment process. If a charter school insists on using essays or interviews to determine what level of services to provide to students, it should (1) only request the essay or interview after the student is guaranteed a spot at the school and (2) the school should make clear that the essays and interviews will not impact the student’s admission status or continued enrollment.

SOCIAL SECURITY AND BIRTH CERTIFICATE REQUIREMENTS

Over 30 years ago, the Supreme Court held that immigrant or undocumented students are guaranteed equal access to public education under the 14th Amendment.²³ The Court recognized that “denying these children a basic education” would “deny them the ability to live within the structure of our civic institutions” and deny our nation the future contributions of educated undocumented students.²⁴ Yet many charter schools maintain policies that deny immigrant or undocumented children this basic equality by requiring admissions documents such as Social Security numbers and birth certificates that immigrant families cannot provide or asking intrusive questions about citizenship that discourage them from enrolling.

The U.S. Department of Education Office for Civil Rights (ED OCR) and U.S. Department of Justice have made clear that schools:

- “may not prevent your child from enrolling in or attending school if you choose not to provide your child’s social security number;”
- “may not require you to provide your own social security number in order for your child to enroll in or attend school;” and
- “may not prevent or discourage your child from enrolling in or attending school because he or she lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.”²⁵

Still, at least 132 charter schools in California require that students or parents/guardians provide a birth certificate or Social Security number without clarifying that applicants can provide alternative forms of documentation or explaining that non-citizens are eligible for enrollment. (*Visit aclusocal.org/unequal-access for a list of offending schools*). Many of these schools directly ask students or parents/guardians about their immigration status or whether they are citizens – a question that might cause some non-citizens to avoid the application process altogether.

Birth Certificates and Social Security Numbers

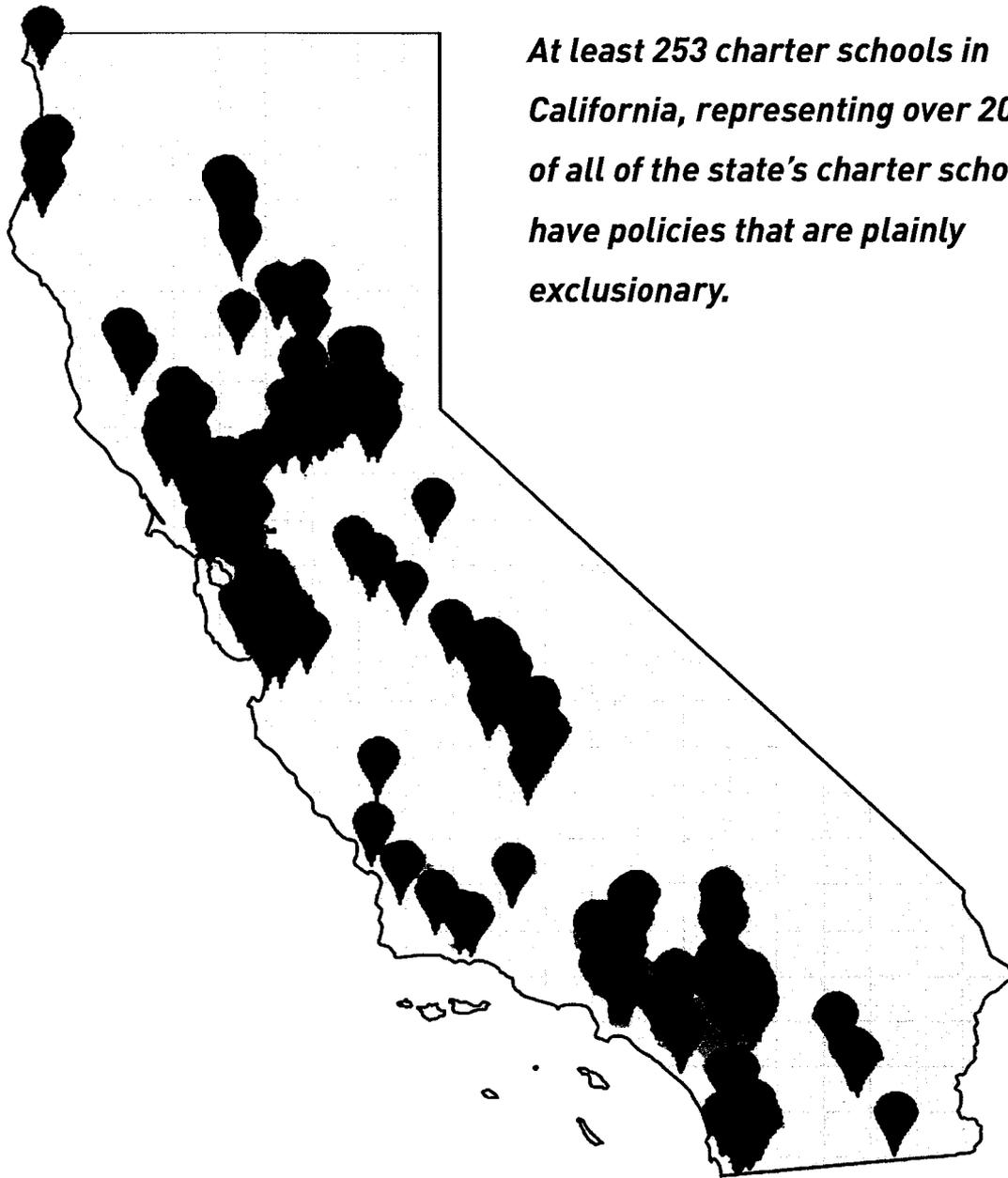
- ASA Charter, San Bernardino County: “Birth Verification - State or hospital issued birth certificate, current passport, NUMI printout [Social Security application printout], Certificate of US Naturalization, Alien registration card or other INS work papers.”
- Morris E. Dailey Charter Elementary, Fresno County: “Enrollment Kindergarten Requirements: Birth Certificate - Must be a State Certification of Vital Records, not a hospital birth notice, Social Security card (office can make a copy).”

Citizenship

- Juan Bautista de Anza Charter, San Diego County: “Check here if student was born outside the U.S. but granted U.S. citizenship at time of birth; Check here if foreign student temporarily schooling in the U.S.; Check here if student is foreign born and has been enrolled less than 3 cumulative years in the U.S.”
- Sacramento Valley Charter, Yolo County: “When did/will your child first enter the United States?” “From what country did your child enter the United States?” “When did/will your child first attend school in the United States?”

What documentation can you ask for?

ED OCR recommends that schools provide families with the following **options** for identity verification: “a religious, hospital, or physician’s certificate showing date of birth; an entry in a family bible; an adoption record; an affidavit from a parent/guardian; a birth certificate; previously verified school records; or any other documents permitted by law.”²⁶



At least 253 charter schools in California, representing over 20% of all of the state's charter schools, have policies that are plainly exclusionary.

Social Security numbers should not be used as ID.

The Social Security Administration recommends that schools do not use Social Security numbers as identifiers: "An organization's collection and use of SSNs can increase the risk of identity theft and fraud. . . . We strongly urge all organizations that use SSNs as the identifier in their record keeping systems to use alternate identifiers. . . . Organizations should avoid using Social Security numbers (SSNs) as identifiers for any type of transaction."²⁷

RECOMMENDATION: Charter schools should provide families and students with a range of documents with which to establish the students' residency and age. The application materials should make clear that the school will enroll non-citizens and will accept non-U.S. documents, including birth records. Charter schools should not request full or partial Social Security numbers from parents/guardians or students.

PARENT/GUARDIAN VOLUNTEER REQUIREMENTS

Familial support and engagement are important ingredients of student success, and parent/guardian volunteers can enrich school communities. It is therefore important for schools to encourage parental involvement and provide families with the resources they need to participate. However, charter schools that require parent/guardian involvement cross the line between encouraging healthy participation and excluding certain student groups. For example, students in foster care or group home situations, students raised by elderly grandparents, and students whose parents have intensive work and child-care obligations are often unable to meet such obligations. Further, these requirements violate the California Constitution and Education Code's guarantee of free public education for all children.²⁸ A November 2014 Public Advocates report (<http://www.publicadvocates.org/forced-parent-work-policies>) found nearly one in three charter schools reviewed required parent/guardian volunteer hours, which prompted 2015 guidance from the California Department of Education clarifying that this practice is illegal.²⁹

At least 63 charter schools maintain illegal parent/guardian volunteer requirements. (Visit aclusocal.org/unequal-access for a list of offending schools). These schools require parents/guardians to commit a certain number of work hours to the schools, with some allowing "buyouts" for parents to pay their way out of these work obligations.

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- Oasis Charter Public School, Monterey County: "There is a school requirement that **ALL families are obligated to contribute a minimum of 45 hours in volunteer time OR the equivalent of \$10.00 per hour for any portion of the hours your family is unable to volunteer.**"

 - Santa Ynez Valley Charter, Santa Barbara County: "**Parents/Guardians will: . . . volunteer a minimum of 3 hours per month or 36 hours per year.** . . . In recognition of the fact that the work schedules of some parents do not allow them to regularly participate in volunteer activities, families are allowed to make a financial contribution to the school in lieu of volunteer hours at the rate of \$25 per volunteer hour. Failure to put in volunteer hours and/or make financial contributions in lieu of such hours may result in a student's loss of enrollment priority for the following school year."

 - Paragon Collegiate Academy, Yuba County: "**I support the parent partnership expectations and will fulfill 20 or more hours of annual volunteer service with Paragon Collegiate Academy.** PCA recognizes that not all parents can be in the classroom for these hours, therefore, other specific service opportunities can and will be arranged on a one-to-one basis. A buy-out option is also available (only as a last option). PCA believes that showing your child that you are invested in their education is vital to their success. The fee is \$15.00 per hour for each hour that parents' are unable to volunteer."

 - River School, Napa County: "2014-2015 Family Participation Agreement: **I AGREE to fulfill my 25 hour volunteer commitment to the River School Community.** I UNDERSTAND that my work at River School is valuable because it shows my student what it means to be a responsible member of a community. I UNDERSTAND that my work at River School is important because it helps keep River School's administrative costs low and frees up that money to be spent on the students. I UNDERSTAND that failure to complete my volunteer commitment will result in the loss of sibling priority status in the school admissions lottery; AND, it will result in my 8th grade student not being able to attend the 8th grade field trip; AND, it may result in my student's dismissal from River School."

RECOMMENDATION: Charter schools should encourage family engagement, but should make clear in all of its policies that parent volunteering or contributions are not mandatory. Charter schools may take no adverse actions against students or parents who choose not to volunteer or who are unable to volunteer.

