



TO: Board of Education

Legislative File

File ID No.:

FROM: Antwan Wilson, Superintendent

Introduction Date:

Silke Bradford, Ed.D., Director-Quality Diverse Providers

Enactment No.: \_\_\_\_\_

Enactment Date: \_\_\_\_\_

By: \_\_\_\_\_

DATE: December 14, 2016

RE: Aurum Preparatory Academy Charter School Petition Request

**ACTION REQUESTED:**

**Recommendation:**

**Deny** the petition and charter to establish Aurum Preparatory Academy Charter School. The petition presents an **unsound** educational program; the petitioners are demonstrably **unlikely** to successfully implement the program set forth in the petition; and the petition **does not contain** reasonably comprehensive descriptions of all of the 15 elements required by the California Charter Schools Act.

**School Overview:**

Aurum Preparatory Academy Charter School (“Aurum” or the “Charter School”) proposes to open in Fall 2017 in East Oakland. The school claims that they would serve approximately 132 6<sup>th</sup> grade students in Year 1 of operation, growing to full capacity in 2019-2020 serving 396 students in grades 6<sup>th</sup>-8<sup>th</sup>.

**Overview of Recommendation:**

On October 26, 2016, Oakland Unified School District (“OUSD”) received a second submission of a new charter petition request from Aurum Preparatory Academy Charter School. After a thorough review of the petition and assessment of petitioner capacity, Staff recommends that the OUSD Board of Education **deny** the petition for Aurum Preparatory Academy Charter School. The petition presents an **unsound** educational program; the petitioners are demonstrably **unlikely** to successfully implement the program set forth in the petition; and the petition **does not contain** reasonably comprehensive descriptions of all of the 15 elements required by the California Charter Schools Act.

### **Rationale for Recommendation**

Staff conducted an evaluation of the petition pursuant to the Charter Schools Act. During the two petition review processes, staff conducted a set of petitioner interviews in an effort to clarify various aspects of the petition, as well as to evaluate the capacity of the petitioners to successfully implement the program as set forth in the petition. Based on these evaluations, Staff has determined that the petition presents an **unsound** educational program; the petitioners are demonstrably **unlikely** to successfully implement the program set forth in the petition; and the petition **does not contain** reasonably comprehensive descriptions of all of the 15 elements required by the California Charter Schools Act.

The factual findings in this report demonstrate that the petition meets the following conditions for denial of Education Code § 47605:

- (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 the 15 required charter elements.*

## CHARTER PETITION EVALUATION OVERVIEW

Oakland Unified School District

<b>School Name:</b> Aurum Preparatory Academy Charter	<b>2<sup>nd</sup> Submission Date:</b> October 26, 2016
<b>Lead Petitioner:</b> David Hardin	<b>Public Hearing Date:</b> November 15, 2016
<b>Petitioner Interview Date:</b> October 12, 2016	<b>Decision Date:</b> December 14, 2016
<b>Governing Board Interview Date:</b> October 12, 2016	
<b>Proposed location of school</b>	East Oakland
<b>Composition of petitioner group</b>	Building Excellent Schools (BES) Fellow/Oakland Community Members
<b>Grade levels to be served in year 1</b>	6 <sup>th</sup>
<b>Anticipated enrollment in year 1</b>	132
<b>Grade levels to be served at full-capacity</b>	6 <sup>th</sup> – 8 <sup>th</sup>
<b>Anticipated enrollment at full capacity</b>	396 (2019-2020)
<b>Target student population</b>	“Our target community is centered around the intersection of 96th Avenue and Bancroft Avenue in deep East Oakland, reaching five primary neighborhoods (Cox, Webster, Ivywood, Foothill Square, and the Elmhurst community) and focusing on zip codes 94603, 94605, and 94621 in District 7.” (p. 2)

### **Brief description of the kind of school to be chartered.**

“For Aurum Prep to accomplish its mission and for all young people in Oakland to have access to the fullest promise of our democracy, we believe that the following elements are needed.

- 1. A rigorous and engaging academic program.** We believe that ALL of the students in Oakland can reach high levels of academic success. We will ensure that our rigorous, standards-based curriculum is engaging through our commitment to design thinking, culturally responsive pedagogy, and restorative justice practices.
- 2. Relentlessly high expectations and support for all stakeholders.** We do not believe that socioeconomic status is the determinant of a students’ ability to achieve academically or their ability to be moral leaders. We will be relentless in the pursuit of excellence and will go above and beyond in providing support in order to achieve our mission.
- 3. Development of character and identity.** At Aurum Prep we recognize that character development can’t be divorced from the development of identity. We explicitly teach, honor, and celebrate demonstration of our FIRST values, supporting students and releasing autonomy as they mature over time.
- 4. Involved and engaged families and community partners.** We value the assets in the Oakland community and the critical role they play in shaping the school. We communicate with families frequently and proactively in support of the dreams they have for their children and we work together to realize those dreams.
- 5. A professional environment that nurtures continuous growth and excellence.** Our staff will possess strong content knowledge, a hunger to continuously grow, an ability to graciously receive feedback and implement it with fidelity, and an unyielding optimism about and unwavering belief in our students’ abilities.” (p. vi)

### **Brief explanation of the mission of proposed charter school.**

“Through rigorous instruction and positive character education, Aurum Preparatory Academy Charter School educates all of its students to succeed in high school, college, and life and to serve as the next generation of moral leaders.” (p. viii)

### **Planning to work with a charter management organization (CMO)**

Yes  No  If Yes, Name of CMO:

## SIGNATURE VERIFICATION

### Signature Verification: First Submission

**EC 47605(a)(3)** *A petition shall include a prominent statement that a signature on the petition means that the parent or guardian is meaningfully interested in having his or her child, or ward, attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school.*

*The proposed charter shall be attached to the petition.*

	Y	N	PG #
Parents / Guardians			Appendix J
<input type="radio"/> # aligned with proposed opening enrollment <input type="radio"/> Prominent statement	X	X	
Teachers			Appendix M
<input type="radio"/> # aligned with proposed opening enrollment <input type="radio"/> Prominent statement		X X	

### Signature Verification: Second Submission

**EC 47605(a)(3)** *A petition shall include a prominent statement that a signature on the petition means that the parent or guardian is meaningfully interested in having his or her child, or ward, attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school.*

*The proposed charter shall be attached to the petition.*

	Y	N	PG #
Parents / Guardians			Appendix J
<input type="radio"/> # aligned with proposed opening enrollment <input type="radio"/> Prominent statement	X	X	
X Teachers			Appendix K
<input type="radio"/> # aligned with proposed opening enrollment <input type="radio"/> Prominent statement	X X		

## FIFTEEN ELEMENTS TABLE

Statutory Reference: E.C. §§ 47605(b) (5) (A) to (P).

The Charter Schools Act requires authorizers to evaluate whether the petitioners have presented a “reasonably comprehensive” description of the 15 elements related to a school’s operation.

<b>Element</b>	<b>Evaluation Reference</b>	<b>Inadequate</b>	<b>Reasonably Comprehensive</b>	<b>Statutory Reference</b>
Description of the educational program of the school, including what it means to be an “educated person” in the 21 <sup>st</sup> century and how learning best occurs.	<i>Section I, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<i>Section I, G</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<i>Section I, H</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(C)
Governance structure	<i>Section II, A</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section II, C</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section II, B</i>	X	<input type="checkbox"/>	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section II, D</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(J)
Manner for covering STRS, PERS, or Social Security	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(K)

Attendance alternatives for pupils residing within the district	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(L)
Employee rights of return, if any	<i>Section II, C</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(M)
Dispute resolution procedure for school-authorizer issues	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(N)
Procedures for school closure	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(b)(5)(P)
Facilities to be utilized by school	<i>Section II, E</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Manner in which administrative services are to be provided	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Potential civil liability effects	<i>Section II, B</i>	<input type="checkbox"/>	X	E.C. § 47605(g)
Proposed first year operational budget	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(g)
Cash flow and financial projections for 3 years	<i>Section II, D</i>	X	<input type="checkbox"/>	E.C. § 47605(g)