CHARTER SCHOOLS MAY NOT EXCLUDE STUDENTS BASED ON ACADEMIC REQUIREMENTS

Charter schools must admit and serve all students, regardless of whether they are academically low-achieving, require greater academic support, or belong to any other high-need student group. The Charter Schools Act plainly states that **a charter school “shall admit all pupils who wish to attend the school.”**³⁰ This means that charter schools may not adopt any policy that limits access for certain students. Indeed, the California legislature has long made clear that students who are struggling academically are precisely the students who should benefit from charter schools, which were created to “increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.”³¹ **Accordingly, refusing enrollment, disenrolling, or threatening to disenroll students who do not maintain a minimum G.P.A., have failing grades, or require academic support is illegal.**

The Charter Schools Act only allows for a handful of exceptions to the general rule that charter schools shall be open to all students, and none of those exceptions allows schools to adopt academic admission requirements.

The Act only allows charter schools to implement three types of admissions preferences:

- If applications exceed capacity, schools “shall” hold a “public random drawing.”³² Preference “shall” be extended to current pupils and pupils who reside in the district.³³
- If a charter school was partially or entirely converted from a public school, the school must give “an admission preference to pupils who reside within the former attendance area of that public school.”³⁴
- If a charter school is located in the attendance area of a public elementary school in which 50 percent or more students are low-income (qualify for free or reduced lunch), then the school “may give a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter school site is located.”³⁵

California courts have consistently recognized that charter schools have a legal responsibility to admit and serve all students. According to the California Supreme Court, charter schools function “within public school districts, accept all eligible students, charge no tuition,³⁶ and are financed by state and local tax dollars[.]”³⁷ Indeed, a California Court of Appeal determined that charter schools did not violate the California Constitution in part because they are “open to all students” and are free, nonsectarian, and nondiscriminatory.³⁸ Most recently, in 2010, the Court of Appeal acknowledged that “charter schools must admit all students who wish to attend to the extent the schools have the capacity to do so.”³⁹

As such, charter schools may not enact any admissions requirement or adopt any other practice or policy that excludes students aside from the limited geographical preferences described above.

Charter schools may not maintain minimum G.P.A. requirements, requirements that students cannot fail classes, requirements that students meet a minimum level of academic progress, or any other requirements that condition enrollment on academic performance, just as traditional public schools cannot.⁴⁰

While the majority of charter schools in California appear to understand and abide by the law, many maintain illegal academic admission requirements on their websites, charters, or handbooks. Some schools require students to have a minimum G.P.A. of 2.0 to enroll. Others refuse to admit students who have a single failing

California Charter School Association (CCSA):

“Charter schools are open to ALL children and they are committed to serving a student body that reflects the local community. . . By law, charter schools cannot have admission processes that unlawfully discriminate against students. Charter schools accept all students who want to attend. If there are more students who want to attend than there are seats available, a charter school will use a process to randomly select students, oftentimes a lottery system.”⁴³

A charter school in San Bernardino informed an 8th grade student with an auditory processing disability that he would be dismissed from the school if he did not bring his G.P.A. above 2.0. The student's guardian filed a lawsuit against the charter claiming numerous civil rights violations.⁴⁴ The charter argued that it was not a state actor and that it was exempt from the application of many civil rights laws.⁴⁵ In an order denying the charter school's motion to dismiss the case, the court found that charter schools are state actors and within the public school system and decided that the plaintiffs could move forward with the lawsuit.⁴⁶ Ultimately, the parties settled the matter. In exchange for withdrawal of the lawsuit, the charter school agreed to numerous conditions including eliminating the minimum 2.0 G.P.A. requirement, complying with its legal obligations to serve all students including those with disabilities, and paying a settlement sum of \$190,000.

grade in a class, regardless of overall G.P.A. Still others require students to make a minimum level of academic progress, which often is left undefined, under threat of being disenrolled and sent back to their traditional public school. None of these policies are permitted by the law, and the schools or their authorizing entities must take immediate steps to rescind them.⁴¹

Charter schools cannot enact admissions requirements because such barriers cannot be reconciled with the charter school mission to expand learning experiences for students who need the most support.⁴² Under the California Constitution and Education Code, charter schools have an obligation to expand learning opportunities for **every** student – not only those who are already performing well or who already have the appropriate resources. Charter schools cannot be a viable alternative to public schools unless they remain open to all students and serve the entire communities in which they are located.

CHARTER SCHOOLS MAY NOT DISCRIMINATE AGAINST ENGLISH LEARNERS AND MUST PROVIDE THEM WITH APPROPRIATE LANGUAGE INSTRUCTION

1.CHARTER SCHOOLS MAY NOT RESTRICT ACCESS TO ENGLISH LEARNERS

Charter schools may not restrict access to English learners or maintain policies that discourage English learners from enrolling. Beyond requiring charter schools to admit all pupils, the Charter Schools Act also provides that "a charter school shall not discriminate against any pupil on the basis of" certain protected characteristics, including "disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, [and] sexual orientation[.]"⁴⁷ It is well-settled that denying English learners equal access to educational opportunities because of their limited English proficiency constitutes unlawful discrimination under Title VI of the 1964 federal Civil Rights Act.⁴⁸

Other California laws buttress the non-discrimination provision in the Charter Schools Act. For instance, California Government Code section 11135, modeled after Title VI, protects against discrimination in state-administered and state-funded programs and activities, including charter schools, stating:

"No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state."⁴⁹

Section 11135 prohibits not only intentional discrimination, but also actions or policies that have an adverse disparate impact on protected groups.⁵⁰ In other words, section 11135 prevents charter schools from establishing practices that seem neutral, but have an unjustified negative impact on a protected class, including English learners.⁵¹

The Equal Educational Opportunities Act of 1974 (“EEOA”), in addition to Title VI, bars discrimination based on race, color, or national origin, including policies that restrict access to English learners or any practices that disproportionately discourage them from applying or enrolling. This right to equal educational participation regardless of linguistic background or ability has been confirmed by numerous court decisions and was recently reiterated by ED OCR in a Dear Colleague Letter.⁵² ED OCR further made clear that any enrollment practices that “may chill or discourage the participation, or lead to the exclusion, of students based on their or their parents’ or guardians’ actual or perceived citizenship or immigration status . . . contravene Federal law.”⁵³ These enrollment practices do not necessarily have to be intended to exclude students based on impermissible categories to violate the EEOA or Title VI; it is enough that they have the effect of such exclusion or discouragement.⁵⁴ Taken together, these guidelines make clear that charter schools, like other schools that are part of the public school systems receiving federal funding, may not institute practices that discriminate against or discourage enrollment by English learners or students whose parents/guardians are limited English proficient.⁵⁵

U.S. Department of Education Office for Civil Rights:

“Federal civil rights laws, regulations, and guidance that apply to charter schools are the same as those that apply to other public schools. For this reason, it is essential that charter school officials and staff be knowledgeable about Federal civil rights laws. These laws extend to all operations of a charter school, including recruiting, admissions, academics, educational services and testing, school climate (including prevention of harassment), disciplinary measures (including suspensions and expulsions), athletics and other nonacademic and extracurricular services and activities, and accessible buildings and technology.”⁵⁶

Again, while most charter schools appear to have policies that comply with the law, a handful of charters have enacted minimum language proficiency requirements such as requiring minimum test scores on language testing or requiring that students or their parents/guardians be proficient in English. These requirements plainly discriminate against English learners and are in violation of the Charter Schools Act and federal and state civil rights laws. Further, many schools ask parents and students information about their English proficiency during the application process without making it clear that applicants’ answers will not be used to select students. The inclusion of such questions in schools’ application materials without the appropriate context, may prevent English learners from applying.

In sum, Charter schools may not prevent English learners from enrolling and, to the contrary, must provide them with appropriate language instructions.

California Charter Schools Association:

Charter schools should be “committed to serving a student body that reflects the local community.”⁵⁷ As such, CCSA encourages charter schools to actively recruit English-learner students by “(1) leveraging strong community relationships, (2) proactive, assertive recruitment efforts focused on non-English speaking families, including multilingual outreach, and (3) word of mouth.”⁵⁸

California Charter Schools Association:

"How is oversight provided to charter schools? Charter schools must operate in accordance with state and federal law. They must abide by health and safety laws, and cannot discriminate on the basis of race, color, religion, sex or national origin."⁵⁹

Who may investigate potential discrimination?

Any Federal agency, including the Department of Justice and the Department of Education Office for Civil Rights, may investigate a charter school's compliance with Title VI and the EEOA and may bring a lawsuit or administrative action against these educational entities.⁶⁰ Further, students or families who are discriminated against in violation of these laws can file a civil lawsuit under certain circumstances or file a complaint with ED OCR to initiate an administrative investigation.⁶¹ To find more information about filing a complaint with ED OCR, visit <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

2. CHARTER SCHOOLS MUST PROVIDE ENGLISH LANGUAGE SERVICES TO ENGLISH LEARNERS

Beyond ensuring that charter schools do not enact discriminatory admission policies, they must also actively identify English learners and provide them with services and instruction to overcome their language barriers. Title VI and the EEOA require school districts to ensure that English learners can participate meaningfully and equally in educational programs. These laws require schools to provide English learners with "language assistance to enable them to participate in the instructional program of the district[.]"⁶² California law bolsters these federal protections, providing that:

"the government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important."⁶³

Under these laws, local education agencies including charters shall take "appropriate action" to overcome language barriers that impede students from equal participation in instructional programs.⁶⁴ Appropriate action includes an effective language instruction education program that affords meaningful access to the school's academic content.⁶⁵ **In other words, it is not enough for charter schools to end restrictions on access to English learners; charter schools must also provide these students with effective language instruction and services.**

CHARTER SCHOOLS MAY NOT SELECT STUDENTS BASED ON PERFORMANCE ON ESSAYS OR INTERVIEWS

Many charter schools in California require students or parents/guardians to submit essays or conduct interviews during the admissions process. As discussed, charter schools must accept all students and generally may not enact any policies or practices that have an adverse disparate impact on English learners or other protected classes.⁶⁶ Charter schools that use application essays or interviews as a basis for selecting or rejecting students plainly violate their obligation to admit all students. Even when a charter school does not choose students based on their performance on interviews or essays, subjecting families and students to such requirements before enrollment may violate Title VI or Section 11135 because they have the potential to discourage enrollment by members of protected classes.⁶⁷ For instance, these procedures may prevent students and parents/guardians who are not English proficient from submitting applications to the school because they believe they will be rejected for their inability to speak English or because the task is unduly onerous for them.

Still, in certain narrow circumstances, a charter school may have legitimate reasons for requesting student essays or interviews. For instance, a charter school could use the essays or interviews to assess whether a student needs additional support or use an interview as an opportunity to explain school procedures to families. In order to ensure that such policies do not discourage or exclude certain students, charter schools should be sure to conduct essays or interviews only after a student is already admitted, and schools should make clear that they are optional. Doing so will protect the school from legal liability by eliminating the possibility and appearance of bias or discrimination and will ensure that all students have an equal opportunity to attend.