**CHARTER PETITION EVALUATION FINDINGS**  
**Capacity**

<b>Area Lacking Capacity</b>	<b>Analysis</b>	<b>Inadequate Element(s)</b>
Recruitment and Enrollment	<p>The petition lacks a clear and compelling student recruitment plan likely to attract projected enrollment, particularly as it relates to the African American student population.</p> <ul style="list-style-type: none"> <li>- The 1<sup>st</sup> and 2<sup>nd</sup> submissions of the petition only contained 28 and 41 respectively, valid signatures of meaningfully interested families that are eligible to enroll a student as a 6<sup>th</sup> grader at the time of the proposed program opening in Fall 2017.</li> <li>- Aurum’s Prop 39 application submitted November 1<sup>st</sup> lists 97 6<sup>th</sup> grade students that intend to enroll. This is well below the 132 students stated in the petition on p.3.</li> <li>- Furthermore, of the 97 forms submitted, only 58 were found to be valid/complete.</li> <li>- As recent as 2015-16, Youth Uprising opened a new middle school that closed by the end of the first year. Having a very strong community presence in East Oakland of close to 20 years, as opposed to Aurum’s one year, Youth Uprising (CCTS) was only able to enroll 30 6<sup>th</sup> graders. Aurum’s 58 valid intent to enroll signatures submitted November 1<sup>st</sup>, is almost double what CCTS was actually able to recruit. This is notably far less than the 132 students that the Aurum petition proposes to serve and that the budget assumptions are incorrectly based on.</li> <li>- During the public hearing, and in the petition, claims were made regarding the proposed school being able to increase the numbers of students that would have otherwise left the district. There is no data supporting this claim, especially considering the very low number of meaningfully interested family signatures/intents to enroll forms with students that are actually eligible to attend the proposed school in Year 1.</li> </ul>	<p>Means to Achieving Racial and Ethnic Balance</p> <p>Proposed First Year Operational Budget</p> <p>Cash Flow and Financial Projections for 3 Years</p>



<b>Area Lacking Capacity</b>	<b>Analysis</b>	<b>Inadequate Element(s)</b>
Leadership	<p>The petitioners lack the experience and capacity to establish and operate the proposed school.</p> <ul style="list-style-type: none"> <li>- The proposed leader/founder has only taught for a total of two years. To propose to serve one of the most underserved student populations in the city of Oakland requires a proven track record of leading a school that has resulted in verifiable and increased outcomes for a similar student population.</li> <li>- When the proposed Aurum governing board was asked what they would look for in an Executive Director for the school, if they did not already have one identified, they said someone that "...has a proven track record and who is experienced in specifically education...leading a school." The proposed founder/leader does not have this fundamental qualification as identified by the proposed governing board. The governing board also listed a "...MBA or Masters in Education..." as a desirable qualification and the proposed leader has neither.</li> <li>- The proposed leader's experience in leading Teach For America (TFA) corps members is also insufficient experience as it pertains to establishing a new school's systems/academic program, as well as leading a team of the meaningfully interested experienced teachers. Leading TFA Corps members that often have no teaching experience, and did not study education, is very different than establishing and leading a highly effective school serving an underserved target population as described.</li> <li>- The description of the SELPA membership in the petition is one that does not exist, and shows a lack of knowledge related to California's SELPA membership expectations, rendering of services, and finance structure.</li> </ul>	<p>Qualifications to be Met by Individuals Employed at the School</p>