CHARTER SCHOOLS MAY NOT ADOPT POLICIES OR PRACTICES THAT EXCLUDE IMMIGRANT STUDENTS

Charter schools may not enact policies that prevent or impede immigrant students from enrolling or otherwise deny them equal access to an education. In *Plyler v. Doe*, the Supreme Court held that it is unconstitutional for school districts to deny enrollment and withhold state funds for undocumented K-12 students.⁶⁸ The Court emphasized that a policy that denies innocent children – whatever their immigration status – access to an education “can hardly be considered rational[.]”⁶⁹ On the basis of *Plyler*, ED OCR published guidance making clear that “immigration or citizenship status is not relevant to establishing residency in the district.”⁷⁰ ED OCR states that a school “cannot deny enrollment to a student if he or she (or his or her parent) chooses not to provide the student’s social security number” and “may not bar or discourage a student from attending school because the student lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.”⁷¹ Accordingly, to the extent that charter schools ask for such documents, they must inform families that they are able to choose from a number of methods of verifying their students’ identity and age, including prior academic records, an affidavit, a foreign birth certificate, or some other form of identification.

CHARTER SCHOOLS MAY NOT FORCE PARENTS/GUARDIANS TO VOLUNTEER OR WORK FOR THE SCHOOL

While schools should encourage familial participation, public schools, including charters, may not require parents to perform work at the school as a condition of their child's enrollment or participation in educational activities. Such policies discriminate against poor families, single-parent families, non-traditional households, and working parents, and thereby exclude children who may stand to benefit significantly from attending nurturing public schools. Most important, requiring parents or family members of a student to work at a public charter school violates both the California Constitution and the California Education Code.

AB 1575

In 2012, California passed AB 1575, which allows any person to submit a UCP complaint if he/she believes that a school or charter school is charging an illegal fee, including illegally requiring parents to volunteer. *For more information on the complaint process, visit: aclusocal.org/cases/doe-v-california/school-fees/.*

The California Constitution includes education as a fundamental right guaranteed to all California children⁷² and requires the state to establish a system of free public schools.⁷³ Requiring parents/guardians to do unpaid work at a public school violates the California Constitution's "free schools" clause because the requirement to perform unpaid labor constitutes a non-monetary fee.⁷⁴ A parent/guardian who is forced to work is compelled to give up her labor instead of dollars in exchange for her child's enrollment or participation in educational activities. This also violates section 49011(b)(4) of the California Education Code, which prohibits public schools from requiring donations of money or services from families.⁷⁵

In 2014, Public Advocates released a report [<http://www.publicadvocates.org/forced-parent-work-policies>] exposing the widespread practice of public charter schools regularly requiring parents to work at the school in exchange for educating their

child.⁷⁶ In response, the California Department of Education (CDE) issued Fiscal Management Advisory 15-01 clarifying that existing law prohibits charter schools and school districts from requiring parents to donate "service hours" to a public school.⁷⁷ In the wake of Public Advocates' report and the CDE's advisory, numerous charter schools modified their policies to clarify that parent volunteer hours are truly voluntary and not required. Yet more than two years later, our investigation reveals that at least 57 charter schools still maintain explicit parent work requirements in their written policies and parent handbooks.

A school that wishes to encourage familial participation should ensure that its policy makes clear that this participation is not a requirement and that no adverse consequence will occur for any family that does not contribute service hours. The policy statement should advise families to file a complaint using the AB 1575 process if they believe the parent service hours are being interpreted as mandatory rather than truly voluntary.

RECOMMENDATIONS FOR PARENTS AND STUDENTS

- Review your charter school's charter petition, handbooks, and admissions forms to ensure that they do not have any illegal or exclusionary admissions policies or practices that may discourage enrollment, including:
 - G.P.A. or other academic requirements or minimums
 - Minimum level of English proficiency
 - Questions regarding citizenship, immigration status, or country of birth of students or parents/guardians
 - Mandatory submission of Social Security numbers or birth certificates
 - Pre-enrollment entrance essays
 - Pre-enrollment student or family interviews
 - Parent/guardian volunteer or buyout requirements

- If your charter school has an illegal or exclusionary policy, first contact the school's administration or charter network and ask them to change their policy. If you speak to them over the phone or in person, ask for the individual's name and be sure to follow up in writing (with an email or letter). If they do not change the policy, you should file a complaint with the charter school authorizer. If the school still does not change the policy, you can file a complaint with the county office of education in which the school is located.

RECOMMENDATIONS FOR CHARTER SCHOOL OPERATORS

- Eliminate all exclusionary admission or continued enrollment requirements, including:
 - G.P.A. or other academic requirements or minimums
 - Minimum level of English proficiency
 - Questions regarding citizenship, immigration status, or country of birth of students or parents/guardians
 - Mandatory submission of Social Security numbers or birth certificates
 - Pre-enrollment entrance essays
 - Pre-enrollment student or family interviews
 - Parent/guardian volunteer or buyout requirements

- If a charter school asks for academic records, student or parent identification, essays, or interviews, it must not consider the information when determining whether to enroll a student. To avoid all doubt, the school should request the information only after it has guaranteed a student enrollment and it may not rescind admission on the basis of any information students or their parents/guardians provide. Academic records may include transcripts, report cards, English-language proficiency surveys, information about student disabilities, and information about previous enrollment in special programs.

- Make clear that students may verify their residency with a variety of documents, including but not limited to:
 - utility bills
 - lease agreements
 - tax documents
 - payroll stubs
 - social services documents
 - affidavits from a parent/guardian

-
- Make clear that students may verify their age with a variety of documents, including but not limited to:
 - o U.S. or foreign birth certificates
 - o adoption records
 - o passports
 - o baptismal records
 - o previous school records
 - o other forms of U.S. or foreign government-issued identification
 - o affidavits from a parent/guardian or pediatrician
-

- Include the following information on your website, handbook, and charter:
 - o All students are welcome to enroll, including English learners, non-U.S. citizens, students with disabilities, low-income students, and students who are struggling academically or require additional academic supports.
 - o Make clear that students may only be turned away if more students want to attend than there are seats available. In those instances, the school will use a “public random drawing” process to select students.
-

- If your school formerly had admissions requirements or other illegal requirements
 - o Make clear on all materials that the requirements have been rescinded
 - o Send a letter to families notifying them that the requirements are no longer in effect
 - o Post notices on school grounds informing families that no student will be removed or excluded for the specified admission or enrollment requirements
 - o Notify administrators and teachers that previous admission or enrollment requirements are no longer grounds for student exclusion or removal
-

- Conduct an annual internal compliance review to ensure that all policies and practices comply with the Charter Schools Act, Education Code, and state and federal civil rights laws.
-

RECOMMENDATIONS FOR CHARTER AUTHORIZERS

- Do not approve or renew any charter petition with illegal or exclusionary admissions or enrollment requirements, including:
 - o G.P.A. or other academic requirements or minimums
 - o Minimum level of English proficiency
 - o Questions regarding citizenship, immigration status, or country of birth of students or parents/guardians
 - o Mandatory submission of Social Security numbers or birth certificates
 - o Pre-enrollment entrance essays
 - o Pre-enrollment student or family interviews
 - o Parent/guardian volunteer or buyout requirements
-

- As required by Education Code § 47604.32, audit, monitor, or otherwise investigate every charter school under your jurisdiction at least once a year to ensure that each school does not use any of the illegal admissions or enrollment requirements described above. If any schools are not in compliance, direct them to correct their policies. If schools do not make the appropriate corrections, begin the charter-revocation process.
-

- Ensure that charter schools allow students to verify their residency with a variety of documents, including but not limited to:

- o utility bills
- o lease agreements
- o tax documents
- o payroll stubs
- o social services documents
- o affidavits from a parent/guardian

-
- Ensure that charter schools allow students to verify their age with a variety of documents, including but not limited to:
 - o U.S. or foreign birth certificates
 - o adoption records
 - o passports
 - o baptismal records
 - o previous school records
 - o other forms of U.S. or foreign government-issued identification
 - o affidavits from a parent/guardian or pediatrician

-
- Disseminate a directive to all authorized charter schools informing them that they are not allowed to deny admission or dismiss students based on any of the discussed exclusionary practices. Such guidance should include the legal obligation of charter schools to enroll and serve all students pursuant to federal and state law.

RECOMMENDATIONS FOR CALIFORNIA DEPARTMENT OF EDUCATION

- Issue formal guidance informing all charter schools and authorizers in California that charters may not bar admission to students who do not meet academic minimums; exclude English learners; select students based on their performance on entrance essays or interviews; require students to submit Social Security numbers, U.S. birth certificates, or other citizenship information to enroll; or require families to volunteer at or provide payment to the school.

-
- Take appropriate action, including immediate and effective steps, to ensure that the charter schools listed at [placeholder webpage] correct their illegal policies, including investigating the schools' relevant policies, sending individualized notices to the schools providing guidance about the law and their obligations, providing technical assistance where appropriate, and following up to ensure that the schools have come into compliance with the law.

-
- Investigate the remaining charter schools in California to determine if any are implementing these illegal policies.

-
- Revisit this issue annually to assess whether charter schools are complying with the law. If certain charter schools are not, take further steps with greater penalties at that time to abolish the practice.

-
- Require yearly training on civil rights laws and best practices for charter school board members and administrators.

-
- Make clear that authorizers must review new applications for charter schools for compliance with the Charter Schools Act, Education Code, and state and federal civil rights laws.

-
- Require authorizers to conduct bi-annual reviews of charter schools for compliance with the Charter Schools Act, Education Code, and state and federal civil rights laws.

- ¹ Cal. Educ. Code § 47605(d)(2)(A) (“A charter school shall admit all pupils who wish to attend the school.”).
- ² Cal. Educ. Code § 47605(d)(2)(A); 20 U.S.C. § 1703(f); Cal. Gov’t. Code § 11135; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; *Plyler v. Doe*, 457 U.S. 202, 229-30 (1982).
- ³ Charter Schools FAQ Section 3, California Department of Education (last visited July 12, 2016), available at <http://www.cde.ca.gov/sp/cs/re/qandasec3mar04.asp> (“The charter authorizing entity is responsible for ensuring the charter school operates in compliance with all applicable laws and the terms of its charter.”).
- ⁴ *Id.*
- ⁵ Cal. Educ. Code § 47604.4 (“a county superintendent of schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within that county and conduct an investigation into the operations of that charter school.”).
- ⁶ *Id.*
- ⁷ See, e.g., Stephanie Simon, *Special Report: Class Struggle- How Charter Schools get Students They Want*, Reuters (Feb. 2013), available at <http://mobile.reuters.com/article/idUSBRE91EOHF20130215?irpc=932>.
- ⁸ Cal. Educ. Code § 47605(2)(A) (“A charter school shall admit all pupils who wish to attend the school.”).
- ⁹ Cal. Educ. Code § 47605(2)(B).
- ¹⁰ *Id.*
- ¹¹ Willful defiance is a subjective rule violation susceptible to interpretations of student behavior that often reflect implicit racial and other biases. Willful defiance remains the single largest category for which students are suspended from school in California, and students of color are disproportionately impacted by such policies. See Daniel Losen, et al., *Closing the School Discipline Gap in California: Signs of Progress*, The Civil Rights Project (Nov. 2015), available at <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/ccrr-school-to-prison-pipeline-2015>.
- ¹² Cal. Educ. Code § 47601(b).
- ¹³ About Charter Schools, National Alliance for Public Charter Schools (last visited July 12, 2016), available at <http://www.publiccharters.org/get-the-facts/public-charter-schools/>.
- ¹⁴ See, e.g., Cal. Educ. Code § 300.
- ¹⁵ Cal. Ed. Code § 47605(d)(1) (citing Cal. Educ. Code § 220 (listing characteristics)); Cal. Educ. Code § 220, Cal. Gov’t. Code § 11135, 42 U.S.C. § 2000d, et seq.; 20 U.S.C. § 1703(f).
- ¹⁶ Cal. Educ. Code § 220, Cal. Gov’t. Code § 11135, 42 U.S.C. § 2000d, et seq.
- ¹⁷ *Id.*
- ¹⁸ *Lau v. Nichols*, 414 U.S. 563, 566 (1974); 20 U.S.C. § 1703(f).
- ¹⁹ Ed Code § 47605(2)(A) (“A charter school shall admit all pupils who wish to attend the school.”).
- ²⁰ *Id.*
- ²¹ Cal. Gov’t. Code § 11135, 42 U.S.C. § 2000d, et seq.
- ²² Avi Welfman-Arent, *Delaware School Entrance Assessments Face Tough Test*, Newsworks (Dec. 15, 2014), available at <http://www.newsworks.org/index.php/local/delaware/76322-delaware-school-entrance-assessments-face-tough-test>.
- ²³ *Plyler v. Doe*, 457 U.S. 202, 229-30 (1982).
- ²⁴ *Id.* at 223.
- ²⁵ Fact Sheet: Information on the Rights of All Children to Enroll in School, U.S. Department of Justice & U.S. Department of Education (2014), available at <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>.
- ²⁶ Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, U.S. Department of Justice & U.S. Department of Education (2014), available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf>.
- ²⁷ Avoid Identity Theft: Protect Social Security Numbers, U.S. Social Security Administration (last visited July 13, 2016), available at <https://www.ssa.gov/phila/ProtectingSSNs.htm>.
- ²⁸ *Hartzell v. Connell*, 35 Cal. 3d 899, 905-08 (1984); Cal. Const. Art. IX, § 5; see also Cal. Educ. Code § 49011(b)(4).
- ²⁹ Richard Zeiger, Pupil Fees: Parent Service Hours, California Department of Education (Jan. 20, 2015), available at: <http://www.cde.ca.gov/re/lr/fm/fma1501.asp>.
- ³⁰ Cal. Educ. Code § 47605(d)(2)(A) (emphasis added).
- ³¹ Cal. Educ. Code § 47601(b).
- ³² Cal. Educ. Code § 47605(d)(2)(B).

- ³³ Cal. Educ. Code § 47605(d)(2)(B) also states “[o]ther preferences may be permitted by the chartering authority on an individual basis and only if consistent with the law[.]” but this merely refers to the discussed geographic preferences.
- ³⁴ Cal. Educ. Code § 47605(d)(1).
- ³⁵ Cal. Educ. Code § 47065.3.
- ³⁶ Charter schools may also supplement their state and federal funding with private contributions. Any additional private financial support does not affect their obligations to enroll all students.
- ³⁷ *Wells v. One2One Learning Foundation*, 39 Cal. 4th 1164, 1178 (2006).
- ³⁸ *Wilson v. State Board of Educ.*, 75 Cal. App. 4th 1125, 1137 (1999) (emphasis added).
- ³⁹ *California School Boards Association v. State Bd. of Educ.*, 191 Cal. App. 4th 530, 573 (2010).
- ⁴⁰ Cal. Educ. Code § 47605(d)(2)(A)
- ⁴¹ *Id.*
- ⁴² Cal. Educ. Code § 47601(b).
- ⁴³ Frequently Asked Questions, California Charter School Association (last visited July 13, 2016), available at <http://www.ccsa.org/understanding/faqs/>.
- ⁴⁴ *C.S. v. Public Safety Academy of San Bernardino, et al.*, First Amended Complaint for Declaratory and Injunctive Relief, and Individual Damages, filed 08/12/14, (EDCV14-00941-RGK).
- ⁴⁵ *Id.*, Notice of Motion and Motion to Dismiss Complaint for Failure to State a Claim Upon Which Relief can be Granted; Memorandum of Points and Authorities in Support, filed 08/29/14.
- ⁴⁶ *Id.*, Order re Academy’s Motion to Dismiss, filed 11/26/2014.
- ⁴⁷ Cal. Educ. Code § 47605(d)(1) (citing to Cal. Ed. Code § 220 (listing characteristics)).
- ⁴⁸ *Lau v. Nichols*, 414 U.S. 563, 567-68 (1974).
- ⁴⁹ Cal. Govt. Code § 11135.
- ⁵⁰ To determine whether a policy or practice has an adverse disparate impact in violation of section 11135, a court will first determine whether the policy has a negative impact on a protected class of students. If there is an adverse impact, the court will then assess whether there is a substantial legitimate justification for the policy or, in other words, whether the policy is necessary to meet an important educational goal. Finally, if there is a legitimate justification, the court will determine whether there are alternative policies that would meet the stated goal with less of a burden or adverse impact on the affected group. If such alternatives exist, the policy or practice violates section 11135. See *Darensburg v. Metro. Transp. Comm’n*, 636 F.3d 511, 519 (9th Cir. 2011).
- ⁵¹ California Education Code § 220 also prohibits discrimination against students based on race/ethnicity, nationality, and other characteristics. See Cal. Educ. Code §220, *et seq.*
- ⁵² Catherine Lhamon, et al., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, U.S. Department of Education & U.S. Department of Justice at 6 (Jan. 7, 2015), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf> (citing *Castañeda v. Pickard*, 648 F.2d 989 (5th Cir. 1981) (sets the standards for English learner programs’ compliance with civil rights law); *United States v. Texas*, 601 F.3d 354, 366 (5th Cir. 2010) (reaffirming and applying the *Castañeda* test); *Horne v. Flores*, 557 U.S. 433, 439 (2009) (holding that state agencies as well as local educational agencies have an affirmative duty for states as well as local educational agencies to ameliorate language barriers)).
- ⁵³ Catherine Lhamon, et al., Dear Colleague Letter: School Enrollment Procedures, U.S. Department of Education & U.S. Department of Justice at 1 (May 8, 2014), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>.
- ⁵⁴ Catherine Lhamon, Dear Colleague Letter: Charter Schools, U.S. Department of Education Office for Civil Rights at 3 (May 14, 2014), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-charter.pdf> (“In addition, a charter school may not use admissions criteria that have the effect of excluding students on the basis of race, color, or national origin from the school without proper justification.”).
- ⁵⁵ *Id.*
- ⁵⁶ *Id.* at 1.
- ⁵⁷ Frequently Asked Questions, California Charter School Association (last visited July 13, 2016), available at <http://www.ccsa.org/understanding/faqs/>.
- ⁵⁸ Matt Taylor, *Success for English Learners in Charter Schools*, California Charter Schools Association at 11 (June 2015), available at <http://www.ccsa.org/SuccessForEnglishLearnersInCharterSchools.pdf>
- ⁵⁹ Frequently Asked Questions, California Charter School Association (last visited July 13, 2016), available at <http://www.ccsa.org/understanding/faqs/>.
- ⁶⁰ Catherine Lhamon, et al., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, U.S. Department of Education & U.S. Department of Justice at 5 n.10 (Jan. 7, 2015), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.
- ⁶¹ See, e.g., Cal. Educ. Code § 262.3-b and Cal. Gov’t. Code §11139.

⁶² *Castaneda v. Pickard*, 648 F.2d 989, 1008 (5th Cir. 1981).

⁶³ Cal. Educ. Code § 300.

⁶⁴ 20 U.S.C. § 1703(f).

⁶⁵ *Lau v. Nichols*, 414 U.S. 563, 566 (1974).

⁶⁶ See, e.g., Cal. Gov't. Code § 11135; Cal. Educ. Code § 47605(d)(2)(A) ("A charter school shall admit all pupils who wish to attend the school.").

⁶⁷ See Cal. Gov't. Code § 11135; 42 U.S.C. § 2000d, et seq.

⁶⁸ *Plyler v. Doe*, 457 U.S. 202, 223-24 (1982).

⁶⁹ *Id.* at 223.

⁷⁰ Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts, and Parents, U.S. Department of Justice & U.S. Department of Education at 1 (May 2014), available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf>.

⁷¹ *Id.* at 3-4.

⁷² *Serrano v. Priest*, 5 Cal. 3d 584, 607-09 (1971).

⁷³ *Hartzell v. Connell*, 35 Cal. 3d 899, 905-08 (1984); Cal. Const. Art. IX, § 5.

⁷⁴ *Id.*

⁷⁵ In 2011, in response to a lawsuit by the ACLU, the California legislature codified the Constitution's "free schools" guarantee through the passage of AB 1575. This codification includes Education Code § 49011(b)(4), which provides a "school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school."

⁷⁶ Hilary Hammell, *Charging for Access: How California Charter Schools Exclude Vulnerable Students by Imposing Illegal Family Work Quotas*, Public Advocates (Nov. 2014), available at <http://www.publicadvocates.org/forced-parent-work-policies>.

⁷⁷ Richard Zeiger, *Pupil Fees: Parent Service Hours*, California Department of Education (Jan. 20, 2015), available at <http://www.cde.ca.gov/re/lr/fm/fma1501.asp>

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For more resources visit aclusocal.org/unequal-access



STAND FOR JUSTICE



ACLU Report Shows Need for District, Charter Schools to Work Together



S T A N D F O R J U S T I C E

Charter Public Schools are open to all and all means all. Open door is at the core of what it means to be a public school. Therefore, no charter public schools should have policies and practices that make it more difficult for some students to attend.

The ACLU and Public Advocates released an important report last week that identified some disturbing ways that charter public schools can limit access to their schools. [Unequal Access: How Some California Charter Schools Illegally Restrict Enrollment](#) reviewed public websites and documents to find issues at 253 of California's 1200 charter public schools in a five key areas.