<b>Area Lacking Capacity</b>	<b>Analysis</b>	<b>Inadequate Element(s)</b>
Finances	<p>The petition still lists the PCSGP (charter start-up grant) as an assumed revenue even though the Aurum submission was made on October 26, 2016 to the OUSD BOE, thus missing the due date.</p> <ul style="list-style-type: none"> <li>- The <a href="#">PCSGP grant Request for Applications 2016-17</a> (pg. 4) includes a timeline of requirements. The website states the following: "Note: applicants that do not yet have an approved charter by an authorizing agency must submit the charter petition by this date (Sept. 23, 2016) to their authorizing agency."</li> </ul>	<p>Proposed First Year Operational Budget</p> <p>Cash Flow and Financial Projections for 3 Years</p>

**CHARTER PETITION EVALUATION FINDINGS**  
**Education Program**

<b>Unsound Education Program</b>	<b>Analysis</b>	<b>Inadequate Element(s)</b>
Target Population	<ul style="list-style-type: none"> <li>- The proposed education program was designed for a target student population that is reflective of five neighborhoods in East Oakland; amounting to approximately 40% African American using an average of the figures the petitioners presented on p. 2.</li> <li>- The Aurum Prop 39 application contained a later set (from 10/24-10/31) of valid intent to enroll signatures, with over half coming from Youth Uprising’s Castlemont Community Transformation Schools (CCTS) newest board member’s schools (Education for Change). The lead petitioner of Aurum also works for CCTS as expressed during the last two public hearings.</li> <li>- The majority of valid signatures secured, notably well after the petition’s education program was designed/submitted, are from Learning Without Limits and Cox Academy students. These schools’ demographics do not reflect the 40% African American target population as described in the petition. Cox and LWL only have 18% African American populations, and this underrepresentation also seems to be evident in the signatures submitted.</li> </ul>	<p style="text-align: center;">Means to Achieving Racial and Ethnic Balance</p> <p style="text-align: center;">Description of Education Program</p>
Programs for English Learners	<ul style="list-style-type: none"> <li>- Considering what may be a large EL population based on the demographics of interested students listed/schools they are currently enrolled in, there is insufficient consideration in the petition given to both: 1) ongoing (not just the annual CELDT) assessments of language acquisition, and 2) the delivery of English Language Development to students.</li> </ul>	<p style="text-align: center;">Description of Education Program</p>

Scheduling and Staffing	<ul style="list-style-type: none"> <li>- The petition lacks evidence demonstrating how the resources, daily schedule, and particularly teacher staffing, will support effective implementation of the education program as described.</li> <li>- The claim that students would not be moving from class to class was determined to not be an accurate portrayal after review of the petition’s course options and petitioner interview answers.</li> <li>- Students not moving would only be possible if tracking was used and students remained with the same group of students throughout the day. To the contrary the petition states that courses will be individualized (regular/intensive/accelerated), advisory classes may loop, and students would be choosing between electives (i.e. Vapa or Design Thinking).</li> </ul>	Description of Education Program
Measuring Pupil Progress	<ul style="list-style-type: none"> <li>- The Measurable Pupil Outcomes and State Priority goal performance targets do not align (between and within) and reference four year targets for reclassification, when the school only serves students for three years (6<sup>th</sup>-8<sup>th</sup>).</li> <li>- Other errors were corrected by the petitioner as a result of feedback given by staff during the first submission interview.</li> <li>- Underdeveloped implementation plan and understanding of data systems/platforms to support rigorous data analysis.</li> </ul>	Measurable Pupil Outcomes
Innovative Aspects of Education Program	<ul style="list-style-type: none"> <li>- Though design thinking is mentioned multiple times in the petition, the petitioner interview answers and course descriptions do not adequately exhibit how design thinking will be authentically integrated across the entire education program, as opposed to being isolated to a single course. Upon further questioning, the choice would be between VAPA and Design Thinking, so neither enrichment areas would be provided across the school/education program.</li> </ul>	Description of Education Program



**RESOLUTION OF THE GOVERNING BOARD  
OF THE OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 1617-0007**

**DENYING CHARTER PETITION OF AURUM PREPARATORY ACADEMY CHARTER SCHOOL  
AND WRITTEN FINDINGS OF SUPPORT THEREOF**

**WHEREAS**, by enacting the Charter Schools Act (Ed. Code §§ 47600, *et seq.*), the Legislature has declared its intent to provide opportunities to teachers, parents, pupils and community members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein; and