Charter public schools receive more freedom to innovate and serve kids, but with that freedom comes oversight, accountability, and a profound legal and moral duty to serve all students. We can no longer hold district and charter managed schools at arms-length. As a city, we've just begun to see our district-run and charter schools as part of a unified system to meet the needs of all students across our city. [Oakland's Equity Pledge](#), [Oakland Achieves](#), and other city-wide efforts are the beginning, yet we have a long way to go.

The table lists the violations found by the five key areas with Oakland broken out.

| Area | # in CA | # in Oak. | Schools |
|---|------------|-----------|---|
| 1. Exclusion Based on Academic Performance** | 22 | 0 | |
| 2. Discrimination against English Learners | 4 | 0 | |
| 3. Pre-Enrollment Essays or Interviews | 92 | 6 | <ul style="list-style-type: none"> • ARISE High • Dominican Charter Academy • Leadership Public Schools (LPS) • Oakland Charter Academy** • Oakland Charter High** • Oakland School for the Arts |
| 4. Illegal Parent Guardian Volunteer Requirements | 61 | 3 | <ul style="list-style-type: none"> • Oakland Unity • Leadership Public Schools • Francophone |
| 5. Requirements that Discourage Undocumented Students | 133 | 7 | <ul style="list-style-type: none"> • American Indian Public Charter • Dominican Charter Academy** • East Oakland Leadership Academy • Francophone Charter School of Oakland • Leadership Public Schools • North Oakland Community Charter (NOCCS) • Oakland Military Institute College Preparatory Academy |
| Overall | 292 | 12 | |

*Leadership is crossed out because it has been removed from the initial ACLU list.

** A part of the Oakland Public Schools

I reached out to two of the 12 Oakland public charter schools listed as being in violation to hear their take on the report: North Oakland Community Charter School (NOCCS) cited as dissuading undocumented students and Leadership Public Schools (LPS) cited for Pre-Enrollment Essays, Parental Requirements, and Discouraging Undocumented students.

NOCCS: Stephen Ajani, principal at NOCCS, shared that the school welcomed the report and that it “shed light on an area where our practice was not in alignment with our school’s core principles.” When asked about steps taken to address the issues, he reported that, “We immediately rectified the issue and were told by the ACLU that we would be removed from the list. We take great pride in the diversity of our school and are committed to ensuring that all students and their families feel welcomed and valued in our school community.”

LPS: Louise Waters, the Superintendent of Leadership Public Schools, shared that LPS had addressed all of the identified issues within 24 hours of the report being released. Since the publication of the report Leadership Public Schools has been removed from the list. She welcomed the report and said that it came at a time when they were launching a new website and caused them to make sure that all information on the new site was up to date. She shared that none of the issues identified were the actual current practice of LPS. Because sites primarily use hard copy materials for parents, out of date web materials had not been caught. These were the result of schools not being fully aware of how certain past practices or the wording about these practices could be interpreted in a discriminatory way. Click here for a copy of their letter to OUSD and the ACLU.

A couple of key takeaways and recommendations:

- All means all: We need to fix all of the issues this report raises immediately. There is no excuse for any of the policies or practices to be in place. They never should have existed. Additionally, this report is only based on

schools that have posted materials. There are almost certainly more issues to be fixed.

- We need more information: We need more reports like these that provide data and information. Too often the discussion on these issues are fueled by rumor, suspicion, individual stories, and defensiveness. The Oakland Achieves Coalition – of which GO is a part—is supporting a citywide report on a range of important issues that we hope can play a similar role as this report.

We are all part of the same system and our students need us to act that way. That is why GO is supporting initiatives like the Equity Pledge which is an effort to make sure that every school in Oakland is working in solidarity with each other to make sure that all students are being well served in our schools. We have been operating in sometimes open hostility for too many years in Oakland. This makes already difficult work even harder than it has to be. If we can be a part of the change that creates a new period of cooperation it is the students who will benefit.

We will provide further updates from other schools as they are available.

ACLU Report

School Enrollment Policy Violations: Allegations & Responses

| CHARTER SCHOOL | ALLEGED VIOLATION(S) | CHARTER RESPONSE | COMPLIANT Y/N |
|-------------------------------|--|---|---------------|
| AIMS CMO AIPCS | Requirements that Discourage Undocumented Students | We were on this list because they looked at the post admission packet which included information needed after enrollment. They were in error, and we are working to have them remove it. | Y |
| ARISE High School | Pre-Enrollment Essay or Interviews | <p>In looking at our enrollment application. We have, in the past, asked students to answer "get to know you" type questions as part of the enrollment application. We never viewed this as an "admission requirement". We had never declined a student's application based upon what they wrote (or did not write) in response to the questions, nor question in any manner a student's response or failure to respond to one or more of the questions. We have never had an applicant call and express difficulty with the questions. And if a family expressed even the slightest concern at all, we were very clear that it's only purpose was to get to know the student and that they should only do their best and not worry about it. As a result, the School has received a wide range of responses. As you can see from our student body as expressed above, clearly these questions have not resulted in a skewed population.</p> <p>While ARISE does not agree in any manner with the ACLU allegations as applied to ARISE, we have never viewed these questions as an "admissions requirement," and we truly want to avoid even the slightest misperception that these questions were aimed in any way as a "selection tool" rather than a "get to know you" tool. Accordingly, ARISE has already revised our enrollment application, to remove the questions at issue in the report. We have attached the revised enrollment application for your review.</p> | Y |
| Amethods CMO DCA/OCA/OC HS | Pre-Enrollment Essay or Interviews Requirements that Discourage Undocumented Students | <p>Our registration form (we call it the pre-registration form) is a one pager that collects only basic contact and student information. We track who submits and when. If there is no lottery, everyone gets in. If there are more applicants than spaces, of course we conduct a lottery in accordance with our charter.</p> <p>We then have a student info packet that parents will pick up after the submission and acceptance of the registration form, but it is the one page form that secures their spot. The info packet simply confirms they want to attend and provides us with necessary baseline info.</p> <p>Our student info packet was on our website as we have been trying to drive more traffic there, but we have since removed it so we do not give the impression that we use it for anything besides collecting the necessary info such as immunization info, medical needs the child may have, and other safety info.</p> <p>Our info packet does ask open ended questions such as "Why did you choose to attend Downtown Charter Academy?", but we do plan to remove those and gain this info at start of year.</p> | Y |
| EOLA | Requirements that Discourage | After reviewing the ACLU site East Oakland Leadership Academy has the determined that having a yes/no check box indicating US Citizen may be viewed | |

| | | | |
|-------------|--|--|---|
| | Undocumented Students | as discriminatory even though no student has been denied admittance based on citizenship. This will be removed from the application. | Y |
| Francophone | Illegal Parent/Guardian Volunteer Requirements Requirements that Discourage Undocumented Students | FSCO's Board Chair has sent a letter to ACLU requested that FSCO be removed from the published list of schools in violation (letter dated 8/20/16) FSCO has also amended its Application Form for 2016-17 to provide a number of options for families of kindergarteners enrolling in public school for the first time, to provide proof of meeting the minimum age for enrollment requirement (see Education Code Section 48000, applicable to charter schools through Education Code Section 47610). These options include: U.S. or foreign birth certificate; immunization record; passport; baptismal records; and affidavits from a parent/guardian or pediatrician. A copy of the Application Form is attached for your convenience. Accordingly, the Charter School's Enrollment Form now aligns with the methodology that the ACLU developed for its report. | Y |
| LPS R&D | Pre-Enrollment Essay or Interviews Illegal Parent/Guardian Volunteer Requirements Requirements that Discourage Undocumented Students | We are working with staff to review all enrollment and admissions materials and will take immediate action to remove language that is illegal or exclusionary, and to update forms and pages on our network and school websites. We are also carefully reviewing our charter petitions to ensure that they do not include any exclusionary policies or illegal requirements. We have planned to add language to our materials and website that clearly states that Leadership Public Schools are open to all students, including English learners, non-U.S. citizens, students with disabilities, low-income students, and students who are struggling academically and may require additional academic supports. While we had not enforced any exclusionary admissions requirements in practice, we will make sure to share the message above with our school communities. We will also conduct an annual internal compliance review to ensure that all our policies and practices comply with the Charter Schools Act, Education Code, and state and federal civil rights laws. | Y |
| NOCCS | Requirements that Discourage Undocumented Students | We were flagged in the report for enrollment practices that discourage undocumented families. We are waiting to hear back from the ACLU or Public Advocates to verify the specifics for NOCCS. We have reviewed our policies with our legal counsel and changed the following on both our website and in School mint: <u>What we have changed:</u> - Birth Certificate is no longer required to verify age of student - CA License or ID are no longer required to verify residence(it is listed among the options) - Website no longer requires parents to tour the school before they apply (This has not been in practice for years). | Y |
| OMI | | After a review of our admission policies with our legal counsel we believe that our admission policies do not violate the letter or spirit of any law or regulation. Section 47605 (b) 5 (H) of the California Education Code implies that charter schools may impose admission requirements that are not otherwise illegal. The | |

| | | | |
|------|--|--|---|
| | Requirements that Discourage Undocumented Students | <p>charter of the Oakland Military Institute clearly states that neither our admission policy nor our recruiting practices will be discriminatory with the stated goal "to reach all students in grades five through eleven (rising into grades 6-12) in the local community and to promote a diverse student base." Nothing in our published or practiced policies and procedures is contrary to our clearly promulgated charter goal.</p> <p>The gist of the ACLU's inclusion of OMI in their report seems to be that we have a stated requirement for a birth certificate since never in our history have we even hinted that a Social Security number or proof of immigration status would be required. The ACLU interprets our request for a birth certificate to be exclusionary. Our position is that we are required by state and federal mandates to affirm the ages of our students. This information is obtained from a birth certificate. Nothing in our policy or practice requires that the birth certificate be from the United States. We are not aware of any nation or state that does not issue some form of birth certificate. The request for a birth certificate is a standard and accepted practice throughout our nation's public school systems. For example, the Oakland Unified School District requires a "birth certificate or I-94" while Sacramento Unified School District requires "Proof of Birth –original COUNTY ISSUED (their emphasis) birth certificate or passport for each child". There are numerous other examples of the same policies and practices throughout the state and nation. Despite the widespread and accepted practice of requesting a birth certificate, the ACLU highlighted 133 California charter schools for scrutiny and allegations of illegal behavior. Between the issuance of the report and today's date, the ACLU has already stricken 8 schools from the list for unspecified reasons.</p> <p>We believe that the ACLU is attempting to hold charter schools to a different standard than other public schools in California. This is discriminatory, defamatory, and unacceptable. OMI has never received a complaint regarding our registration or admission policies and I do not believe that your office has either. Should OMI receive a complaint on this matter, we will address the complaint thoroughly and fairly with a full report to your office. We do not exclude or discourage anyone from applying for admission to our school.</p> <p>*It was confirmed by OCS staff that the birth certificate is not asked for until after the lottery/students have a seat.</p> | Y |
| OUHS | Illegal Parent/Guardian Volunteer Requirements | <p>We believe that the violation was triggered by an outdated copy of the parent handbook that was linked to our website. This parent handbook contained an old version of our 3-way enrollment. This is a snapshot of the original clause concerning volunteering. We have removed the link to the outdated parent handbook.</p> <ul style="list-style-type: none"> • Volunteering 10 hours of service each year for the benefit of the school. | Y |
| OSA | Pre-Enrollment Essay or Interviews | <p>The Oakland School of the Arts has reviewed the report from the ACLU about exclusionary enrollment tactics and believes the school is incorrectly identified. OSA was listed as having enrollment policies or forms online that are clearly illegal or exclusionary and pre-enrollment essays or interviews. Based on the ACLU's methodology, OSA was listed in these categories, because the report, "categorized the school as having exclusionary policy if it stated that enrollment</p> | Y |

| | | | |
|--|--|--|--|
| | | <p>was conditioned upon an "interview," "audition," "appointment," or "meeting" with students or parents." (ACLU website)</p> <p>OSA does require an audition, but this process has been vetted and approved by the OUSD board. We believe the ACLU is mistaken in identifying OSA's audition as an exclusionary process. The California Charter Schools Association also disagrees "that auditions for performing arts schools are not permissible" (CCSA website).</p> | |
|--|--|--|--|

Attachment I

Overview of Quality Schools Development

What is Quality Schools Development? Why are we doing this?

All students deserve quality schools in their neighborhoods that help them thrive academically, socially, and emotionally. Right now, several of our schools are not where we need them to be. Whether we're talking about basics such as reading at grade level by 3rd grade or graduation rates at our high schools, some Oakland public schools fall short of our own goals and perform below the best schools in the state even when controlling for other factors such as funding, demographics, crime, etc. We strongly believe that our students are capable of success and we believe we have a responsibility to create the conditions to ensure that they are.

There are quality schools in Oakland. Some schools excel due to incredibly committed, talented and effective educators, others receive additional support due to having access to greater community resources such as parents, partners, and volunteers. Some of our thriving schools are district-run schools and some of our highest performing schools are charter schools. There is no one answer to who can create a quality school, but they do share one common theme that this process seeks to build – strong community collaboration – parents are engaged, teachers are engaged, students are engaged. Ask any of them what their school is about, and they will tell you the same thing – they are unified toward achieving the common goals of creating a high quality school.

Quality School Development is the District's approach to ensuring that the conditions necessary to continuously improve are in place in every school. In order to support this process, the Board of Education passed a Quality Community School Policy. This policy outlines key components of the continuous improvement process. These include:

1. The District setting standards and indicators of quality schools
2. The District conducting ongoing evaluation and monitoring of school quality
3. The District providing school teams that include parents, staff, students, and community training and coaching to develop improvement plans as well as differentiated support to implement those plans
4. The District identifying Intensive Support Schools and collaborating with school teams to develop strategies for improvement, including replicating and expanding quality schools models.
5. The District establishing a fund to support the Intensive Support Schools strategy.

To develop a quality school, there has to be a foundation of common understanding and then a process of engagement to build the common vision. The way we are going to identify and transform schools over the coming years is through the use of extensive data to inform engagement and guide our decision-making processes. Our process is going to consider the history of inequities that have led us to the disparities in quality across the district. We are going to address those inequities, engage deeply with communities, and push everyone involved to accept nothing less than quality for all. We must push outside of our comfort zones because we must be successful! This is not a "one-shot deal" or a "one-time effort." **This is a multi-year, ongoing shift in the way we work.**

What are Intensive Support Schools?

The first iteration of Quality School Development began in 2012 with the Quality School Development initiative and continued with the "Balanced Scorecard" that the District has been using to evaluate schools. In April 2014, the Board selected five schools for "intensive support." This decision was also based on school quality reviews and the ongoing challenges of enrollment declines in several schools. Going forward, we are developing a means of rating the progress of all of our schools using the same measures of success in a tool called the School Performance Framework. Doing this will ensure predictability across the district when identifying schools that are excelling, schools that need Targeted Support to improve into the excelling category, and schools in need of Intensive Support.

What does "intensive support" mean?

Various factors, including a history of inequities, have led schools to situations of declining enrollment, declining test scores, and sub-par outcomes on average at these schools. Of course, there are great people at these schools, amazing kids in their classrooms. People are working hard to make a difference. In spite of this, our students in these schools are just not being served as well as they need and we are able to deliver. Intensive Support is part of a three-tiered approach to improving schools and defining autonomies that include Universal Support (the base level of support that all schools

receive), Targeted Support (extra support for schools needing support in limited areas), and Intensive Support (the highest level of support for schools with the greatest needs). Intensive Support is all about putting ADDITIONAL resources into these schools and transforming them in a long-term, sustainable way. It's not about a specific path – making the schools larger or smaller, turning them into academies or traditional schools, or about them being charter or district-run – **it's about the outcome – quality schools for ALL**. To determine where, how, and how much additional resource investment can and should be directed toward the site, we have to go through a process, which we have begun.

There are phases to intensive support: One is a multi-phase process to engage and encourage school community stakeholders to develop a proposal for a high quality school program tailored to the identified community. The District seeks to evaluate, together with stakeholders, the proposals to select one for investment and implementation. The next phase is incubating the proposal by investing in a design team and a yearlong process to detail the plan. The third phase is implementation to ensure success. Each phase, including implementation requires the allocation of more funding and resources to schools.

Why have an open call for proposals?

Dramatically improving schools requires the collaboration of parents, students, teachers, staff, community members and other District staff. An open call provides everyone an equal playing field to put forward a plan, which is the best way to ensure we end up with the ultimate goal – **quality schools**.



The Call process will invite ALL members of the community to come forward with their ideas, input, and commitment to creating quality schools – and it will help provide resources to ensure there is a broad base of response. This must include the full diversity of views about how to meet the needs of the community in a quality school proposal. Educators who bring forth proposals must engage with the community of the schools involved in order to have a chance at their proposal being recommended to the Board for approval. Additionally, proposals must meet the criteria identified by each community as being important to them, e.g. extended time, personalized learning, tutoring supports; additionally, the proposals will need to meet the expectations the District has for improving Intensive Support Schools, called Transformation Pillars.

1. **Educator Development and Pipelines** – Successful schools will be led by effective leaders who work collaboratively to develop and nurture a cross-functional leadership team. The school will help educators develop through effective professional learning and recognize effective educators for their success.
2. **Strong School Culture** – The school will have a mission, vision, and values that are focused on high academic achievement for students while preparing them for college, career, and community success. The school will stress the importance of education as well as the social and emotional well-being of students. This emphasis must permeate all other components of the school and include restorative practices as a part of the approach to strengthening culture.
3. **Increased Time on Task** – Successful schools will intentionally use time to maximize student learning. Extended school days, weeks, and years are integral components. Additionally, the school must prioritize providing teachers' time for planning, collaboration, and professional learning.
4. **Rigorous Academics** – Effective schools ensure teachers have access to foundational documents and instructional materials needed to help students achieve high growth. This includes regularly assessing student progress, analyzing student progress, and re-teaching skills with the expectation that students master standards.
5. **Linked/Personalized Learning** – Students will be exposed to different educational options that go beyond the “four walls” of the school in effective schools. This will include allowing students to innovate and create, having them concurrently enrolled in college classes, engaging them in internships, using online learning, and providing students access to career pathways in our secondary schools.

Q. Will the District provide support to school teams proposing District-run schools to create quality proposals?

A. YES

- The District will provide proposal teams with resources such as contracted proposal writers/facilitators, translation services, childcare, refreshments, and support for staff participation outside work hours, upon request.
- The District will host multiple workshops on specific areas such as technology, the arts, science and literacy.

- The District will host engagements with stakeholders to ensure proposal-writing teams understand their needs.

Q. Will the District assist multiple proposal teams for one school to join forces to create a single plan?

A. YES.

The District will create opportunities for collaboration and host events to bring proposal teams together to share their vision and planning and consider the option of joining forces.

Why include charter schools in the call process?

Q. Is this a plan to “charterize” Intensive Support Schools?

A. NO

Q. Is this a plan to preference charter school proposals?

A. NO

FACT: Having successful, high quality proposals for District-run schools, supported by the community, would be ideal for the District.



#1 Charter Law currently allows charters to be delivered anytime, 365 days a year. The law allows submission without meaningful input from affected communities and without proposing to meet a specifically identified need. That law is NOT going to change. And there are many reasons why it will not change, including the fact that there are many good charter schools, serving our children – about 25% of children attending public schools in Oakland are in charter schools (which are public schools). Charters are NOT going away. We are a portfolio district – one with district-run and charter schools – and we must work within that framework.



#2 Oakland has too many schools, district-run and charter operated, for the number of students served, causing limited community resources to be spread too thin. Continued submission of new charter schools that do not consider urgent needs does not solve this challenge. This process can help change that.



GOAL – MANAGED GROWTH One of the goals of this process is to move from haphazard school growth to managed growth. Even if the District were to deny new charters, such as San Francisco has done for nearly a decade, they can be approved by the County or State and proceed to open regardless. Doing so would perpetuate the division that exists between some district-run and charter school practices. This process we are planning will help focus the need and level the playing field for in-district and community teams with charter management organizations.

Any charter petition submitted in Oakland **must have** meaningful community input **AND** support **AND** should propose to meet an identified need. Including charter schools in the “Call” **DOES NOT** preference charter schools, but **INSTEAD** seeks to better manage their submission and growth on behalf of Oakland’s students and families. **Absent this process, Oakland continues to be subject to charter proposals submitted at any time, for any reason.**

Is this a process to hand over these schools to charter schools?

A. NO

Existing laws already provide the process by which charter schools may request facilities from the District. Proposition 39, as well as the District’s Asset Management Policy outlines the intent and process for allocating facilities for use by charter schools.

While the law obligates the District to provide available facilities to requesting charter schools, and the District’s policy acknowledges the interest of the District in the success of all students attending publicly funded schools, that process is **SEPARATE** from the Call for Quality Schools process.

Do all intensive support school principals have a role in this process?

A. YES

Strong school leadership is an important component of successful schools. The District will focus on ensuring that each school succeeds and strong leadership is an important part of that goal. OUSD does deserve the right to ensure that those leading our schools are best positioned to drive long-term success. We will make decisions to ensure that leaders are effective and best prepared to succeed with this important work.