**WHEREAS**, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged, and that charter schools are part of and under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools; and

**WHEREAS**, although charter schools are exempt from many of the laws governing school districts, in return for that flexibility they are accountable for complying with the terms of their charters and applicable law; and

**WHEREAS**, Education Code Section 47605(b) charges school district governing boards with the responsibility of reviewing charter petitions to determine whether they meet the legal requirements for a successful charter petition; and

**WHEREAS**, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in education Code Section 47605(b)(5)(A)-(P), as well as the affirmations and other requirements set forth in Education Code Section 47605; and

**WHEREAS**, Title 5, Section 11967.5 of the California Code of Regulations (“Regulations”) contains the State Board of Education’s adopted criteria for the required elements for a charter petition as set forth in Education Code Section 47605(b) and although these criteria for the State Board of Education’s use in reviewing charter petitions are not binding on school districts they may provide instructive guidelines for school districts’ review of charter petitions; and

**WHEREAS**, a governing board may deny a petition for a charter school if it makes written findings to support any of the following under Education Code Section 47605(b): (1) *The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*

- *The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*
- *The petition does not contain the number of signatures required.*

- *The petition does not contain an affirmation of each of the conditions described in Education Code §47605(d).*
- *The petition does not contain reasonably comprehensive descriptions of the 15 required charter elements.*
- *The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.*

**WHEREAS**, on or about October 26, 2016 the District received a second petition submission for a charter for AURUM PREPARATORY ACADEMY CHARTER SCHOOL (“Petition”), a public charter school serving grades 6-8 with a proposed enrollment of 132 students in grades 6 in its initial year of operation (2017-2018); and

**WHEREAS**, on or about November 15, 2016, the Board held a public hearing on the renewal petition as required by Education Code Section 47605(b); and

**WHEREAS**, the Board of Education, under Education Code Section 47605(b), is obligated to take action to grant or deny the renewal petition within 60 days of submission, unless Petitioner agrees to an extension of up to 30 days;

**NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED** by the Governing Board of the Oakland Unified School District that the charter petition be DENIED because as provided in Education Code Section 47605(b)(1) and (2), AURUM PREPARATORY ACADEMY CHARTER SCHOOL presents an unsound educational program for the pupils enrolled in the charter school, is demonstrably unlikely to successfully implement the program set forth in the petition, and does not contain reasonably comprehensive descriptions of all of the criteria set forth in Education Code Section 47605(b)(5)(A)-(Q). The specific findings supporting the decision are enumerated in the Charter Petition Evaluation prepared by the District staff, with some key findings summarized below:

- Lack of leadership capacity to implement the proposed program
- Lack of evidence showing that the petitioners will meet the enrollment number targets as outlined in the petition
- Lack of evidence, or reasonably comprehensive plan, that petitioners will achieve the racial and ethnic makeup of the target population described in the petition
- Lack of an adequate master schedule, staffing plan, and professional support needed for implementation of the education program as described
- Insufficient description of delivery of ELD and on-going assessments to meet the instructional needs of English Learners

**THE BOARD HEREBY FINDS** that AURUM PREPARATORY ACADEMY CHARTER SCHOOL has not met the requirements of Education Code Section 47605(b) in that:

(1) The Petition presents an unsound educational program for the pupils to be enrolled in the Charter School; and

(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 criteria set forth in Education Code Section 47605(b)(5)(A)-(P).

The Board is therefore compelled to deny the Petition under the provisions of the Charter Schools Act. The Petition is hereby denied.

**PASSED AND ADOPTED** on December 14, 2016, by the Governing Board of the Oakland Unified School District by the following vote:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENCES:**

I declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.

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Antwan Wilson  
Secretary of the Governing Board  
Oakland Unified School District