SITE-BASED COMMITTEES

Each Intensive Support School will form a committee of stakeholders. These site-based committees will form over the months of January and February. Their role is to meet frequently and elevate the needs of the school and vision of the school community. These site-based committees will provide feedback on the final proposal(s) that are submitted.



PROPOSAL WRITING

Teams are likely to form to create a proposal to meet the Call for Quality Schools. These teams will likely include parents, teachers, students, and community members from the Intensive Support Schools. These teams will engage with the Site-based Committees and may share membership.



INCUBATION DESIGN TEAMS

Beginning with the 2015-16 school year, the approved proposals for each Intensive Support School will undergo a yearlong Incubation Process. The process involves much more detailed planning, research and preparation. Design Teams will be formed in each school community to lead the incubation process. Members of the Proposal Writing Team may lead or participate in the Incubation Design Teams.

What's the timeline?

Intensive School Support, the Call for Quality Schools, and overall Quality School Development are on-going processes that will respect and build on previous, on-going efforts to improve our schools. While each school will have their own detailed timeline and pathway, **after gathering feedback from community, there are two timelines we've proposed for the five current Intensive Support Schools:**

Timeline #1: Minimum 28 month total process – 14 Month Incubation Process

| | |
|----------------------|---|
| April 2014 | Board Action to Support Five Schools |
| May-Nov. 2014 | District staff develops process for intensive support & engagement |
| Dec. 2014-Jan. 2015 | Initial community engagement |
| Feb. 17-May 15, 2015 | After Feb. 9 Call Roll-out, ongoing Engagement |
| Feb. 24, 2015 | Timeline decision – continue on Timeline #1 or shift to Timeline #2 |
| March 12, 2015 | Letter of Intent Deadline (Extended by two weeks from Feb. 26 previously) |
| May 21, 2015 | Proposal Submission Deadline (Extended by one month from April 23 previously) |
| May-June 2015 | Review, community feedback, recommendations & proposal selection (in June) |
| July 2015 | Incubation process begins, with ongoing community engagement |
| August 2016 | Initiate Phased implementation of School Plan |

Timeline #2: Extended Timeline 40 month total process - 20 month incubation process

| | |
|---------------------|---|
| April 2014 | Board Action to Support Five Schools |
| May-Nov. 2014 | District staff develops process for intensive support & engagement |
| Dec. 2014-June 2015 | Community engagement (see Timeline #1 above) |
| July-Oct. 2015 | "Call for Quality Schools" – Deadline TBD – Continued engagement |
| Nov-Dec. 2015 | Review of proposals, community feedback, recommendations, and approvals |
| February 2016 | Incubation process begins, with deep community engagement |
| Fall 2017 | Newly Designed Quality Schools launch |

PLEASE NOTE: Shifting to Timeline #2 from Timeline #1 brings with it a shift in resource allocation that will come with the Intensive Support process, as well as a delay in any facility investment required to implement the new academic program.

Who will be reviewing & recommending the options to the Board?

ACADEMIC REVIEW BOARD

As part of the proposal evaluation process, the District will convene an ongoing team of content experts to review the proposals, conduct interview of proposal teams, and facilitate protocols with Site-Based Committees to evaluate the quality of the proposals submitted. This Academic Review Board will make recommendations to the Superintendent **and include all feedback from Site-based Committees**. Membership will include the following OUSD team members:*

- Chief Academic Officer
- Chief of Schools
- Deputy Chief, College & Career Readiness
- Deputy Chief, Community Schools
- Deputy Chief, Programs for Exceptional Children
- Executive Director, English Learner-Multi-Lingual Programs
- Executive Director, African American Male Achievement
- Executive Director, Research, Assessment & Data
- Director, Linked Learning
- Director, Continuous Schools Improvement
- Director, Assessments
- Manager, Mathematics
- Manager, Visual & Performing Arts
- Network Superintendent Representative
- Principal Representative
- Teacher on Special Assignment (TSA) for English & Language Arts & Math
- Community Schools & Student Services Office Representative

* Current list subject to change.

KEY CONTACTS

School Leads

| <u>Brookfield</u> | <u>Castlemont</u> | <u>Fremont</u> | <u>Frick</u> | <u>McClymonds</u> |
|--|---|--|---|---|
| Monica Thomas , Elementary Network Supt., monica.thomas@ousd.k12.ca.us | Kevin Taylor , High School Network Supt., kevin.taylor@ousd.k12.ca.us | Mark Triplett , High School Deputy Network Supt., mark.triplett@ousd.k12.ca.us | Ron Smith , Middle School Network Supt., ron.smith@ousd.k12.ca.us | Kevin Taylor , High School Network Supt., kevin.taylor@ousd.k12.ca.us |

Overall Team Members

Allen Smith, Chief of Schools | allen.smith@ousd.k12.ca.us

David Montes de Oca, Deputy Chief, Continuous School Improvement | david.montes@ousd.k12.ca.us

Yana Smith, Chief, Organizational Effectiveness & Culture | yana.smith@ousd.k12.ca.us

Isaac Kos-Read, Chief, Communications & Public Affairs | isaac.kos-read@ousd.k12.ca.us

Attachment J

Public Charter Schools Grant Program



Home / Specialized Programs / Charter Schools / Resources

Public Charter Schools Grant Program

Information on the current cycle of the California Public Charter Schools Grant Program (PCSGP).

The PCSGP is a subgrant program funded by the federal [Charter Schools Program \(CSP\)](#) [<http://www2.ed.gov/programs/charter/index.html>]

PCSGP 2010-15 Grant Cycle

The PCSGP 2010-15 funds planning and implementation (P/I) and dissemination grants. The P/I grant provide grants of up to \$575,000.00 to plan and implement new charter schools. It serves California's public charter schools by providing startup and initial operating capital to assist schools in establishing high quality, high performing charter school operations for California students and their families. The dissemination grant provides grants to charter schools to disseminate best practices likely to significantly improve academic achievement in California's K-12 public education system.

[Forms and Resources](#) | [2016-17](#) | [2015-16](#) | [2014-15](#) | [2013-14](#) | [2012-13](#) | [2011-12](#) | [2010-11](#)

2016-17

[PCSGP Planning and Implementation Grant for Fiscal Year 2016-17](#) [<http://www.cde.ca.gov/fg/fo/profile.asp?id=3954>]

Access to application materials and pertinent information about the PCSGP Planning and Implementation Grant.

[PCSGP Planning and Implementation Grant Request for Applications page for Fiscal Year 2016-17](#) [<http://www.cde.ca.gov/fg/fo/r1/pcsgp16rfa.asp>]

Access to application materials and pertinent information about the PCSGP Planning and Implementation Grant.

PCSGP Administration, Support, & Resources

[Payment Schedules](#) [<http://staging.cde.ca.gov/sp/cs/as/payschedules.asp>]

A list of payment schedules for FY 2013-14, FY 2014-15, and FY 2015-16 as of 10/16/15. The list will be updated as additional information is available.

[Grant Results - PCSGP](#) [<http://www.cde.ca.gov/sp/cs/as/grantrecipients.asp>]

Information related to historic and current PCSGP grant cycle funding results.

[PCSGP Webinars](#) [<http://www.cde.ca.gov/sp/cs/re/pcsgpwebinars.asp>]

Training sessions conducted by Charter Schools Division staff on the Public Charter Schools Grant Program.

[PCSGP Resources](#) [<http://www.cde.ca.gov/sp/cs/as/grantinfo.asp>]

Information related to competing for a California PCSGP award, and active PCSGP dissemination grant projects serving charter and traditional public schools. Also included is a link to the schedule of payments made by fiscal year.

Regional Program Consultant Assignments [<http://www.cde.ca.gov/sp/cs/as/pcsgpreions.asp>] | PDF [<http://www.cde.ca.gov/sp/cs/as/documents/pcsgpreionassignments.pdf>]

A listing of the Education Programs Consultant assigned to a specific region with contact information.

Quarterly Expenditure Report (QER) [<http://www.cde.ca.gov/sp/cs/re/documents/pcsgpqr.xls>] (XLS)
PCSGP sub-grantees use this to report quarterly and annual expenditures, email documents to PCSGPgeneral@cde.ca.gov.

Allowable Expenses [<http://www.cde.ca.gov/sp/cs/as/csexpenses.asp>]
PCSGP allowable expenses.

Budget Revision Request Form [<http://www.cde.ca.gov/sp/cs/re/documents/pcsgpbrrf.doc>] (DOC)
Sub-grantees use this to request changes to approved budget amounts when reporting expenditures of 110% or more of their approved budget amount.

Quarter 1: July - September (Due date: October 31)

Quarter 2: October - December (Due date: January 31)

Quarter 3: January - March (Due date: April 30)

Quarter 4: April - June (Due date: July 31)

2015-16

PCSGP Planning and Implementation Grant for Fiscal Year 2015-16 Round 2

[<http://www.cde.ca.gov/fg/fo/profile.asp?id=3845>]

Access to application materials and pertinent information about the PCSGP Planning and Implementation Grant.

PCSGP Planning and Implementation Grant for Fiscal Year 2015-16 [<http://www.cde.ca.gov/fg/fo/profile.asp?id=3819>]

Access to application materials and pertinent information about the PCSGP Planning and Implementation Grant.

2014-15

PCSGP Planning and Implementation Grant for Fiscal Year 2014-15 (Round 2)

[<http://www.cde.ca.gov/fg/fo/profile.asp?id=3714>]

Access to application materials and pertinent information about the PCSGP Planning and Implementation Grant (Round 2).

PCSGP Planning and Implementation Grant for Fiscal Year 2014-15 [<http://www.cde.ca.gov/fg/fo/profile.asp?id=3591>]

Access to application materials and pertinent information about the PCSGP Planning and Implementation Grant.

Summer 2014 Newsletter [<http://www.cde.ca.gov/sp/cs/re/documents/s14pcsgpnewsletter.pdf>] (PDF)

Accessible Alternative Version of Summer 2014 Newsletter

[<http://www.cde.ca.gov/sp/cs/re/summer14pcsgpnews.asp>]

2013-14

2013-14 Applicant Status [<http://www.cde.ca.gov/sp/cs/re/documents/appstatus2013.xls>] (XLS)

Status update of all Public Charter Schools Grant Program Planning and Implementation Grant applicants for the 2013-14 Fiscal Year.

PCSGP Planning and Implementation Grant for Fiscal Year 2013-14 (Round 2)

[<http://www.cde.ca.gov/fg/fo/profile.asp?id=3520>]

Access to application materials and pertinent information about the PCSGP Planning and Implementation Grant (Round 2).

PCSGP Dissemination Grant Request for Applications (RFA) 2013-14 [<http://www.cde.ca.gov/fg/fo/profile.asp?id=3508>]

Access to application materials and pertinent information about the PCSGP Dissemination Grant.

PCSGP Planning and Implementation Grant for Fiscal Year 2013-14 [<http://www.cde.ca.gov/fg/fo/profile.asp?id=3464>]

Access to application materials and pertinent information about the PCSGP Planning and Implementation Grant.

2012-13

2012-13 PCSGP Dissemination Grant Request for Applications (RFA) [<http://www.cde.ca.gov/fg/fo/profile.asp?id=2354>]

Access to application materials and pertinent information about the PCSGP Dissemination Grant.

2012-13 PCSGP P/I Grant RFA [<http://www.cde.ca.gov/fg/fo/profile.asp?id=2066>]

Access to application materials and pertinent information about the PCSGP P/I Grant.

2011-12

2011-12 PCSGP Request for Applications (RFA) [<http://www.cde.ca.gov/fg/fo/profile.asp?id=2025>]

Access to application materials and pertinent information about the Public Charter Schools Grant Program.

2010-11

2010-11 PCSGP Request for Applications (RFA) [<http://www.cde.ca.gov/fg/fo/profile.asp?id=1910>]

Access to application materials and pertinent information about the Public Charter Schools Grant Program.

Questions: PCSGP General | PCSGPGeneral@cde.ca.gov | 916-322-6029

Last Reviewed: Monday, August 22, 2016

Attachment K

Change of School Location/New School Facility Application



Material Revision
Change of School Location/New School Facility Application

| | |
|--------------------------------|--|
| Name of School | |
| Grades Served | |
| Current Address | |
| New Address | |
| Proposed Occupancy Date | |

Please note, schools in Year 1 of operation do not need to submit a Material Revision but will need to meet/submit the requirements as listed.

Material Revision Summary

In 2-pages or less, please describe the following:

- 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

District Required Language

Please include the following language within the material revision of the "Facilities Plan" portion of the charter petition. Please submit a redlined version AND final version of the material revision pertinent to the "Facilities Plan" only.

"[INSERT SCHOOL NAME] shall occupy facilities that comply with the Asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan."



OFFICE OF CHARTER SCHOOLS

"If [INSERT SCHOOL NAME] fails to submit a certificate of occupancy or other valid documentation to the District verifying that the intended facility in which the school will operate complies with Education Code Section 47610, not less than 30 days before the school is scheduled to begin operation pursuant to the first year of this renewal term, it may not commence operations unless an exception is made by the Office of Charter Schools and/or the local planning department or equivalent agency. If [INSERT SCHOOL NAME] moves or expands to another facility during the term of this charter, [INSERT SCHOOL NAME] shall provide a certificate of occupancy or other valid documentation to the District verifying that the intended facility in which the school will operate complies with Education Code Section 47610, to the District for each facility at least 30 days before school is scheduled to begin operations in the facility or facilities. [INSERT SCHOOL NAME] shall not begin operation in any location for which it has failed to timely provide a certificate of occupancy to the District, unless an exception is made by the Office of Charter Schools and/or the local planning department or equivalent agency. Notwithstanding any language to the contrary in this charter, the interpretation, application, and enforcement of this provision are not subject to the Dispute Resolution Process."

[INSERT SCHOOL NAME] will provide the following evidence that the facility complies with the following legal requirements prior to occupying the property:

- Zoning: The location of the school meets local zoning requirements.
- Building Code: Each building on the site meets applicable building code requirements.
- The charter school has considered and met all requirements of the California Environmental Quality Act (i.e. proof of Environmental Review).
- The proposed site has adequate classroom space, non-classroom space and specialized teaching space for the enrollment levels to be housed at the site.
- Compliance with California Department of Education regulations regarding safety factors for school site, including proximity to airports, high-voltage power lines, hazardous air emissions, railroads, high-pressure natural gas lines, gasoline lines, pressurized sewer lines and other high-pressure water pipelines, propane tanks, noise, major roadways, geological studies and soils analysis, traffic safety, and safe routes to the school.

[INSERT SCHOOL NAME] will schedule a walk-through of the new facility with the Office of Charter Schools to take place at last two weeks in advance of the proposed date of student occupancy. The following check-list items will be fulfilled (see next page).



Pre-Opening Site Walkthrough Checklist

This tool is intended to be used by the Office of Charter Schools and charter schools who are moving into a facility for the first time, to ensure that the facility is appropriate for the educational program of the school and the health and safety of the students.

- ✚ It is the expectation of the Office of Charter Schools to conduct a pre-opening site walk-through within two weeks prior to the first day of school.
- ✚ Any issues or concerns which surface during the course of the walkthrough that require official notice to the school, will receive a separate letter from the Office of Charter Schools to that affect.
- ✚ Otherwise, information noted in this document is intended to provide guidance and support to schools prior to opening.

School Name: _____ Contact: _____

Location: _____

Date of Walkthrough: _____

Participants: _____

| General Considerations | | Comments |
|---|--|----------|
| Facilities are sufficient to accommodate estimated student enrollment and to carry out the curricular and instruction program envisioned in the charter. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Site has adequate space for the support services the school intends to provide to its students (i.e. nurse, counselors, tutors, after-school programs, etc.). | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Facilities include cafeteria or other suitable space for students to eat meals. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Building placement is compatible (i.e. music room is not next to library). | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Facilities are generally conducive to a learning environment. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |



| General Considerations | | Comments |
|---|--|--|
| Site is away from freeways, railways, flight patterns, excessive noise, obnoxious odors, toxic conditions, electromagnetic fields, earthquake faults, flood zones. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Site has good access and dispersal roads. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Site has separate bus loading, parking areas, and parent drop off areas. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Facilities operation permits and certificates, including evidence of inspection by a structural engineer, fire marshal and occupancy certificates, zoning variances, building permits, etc. have been secured. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Facilities are sufficient to accommodate the administrative and business functions, including the storage of student and other records, reports, and documents. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Facilities meet requirements of the Americans with Disabilities Act, including (1) accessible routes from outside the school to the entry and from the school entry to all other buildings, and (2) stairs, ramps, toilets and signage that meet accessibility standards. * | <input type="checkbox"/> Yes <input type="checkbox"/> No | <i>* Likely to be met as a result of CO issuance</i> |
| Site and facilities are situated to minimize student contact with adults who do not have appropriate clearances as required by <i>Education Code Section 44237</i> . | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Relocatable facilities are single story and meet local seismic safety requirements. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Site has appropriate security (i.e. fencing, adequate lighting, alarms, etc.). | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Facilities are clean, sanitary, and free from conditions that would create a fire, or other hazard. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

| Building Exterior | | Comments |
|--|--|----------|
| | | |
| Facilities are generally free of chipped paint, cracked floors, uneven surfaces, mold and evidence of leaks. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |



OFFICE OF CHARTER SCHOOLS

| Building Exterior | | Comments |
|---|--|-----------------|
| Sidewalks, driveways, and outdoor play areas are relatively free of cracks and uneven surfaces, and are good repair. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Perimeter fences are installed as necessary and are in good repair. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Graffiti or other signs of vandalism to the building are absent. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| School exterior needs minimal cosmetic repairs, painting, or additional lighting. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Windows and doors are intact and in good repair. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Exterior stairs or handrails are in good repair. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Exits to buildings are free of obstructions. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Signage is adequate for traffic flow and for directions to school offices. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Trees and vegetation provide a clear view of the school; places to hide or to gain authorized access to the building are minimized. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| School site is substantially free of litter and clutter. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

| Interior Entrances, Corridors, and Stairs | | Comments |
|---|--|--|
| | | |
| Heating and ventilation systems are adequate for the size of the building and numbers of students. * | <input type="checkbox"/> Yes <input type="checkbox"/> No | <i>* Likely to be met as a result of CO Issuance</i> |
| Electrical system has no major code violations. * | <input type="checkbox"/> Yes <input type="checkbox"/> No | <i>* Likely to be met as a result of CO issuance</i> |
| Fire alarm system meets applicable local life safety codes; appropriate fire extinguishers exist in the building(s) and inspections are up to date. * | <input type="checkbox"/> Yes <input type="checkbox"/> No | <i>* Likely to be met as a result of CO issuance</i> |
| Restrooms are conveniently located and accessible to students; toilets are clean and operable. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Bracing of overhead light fixtures, heating and air conditioning vents, etc. comply with local ordinances. * | <input type="checkbox"/> Yes <input type="checkbox"/> No | <i>* Likely to be met as a result of CO issuance</i> |



| Interior Entrances, Corridors, and Stairs | | Comments |
|---|--|-----------------|
| Lighting, including night time lighting, is sufficient for the educational activities being conducted at the site. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Floors, walls, and ceilings are clean; ceiling tiles are all intact. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Halls and stairs are adequately lighted. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Exit doors, including emergency exits, are free of clutter and readily accessible; doors are secure to prevent intruders into the building. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Interior is free of other hazards that could endanger student safety. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

| Classrooms | | Comments |
|--|--|-----------------|
| Classroom size and layout are related to functions that will be performed in them (i.e. science and computer laboratories, special education, locker rooms, gyms, etc.). | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Desks, tables, and chairs are in good repair. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Space is provided to secure computers and other expensive electronic devices. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Bookcases, racks, fixtures, etc. are adequately anchored to adjacent structures. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Gas, electrical, and water outlets and appliances are in good repair. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Classrooms have adequate lighting. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Classrooms are visible to teachers at all times; classroom layout is conducive to quick evacuation. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

| Additional Comments |
|----------------------------|
| |



Facilities Plan Material Revision
Submission Process

The charter school shall submit **three (3) hard copies** and **one (1) electronic copy** of the following documents at a regularly scheduled board meeting:

- completed application
- material revision summary (2 pages or less)
- redlined **AND final** version of the "Facilities Plan" portion of the petition **ONLY**; to include the "Required Text and Assurances" listed in the application, as well as taking into consideration the elements of evaluation (see evaluation tool below).

Within 30 days of the material revision being submitted, a public hearing will be scheduled where a school representative will make a brief presentation to the OUSD Board of Education (BOE). Within 60 days of the material revision being submitted, a decision will be made by the OUSD BOE at a regularly scheduled board meeting.

Facilities Plan Evaluation Tool

Non-district facility

A description of the plan for using a non-district facility excels if it has the following characteristics:

- Informed assessment of school's facility needs;
- Estimated costs for facility based on research and evidence;
- Adequate budget for facility costs including renovation, rent, maintenance and utilities;
- Identified funding sources for facility; and
- An assurance of legal compliance (CA Environmental Quality Act, health and safety, ADA, and applicable building codes);

If the school site location has yet to be determined, please include the following additional information:

- A description of potential sites including location, size and resources;
- Informed analysis of the viability of potential sites; and
- A schedule for securing a facility including the person responsible for implementation

Facility Plan:

| Inadequate | Approaches | Meets | Excels |
|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |