

Any member of the public may comment on agenda items, as each item is presented. Individuals wishing to address the Board need to complete a Speaker Card located at the entrance to the meeting room and provide it to the recording secretary prior to the start of the meeting. Speakers are asked to limit their comments to two minutes each, and the Board President may limit the amount of discussion time for any one agenda item.

ALAMEDA COUNTY BOARD OF EDUCATION

AGENDA : VOL. XXXI, NO. 13

CLOSED SESSION: Pending Litigation - 6:00 PM

OPEN SESSION: Regular Meeting: May 9, 2017 - 6:30 PM

CLOSED SESSION: Interdistrict Transfer Appeals - 7:30 PM

MEETING LOCATION :

313 W. Winton Avenue
Hayward, CA 94544
510-887-0152
www.acoe.org

MISSION STATEMENT:

Provide, promote and support leadership and service to ensure the success of Every Child...in Every School... Every Day!

CALL TO ORDER:

ROLL CALL:

SALUTE TO THE FLAG: Pledge of Allegiance

RECORDING STATEMENT: **This meeting is being recorded and/or broadcast at the direction of the Board.**

RECESS TO CLOSED SESSION

1. Conference with Legal Counsel - Anticipated Litigation	Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: (1 case).	INFORMATION/ ACTION
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RECONVENE TO OPEN SESSION

2. Report from President on closed session	Pres. McDonald will report out on any actions taken in closed session.	INFORMATION
3. Distinguished Alumni Award: Rick Baptist	The Board will present Rick Baptist with the Distinguished Alumni Award.	INFORMATION
4. Recognition of ACOE Personnel	Superintendent Monroe will report to the Board ACOE labor related events and announce the ACOE teacher and employee of the year.	INFORMATION

- Employee Recognition May 3, 2017
- Teacher Appreciation Week was May 1 - 5, 2017
- ACTA Teacher of the Year: Veronica Aguilar
- Classified School Employee Week is May 21 - 27, 2017
- CSEA Employee of the Year: Forrest Bloxham

5. Consent Agenda – General Matters:

- | | | | |
|----|---|---|---------------------|
| A. | Minutes of the March 14, 2017 Board Meeting | Board will consider approval of the Minutes from the March 14, 2017 Board Meeting. | ACTION |
| B. | Resolution: National Internet Safety Month (June) | Board will consider approval of Resolution No. 2083: National Internet Safety Month - June | ACTION |
| C. | Resolution: Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month (June) | Board will consider approval of Resolution No. 2084: Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month - June | ACTION |
| D. | Williams Uniform Quarterly Report for January - March 2017 | | INFORMATION/ ACTION |
| E. | Temporary County Certificates | Education codes 44332 and 44332.5 authorizes the issuance of Temporary County Certificates and the payment of warrants to individuals who hold a TCC. | |

6. Public Comments

Only on items not listed on the agenda.
 This part of the meeting provides an opportunity for the public to address the Board of Education on items that are not listed on the Agenda. Comments are welcome; however, the Board cannot comment on any item that is not agendaized. Individuals wishing to address the Board need to complete a Speaker Card located at the entrance to the meeting room and provide it to the recording secretary prior to the start of the meeting. Speakers are asked to limit their comments to two minutes each, and the Board President may limit the amount of comment and discussion time.

- | | | | |
|----|--|---|---------------------|
| 7. | Determination Hearing - Aurum Preparatory Academy Charter Petition Appeal | Determination Hearing for the Charter Petition Appeal of Aurum Preparatory Academy. | INFORMATION/ ACTION |
|----|--|---|---------------------|

- | | | | |
|----|--|---|---------------------|
| 8. | Determination Hearing - ACOE Opportunity Charter Petition | Determination Hearing for the Charter Petition of ACOE Opportunity Charter. | INFORMATION/ ACTION |
|----|--|---|---------------------|

- | | | | |
|----|--------------------------------|---|---------------------|
| 9. | Board Committee Updates | <u>Policy and Legislation Committee Report</u>
<ul style="list-style-type: none"> • The Board will review and consider taking action on the following Board Policies for SECOND READING:
 -BP 4040 Employee Use of Technology | INFORMATION/ ACTION |
|----|--------------------------------|---|---------------------|

-BB 9324 Minutes and Recordings

- The Board will review and consider taking action on the following Board Policies for FIRST READING:

-BB 9320: Meetings and Notices

- The Board will review and consider taking a position on the following State legislation:

-AB 1224: Charter Schools:

Chartering Authority Pilot Program

-AB 1360: Charter Schools: Pupils Admissions, Suspensions, and Expulsions

RECESS TO CLOSED SESSION

- | | | |
|---------------------------------|---|--------|
| 10. Interdistrict Appeal | The Board will hear and take action on the following interdistrict appeals. These matters will be heard in closed session. <ol style="list-style-type: none">1. IDT # 02-SF-17/18 - Dublin USD2. IDT # 40-KP-16/17 - Fremont USD | ACTION |
|---------------------------------|---|--------|

RECONVENE TO OPEN SESSION

- | | | |
|--|---|-------------|
| 11. Report from President on closed session | Pres. McDonald will report out on any actions taken in closed session. | INFORMATION |
| 12. Items from the Board | Board members will discuss the status of their activities and possible topics of interest to the Board and the general public. | INFORMATION |
| 13. President's Report | The President will discuss the status of her activities and possible topics of interest to the Board and the general public. | INFORMATION |
| 14. Items from the Superintendent | The Superintendent, as the Secretary to the Board, will present topics of interest to the Board and the general public. | INFORMATION |
| 15. Adjournment | Visit http://www.acoe.org/board to view live webcasts of regular Board Meetings.

Next Meeting: Regular Meeting
May 23, 2017 at 4:00 p.m.

Adjourn the meeting. | |

All materials related to an item on this Agenda distributed to the Board of Education within 24 hours of the meeting are available for public inspection at the front desk of the Alameda County Office of Education at 313 W. Winton Avenue, Hayward, California at the time they are distributed. For inquiries, please contact the Superintendent's Office at 510-670-4145.

Times indicated are estimates and may change at the Board's discretion.



ALAMEDA COUNTY OFFICE OF EDUCATION
L. Karen Monroe, Superintendent
313 West Winton Ave. Hayward, CA 94544
(510) 887-0152 www.acoe.org

Memorandum No. - 1.

Meeting Date: 5/9/2017

TO: Alameda County Board of Education
FROM: Eileen McDonald, Board President
RE: Conference with Legal Counsel - Anticipated Litigation

Background :

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: (1 case).

Action Requested:

INFORMATION/ ACTION

This matter is to be held in closed session.



ALAMEDA COUNTY OFFICE OF EDUCATION
L. Karen Monroe, Superintendent
313 West Winton Ave. Hayward, CA 94544
(510) 887-0152 www.acoe.org

Memorandum No. 5. - A.

Meeting Date: 5/9/2017

TO: Alameda County Board of Education
FROM: Eileen McDonald, Board President
RE: Minutes of the March 14, 2017 Board Meeting

Background :

Board will consider approval of the Minutes from the March 14, 2017 Board Meeting.

Action Requested:

ACTION

Review and approve minutes of the March 14, 2017 Board meeting.

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Cover Memo	Minutes 4.11.17

ALAMEDA COUNTY BOARD OF EDUCATION
Meeting Location: Alameda County Office of Education
313 W Winton Avenue, Hayward, CA 94544

Unadopted Minutes of the Board Meeting of April 11, 2017
Vol. XXXI No. 12

Presiding	President McDonald opened the meeting at 1:00 p.m.
Roll Call	Conducted by Superintendent L. Karen Monroe Trustees Present (7): Yvonne Cerrato, Aisha Knowles, Amber Childress, Fred Sims, Joaquin Rivera, Ken Berrick, and Eileen McDonald.
Flag Salute	Led by Kim Boerner, President of the Alameda County Teachers Association
Recording Statement	Read into the record by President McDonald This meeting is being recorded and/or broadcasted at the direction of the Board.
Item #1: Consent Agenda – General Matters: A. Minutes of the March 14, 2017 Board Meeting B. Resolution: 9-1-1 Education Month (April) C. Resolution: Asian American and Pacific Islander Heritage Month (May) D. Resolution: Foster Care Awareness Month (May) E. Resolution: Labor History Month (May) F. Resolution: Mental Health Month (May) G. Resolution: Safe Jobs for Youth Month (May) H. Temporary County Certificates (TCC)	<ul style="list-style-type: none"> • Trustee Rivera moved the Consent Agenda (A-H). • Trustee Cerrato seconded. • The motion passed unanimously (7-0).
Item #2: Student Programs and Services (SPaS) LCAP Annual Update 2016-17	<ul style="list-style-type: none"> • Ms. Monica Vaughan, Chief of Schools, and staff presented on the Local Control and Accountability Plan Annual Update for fiscal year 2016-17. Staff presented on the five goals of the LCAP, which included their met measurable outcomes and priority growth areas for each goal. • Trustee Knowles asked Ms. Tarango if there is conversation with those districts who have not adopted partial credit about doing so. Ms. Tarango, Program Manager of Student Support Services, stated there is a push to have districts formalize a process through their board policies. She stated four additional districts have formalized their process this fiscal year. • Trustee Rivera asked why there are decreases in the areas of high school graduation rates and one year progress towards English proficiency. Ms. Lydia Moore, Program Director of Instruction, responded there are less English Learner students which is why the rate decreased on the one year progress towards English proficiency. Regarding the decrease in high school graduation, she responded it is due to the higher number of students who are coming into the program with far less credits.

	<ul style="list-style-type: none"> • President McDonald asked if they are calling and doing home visits for those students who are truant. Ms. Moore responded yes, which ultimately has decreased their truancy numbers.
<p>Item #3: Public Comments</p>	<ul style="list-style-type: none"> • Cole McCann-Phillips submitted a public speaker card. He asked that the Board consider the addition of a student board member to the County Board of Education.
<p>Item #4: Public Hearing – Aurum Preparatory Academy Charter Petition Appeal</p>	<ul style="list-style-type: none"> • Vice President Berrick recused himself from the discussion. • Trustee Rivera moved to open the public hearing. • Trustee Cerrato seconded. • The motion passed (6-0). • David Hardin, lead petitioner for Aurum Preparatory Charter School, provided a brief presentation, which detailed the reasons why the Board should approve the charter for Aurum Preparatory. • Oakland USD Staff: Silke Bradford (Director of Quality Diverse Providers), Leslie Jimenez (Deputy Director, Office of Charter Schools), and Andrea Epps (Staff Attorney) provided a brief presentation on the reasons the Board should deny the charter for Aurum Preparatory. • Seven people submitted public speaker cards in opposition of the approval of the Aurum Preparatory Charter School petition. • Six people submitted public speaker cards in support of the approval of the Aurum Preparatory Charter School petition. • Trustee Knowles asked for clarification regarding the issue surrounding the material revision, as she has been receiving emails from the public. Mr. Ed Sklar, ACOE’s legal counsel, stated the Board has discretion to determine what constitutes a material revision. • Trustee Cerrato moved to close the public hearing. • Trustee Sims seconded. • The motion passed (6-0).
<p>Item #5: Public Hearing – ACOE Opportunity Charter Petition</p>	<ul style="list-style-type: none"> • Vice President Berrick returned to the Board room. • Trustee Sims moved to open the public hearing. • Trustee Cerrato seconded. • The motion passed unanimously (7-0). • Monica Vaughan (Chief of Schools), Kim Boerner (ACTA President), Eugene Ford (CSEA President), Michelle Clark (Executive Director of Youth Employment Partnership), and Tracey Burns (Director of College and Career Pathways) presented the reasons why the Board should approve the ACOE Opportunity Charter petition. • Trustee Cerrato asked who the principal and teachers will be for the charter. Ms. Vaughan responded the school will not need a full time principal in the first year; however, Ms. Tracey Burns will have administrative oversight of the school in the first year. She added teaching positions will be open to any teachers within the teachers’ collective bargaining unit (Alameda County Teachers Association). • Trustee Knowles asked if it is a projection for Quest Academy to be a viable program for a large student population, while also fulfilling a need for the Opportunity Charter. Ms. Burns and Ms. Vaughan responded there is a need for both schools. • Trustee Knowles asked how the charter school will offer a program that differs from programs that are already in place at Oakland USD. Ms. Vaughan responded they have worked with the communities where they have considered serving, and determined there is a need and desire for the program. • Trustee Sims asked if the program will introduce students to unions and labor organizations. Ms. Michelle Clark, Executive Director of Youth Employment Partnership (YEP), explained the YEP partnership will allow students to participate in projects that allow them to be exposed to union apprenticeship. • President McDonald asked for the reasoning behind having earlier dates for the public and determination hearing for the charter school petition. Ms. Vaughan explained to the Board the importance of getting the charter petition before the State Board of Education for their July meeting. This would allow the California Department of Education (CDE) to issue their CDS Code before their September 30th deadline. If they

	<p>open the school without the CDS Code on September 30th, they will be ineligible for ADA for the rest of the school year.</p> <ul style="list-style-type: none"> • Trustee Rivera moved to close the public hearing. • Trustee Sims seconded. • The motion passed unanimously (7-0).
<p>Item #6: Board Committee Updates</p>	<p><u>Facilities Committee Report</u></p> <ul style="list-style-type: none"> • Trustee Knowles noted the Facilities Committee includes Trustee Childress, Vice President Berrick and herself. • Trustee Knowles reported their discussion from their meeting on April 11th. • She reported the Fruitvale Academy lease will not be renewed and the school will move to the Unity Council for the summer. She added they are still in search of a location for the school for the new school year. However, if the location is not secured, it is possible the school will go dark for a period of time and students will have the opportunity to attend other SPaS programs. • Trustee Knowles stated Alameda County GSA and Probation are still completing the necessary paperwork to move forward with the Camp Sweeney Design project. • Trustee Knowles stated they also met to discuss the ACOE Opportunity Charter. She shared the proposed school will be a pop up model with an employment program. • The committee also reviewed Board Policy 1330: Use of School Facilities, which will be then reviewed by the Policy and Legislation Committee. <p><u>Policy and Legislation Committee Report</u></p> <ul style="list-style-type: none"> • Trustee Rivera noted the Policy and Legislation Committee includes Trustee Childress and himself. • Trustee Rivera reported their discussion from their meeting on April 3rd. • Trustee Rivera presented Board Policy 4040 and Board Bylaw 9324 for first reading. • He added the committee reviewed several bills: SB 344, AB 1224, SB 808 and AB 1124. The committee needs additional information on several bills; however, they are recommending the Board take a support position on Senate Bill 344. • Trustee Rivera moved approval of a support position on SB 344. • Vice President Berrick seconded. • The motion passed unanimously (7-0).
<p>Item #7: Final Approval of MOU for Lazear Charter School</p>	<ul style="list-style-type: none"> • Trustee Rivera moved approval of the Memorandum of Understanding for Lazear Charter School. • Trustee Childress seconded. • The motion passed (6-0-1). <ul style="list-style-type: none"> ○ Ayes: Rivera, Childress, Knowles, Sims, Cerrato, McDonald ○ Noes: None ○ Abstentions: Berrick
<p>Item #8: Board Meeting Schedule Change</p>	<ul style="list-style-type: none"> • Trustee Sims moved approval of a time change of 4:00 p.m. for the May 23rd Board meeting. • Trustee Childress seconded. • The motion passed (6-1). <ul style="list-style-type: none"> ○ Ayes: Knowles, Childress, Sims, Rivera, Berrick, McDonald ○ Noes: Cerrato
<p>Item #9: Countywide Events and Charter Schools Advisor’s Report</p>	<ul style="list-style-type: none"> • Trustee Knowles reported the upcoming events: <ul style="list-style-type: none"> ○ Community School for Creative Education Gala on April 29th ○ Youth Action Summit at Laney College on May 3rd
<p>Item #10: Items from the Board</p>	<ul style="list-style-type: none"> • Trustee Knowles highlighted the Spelling Bee. She thanked staff for a great event and congratulated the student participants. • Trustee Rivera attended the Chabot Space and Science Center JPA Board retreat. He noted the Board can now register and make hotel reservations for the CCBE Annual Conference that will occur in September at Monterrey.

	<ul style="list-style-type: none"> • Trustee Cerrato reported attending the following: <ul style="list-style-type: none"> ○ Arts Alliance Roundtable Committee meeting. ○ SELPA Board meeting on March 20th ○ Tri Valley Learning Corporation meeting with State Superintendent Torlakson, Assemblywoman Baker, and Senator Glazer on March 24th • Trustee Childress reported attending the following: <ul style="list-style-type: none"> ○ Oakland USD’s Spring 2017 Legislative Bus Tour on March 24th ○ Urban Montessori’s Laughs for Learning event on March 30th ○ Powerful Women of the Bay 8th Annual Awards Luncheon on March 31st • Trustee Sims reported he plans on attending Hayward USD’s Annual African American Recognition Night on April 28th. • Vice President Berrick reported on the Seneca Summit that occurred on March 28th.
<p>Item #11: President’s Report</p>	<ul style="list-style-type: none"> • President McDonald attended the following: <ul style="list-style-type: none"> ○ Tri Valley Learning Corporation meeting on March 24th with Trustee Cerrato and Chief of Staff Dan Bellino. ○ California Charter Schools Momentum Conference on March 21st through March 23rd ○ Community Meeting with Congressman Ro Khanna and Supervisor Valle on April 9th ○ AC Transit Community Hearing ○ Drivers for Survivors event on April 8th • President McDonald reported she will speak to Livermore Valley Charter Preparatory students on April 13th.
<p>Item #14: Items from the Superintendent</p>	<ul style="list-style-type: none"> • Superintendent Monroe reported attending the following: <ul style="list-style-type: none"> ○ Federal advocacy trip with the California County Superintendents Education Services Association (CCSESA) the week of March 20th ○ East Bay Broadband Summit on April 5th ○ East Bay Economic Development Alliance (EDA) Committee meeting on April 6th • Superintendent Monroe reported the upcoming events she will attend: <ul style="list-style-type: none"> ○ Visit to Cox Academy on April 12th ○ CPAG Meeting on April 13th ○ Alameda County Funders Forum on April 20th ○ Local Accountability and Support Legislative Visit at ACOE on April 21st
<p>Item #15: Adjournment</p>	<p>The next Board meeting will be on May 9th, 2017 at 6:30 p.m.</p> <p>President McDonald adjourned the meeting at 3:33 p.m.</p> <p>_____</p> <p>Eileen McDonald, Board President</p> <p>_____</p> <p>L. Karen Monroe, Board Secretary</p>



ALAMEDA COUNTY OFFICE OF EDUCATION
L. Karen Monroe, Superintendent
313 West Winton Ave. Hayward, CA 94544
(510) 887-0152 www.acoe.org

Memorandum No. 5. - B.

Meeting Date: 5/9/2017

TO: Alameda County Board of Education
FROM: Eileen McDonald, Board President
RE: Resolution: National Internet Safety Month (June)

Background :

Board will consider approval of Resolution No. 2083: National Internet Safety Month - June

Action Requested:

ACTION

Consider approval of Resolution No. 2083

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Backup Material	National internet safety

**ALAMEDA COUNTY BOARD OF EDUCATION
AND
ALAMEDA COUNTY SUPERINTENDENT OF SCHOOLS**

Resolution No. 2083

National Internet Safety Month (June)

- WHEREAS,** in the United States, more than 90 percent of children in grades 5-12 now use computers; and
- WHEREAS,** 26 percent of children in grades 5-12 in the United States are online for more than 5 hours a week, and 12 percent of such children spend more time online than they do with their friends; and
- WHEREAS,** 53 percent of children and teens in the United States like to be alone when “surfing” the Internet, and 29 percent of such children believe their parents would either express concern, restrict their Internet use, or take away their computer if their parents knew where they were surfing on the Internet; and
- WHEREAS,** 32 percent of the Nation's students in grades 5-12 feel they have the skills to get past filtering software, and 31 percent of youths in the United States have visited an inappropriate place on the Internet, 18 percent of them more than once; and
- WHEREAS,** 51 percent of the Nation's students in grades 5-12 trust the people they chat with on the Internet; and
- WHEREAS,** 12 percent of the Nation's students in grades 5-12 have been asked by someone they chatted with on the Internet to meet face to face, and 11.5 percent of such students have actually met face to face with a stranger they chatted with on the Internet; and
- WHEREAS,** 39 percent of youths in grades 5-12 in the United States admit to giving out their personal information, such as name, age, and gender over the Internet, and 14 percent of such youths have received mean or threatening emails while on the Internet:

THEREFORE, BE IT RESOLVED that the Alameda County Board of Education and the Alameda County Superintendent of Schools recognize June 2017 as National Internet Safety Month and gladly join the ranks of agencies raising awareness of online dangers, protecting youth from online predators, and promoting safe internet usage of students.

PASSED AND ADOPTED this 9th day of May, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Eileen McDonald, President
Alameda County Board of Education

L. Karen Monroe, Superintendent
Alameda County Office of Education



ALAMEDA COUNTY OFFICE OF EDUCATION
L. Karen Monroe, Superintendent
313 West Winton Ave. Hayward, CA 94544
(510) 887-0152 www.acoe.org

Memorandum No. 5. - C.

Meeting Date: 5/9/2017

TO: Alameda County Board of Education
FROM: Eileen McDonald, Board President
RE: Resolution: Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month (June)

Background :

Board will consider approval of Resolution No. 2084: Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month - June

Action Requested:

ACTION

Consider approval of Resolution No. 2084

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Backup Material	LGBT Pride Month

**ALAMEDA COUNTY BOARD OF EDUCATION
AND
ALAMEDA COUNTY SUPERINTENDENT OF SCHOOLS**

Resolution No. 2084

Lesbian, Gay, Bisexual, and Transgender Pride Month (June)

WHEREAS, it is policy of the Alameda County Office of Education that all persons, including those who are lesbian, gay, bisexual or transgender, have an equal and nondiscriminatory opportunity to a quality public education experience; and

WHEREAS, many lesbian, gay, bisexual or transgender youth and youth perceived to belong to these groups still face harassment and physical violence in school environments (and elsewhere); and

WHEREAS, the Alameda County Office of Education deplors harassment and physical violence or the threat of such against any of our students, faculty, and staff; and

WHEREAS, the Alameda County Board of Education believes that the rich variety and diversity of families and communities is one of Alameda County's strengths, and furthermore believes that a family is a supportive unit composed of various genders, orientations, cultures, races, and ethnicities; and

WHEREAS, the Alameda County Board of Education values and welcomes diversity of our student body, our teachers, our staff, and our administrators, including the diversity of sexual orientation and identity in our community; and

WHEREAS, the Alameda County Board of Education has made a commitment to achieving and fostering diversity and tolerance in our staff, our school population, and in our curriculum; and

WHEREAS, the Alameda County Board of Education wishes to note the variety of celebrations recognizing Lesbian/Gay/Bisexual/Transgender Pride Month around the nation and throughout the State of California during the month of June; and

THEREFORE, BE IT RESOLVED that the Alameda County Board of Education and the Alameda County Superintendent of Schools proclaim June 2017 Lesbian, Gay, Bisexual, and Transgender Pride Month and encourage teachers, staff and administrators to provide curriculum, instruction, and activities on the history, successes, and challenges of the gay, lesbian, bisexual, and transgender movement.

PASSED AND ADOPTED this 9th day of May, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Eileen McDonald, President
Alameda County Board of Education

L. Karen Monroe, Superintendent
Alameda County Office of Education



ALAMEDA COUNTY OFFICE OF EDUCATION
L. Karen Monroe, Superintendent
313 West Winton Ave. Hayward, CA 94544
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Memorandum No. 5. - D.

Meeting Date: 5/9/2017

TO: Alameda County Board of Education
FROM: L. Karen Monroe, Superintendent
RE: Williams Uniform Quarterly Report for January - March 2017

Background :

The Valenzuela/CAHSEE Lawsuit Settlement has been added to the Williams Uniform Complaints quarterly report. As per Education Code 35186(d), districts are required to provide information on a quarterly basis for public reporting by the governing board that no complaints have been filed in regards to:

- Textbooks and instructional materials
- Teacher vacancy or mis-assignments
- Facilities conditions
- CAHSEE intensive instruction and services.

Action Requested:

INFORMATION/ ACTION

Publicly report at the board meeting and document in the board minutes that no complaints have been filed for schools operated by the Alameda County Office of Education in regards to the Williams Uniform Complaints for the period of January - March 2016.

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Backup Material	Williams Uniform Report



Quarterly Report on *Williams* Uniform Complaints
[Education Code § 35186]

District: ALAMEDA COUNTY OFFICE OF EDUCATION

Person completing this form: MONICA VAUGHAN Title: CHIEF OF SCHOOLS

Quarterly Report Submission Date: (check one and include year)

<input checked="" type="checkbox"/>	April	(for Jan-Mar)
<input type="checkbox"/>	July	(for Apr-June)
<input type="checkbox"/>	October	(for July-Sept)
<input type="checkbox"/>	January	(for Oct-Dec)

Date for information to be reported publicly at governing board meeting: May 10, 2016

Please check the box that applies:

- No complaints were filed with any school in the district during the quarter indicated above.
- Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0		
Teacher Vacancy or Misassignment	0		
Facilities Conditions	0		
TOTALS	0		

L. Karen Monroe, Superintendent

Print Name of District Superintendent

Signature of District Superintendent

4/15/16
Date

Please return completed form to Denise Warren, Administrative Assistant
ACOE – 313 W. Winton Ave., Hayward, CA 94544-1136
FAX: (510) 670-3273 E-MAIL: dwarren@acoe.org



ALAMEDA COUNTY OFFICE OF EDUCATION
L. Karen Monroe, Superintendent
313 West Winton Ave. Hayward, CA 94544
(510) 887-0152 www.acoe.org

Memorandum No. 5. - E.

Meeting Date: 5/9/2017

TO: Alameda County Board of Education
FROM: Sid Haro, Chief of Personnel and Leadership
RE: Temporary County Certificates

Background :

The employer must make sure to the best of their ability that the individual meets the academic requirements for the permit prior to placing them in a position and submitting the application to the Commission. The County may issue a TCC, which allows the individual to serve in their school for up to a year while the application is being processed by the CTC.

Action Requested:

The Board will take action regarding approving the issuance of the Temporary County Certificates.

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Backup Material	April TCCs
<input type="checkbox"/> Backup Material	Year to Date TCCs

Alameda County
Temporary County Certificates

April, 2017

Last, First	District	Credential	Type code
Chew, Huai Yu	ALA	TPSL: Sped; Math: Bus	E
Norton, Michael	ALB	SPED & FL Math	TL
Irby, Meredith	BERK	Library Media	E
Wallis, Jason	CV	Soc. Sci.	C
Cook, Erin	CV	English	ST
Lutz, Tara	FRE	PE	C
Alikhan, Asra	FRE	Mult Subj. W/EL	C
Hernandez, Abigail	HAY	30 Day Sub	WV
Stonich, Claudia	LIV	Spanish BCLAD	C
Mingione, Candace	LIV	Career Sub	E
Sanchez, Patrick	NEW	Admin.	P
Sanchez, Patrick	NEW	Single Subject: ITE	P
Ruddy, Lisa	NH	Math w/EL	C
Guastavino, Marc	NH	Admin.	P
Ton-Tho, Katherine	NPS	Teacher Permit	CD
Ornelas, Sarah	NPS	Associate Teacher	CD
Bannon, Patricia	NPS	Associate Teacher	CD
Byrd, Shanette	NPS	Associate Teacher	CD
Song, Wei	NPS	Mult Subj w/ SMA: Mand.	P
Moser, Nancy	NPS	Admin.	P
Nabor, Vina	NPS	M/M	ST
Ngo, Minh	NPS	M/M	ST
Ramirez, David	OAK	Intro Math Supp auth	C
Nimol, Emily	OAK	CLAD	C
Reed, Mary	OAK	Math w/EL	C
Gravelle, Colleen	OAK	CLAD	C
Powell, Mary	OAK	Career Sub	E
Garcia, Michelle	OAK	CLAD permit	E
Barros, Patricia	OAK	M/M appeal	P
Jefferies-Wilmore, Lily	OAK	Math w/EL	P
Garcia, Michelle	OAK	Mult. Subj	P
Hooper, Leonard	OAK	M/M appeal	P
Nishimura, Koichiro	OAK	Mult. Subj. appeal	P
Brodkey, Maya	OAK	English	P
Shelly-Burns, Elaine	OAK	Mult. Subj	ST
Asghede, Sahle	OAK	Mult Subj. CBEST	WV
Dwyer, Kirsten	PLEA	Mult Subj.	P
Perry, Tiffany	PLEA	Art & SPED	TL
Tao, Qian	SLZ	CLAD permit	E
Demsky, Ashley	SLZ	Nurse	P

District	Full Credential		Intern		TPSL		PIP & STSP		Emergency		Waiver		Child Dev		CTE/Adult	
	Mo.	YTD	Mo.	YTD	Mo.	YTD	Mo.	YTD	Mo.	YTD	Mo.	YTD	Mo.	YTD	Mo.	YTD
ACOE	0	2														
Alameda	0	10			0	1	0	15	1	12					0	2
Albany	0	4			1	1	0	1	0	6						
Berkeley	0	6					0	4	1	5			0	1	0	1
Castro Valley	1	8					1	4	0	3	0	2			0	5
Dublin	0	14					0	1	0	19						
Emery	0	2							0	3						
Fremont	2	41			0	10	0	12	0	48	0	1				
Hayward	0	18					0	17	0	37	1	12			0	2
Livermore	1	15					0	9	1	18	0	5			0	1
Mt. House																
New Haven	2	15	0	1			0	13	0	17						
Newark	2	5			0	1	0	3	0	4						
Oakland	10	126	0	1			1	165	2	121	1	49	0	2	0	1
Piedmont	0	3					0	1	0	12						
Pleasanton	1	7			1	2	0	12	0	11	0	1				
San Leandro	0	3	0	1			0	1	0	10						
San Lorenzo	1	22	0	4			0	3	1	33	0	3				
Sunol Glen										1						
Non Public/Charters	2	15	0	1	0	2	2	20	0	23	0	14	4	39	0	8
Totals	22	316	0	8	2	17	4	281	6	383	2	87	4	42	0	20



ALAMEDA COUNTY OFFICE OF EDUCATION
L. Karen Monroe, Superintendent
313 West Winton Ave. Hayward, CA 94544
(510) 887-0152 www.acoe.org

Memorandum No. - 7.

Meeting Date: 5/9/2017

TO: Alameda County Board of Education
FROM: Eileen McDonald, Board President
RE: Determination Hearing - Aurum Preparatory Academy Charter Petition Appeal

Background :

The Alameda County Office of Education (ACOE) began its review of the charter school petition on March 7, 2017, after determining that the submitted appeal package was complete. A public hearing was held on April 11, 2017, in accordance with the Education Code's provisions on charter schools, to consider the level of support for the petition by teachers, other employees, parents and the community.

The ACOE Charter School Review Team analyzed the charter petition in detail, using a checklist based on mandated elements and affirmations, and applying charter petition standards that are required under the Education Code, as amended. A copy of the staff's Evaluation Summary Report was sent to the Petitioner, and forwarded for your review.

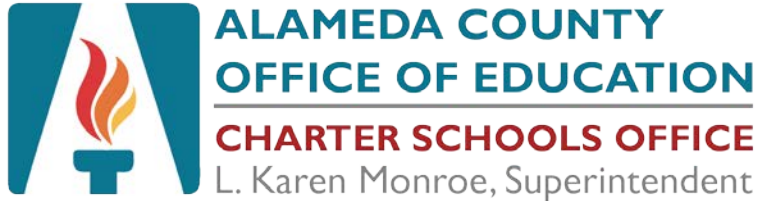
Action Requested:

INFORMATION/ ACTION

That the Board take appropriate action to either approve or deny the charter petition appeal for Aurum Preparatory Charter School.

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Backup Material	Staff report



CHARTER SCHOOL EVALUATION SUMMARY REPORT

FOR

**Aurum Preparatory Academy
Appeal from District Denial of New Charter Petition**

Submitted March 13, 2017

Public Hearing held April 11, 2017

Charter Petition on Appeal - E.C. 47605 (j) (1)

ACOE Charter Review Team:

David Patterson, Robert Stout, Christina Faulkner, Nimrat Johal

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ANALYSIS SUMMARY

The Aurum petition meets the requirements relating to the affirmation of required elements and the number of signatures required. The Education Program as proposed is sound; clear in purpose and sophisticated in its approach. The petition is reasonable comprehensive in regards to the required elements. However, there are significant concerns regarding the school being able to successfully implement the program in two areas. The first is the ability of the school to meet the enrollment projections as included in the petition and the budget documents. The second is the low proposed compensation levels for staff impacting the ability of the school to attract and retain staff at these levels and the impact of higher staffing costs (If compensation levels are raised) on the viability of the budget.

BACKGROUND

The Alameda County Office of Education received a charter petition appeal from Aurum Preparatory Academy, following denial of the petition by Oakland Unified School Board on December 14, 2016. Petitioners submitted an appeal to the Alameda County Board of Education (County Board) on March 13, 2017. A public hearing was held regarding the petition by the Alameda County Board of Education on April 11, 2017. Following the public hearing, the Charter Review Team completed its review of the petition and additional information. A Capacity Interview was conducted on April 17, 2017 with Aurum Executive Director David Hardin, seven Aurum Board members and Aurum financial consultant. Information from the charter petition review and Capacity Interview were relied on in preparing this report, a copy of which was provided to Aurum prior to the determination hearing.

Alameda County Board of Education's Role

Education Code Section 47605(j) provides the following process for appeal of a district's denial of a charter petition:

(1) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The county board of education shall review the petition pursuant to subdivision (b). (Emphasis added.)

Subdivision (b) of section 47605 is the same process by which a school district is required to review a charter school petition.

Education Code Section 47605(b), describing the standard and process for review of charter school petitions, requires the County Board to:

- Hold a public hearing within 30 days on the provisions of the charter and consider the level of support for the petition.
- Determine whether the petition document that has been denied by the District meets the established criteria.
- Not deny a petition for the establishment of a charter school unless it makes written factual findings, setting forth specific facts to support one or more of the following:
 - 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 by subdivision (a).

- The petition does not contain an affirmation of each of the conditions described in subdivision (d).
- The petition does not contain reasonably comprehensive descriptions of the required content in subsections A-O.

REVIEW PROCESS

It is our expectation that when a petitioner submits a petition on appeal, that they have submitted a plan they believe can be successfully implemented. In fact, the process is not an appeal of a school district's decision to deny the Petition. It is the petitioner coming to the County Board, asking it to do a de novo review of the Petition, so that the County Board may charter the school. Education Code Section 47605(b) outlines the requirements necessary to create a sustainable school. The "appeal process", as established by law, is one that allows staff to evaluate the substance of the petition document in order to determine whether the petition stands on its own merit.

The Alameda County Office of Education (ACOE) believes that quality authorizing includes a rigorous, comprehensive application process that follows fair procedures and clear criteria. Our review team includes staff members with expertise in various areas in order to provide a thorough evaluation. This review is conducted in a systematic, unbiased manner through a comprehensive checklist which provides uniformity in charter petition evaluations.

The petitioners are required to submit their appeal within 180 days of the date of denial by a district. ACOE requires a submission package that includes:

- Form A - Notice of Intent to Submit Application on Appeal of Denial
- Articles of Incorporation and By-Laws for the non-profit organization, or provide a written explanation of why these have not yet been developed.
- The original charter petition and supporting documents considered by District when petition was denied.
- A copy of the District governing board's action of denial of the petition and the governing board's written factual findings specific to the particular petition, as required by E.C. section 47605(b).
- A brief written response of the charter petitioners to the district board's findings (optional)
- A narrative description of any changes to the petition necessary to reflect the County Board of Education as the chartering entity.
- If not included in the petition submitted to the District, petitioners may submit a separate document containing revised sections of the charter petition (both final and "redline" versions) or additional appendices to address the Charter Supplemental Information described in the Charter School Petition Review Guidelines. (Optional)

The petitioners indicated in their appeal submission that with the denial of the petition by OUSD and the timeframe for the appeal process, there was not sufficient time to prudently plan for a school opening for the 2017-18 school year. ACOE Charter School Office staff concurred with that assessment. Therefore, in addition to other changes to the petition and related documents, the petitioners made the necessary changes to the charter petition, the proposed budget and other documents (e.g., proposed 2018-19 school calendar) to reflect a school start date for the 2018-19 school years.

There has been a question regarding whether the changes to Aurum Preparatory Academy's charter petition are permissible, pursuant to its appeal to the County Board of Education. For example, petitioners changed the year it would commence operations of the school from 2017-2018 (per the petition submitted

to the District) to 2018-2019 (per the petition submitted to the County Board). Pursuant to regulatory language governing charter petition appeals, a petitioner must provide the County Board with, among other items, a complete copy of the charter petition as denied, including the signatures required by Education Code section 47605. (Cal Code Regs., tit. 5, § 11967(b).) However, a petitioner is not precluded from providing other information in addition to that which is required under the regulations. It is also permissible for a petition to include minor changes upon submission to the county Board, as necessary to reflect the County Board of Education as the chartering entity. The changes to the charter petition are permissible under these regulations, because they add to the existing regulatory requirements, and serve to reflect the County Board as chartering entity. Further, in regard to the commencing school year, this is a case of the petitioner being more prudent than not by making sure it was not starting the school in a hurried fashion. The petitioner should not be punished for each providence.

During the review process the Review Team may identify areas of concern and/or questions about the petition. Information provided by the petitioners in response to concerns and questions by the Review Team is considered in the review process. The process also includes a Capacity Interview which provides the Review Team the opportunity to ask clarifying questions as well as engage in interactive, real-time conversations that allow an assessment of the petitioner's depth of knowledge, experience and ability to implement their proposed charter. Staff discusses their results and determines whether the petition document demonstrates a strong potential for establishing and operating a highly quality charter school.

Finding of Facts

Required Signatures

The petition included sufficient teacher signatures to meet the requirements of EC 47605(a)(3). The petition also included sufficient parent signatures to meet the requirements of EC 47605(a)(3).

Required Affirmations

The petition contains the required affirmations as required by EC 47605(d).

Does Petition Contains Reasonable Comprehensive Descriptions of Required Content

The Alameda County Office of Education's Charter School Review Team completed a thorough review and analysis of the educational, operational, and financial information contained in the charter petition appeal of Aurum Preparatory Academy (Aurum). The petition was reviewed in thirty six (36) required areas, with specific criteria in each element. Below are the rating results.

Criteria that Exceed Required Standard	Criteria that Meet Required Standard	Criteria that Fail to Meet Required Standard
1	33	2

Staff's Petition Review Checklist, included as Appendix A, contains a detailed analysis of each Element/Section, articulating the strengths and weaknesses of the charter school's proposal. The team also reviewed the report of the Oakland Unified School District (OUSD) upon which the denial of Aurum was based, and the response of Aurum. A table summarizing issues raised by OUSD, Aurum's responses, and ACOE staff conclusions is included as Appendix B.

The petition document met the minimum criteria in the following areas:

- Education Program
- Measurable Student Outcomes
- Student Progress Measurement
- Government Structure
- Employee Qualifications
- Health and Safety
- Racial & Ethnic Balance
- Admission Requirements
- Annual Financial Audits
- Suspension and Expulsion
- Staff Retirement System
- Attendance Alternative
- Description of Employee Rights
- Dispute Resolution Process
- Closure Procedures
- Start-Up Costs
- Facilities
- Special Education
- Impact Statement

The petition document did not fully meet the minimum criteria in the following areas:

- Financial Plan
- Annual Operating Budget
- Long Term Plan

In addition, the Review Team found some specific items missing or incomplete in other sections that otherwise met the standard. These items did not affect the overall finding that the petition contained reasonably comprehensive descriptions of the required elements and if the petition is approved, can be addressed through the MOU process.

Soundness of the Education Program

The education program proposed by Aurum is research based and thoughtful. It reflects what is discussed in the research literature regarding schools that are effective with high need populations that the school seeks to serve. The educational program also benefits from the direct experience the school's proposed Executive Director brings in that as a Fellow through the Building Excellent Schools program he has visited and studied high performing schools serving similar high need populations in schools in California and nationally. While a single school start-up, the school's educational program also benefits from the sustained support of organizations that assist the development of high performing schools such as Building Excellent Schools.¹

The school defines its educational program around five Core Principals; (See pages 27-34)

- Core Principal 1: A rigorous and engaging academic program

¹ Building Excellent Schools (BES) is a national organization that supports 106 schools in 26 cities across 13 states. It also has a fellowship program that supports educators seeking to create charter schools for underserved students. BES affiliated schools currently enroll more than 27,000 students. More information is at buildingexcellentschools.org.

- Core Principal 2: Relentless high expectations and support for all stakeholders
- Core Principal 3: Development of character and identity
- Core Principal 4: Involved and engaged families and community partners
- Core Principal 5: A professional environment that nurtures continuous growth and excellence

Each of these Core Principals is further defined in Key Practices. Some Key Practices of note include High (student) Engagement, Data Driven Instruction, Extended Day, Culturally Responsive Pedagogy, Family Advisory Council and Frequent (teacher) Observations and Coaching.

The school has plans for building a strong, positive school and operationally effective school culture and procedures. The charter petition included a rubric to guide the schools in its self-evaluation of progress (p84-89).

The proposed daily schedule includes significantly more time for core subjects, language arts and mathematics, as a key strategy to remediate and accelerate student academic proficiency as part of the school's stated goal of supporting the school's targeted population. The school's goal is that every student will be on grade level or above by the end of eight grade (p42).

The curriculum selection and implementation process was discussed and clarification was provided in the Capacity Interview. The petitioner's implementation plan includes extensive work to select curriculum and modify and/or create formative assessments tailored to Aurum's educational approach and their targeted student population.

English Learners: The proposed services for English Learners is reasonable comprehensive (p115-118). Additional clarification was obtained in the Capacity Interview regarding how actual services would be provided as well as services for a student whose primary language less common such as Laotian.

Special Education: The original petition had Aurum being a school of the district (OUSD) for purposes of special education. This is the default expectation in the Education Code and is an appropriate choice for a small charter school. As a requirement of ACOE, the petitioners modified the petition so that Aurum will be an LEA for purposes of special education. While the new description of special education is reasonable comprehensive, there are concerns about actual implementation of the services and program, including possible instructional strategies and approaches.

Overall, the education program appears very ambitious. The overall goal for each student (at or above grade level by the end of eighth grade), the extended day and year for students and staff, the sophistication of the curriculum design, the instructional methods, the collection and use of data are examples of aspects of the proposed school that are laudable but are also a challenge for all schools and are an even greater challenge for a start-up school.

Likelihood of Successful Implementation

The review team has concerns regarding the likelihood of the successful implementation of Aurum.

The Strengths that Support the Likelihood of Successful Implementation:

- The petition is complete and makes a compelling case why the school is needed and how the school will be effectively meeting the needs of the targeted student population.

- The education program proposed is research based and thoughtful.
- The curriculum design appears to be rigorous and proposed innovative and research based instructional methods
- David Hardin, the proposed Executive Director brings significant energy, commitment and significant relevant experience to the charter
- Aurum's board has a strong and appropriate mix of members, with significant experience and an appropriate mix of skill sets. From the Capacity Interview the members showed a sophisticated understanding of their roles and responsibilities
- The school is proposing to utilize an experienced back office provider
- The petitioners appear to have significant community involvement and support
- The school is supported by external educational support providers with significant expertise
- The school has significant financial support from external funders

The Challenges and Weaknesses that threaten successful implementation:

- A major area of concern regarding the petition is the likelihood the school will not be able to enroll enough students to be financial viable. OUSD provided information about other charter schools, serving the same grades and targeting recruitment from the same neighborhoods that have been unable to attract and retain enough students to be viable. The petitioners have provided considerable information in their petition and additional information through the Capacity Interview why they expect to be successful in recruiting an initial class of 132 students. Failure to be able to enroll the projected number of students will negatively impact the quality and comprehensiveness of the educational program. It will also negatively impact the financial viability of the school. With the information available to the reviewers at this time, we are unable to confirm the ability of the school to meet their enrollment goals.
- An additional budget concern is related to the proposed compensation rates for both, teachers and administrative staff. Proposed salary levels per the proposed budget are significantly less than the average compensation rates for similar positions within OUSD. In response to our questions, the petitioners provided clarifying information in support of their position that their proposed salary and benefit levels are comparable with other successful charter schools operating in the Bay Area. They acknowledged the challenge of recruiting qualified teachers. They also believe they have the financial capacity to offer higher salaries if needed. However, the budget analysis provided by our fiscal consultant shows the Charter will incur an operating deficit in years 1 and 3 in the amounts of \$347K and \$87K respectively and a surplus of \$113K in year 2. The analysis was based on OUSD 2015-16 mid-range teacher and administrative salaries as assumptions. Additionally the compensation for teachers was adjusted for incremental work hours and days per year to accommodate for the extended day and year that is planned for the Charter. At our request the petitioners provided additional information showing higher levels of compensation and its impact of the school's overall budget, but with the time constraints of the review we were unable to fully consider this information.
- As discussed above, the proposed compensation level for teachers is low. With this low compensation rate, the concern is whether the school will be able to attract and retain qualified and capable teachers to implement their sophisticated educational program.
- It is anticipated that the majority of the teachers hired will be new to teaching or with just a few years of experience. The school has included a significant number of staff development days (20 days in the summer, 13 days during the school year) and the Principal will be providing

significant new teacher support. We have concerns if this level of support will this be sufficient to effectively implement the sophisticated curriculum, the data driven instruction and other aspects of the education program with a novice teacher staff.

- The petitioners made the changes to the petition required by ACOE to be a LEA for Special Education. The language included in the petition is reasonably comprehensive. The petitioners are also proposing to partner with an experienced special education provider, Lincoln Child Center. However, there is concern about the challenges of implementing quality services in a new, small startup school serving a high need population and with a number of other startup challenges discussed in this report. If the petition is approved, additional information and follow-up will be required through the MOU.
- The petition provided limited information regarding the role of parents in the governance process, specifically through the School Site Council. In the Capacity Interview the petitioners provided additional information of how parents are currently and will continue to be involved through such vehicles as the Family Advisory Council and a Cafecitos family participation structure. If the petition is approved, additional information and follow-up will be required through the MOU.
- The school has not identified a school facility. Locating an appropriate facility in the geographic area in which Aurum seeks to be located is difficult. Aurum is actively searching for an appropriate site and may apply for space through Prop 39 for the 2018-19 school year. If the petition is approved, additional information and follow-up will be required through the MOU process relating to a facility. This is part of ACOE's standard new school pre-opening approval process.

CONCLUSION

The Review Team found that the charter petition contains reasonably comprehensive descriptions of many of the required elements and that the proposed educational program is not unsound. The items that are incomplete or need clarification are ones that are appropriately addressed through the MOU process. However, there are three challenges that significantly impact the assessment regarding the petitioner's ability to successfully implement the proposed program.

Should the Board decide to grant the charter, the Review Team recommends the following concerns be addressed (as well as the other issues identified in the section on Likelihood of Successful Implementation) as conditions of approval and be included in the required Memorandum of Understanding. Should the Board decide to deny the charter, the Board should adopt these stated findings of fact as its own, to support the denial.

Adequate Enrollment: Likelihood of successful implementation - will the school be able to enroll enough students to be financial viable? If the charter is approved, it is recommended that a condition of approval include a recruitment plan that includes specific recruitment milestones the failure to meet could result in ACOE not approving the opening of the school.

Ability to Hire and Retain Qualified Teachers: Likelihood of successful implementation – will the school be able to hire and retain qualified teachers at the compensation levels being proposed? If the charter is approved, it is recommended that a condition of approval include a teacher recruitment plan that

includes specific recruitment milestones the failure to meet could result in ACOE not approving the opening of the school.

Financial Viability: Likelihood of successful implementation - is the school's financial plan and budget sufficient to sustain the increases in compensation needed to attract and retain qualified teachers, administrators and staff? If the charter is approved, it is recommended that a condition of approval include a review of the school's budget in February 2018 and July 2018. If the financial plan and budget is determined by ACOE as not being sufficient for the school to be financial viable, ACOE could deny the opening of the school in the fall of 2018.

Appendix A: Charter School Petition Review Checklist

Appendix B: Summary of Issues Raised in OUSD Report / Aurum Response / ACOE Staff Findings



ALAMEDA COUNTY OFFICE OF EDUCATION CHARTER SCHOOL PETITION REVIEW CHECKLIST

On Appeal

Renewal Petition

Proposed Charter School: Aurum Preparatory Academy

Proposed Location: Oakland, District 7

Petitioner Contact Information		Denial Information	Petition Review and Presentation Timelines (Office Use Only)		
Name	David Hardin	District Denying Petition:	Petition Presented to ACOE <small>(Maximum of 180 days from denial)</small> Date <u>March 13, 2017</u>	Public Hearing <small>(30 days from receipt)</small> Date Due _____ Date Held <u>April 11, 2017</u>	Decision by Board of Education <small>(60 days from receipt, may be extended 30 days if agreed by petitioner(s) and ACOE)</small> Date Due _____ <input type="checkbox"/> 30 day extension to <u>May 9, 2017</u> Date of Board Decision _____
Phone		Oakland Unified School District			
415-763-8974					
Address		Date of Board Action:			
600 William Street apt. 133, Oakland, CA, 94612		12/14/2016			
Email					
dhardin@buildingexcellentschools.org					

Section below is for Office Use ONLY

Area of Review	Department(s) Responsible	Name of Reviewer
A. Education Program	Education Services	Patterson, Faulkner, Stout
B. Measurable Student Outcomes	Education Services	Patterson, Faulkner, Stout
C. Student Progress Measurement	Education Services	Patterson, Faulkner, Stout
D. Government Structure	Human Resources & Credentialing	Patterson, Faulkner, Stout
E. Employee Qualifications	Human Resources (reviewed by ALL)	Patterson
F. Health and Safety	Human Resources & Ed. Services (reviewed by ALL)	Patterson, Faulkner, Stout
G. Racial & Ethnic Balance	Education Services (reviewed by ALL)	Patterson, Faulkner, Stout
H. Admissions Requirements	Ed. Services/Human Resources (reviewed by ALL)	Patterson, Faulkner, Stout
I. Annual Financial Audits	Business Services	Patterson
J. Suspension and Expulsion	Ed. Services (reviewed by ALL)	Patterson, Faulkner, Stout
K. Staff Retirement System	Human Resources & Business Services	Patterson, Johal
L. Attendance Alternatives	Reviewed by ALL	Patterson, Faulkner, Stout
M. Description of Employee Rights	Human Resources (reviewed by ALL)	Patterson
N. Dispute Resolution Process	Business Services	Patterson
O. Closure Procedures	Business Services	Patterson

Supplemental Information

Financial Plan	Business Services	Patterson, Johal
Impact Statement	Reviewed by ALL	Patterson
Facilities	Business Services	Patterson
Special Education	Ed. Services & Sp. Education	Stout, Patterson
Independent Study (if applicable)	SPAS & Ed. Services	Patterson

Instructions to Petitioner: This checklist is designed to guide the review of charter school petitions. Throughout the evaluation, the petition review team will rate the petitioner’s response as Exceeds, Meets, or Fails to Meet the criteria required for each specific area.

Please write the page number where the information for each Evaluation Criteria can be located in the “found on page” column of the matrix document. Include a copy of this completed document with your charter petitions.

Ed Code 47605 A Education Program				
Found on page:	Evaluation Criteria A-O	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
1. Targeted School Populations				
4 – 5	◆ Age, grade levels and number of students	X		
1 - 12	□ Describe students whom the charter will attempt to educate	X		
2. Attendance				
73 - 76	◆ School year, academic calendar, number of school day and instructional minutes		X	
94 - 96	◆ Attendance expectations and requirements		X	
3. What it Means to be an Educated Person in The 21st Century				
24 - 27	□ Objective of enabling pupils to become self-motivated, competent, lifelong learners		X	
24 - 27	◆ Clear list of general academic skills and qualities important for an educated person		X	
24 - 27	◆ Clear list of general non-academic skills and qualities important for an educated person		X	
4. Description of How Learning Best Occurs				
38 - 41	◆ Persuasive instructional design			
41 - 62	◆ Broad outline (not entire scope and sequence) of the curriculum content			X
41 - 62	◆ Description of instructional approaches and strategies		X	
41 - 62	◆ Description of learning setting (e.g. traditional, home-based, distance learning, etc.)		X	
21 - 34	◆ Proposed program strongly aligned to school's mission	X		
41 – 62	◆ Affirmation that, or description of, how curriculum aligned to California Content Standards			X
107 - 113	◆ Outlines a plan or strategy to support students not meeting pupil outcomes		X	
38 - 41	◆ Instructional design or strategies based upon successful practice or research		X	
97 - 118	◆ Describes instructional strategies for special education, Insufficient English proficient students, etc.			X
5. Annual Goals and Actions				
120 - 132	□ Annual goals, and annual actions to achieve those goals, for all pupils and for each subgroup of pupils (anticipated racial/ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth) to be achieved in the state priority areas that apply for the grade levels served, or the nature of the program operated, by the charter school: ◆ Student achievement ◆ Student engagement ◆ Other student outcomes ◆ School climate ◆ Parental involvement ◆ Basic services (teacher credentials, instructional materials, facilities)		X	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

	<ul style="list-style-type: none"> ◆ Implementation of common core state standards ◆ Course access ◆ Additional school priorities, goals specific annual actions 			
6. Additional Requirements for Charter Schools Serving High School Student				
N/A	<input type="checkbox"/>	How Charter School will inform parents about the transferability of courses to other public high schools		n/a
N/A	<input type="checkbox"/>	How Charter School will inform parents about the eligibility of courses to meet college entrance requirements		n/a

Education Program – Comments	
<p>If Exceeds Required Standard, include Strengths:</p> <p>Detailed and specific identification of the students they seek to serve. Identification includes geographic location as well as student characteristics.</p>	<p>If Fails to Meet Standard, include Concerns and/or Additional Questions:</p> <p>There is a lack of information regarding the deferent curricula that will be used and each one’s alignment with California Content Standards. Clarification was received.</p> <p>The petition was lacking in descriptions of instructional strategies for EL and special education. Clarification was received.</p>

Ed Code 47605 B | Measurable Student Outcomes

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
120 - 136	<input type="checkbox"/> Pupil outcomes are measurable, i.e. specific assessments listed for each exit outcome, aligned with state priorities and goals in Educational Program		X	
120 - 136	◆ How pupil outcomes will address state content and performance standards in core academics		X	
120 - 136	◆ Outcomes align with common core state standards		X	
120 - 136	◆ Outcomes and measures align with state priorities and goals identified in Educational Program		X	
120 - 136	◆ Lists school-wide student performance goals students will achieve over a given period of time: Projected attendance levels, dropout percentage, graduation rate goals, etc.		X	
120 - 136	◆ Describes academic achievement outcomes both Schoolwide and for all groups of pupils (anticipated racial/ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth)		X	
120 - 136	◆ Clearly stated exit outcomes include acquisition of academic and non-academic skills, that are specific, measurable and rigorous		X	
120 - 136	◆ Acknowledges that exit outcomes and performance goals may need to be modified over time		X	
120 - 136	◆ Affirmation that "benchmark" skills and specific classroom-level skills will be developed		X	
120 - 136	◆ Affirmation/description that exit outcomes will align to mission, curriculum and assessments		X	
120 - 136	◆ Affirmation that college-bound students wishing to attend California colleges or universities will have the opportunity to take courses that meet the "A–G" requirements		n/a	
N/A	◆ If high school, graduation requirements defined and WASC accreditation addressed		n/a	

Measurable Student Outcomes – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

--	--

Ed Code 47605 C | Student Progress Measurement

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
120 - 136	<input type="checkbox"/> Assessments include multiple, valid and reliable measures using traditional/alternative tools		X	
120 - 136	<input type="checkbox"/> Assessment tools include all required state and federal assessments		X	
120 - 136	◆ At least one assessment method or tool listed for each of the exit outcomes		X	
120 - 136	◆ Chosen assessments are appropriate for standards and skills they seek to measure		X	
120 - 136	◆ Affirmation/description of how assessments align to mission, exit outcomes, and curriculum		X	
120 - 136	◆ Describes minimal required performance level necessary to attain each standard		X	
133 – 136, 341 Appendix AB	◆ Outlines plan for collecting, analyzing/utilizing and reporting student/school performance		X	
133 – 136, 341 Appendix AB	◆ Consistent with the way information is reported on the School Accountability Report Card		X	

Student Progress Measurement - Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 D | Government Structure

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
343 Appendix AD (P162)	<input type="checkbox"/> Describes what role parents have in the governance and operation of the school			X
140 - 150	<input type="checkbox"/> Describes key features of governing structure (usually a board of directors) such as:		X	
149 - 150	▪ Compliance with Brown Act, Public Records Act and Conflict of Interest Policy		X	
143 - 169	▪ Size/composition of board, board committees and/or advisory councils		X	
143 - 169	▪ Board's scope of authority/responsibility		X	
143 - 169	▪ Method for selecting initial board members		X	
143 - 169	▪ Board election/appointment and replacement		X	
143 - 169	◆ Affirms future development of, or has set of, proposed bylaws, policies or similar documents		X	
143 - 169	◆ Initial governing board members identified by name		X	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

		or the process to be used to select them		
143 - 169	◆	Clear description of the legal status of the charter school		X
143 - 169	◆	Outlines other important legal or operational relationships between school and granting agency		X

Government Structure - Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	Parent role in governance in the petition is through the School Site Council. Additional information provided through the Capacity Interview.

Ed Code 47605 E | Employee Qualifications

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
201 - 213	<input type="checkbox"/> Identifies all key staff positions with the school		X	
201 - 213	<input type="checkbox"/> Describes specific key qualifications (knowledge, experience, education, certification)		X	
41 – 42, 201 – 213, 344 Appendix AE	<input type="checkbox"/> Defines core, college preparatory teachers & affirms they will hold appropriate Commission on Teacher Credentialing certificate, permit or other equivalent document as required by Law including ESSA.		X	
344 Appendix AE	◆ Identifies any non-core, non-college prep teaching positions staffed by non-certified teachers, along with required qualifications.			X

Employee Qualifications – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	Clarification provided regarding non—core, non-college prep staff.

Ed Code 47605 F | Health and Safety

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
214 – 216, 345 Appendix AF	◆ Affirms that each employee will furnish the school with a criminal record summary			X
	Outlines specific health and safety practices addressing such key areas as:			
214 – 216, 345 Appendix AF	▪ Seismic safety (structural integrity and earthquake preparedness)		X	
214 – 216, 345 Appendix AF	▪ Natural disasters and emergencies		X	
214 – 216, 345 Appendix AF	▪ Immunizations, health screenings, administration of medications		X	
214 – 216, 345 Appendix AF	▪ Tolerance for use of drugs and/or tobacco		X	
214 – 216, 345 Appendix AF	▪ Staff training on emergency and first aid response		X	
214 – 216, 345 Appendix AF	▪ References accompanied by a detailed set of health and safety related policies/ procedures or the date by which they will be adopted and submitted to the ACOE		X	

Health and Safety - Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Clarification received regarding all employees obtaining a criminal records check and being cleared prior to beginning work.

Ed Code 47605 G | Racial & Ethnic Balance

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
91 – 93, 217 – 218, 340 Appendix AA	◆ Lists specific practices/policies designed to attract a diverse applicant pool/enrollment		X	
217 – 218, 340 Appendix AA	▪ Includes specific language access policy for attracting and achieving targeted racial and ethnic balance		X	
217 – 218, 340 Appendix AA	☐ Practices and policies appear likely to achieve targeted racial and ethnic balance		X	

Racial & Ethnic Balance – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 H | Admission Requirements

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
219 - 222	☐ Mandatory assurances regarding non-discriminatory admission procedures		X	
219 - 222	◆ Admission preferences which are required for conversion charter schools, if applicable		n/a	
219 - 222	◆ Clearly describes admissions requirements, including any preferences		X	
219 - 222	◆ Proposed admissions and enrollment process and timeline, as well as procedures for public random drawings, if necessary		X	

Admission Requirements – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 I | Annual Financial Audits

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
223 – 224, 346 Appendix AG	☐ Procedure to select and retain independent auditor		X	
223 – 224, 346 Appendix AG	◆ Qualifications of independent auditor		X	
223 – 224, 346 Appendix AG	☐ Audit will employ generally accepted accounting procedures		X	
223 – 224, 346 Appendix AG	☐ The manner in which the audit will be conducted		X	
223 – 224, 346 Appendix AG	◆ Scope and timing of audit, as well as required distribution of completed audit		X	
223 – 224, 346 Appendix AG	☐ Process for resolving audit exceptions and deficiencies to the satisfaction of the Alameda County Office of Education		X	

Legend:

- ☐ Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Annual Financial Audits – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 J Suspension and Expulsion				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
225 - 236	<input type="checkbox"/> Detailed, step-by-step process by which student may be suspended or expelled		X	
225 - 236	◆ Reference to a comprehensive set of student disciplinary policies		X	
225 - 236	◆ Reference homework policy for students suspended less than 5 days		X	
225 - 236	<input type="checkbox"/> Describe the expulsion appeal process		X	
225 - 236	<input type="checkbox"/> Outlines or describes strong understanding of relevant laws protecting constitutional rights of students, generally, and of disabled and other protected classes of students		X	
225 - 236	◆ Policies balance students' rights to due process with responsibility to maintain a safe learning environment		X	
225 - 236	◆ Explains how ACOE may be involved in disciplinary matters		X	

Suspension and Expulsion – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 K Staff Retirement System				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
237	<input type="checkbox"/> Statement of whether staff will participate in STRS, PERS, or Social Security (if STRS, then all teachers must participate)		X	

Staff Retirement System – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 L Attendance Alternative				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
238	<input type="checkbox"/> States that students may attend other schools or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence and/or description of other attendance alternatives		X	

Attendance Alternatives – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Ed Code 47605 M | Description of Employee Rights

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
239	<input type="checkbox"/> States that collective bargaining contracts of ACOE will be controlling		X	
239	◆ Whether and how staff may resume employment within the district or ACOE, if applicable		X	
239	◆ Sick/vacation leave (ability to carry it over to and from charter school, if applicable)		X	
239	◆ Whether staff will continue to earn service credit (tenure) in district or ACOE while at charter school, if applicable		X	

Description of Employee Rights – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 N | Dispute Resolution Process

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
240 - 242	<input type="checkbox"/> Adopts the Alameda County Office of Education process to settle disputes relating to the provisions of the charter		X	
240 - 242	◆ Outline of how the charter school will resolve internal complaints and disputes with teachers, other staff and parents.		X	

Dispute Resolution Process – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 O | Closure Procedures

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
257 - 263	<input type="checkbox"/> Outlines a description of the process to be used if the charter school closes		X	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

257 - 263	❑	Process includes the identification of the school individual/position responsible for closure activities, a final audit of the charter school, specific plans for disposition of all net assets and liabilities, as well as for the maintenance and transfer of pupil records		x
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Closure Procedures – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Likelihood that the Petitions Will be Able to Successfully Implement the Program of the Proposed Charter			
Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
♦ The Petition includes a thorough description of the education, work experience, credentials, degrees and certifications of the individuals comprising, or proposed to comprise, the directors, administrators and managers of the proposed charter school.	x		

Likelihood that the Petition will be able to successfully implement the program of proposed charter – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

REQUIRED SUPPLEMENTAL INFORMATION

Financial Plan (For Initial Petitions Only)				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
	❑ Proposed first year operational budget			x
351 - Appendix AL	• Start-up costs		x	
351 - Appendix AL	• Cash flow for first three years		x	
351 - Appendix AL	• Financial projections for first three years		x	
187 – 191,	♦ Planning Assumptions			x

Legend:

- ❑ Required to be included in charter petition and/or Memorandum of Understanding
- ♦ Strongly suggested to ensure that charter elements are reasonably comprehensive

351 - Appendix AL				
187 – 191, 351 – Appendix AL	<ul style="list-style-type: none"> Number/types of students 			X
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Number of staff 		X	
339 Appendix Z, 351 - Appendix AL	<ul style="list-style-type: none"> Facilities needs 		X	
351 - Appendix AL	<ul style="list-style-type: none"> Costs of all major items are identified and within reasonable market ranges 			X
351 - Appendix AL	<ul style="list-style-type: none"> Revenue assumptions in line with state and federal funding guidelines 		X	
351 - Appendix AL	<ul style="list-style-type: none"> Revenue from “soft” sources less than 10% of ongoing operational costs 		X	
351 - Appendix AL	<ul style="list-style-type: none"> Timeline allows window for referenced grant applications to be submitted and funded 		X	

Financial Plan – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	<p>Significant budget concern is related to the proposed compensation rates for both teachers and administrative staff. Proposed salary levels per the proposed budget are significantly less than the average compensation rates for similar positions within OUSD. The budget analysis provided by our fiscal consultant shows the Charter will incur an operating deficit in years 1 and 3 in the amounts of \$347K and \$87K respectively and a surplus of \$113K in year 2. The analysis was based on OUSD 2015-16 mid-range teacher and administrative salaries as assumptions. Additionally the compensation for teachers was adjusted for incremental work hours and days per year to accommodate for the extended day and year that is planned for the Charter.</p>

Start-Up Costs (For Initial Petitions Only)				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
187 – 191, 351 -	<ul style="list-style-type: none"> Clearly identifies all major start-up costs 			

Legend:

- ❑ Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Appendix AL				
	<input type="checkbox"/> Staffing			x
	<input type="checkbox"/> Facilities		X	
	<input type="checkbox"/> Equipment and Supplies		X	
	<input type="checkbox"/> Professional Services		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Assumptions in line with overall school design plan 			x
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Identifies potential funding source 		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Timeline allows for grant and fundraising 		X	

Start-Up Costs – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	See comment in section above.

**Annual Operating Budget
(Most Current Board Adopted Budget with any Variances or Material Changes Noted)**

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Annual revenues and expenditures clearly identified by source 		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Revenue assumptions closely related to applicable state and federal funding formulas 		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Expenditure assumptions reflect school design plan 		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Expenditure assumptions reflect market costs 			X
187 – 191,	<ul style="list-style-type: none"> “Soft” revenues not critical to solvency 		X	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

351 - Appendix AL				
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Strong reserve or projected ending balance (the larger of 3% of expenditure or \$25,000) 			x
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> If first year is not in balance, identifies solvency in future years and sources of capital sufficient to cover deficits until the school year when the budget is projected to balance 			x
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Expenditure for sufficient insurance to name district as also insured/hold harmless agreement 		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Expenditure sufficient for reasonably expected legal services 		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Expenditure for Special Education excess costs consistent with current experience in the school district/county 		x	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Expenditure for facilities – if specific facilities not secured, reasonable projected cost 		x	

Annual Operating Budget – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	Issue of adequate compensation for teachers and administrators already identified impacts reserve levels and deficit spending.

Cash Flow Analysis

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Monthly projection of revenue receipts in line with local/state/federal funding disbursements 		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Expenditures projected by month and correspond with typical/reasonable schedules 		X	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Show positive cash balance each month and/or identify sources of working capital 			X
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Cash Flow Analysis – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	Issue of adequate compensation for teachers and administrators already identified impacts cash balance.

Long-Term Plan

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Projects revenues and expenditures for at least two additional years 		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Revenue assumptions based on reasonable potential growth in local, state and federal revenues 		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Revenue assumptions based on reasonable student growth projections 		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Reasonable cost-of-living and inflation/funding reduction assumptions 		X	
187 – 191, 351 - Appendix AL	<ul style="list-style-type: none"> Annual fund balances are positive or sources of supplemental working capital are identified 			X

Long-Term Plan – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	Issue of adequate compensation for teachers and administrators already identified impacts annual fund balance amounts.

Impact Statement

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
4 - 5	<ul style="list-style-type: none"> Provides estimated numbers of students anticipated to enroll (Initial Petitions Only) 		X	
337 Appendix X	<ul style="list-style-type: none"> Identifies whether charter will request to purchase support services from ACOE or district (Initial Petitions Only) 		X	
337 Appendix X	<ul style="list-style-type: none"> Describes suggested processes and policies between charter and ACOE including: 		X	
337 Appendix X	<ul style="list-style-type: none"> Process, activities and associated fees for oversight of charter 		X	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

337 Appendix X	▪	Regular, ongoing fiscal and programmatic performance monitoring and reporting as required by ACOE		x	
337 Appendix X	◆	Description of support service needs and suggested payments for services to authorizer, if applicable.		x	
337 Appendix X	▪	Clearly drafted contract(s)/agreement(s) or reference to contract(s) for services.		n/a	
337 Appendix X	○	Identify whether a request will be made for use of ACOE or district-owned facilities		x	
337 Appendix X	○	Reasonably detailed lease or occupation agreement for privately obtained facilities		x	
337 Appendix X	◆	Proposed legal status of school is identified		x	
337 Appendix X	□	Describes the manner in which administrative services of the charter school are to be provided		x	
337 Appendix X	◆	Identify whether school intends to manage risk independently or will seek to secure coverage other public agency		x	
337 Appendix X	□	Addresses potential civil liability effects, if any, upon the school and the ACOE		x	

Impact Statement – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Facilities				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
339 Appendix Z	□ Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.		x	
339 Appendix Z	□ In the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school.		x	
339 Appendix Z	□ Are reasonable costs for the acquisition or leasing of facilities to house the charter school reflected in budget (taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614)		x	

Facilities – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47641 Special Education				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
97 - 113	□ Petition specifies the means by which the charter school will comply with the provisions of Education Code section 47641		x	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

97 - 113	<input type="checkbox"/>	Has consulted with a SELPA agency concerning Special Ed. Services		x	
97 - 113	<input type="checkbox"/>	Has contacted the special education director in district/LEA providing services		n/a	
97 - 113		▪ Discussed special education responsibilities of charter		n/a	
97 - 113		▪ Discussed application of SELPA policies		n/a	
97 - 113	<input type="checkbox"/>	Describes how special education services will be provided consistent with SELPA Plan and/or policies and procedures		x	
97 - 113		▪ Includes fiscal allocation plan		x	
97 - 113	<input type="checkbox"/>	Includes the process to be used to identify students who qualify for special education programs and services, including		x	
97 - 113		▪ Referral		x	
97 - 113		▪ Assessment		x	
97 - 113		▪ Instruction		x	
97 - 113		▪ Due Process		x	
97 - 113		▪ Agreements describing allocation of actual and excess costs		x	
97 - 113		▪ Charter fiscally responsible for fair share of any encroachment on general funds		n/a	
97 - 113	<input type="checkbox"/>	The school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities		X	
Found on page:		Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
If charter is LEA within SELPA					
97 - 113		▪ Notifies SELPA Director of intent prior to February 1 st of the preceding school year		X	
97 - 113, 351 - Appendix AL		▪ Provides current operating budget in accordance with Ed Code 42130 and 42131		n/a	
351 - Appendix AL		▪ Responsible for any legal fees relating to application and assurances process		X	
351 - Appendix AL		▪ Meets the terms of the "Agreement Regarding the Organization, Implementation, Administration and Operation of SELPA"		n/a	
351 - Appendix AL		▪ Assurance Statement that Charter is fiscally responsible for fair share of any encroachment on general funds		n/a	
Petition includes the following assurances:					
97 - 113		▪ The charter will comply with all provisions of IDEA		x	
97 - 113		▪ No student will be denied admission based on disability or lack of available services		x	
97 - 113		▪ Will implement a Student Study Team process		x	
97 - 113		▪ Any student potentially in need of Section 504 services will be the responsibility of the charter school		x	
Overview of how special education funding and services will be provided by:					
97 - 113	<input type="checkbox"/>	Petition/MOU describes the process for notifying district of residence and authorizing school district when a special education student enrolls, becomes eligible, ineligible and/or leaves charter school		x	
97 - 113		▪ Charter School		x	
97 - 113		▪ Alameda County Office of Education		x	
97 - 113		▪ SELPA		x	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

97 - 113	<input type="checkbox"/> Petition/MOU describes the transition to or from a district when a student with an IEP enrolls in, or transfers out of, the charter school		x	
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Special Education – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	Much of this section is covered by the MOU. We will include additional requirements/assurances in Schedule D of the MOU if the petition is approved.

INDEPENDENT STUDY | Requirements in this section apply to petitions proposing to utilize a non-classroom based instructional strategy in the charter school.

Ed Code 47612.5, 51745 and 51747 | Independent Study

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
N/A	<input type="checkbox"/> The petition verifies that the K-12 public school guidelines for independent study will be evident in the annual audit. 47612.5(b) Notwithstanding any other provision of law and except to the extent inconsistent with this section and Section 47634.2, a charter school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted there-under.		n/a	
N/A	<input type="checkbox"/> The petition states that it will meet the requirement related to the ratio of ADA to FTE certificated employees as prescribed under education code 51745.6(a). The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other education programs operated by the school district. The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education fulltime equivalent employees responsible for independent study, to be calculated in a manner prescribed by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest daily attendance of pupils in that county.		n/a	

The petition includes Written Policies required for eligibility to receive apportionments for Independent Study per E.C. 51747:

N/A	<input type="checkbox"/> The maximum length of time, by grade level and type of program that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work.		n/a	
N/A	<input type="checkbox"/> The number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether he or she should return to the regular school program.		n/a	
N/A	<input type="checkbox"/> The requirement that a current written agreement for each pupil will be maintained in file, at a minimum, the following areas:		n/a	
N/A	<input type="checkbox"/> The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress.		n/a	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

N/A	<input type="checkbox"/> The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.		n/a	
N/A	<input type="checkbox"/> The specific resources, including materials and personnel that will be made available to the pupil.		n/a	

Ed Code 47612.5, 51745 and 51747 | Independent Study | Continues

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
N/A	<input type="checkbox"/> A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed prior to an evaluation of whether or not the pupil should be allowed to continue in independent study.		n/a	
N/A	<input type="checkbox"/> The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one semester, or one-half year for a school on a year-round calendar.		n/a	
N/A	<input type="checkbox"/> A statement of the number of course credits, or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.		n/a	
N/A	<input type="checkbox"/> The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate.		n/a	
N/A	<input type="checkbox"/> Each written agreement shall be signed, prior to the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil.		n/a	
N/A	<input type="checkbox"/> Petition acknowledges that independent study will be supervised by an appropriately credentialed teacher per 51747.5(a)		n/a	
N/A	<input type="checkbox"/> Petition acknowledges that school may claim apportionment credit for independent study only to the extent of the time value of pupil or student work products, as personally judged in each instance by a certified teacher per 51747.5(b).		n/a	

Independent Study – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

APPENDIX B
Summary of Issues in Appeal Proceeding:
OUSD Findings, Aurum Preparatory Response and ACOE Staff Findings

OUSD Board Major Findings (Resolution No.1617-0090)	Aurum Preparatory Charter School Response to OUSD’s Board Findings (excerpts)	ACOE Staff Findings
<p>Recruitment and Enrollment - 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"> • The 1st and 2nd 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 6th grader at the time of the proposed program opening in Fall 2017. • Aurum’s Prop 39 application submitted November 1st lists 97 6th grade students that intend to enroll. This is well below the 132 students stated in the petition on p.3. • Furthermore, of the 97 forms submitted, only 58 were found to be valid/complete. • 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 6th graders. Aurum’s 58 valid intent to enroll signatures submitted November 1st, 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. • 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 	<p>We strongly disagree with this assertion. We provided a clear and detailed recruitment action plan in our charter petition that clearly lays out our plan for recruiting students on an ongoing basis. In addition, staff has not properly taken into account the significant number of students already recruited who are meaningfully interested. Specifically, 82 intent to enroll forms were submitted in our Prop 39 application and have been validated by Young, Minney & Corr. This represents 62% of Aurum Preparatory Academy’s projected enrollment of 132 students, which was secured more than 7 months in advance of the completion of Aurum Preparatory Academy’s enrollment process, and before the charter is approved. This is not a deficit, it is an asset and makes us confident in our ability to be able to fully enroll the school.</p> <p>As detailed in the petition on pages 91-92, high intensity recruitment efforts were scheduled to begin January 2017, in alignment with open enrollment windows of the district and other charter schools. This includes “door to door” canvassing and tabling at events, under the supervision of an enrollment coordinator. It is during this period that the remaining 38% of students – plus considerably more to ensure a strong waiting list – would be recruited.</p> <p>In summary, the petition does in fact include a clear and compelling recruitment plan – the highest intensity efforts of which have just started. As of November 1st, prior to these efforts starting in earnest, the school had secured meaningful interest for 62% of its available 132 seats. As such, Aurum Preparatory Academy’s enrollment projections are very attainable and reasonable.</p>	<p>The petition includes a significant description of the petitioner’s analysis of the possible pool of students. This description exceeds the standard of reasonable comprehensive.</p> <p>The petition and the Capacity Interview also provided an overview of a significant and long term outreach and recruitment efforts in the community.</p> <p>The staff report recognizes the importance of the petitioners reaching the projected enrollment in the analysis of Likelihood of Successful Implementation. As stated in the Staff Report, based on the information available, staff is unable to have an informed opinion regarding this issue.</p>

<p align="center">OUSD Board Major Findings (Resolution No.1617-0090)</p>	<p align="center">Aurum Preparatory Charter School Response to OUSD’s Board Findings (excerpts)</p>	<p align="center">ACOE Staff Findings</p>
<p>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.</p>	<p>Please see the Charter Petition, pages 91 to 94 for a description of the recruitment plan.</p> <p>Please see Appendix AA for our detailed recruitment plan, which has continued to evolve as planned since the time of submission.</p>	
<p>Leadership - The petitioners lack the experience and capacity to establish and operate the proposed school.</p> <ul style="list-style-type: none"> • 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. • 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. • 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 	<p>We strongly disagree with the Staff Report’s findings regarding our Leadership. As noted above, our proposed Executive Director is a Fellow with acclaimed and proven education provider Building Excellent Schools. The BES Fellowship is a highly selective and rigorous three-year Fellowship, which provides high capacity leaders with all the training and support they need to design, found, and lead high performing schools. Leaders who establish schools from the BES Fellowship have demonstrated results that outpace their school district counterparts. There are currently two schools in the Bay Area that have been founded by BES Fellows, The Mission Preparatory School and Cornerstone Academy Preparatory School. Both schools were recognized by the Innovate Public Schools Report as top schools in the Bay Area for underserved students. These founders each had similar training and credentials to the proposed Executive Director and therefore we find it unfounded to state that the petitioners “lack the experience to operate the proposed school.” All Building Excellent Schools Fellows complete a residency in a high performing school in which they understudy and operate as the school leader.</p> <p>Models such as the BES Fellowship may not be “traditional,” but they are also not new to OUSD. Many leaders across Oakland, in both district and charter schools, have been trained in similarly rigorous and selective programs including New Leaders and KIPP. As with BES, these leaders have realized some of the greatest success in the district – with many going on to serve in district and county leadership roles. Citing this experience</p>	<p>The staff reviewed the leadership, experience and skills of the proposed Executive Director, David Hardin and found them to be robust and appropriate. We found him highly dedicated to the work of serving these students.</p> <p>The Review Team also recognizes the value of his fellowship with the national recognized Building Excellent Schools (BES). The BES Fellowship is widely recognized as high quality and BES supported schools are successful at achieving high levels of academic achievement while also serving high need student populations.</p> <p>We note that it is not usual for charter school leadership to be younger than what is found in traditional education.</p>

<p align="center">OUSD Board Major Findings (Resolution No.1617-0090)</p>	<p align="center">Aurum Preparatory Charter School Response to OUSD’s Board Findings (excerpts)</p>	<p align="center">ACOE Staff Findings</p>
<p>leading a highly effective school serving an underserved target population as described.</p> <ul style="list-style-type: none"> 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. 	<p>as not meeting qualifications is simply disingenuous. And while an advanced degree is stated as “preferred” for the role of Executive Director, a three-year fellowship of this nature certainly meets the desired intent of an “advanced degree.”</p> <p>In addition, our proposed Executive Director is currently operating as the leader of a school in East Oakland with a population of students similar to those we intend to serve at Aurum Prep. This, coupled with the experience of leading the professional development of teachers through Teach for America, is certainly “relevant experience and proven leadership.”</p> <p>Finally, should the ACOE wish to conduct a capacity interview with the proposed Executive Director we would welcome the opportunity to demonstrate that he does in fact understand both the academics and operations of running a successful charter school, within the areas of Special Education (as given in the Staff Report as an example) and other areas. Given that our proposed Executive Director does in fact have experience leading a school, is a part of two highly selective Fellowships (commensurate with an advanced degree), has experience in building teams and leading educators, and is an award winning educator, we are fully affirmed in our proposed Executive Director’s ability to successfully lead Aurum Prep.</p>	<p>Special Education: The original petition had Aurum being a school of the district (OUSD) for purposes of special education. This is the default expectation in the Education Code and is an appropriate choice for a small charter school. As a requirement of ACOE, the petitioners modified the petition to be an LEA for purposes of special education. While the language in the petition, clarifications received during the Capacity Interview and the clarifying information is reasonable comprehensive, there are concerns about actual implementation, which are addressed in the section of the staff review under the Likelihood of Successful Implementation.</p>
<p>Finances - The petition still lists the PCSGP (charter start-up grant) as an assumed revenue even though the Aurum submission was made on November 15, 2016 to the OUSD BOE, thus missing the due date.</p> <ul style="list-style-type: none"> The PCSGP grant Request for Applications 2016-17 (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 	<p>This finding is both incorrect and irrelevant. Aurum Prep provided two different budget scenarios in the charter petition. We provided one budget scenario that includes PCSGP funds, starting on page 334 of our charter petition, we also included a modified budget, which reflects how our budget would change if we did not receive the PCSGP funds. In the electronic submission, we submitted both versions of the budget and we have demonstrated that we are still able to successfully operate our school financially even without the PCSGP start up grant. As</p>	<p>The budget submitted by Aurum was complete and comprehensive. The issue of the PCSGP (charter school start-up grant) is addressed appropriately in the proposed budget.</p>

<p align="center">OUSD Board Major Findings (Resolution No.1617-0090)</p>	<p align="center">Aurum Preparatory Charter School Response to OUSD’s Board Findings (excerpts)</p>	<p align="center">ACOE Staff Findings</p>
<p>charter petition by this date (Sept. 23, 2016) to their authorizing agency.”</p>	<p>such, this assertion is incorrect.</p> <p>Moreover, our original charter submission was made on September 14th, 2016 and our resubmission was made on October 26, 2016, not November 15, 2016 as stated. While we had to withdraw to adjust how the signatures were submitted (they had originally been submitted as letters of support, rather than a simply signature page) we have confirmed with the California Department of Education (“CDE”) that they will consider our original submission date in determining eligibility for PCSGP as the change required did not materially revise the content of the charter. As such, we are still eligible for PCSGP funds, successfully were awarded these funds, and do not need to reapply. As such, this assertion is also irrelevant.</p>	
<p>Target Population - 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.</p> <ul style="list-style-type: none"> • 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. • 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 	<p>Aurum Prep seeks to serve a student population that is reflective of its community. While the student population in OUSD as a whole is 25.8%, African American students are underrepresented in charter schools operating within the district. Aurum Prep engaged in an extensive listening campaign with over 200 community members in the educationally underserved neighborhoods of Oakland, which have a higher percentage of students of African American students as noted, which is 40%. Based on the expressed demand from this community – from local churches, community based organizations, and schools such as Acts Full Gospel, Oakland Leaf, and Cox Academy - we designed our educational program to meet the needs of this diverse community. We then officially began the recruitment process, which as stated in the petition on pages 91- 92 was scheduled to begin in earnest in January 2017, with a commitment to recruiting a diverse student body.</p> <p>In gathering signatures from meaningfully interested families, it is important to note that racial and ethnic data is not collected in this process. As such, estimates on demographics are purely speculative. While we concur</p>	<p>The discussion of the target population in the petition fully meets the requirement of reasonable comprehensive. Aurum petition includes a significant amount of information about the student who resides in their target area. In addition, in the Capacity Interview the petitioners where able to articulate well their knowledge of the demographics in their target area as well as their ongoing outreach/marketing efforts.</p> <p>While there may be disagreements regarding how to do outreach, the completeness of the information in the petition and reflected in the Capacity Interview are the relevant factors in our review.</p>

OUSD Board Major Findings (Resolution No.1617-0090)	Aurum Preparatory Charter School Response to OUSD’s Board Findings (excerpts)	ACOE Staff Findings
<p>underrepresentation also seems to be evident in the signatures submitted.</p>	<p>that many of the signatures came from Learning Without Limits and Cox Academy, as the individuals who gathered these signatures we believe the students from within these schools who were drawn to Aurum Prep were weighted differently than the overall school percentages. If we had to speculate on numbers, we believe approximately 30% of students are African American and 60% are Latino. As we move into more intensive stages of recruitment, we continue to maintain our focus on serving a student population that represents the diversity of Oakland and the neighborhood in which we ultimately operate.</p>	
<p>Programs for English Learners - 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:</p> <ul style="list-style-type: none"> • Ongoing (not just the annual CELDT) assessments of language acquisition • The delivery of English Language Development to students. 	<p>We find the Staff’s conclusion that there is insufficient consideration pertaining to our supports for English Learners unmerited. Pages 113-118 of the charter petition provide an overview of Aurum Prep’s approach for serving English Learners that is reasonably comprehensive, and in many areas goes beyond the level of detail commonly found in a charter petition. The plan is aligned to the California ELD Standards and provides for both integrated and designated ELD for all English Learners.</p> <p>In terms of assessment practices, the Home Language survey and then the CELDT/ELPAC are mandatory starting points for all schools in serving ELs. Aurum Prep embraces this, then states the alignment to Aurum Prep’s data-driven core principle in which the school will “assess student progress frequently and use results to drive overall instruction.” Page 115 goes on to discuss how “Teachers at Aurum Prep will use the California Department of Education’s new English Language Development standards to inform curriculum and lesson planning and to assess the progress of our EL students on an ongoing basis.” Page 116 then goes on to discuss how different data streams will be used to monitor student progress including “CELDT/ELPAC exam scores, input from classroom teachers, and evidence of general education progress”.</p>	<p>The discussion of programs for English Learners in the petition meets the requirement of reasonable comprehensive. The petitioners were also able to effectively discuss their proposed services to EL in the Capacity Interview.</p>

<p align="center">OUSD Board Major Findings (Resolution No.1617-0090)</p>	<p align="center">Aurum Preparatory Charter School Response to OUSD’s Board Findings (excerpts)</p>	<p align="center">ACOE Staff Findings</p>
	<p>In terms of ELD instruction, the charter petition provides information on both Integrated and Designated ELD. Integrated ELD is designed to ensure students 1) have access to core content and can express their understanding, 2) develop their English across domains of reading, writing, listening, and speaking, and 3) are socially integrated in a multicultural community. The use of SDAIE and GLAD are detailed as specific approaches for supporting Integrated ELD and in which all teachers will be trained (pages 115-116). In addition, layering ELD Standards into the backwards mapped design process for curriculum (page 115) allows teachers to set differentiated language objectives for lessons based on student language development. A specific focus on developing reading, vocabulary, and Cognitive Academic Language Proficiency (CALP) via an extended literacy block is also an integral part of the model and supports ELs (page 114). Collaborative language structures (in alignment with the ELD standards) are also highlighted (page 114-115). Finally, English Intensives and two Focus Periods are built into the daily school day to allow for Designated ELD in which students receive ELD focused on language objectives, separate from content (pages 45, 115-116). Finally, the petition provides additional detail on accommodations to be made for EL students in ELA, Math, and Science in accordance with the California ELD standards (pages 45-53).</p>	
<p>Scheduling and Staffing - The petition lacks evidence demonstrating how the resources, daily schedule, and particularly teacher staffing, will support effective implementation of the education program as described.</p> <ul style="list-style-type: none"> • 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. • Students not moving would only be possible if 	<p>We believe Staff has misconstrued and misinterpreted our Education Program particularly as it pertains to the daily schedule. Our school design has made a concerted effort to focus on both Math and English instruction. In the extensive community engagement campaign we conducted, we found that many students are entering 6th grade two to three years behind grade level. As a result, we have double blocks of each of these subjects built into the schedule, and we have chosen to hire two English and Math teachers per grade level. This will allow us to isolate</p>	<p>The discussion of scheduling and staffing, including the staffing levels of teachers in the petition meets the requirement of reasonable comprehensive. The petitioners are proposing a school that will not adhere to a traditional junior high/middle school structure of (e.g., six periods a day). The small size of the school makes it more possible for the staff to experiment and adjust scheduling, consistent with the petitioners’ other educational innovations (such as expanded time for Language Arts and Mathematics). Additional discussion</p>

OUSD Board Major Findings (Resolution No.1617-0090)	Aurum Preparatory Charter School Response to OUSD's Board Findings (excerpts)	ACOE Staff Findings
<p>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).</p>	<p>both subjects into more discrete content areas, e.g., in English we will have reading and writing and in Math we will have both procedural and conceptual Math. While holding this emphasis, the schedule allows for individualization with students moving for parts of their day. For example, all students will transition during their differentiated focus period for individualized and targeted support. The overall school daily schedule was built on the need to ensure we are most effectively serving our student population, based on research based and innovative best practice. The daily schedule meets legal requirements as presented in the petition and the master schedule will be finalized once all staffing decisions are taken into consideration. However, we have included more detail to our proposed schedule in Appendix AC.</p>	<p>of teacher staffing and workload is included in the staff report.</p>
<p>Measuring Pupil Progress</p> <ul style="list-style-type: none"> • 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 (6th-8th). • Other errors were corrected by the petitioner as a result of feedback given by staff during the first submission interview. • Underdeveloped implementation plan and understanding of data systems/platforms to support rigorous data analysis. 	<p>Aurum Prep will comply with all compliance and reporting requirements and we are committed to the ongoing use of data to make decisions. In fact, an innovative aspect of our school design is centered around Data Days, which are full day staff professional development held every other month. Data Days allow us to work with teachers and staff to analyze the progress of all students in all tested subject areas. This information is used to make school-wide decisions that include, but are not limited to: grouping of students, adjustment in curriculum guides, targeted tutorial for students, and creation of teacher improvement plans. We believe this structure, in particular, is an innovative feature that will allow Aurum Prep to use data effectively and make important pedagogical shifts informed by data.</p> <p>In terms of data systems, Staff requested to know which Student Information System we would be using. While we have spoken with multiple vendors and narrowed down the options in accordance with the reporting we would like to make, we believe it is reasonable to still be selecting an SIS system. We have also included our plan for implementing data systems for rigorous analysis in</p>	<p>The discussion of Measureable Pupil Progress in the petition fully meets the requirement of reasonable comprehensive.</p> <p>ACOE staff recognizes the challenges in setting appropriate Multiple Pupil Outcomes for all schools statewide with the new state assessments and the new Dashboard.</p> <p>Aurum has agreed to abide any collective MPOs established by the ACBE/ACOE through the Equity Pledge process.</p>

<p align="center">OUSD Board Major Findings (Resolution No.1617-0090)</p>	<p align="center">Aurum Preparatory Charter School Response to OUSD’s Board Findings (excerpts)</p>	<p align="center">ACOE Staff Findings</p>
	<p>Appendix AB.</p> <p>Finally, the mention of 4 years for reclassification is a minor error that we would be happy to correct via a MOU or technical amendment.</p>	
<p>Innovative Aspects of Education Program</p> <ul style="list-style-type: none"> 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. 	<p>As a Fellow with Educate78, our lead petitioner has received training on the process of design thinking from the “D School” at Stanford. In addition, he has visited multiple schools utilizing a Design Thinking approach. This innovate practice takes on a variety of forms, dependent on school setting. While some schools place a focus on integration across all elements of the program, others leverage it within a specific class that may or may not tap into content from other classes. For example, Lodestar in Oakland utilizes the practice across its “Inquiry Arc” while Urban Montessori engages students in periodic “Design Challenges.” As there is not one singular approach to leveraging Design Thinking, critiquing Aurum Prep’s approach is unjustified. We find this critique to exceed the legal requirements of a reasonably comprehensive description of a sound education program.</p> <p>At Aurum Prep, we have identified initial ways in which we will bring Design Thinking into our program. True to Design Thinking, we will continue to iterate on these in response to data to ensure our approaches and areas for integration are serving our students. The first focal area is in developing the skill of empathy, one of the key steps in Design Thinking that allows a student to understand, relate to, and solve real world problems for a user. Our character development program is designed to build students’ empathy and self-awareness and is integrated in the core content courses each year (pages 89 and 90). Ultimately, this will allow students to become real world problem solvers in their community in alignment with the design thinking process. The second area of approach is in offering a Design Thinking class, which allows students dedicated time to conduct Design Challenges. Students</p>	<p>The discussion of design thinking as part of the description of Education Program in the petition meets the requirement of reasonable comprehensive.</p> <p>Design thinking is a new and developing innovation in public education. It is included as a component but not a central tenet of the petitioner’s education program. The core components of the petitioner educational program are clearly presented and are based on successful practice at other high performing charter schools.</p>

OUSD Board Major Findings (Resolution No.1617-0090)	Aurum Preparatory Charter School Response to OUSD's Board Findings (excerpts)	ACOE Staff Findings
	will have the opportunity to select both Design Thinking and VAPA courses during their experience at Aurum Prep.	



ALAMEDA COUNTY OFFICE OF EDUCATION
L. Karen Monroe, Superintendent
313 West Winton Ave. Hayward, CA 94544
(510) 887-0152 www.acoe.org

Memorandum No. - 8.

Meeting Date: 5/9/2017

TO: Alameda County Board of Education
FROM: Teresa Kapellas, Executive Director, Administrative Services
RE: Determination Hearing - ACOE Opportunity Charter Petition

Background :

The Alameda County Office of Education (ACOE) began its review of the charter school petition on March 31, 2017, after determining that the submitted petition package was complete. A public hearing was held on April 11, 2017, in accordance with the Education Code's provisions on charter schools, to consider the level of support for the petition by teachers, other employees, parents and the community.

The ACOE Charter School Review Team analyzed the charter petition in detail, using a checklist based on mandated elements and affirmations, and applying charter petition standards that are required under the Education Code, as amended. A copy of the staff's Evaluation Summary Report was sent to the Petitioner, and forwarded for your review.

Action Requested:

INFORMATION/ ACTION

That the Board take appropriate action to either approve or deny the charter petition for ACOE Opportunity Charter School.

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Backup Material	Staff report



CHARTER SCHOOL EVALUATION SUMMARY REPORT

FOR

ACOE Opportunity Charter

Submitted March 31, 2017

Public Hearing held April 11, 2017

Charter Petition Direct Submission to the County Board - E.C. 47605.5

ACOE Charter Review Team:

David Patterson, Christina Faulkner, Aseneth Rodriguez-Quaid, Nimrat Johal

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ANALYSIS SUMMARY

The ACOE Division of Student Programs and Services (SPaS) petitioned for the creation of the Opportunity Charter School (ACOE OC). Responding to what they see as the pressing challenges faced by the county's highest-need young people and through collaboration with other youth-serving agencies, the ACOE OC charter school is proposing a new option for Opportunity Youth to pursue a high school diploma, while also participating in employment readiness programs.

This is the first "dependent" charter submitted to the Alameda County Board of Education (ACBE) and reviewed by ACOE's Charter Schools Office. The Charter School Review Team found the charter educationally sound and reasonably comprehensive. SPaS has significant experience successfully operating programs for these students, providing strong evidence of the likelihood of successful implementation. As an internal county-operated application (not an appeal), the petitioners were able to provide significant clarifying information that was critical in the work of the Review Team.

BACKGROUND

The Alameda County Office of Education (ACOE) Charter Schools Office received a charter petition for the ACOE Opportunity Charter (ACOE OC) from the ACOE Division of Student Programs and Services (SPaS) on March 31, 2017. The ACOE OC charter is proposed as a "dependent", County-Operated school, a charter that will be governed by the Alameda County Board of Education (ACBE). A public hearing was held regarding the petition by the ACBE on April 11, 2017. Following the public hearing, the Charter Review Team completed its review of the petition and additional information. The Capacity Interview was held on April 24, 2017 and was attended by the review team and Monica Vaughn, ACOE Chief of Schools; Tracy Burns, SPaS Program Director; Nicole Crosby, ACOE Teacher; and Leigh Ann Blessing, ACOE Director Internal Business Services. Information used in preparing this report includes information from the petition review, capacity interview, and additional information requested by the review team. A copy of this report was provided to SPaS prior to the determination hearing.

Alameda County Board of Education's Role

Education Code Section 47605.5 provides for the submission of a charter petition directly to a county board of education. It states that such a charter will be submitted in the same manner as set forth in Education Code Section 47605.

Education Code Section 47605(b), describing the standard and process for review of charter school petitions, requires the County Board to:

- Hold a public hearing within 30 days on the provisions of the charter and consider the level of support for the petition.
- Not deny a petition for the establishment of a charter school unless it makes written factual findings, setting forth specific facts to support one or more of the following:
 - 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 by subdivision (a). (This requirement does not apply to charter renewals, per Title 5 California Code of Regulations §11966.5(b) (2) (A).)
- The petition does not contain an affirmation of each of the conditions described in subdivision (d).
- The petition does not contain reasonably comprehensive descriptions of the required content in subsections A-O.

REVIEW PROCESS

The ACOE believes that quality authorizing includes a rigorous, comprehensive application process that follows fair procedures and clear criteria. Our review team for the evaluation of this charter includes staff members and external consultants with expertise in various areas in order to provide a thorough evaluation. This review is conducted in a systematic, unbiased manner through a comprehensive checklist which provides uniformity in charter petition evaluations.

During the review process the Review Team may identify areas of concern and/or questions about the petition. Information provided by the petitioners in response to concerns and questions by the Review Team is considered in the review process. The process also includes a Capacity Interview which provides the Review Team the opportunity to ask clarifying questions as well as engage in interactive, real-time conversations that allow an assessment of the petitioner's depth of knowledge, experience and ability to implement their proposed charter. Staff discusses their results and determines whether the petition document demonstrates a strong potential for establishing and operating a highly quality charter school.

Finding of Facts

Required Signatures

The petition included sufficient teacher signatures to meet the requirements of EC 47605(a)(3).

Required Affirmations

The petition contains the required affirmations as required by EC 47605(d).

Does Petition Contains Reasonably Comprehensive Descriptions of Required Content

The ACOE's Charter School Review Team completed a thorough review and analysis of the educational, operational, and financial information contained in the charter petition for the ACOE OC petition. The petition was reviewed in forty eight (48) required areas, with specific criteria in each element. Below are the rating results.

Criteria that Exceed Required Standard	Criteria that Meet Required Standard	Criteria that Fail to Meet Required Standard
	18	2

Staff's Petition Review Checklist, included as Appendix A, contains a detailed analysis of each Element/Section, articulating the strengths and weaknesses of the charter school's proposal. The petition document met the minimum criteria in the following areas:

- Student Progress Measurement
- Government Structure

- Employee Qualifications
- Health and Safety
- Racial & Ethnic Balance
- Admission Requirements
- Annual Financial Audits
- Suspension and Expulsion
- Staff Retirement System
- Attendance Alternative
- Description of Employee Rights
- Dispute Resolution Process
- Closure Procedures
- Financial Plan
- Start-Up Costs
- Long-Term Plan
- Impact Statement
- Independent Study

The petition document did not fully meet the minimum criteria in the following areas:

- Educational Program
- Measureable Student Outcomes

This petition is a direct submission to ACBE/ACOE. It is not a petition on appeal. The ACOE Charter Schools Office has been working with the SPaS Division to ensure that adequate documentation of all the aspects of the charter's proposed program. Significant additional documentation was submitted to the Charter Schools Office as a result of our review and questions. The additional information addresses the concerns initially identified in Education Program and Measurable Student Outcomes. The information discussed below represents both additional documentation needed as well as additional documentation already submitted but not yet fully reviewed.

The ACOE OC charter will be a county-operated dependent charter. As such the fiscal review typically conducted on an external charter was not conducted. While the school will have its own budget and financial reporting requirements to the ACBE, ultimately it will be another program of the ACOE in terms of financial responsibility.

Education Program: The description of the Education Program is reasonably comprehensive with the information included in the charter petition, information provided as clarifications and information provided in the Capacity Interview. However, to enhance the clarity and comprehensiveness of the charter petition and related documents, if the charter petition is approved, the petitioners should provide the following information prior to the school opening.

ACOE-OC will provide an expanded description of the education program that will include but not be limited to additional information regarding the following:

- Proposed enrollment by year for five years
- Academic Year Calendar with first day and last day of school and staff development days identified. Verification of compliance with instructional minute requirements.
- Additional clarification and detail regarding the range of curricular and program options to be offered by the school that is part of comprehensive design of the charter's educational program. This clarification will include a narrative and table/graphic representations.

- Updated LCAP, as appropriate based on actual student enrollment, which will be put into the LCAP template format by July 1, 2017.
- Documentation outlining procedures regarding an adopted intake process, (ACOE has a defined and fully functional student intake and placement process in place for its community and court schools. The processes used for these programs shall also be used for the ACOE-OC). This documentation will relate to the development of the Individual Learning Plan (ILP) for each student.
- An MOU that describes the services provided between each party (i.e. ACOE-OC and the Youth Employment Partnership (YEP).)

English Learners: Alameda County Office of Education has demonstrated capacity in providing instructional support for English Learners (EL) in the court and community schools they operate. ACOE-OC will implement the same procedures and expertise and will provide additional instructional support and documentation. However, to enhance the clarity and comprehensiveness of the charter petition and related documents, if the charter petition is approved, the petitioners will provide the following information prior to the school opening.

ACOE-OC will provide an English Language Development Instructional Plan (ELD) that will include the following information:

- A description of how the “blended model independent study program” will address the delivery of instruction for oral language development.
- A description of the allocation of time that EL authorized qualified teachers will meet with students and provide direct instruction for designated ELD, and support EL students with appropriate language assistance in core subject areas implementing integrated ELD skills.
- An ELD curriculum that identifies the textbook (or on-line program) and researched based supplementary instructional materials aligned to the new ELD Standards.

Independent Study: ACOE-OC’s will use independent study (IS) to offer means of individualizing the educational plan for pupils whose needs may be met through study outside of the regular classroom setting. ACOE has demonstrated capacity in operating Independent Study programs in the court and community schools they operate. ACOE-OC will benefit from the same IS procedures and expertise. This information has been received by the CSO.

Measurable Pupil Outcomes: All of the student academic achievement goals and exit outcomes described in the ACOE-OC Charter are aligned to the school mission and vision. In addition, the curriculum, programs, performance levels and pupil outcomes will be specifically directed to address the needs of the target population (ages 16-24).

ACOE-OC will provide a narrative description of its adult education performance levels (the ungraded vs. the regular 11th -12th and beyond grade system), the Test of Adult Basic Education (TABE) and the other systems and assessments used in the Alameda County Office of Education (ACOE) Division of Student Programs and Services to evaluate and level students. The description shall be in a matrix format and included in the Appendix and will include the following information:

- The matrix will demonstrate school wide performance goals and level expectations (or range of expectations) for ages 16-24 using the adult education leveled system and how these levels are aligned to CCSS, and will recognize first year baseline development.
- The matrix will include performance levels for all students including sub groups

- The exit outcomes listed on pages 21 and 25 of the petition shall be amended to specify exit outcomes that are measurable and rigorous and how they will be measured.
- An acknowledgement that benchmark skills will be developed and these as exit outcomes may be modified over time.

If the charter is approved, the following items are recommended as clean up language, and/or to be included in the appendix of the charter for clarification:

- (a) Special Education- documentation that the charter school is included in the SELPA agreement between ACOE and the SELPA. The additional information will also address the issue of providing services to student who “age out” of special educational eligibility,
- (b) Government Structure - ACOE OC is proposed as a “dependent charter.” As a dependent charter the Alameda County Board of Education will serve as the governing board of the school. An MOU should be developed which describes the details concerning governance responsibilities and day to day management of the ACOE OC charter by ACOE staff. The MOU will include but not be limited to ensuring adherence to the terms of the charter, that the school operates under applicable ACOE policies and procedures and that the Superintendent or designee reports on the ACOE OC progress to the Board on a regular basis.
- (c) (d) Health and Safety Plan- include in the Appendix of the Charter a School Safety Plan.
- (d) Admission Requirements and Lottery - include in the Appendix the ACOE-OC Lottery Procedures and Admission Process.
- (e) Suspension and Expulsion- include in the Appendix a copy of the Alameda County Board of Education Discipline (Juvenile Court and Community Schools) Policy 5144.4, and Alameda County Board of Education Student Expulsion Appeals Policy 5144.3.
- (f) Facilities - ACOE OC will provide a copy of the facility MOU or agreement. ACOE Opportunity Charter will operate under one County-District-School (CDS) code, as part of a single school with multiple future locations. Any future location will be brought before the board for approval prior to opening.

Soundness of the Education Program

The education program proposed by ACOE-OC is in response to a challenge that approximately 20,000 adults in Alameda County do not have a high school diploma and that 1,500 students in the county drop out of high school each year. The petition is focused on re-engaging “Opportunity Youth, 16 to 24 year olds who are not in school and who are not working. The ACOE-OC education program is based on the current and effective education program provided through SPaS through court and community schools. The County has successfully operated these schools for 15 years. Recent results include a graduation rate for students attending SPaS Community Schools and Camp Sweeney was 46% in 2015-16, an increase from 39% in 2014-15. A major enhancement the charter school will provide is that ACOE can offer its educational programs and critically needed employment training and support through a partnership with Youth Employment Partnership in Oakland.

Key components of ACOE Opportunity’s education program include:

- The focus population will be 16-24 year olds who have dropped out of or been unsuccessful in school, desire a high school diploma, and need support with employment readiness and obtaining employment.
- Recruitment will primarily target young adults not currently enrolled in an educational program,

and among them, those who are parenting; formerly incarcerated or on Probation/Parole; those who are homeless; transitional age foster youth; and all others considered economically disadvantaged and who qualify for federal Workforce Innovation and Opportunity Act (WIOA) job training with the school's workforce partners.

- The curriculum will be aligned with the Common Core State Standards in English Language Arts & Literacy and Mathematics, Next Generation Science Standards, California History-Social Science Framework while giving students access to over 80 Career Technical Education courses.
- The ACOE Opportunity Charter schools will utilize the Odysseyware online curriculum. As part of a blended approach, the school will also use traditional textbook based courses and provide direct, classroom based instruction.
- The school will utilize the TABE (Test of Adult Basic Education) assessment to assess the progress of students. Students will be assessed every 90 days.
- Utilize California Career Resource Network's (CalCRN) comprehensive college and career readiness, career planning and exploration resources.
- The ACOE-OC will be supported by ACOE's Special Education program expertise and staff and implement existing ACOE learning tools and strategies for English Language Learners.
- The ACOE-OC will benefit from ACOE's existing partnerships that will provide students an array of necessary wraparound services, including employment, case management, mental health, and housing needs.

The original documentation of the education program included in the charter petition was limited. However, based on the information included in the petition, the additional information provided regarding existing ACOE SPaS program components, the Capacity Interview, the existing ACOE support structures that will be support the charter program, the Review Team finds the ACOE OC Education Program educationally sound.

The Review Team believes the additional information already provided and additional information to be provided prior to the opening of the school will address the need for more complete documentation of all aspects of the charter school's educational program. The specific requirements are listed in the prior section - Does Petition Contains Reasonably Comprehensive Descriptions of Required Content.

Likelihood of Successful Implementation

Based on a review of the charter petition, the Capacity Interview and the additional information provided the Review Team finds there is a high likelihood the petition will be successfully implemented. The likelihood of the successful implementation of the ACOE OC charter is significantly enhanced because the charter will benefit from the expertise and resources from SPaS and ACOE staff, which has fifteen years of successful operation of the court and community schools in Alameda County and serving high risk youth in middle and high schools.

CONCLUSION

The Review Team found that the charter petition contains reasonably comprehensive descriptions of most required elements and that the proposed educational program is sound. The Review Team also believes the petitioners have a high likelihood of successful implementation. The additional information needed from ACOE OC to complete the clarifications and documentation needed is identified in the section "Does Petition Contains Reasonably Comprehensive Descriptions of Required Content."

If the Board approves the charter petition, the Review Team recommends the Board include as a condition of its approval MOU language to fully clarify and provide further documentation as needed regarding any item on the checklist in order to fully document ACOE OC's charter provisions.

Appendix A: Charter School Petition Review Checklist

Instructions to Petitioner: This checklist is designed to guide the review of charter school petitions. Throughout the evaluation, the petition review team will rate the petitioner’s response as Exceeds, Meets, or Fails to Meet the criteria required for each specific area.

Please write the page number where the information for each Evaluation Criteria can be located in the “found on page” column of the matrix document. Include a copy of this completed document with your charter petitions.

Ed Code 47605 A | Education Program

Found on page:	Evaluation Criteria A-O	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
2,53	1. Targeted School Populations			
2,53	◆ Age, grade levels and number of students		X	
5	<input type="checkbox"/> Describe students whom the charter will attempt to educate		X	
6	2. Attendance			
7	◆ School year, academic calendar, number of school day and instructional minutes			X
6	◆ Attendance expectations and requirements		X	
7	3. What it Means to be an Educated Person in The 21st Century			
7	<input type="checkbox"/> Objective of enabling pupils to become self-motivated, competent, lifelong learners		X	
7	◆ Clear list of general academic skills and qualities important for an educated person		X	
7	◆ Clear list of general non-academic skills and qualities important for an educated person		X	
7	4. Description of How Learning Best Occurs			
7	◆ Persuasive instructional design		X	
8	◆ Broad outline (not entire scope and sequence) of the curriculum content			X
8	◆ Description of instructional approaches and strategies		X	
8	◆ Description of learning setting (e.g. traditional, home-based, distance learning, etc.)		X	
22	◆ Proposed program strongly aligned to school's mission		X	
8-10	◆ Affirmation that, or description of, how curriculum aligned to California Content Standards		X	
11	◆ Outlines a plan or strategy to support students not meeting pupil outcomes		X	
8	◆ Instructional design or strategies based upon successful practice or research		X	
12,14	◆ Describes instructional strategies for special education, Insufficient English proficient students, etc.			X
16	5. Annual Goals and Actions			
16	<input type="checkbox"/> Annual goals, and annual actions to achieve those goals, for all pupils and for each subgroup of pupils (anticipated racial/ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth) to be achieved in the state priority areas that apply for the grade levels served, or the nature of the program operated, by the charter school: ◆ Student achievement ◆ Student engagement ◆ Other student outcomes ◆ School climate ◆ Parental involvement ◆ Basic services (teacher credentials, instructional materials, facilities) ◆ Implementation of common core state standards			X

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

	<ul style="list-style-type: none"> ◆ Course access ◆ Additional school priorities, goals specific annual actions 			
18	6. Additional Requirements for Charter Schools Serving High School Student			
18	<input type="checkbox"/> How Charter School will inform parents about the transferability of courses to other public high schools			x
18	<input type="checkbox"/> How Charter School will inform parents about the eligibility of courses to meet college entrance requirements			x

Education Program – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	The petition did not address goals for all students including subgroups. The additional information provided by the petitioners and information that will be provided once students are enrolled will address these issues. The charter also clarified that it is focused on state high school graduation requirements and not college eligibility requirements. The school will work with any student seeking to complete his/her diploma and take courses that meet a-g requirements.

Ed Code 47605 B | Measurable Student Outcomes

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
19	<input type="checkbox"/> Pupil outcomes are measurable, i.e. specific assessments listed for each exit outcome, aligned with state priorities and goals in Educational Program			x
19	◆ How pupil outcomes will address state content and performance standards in core academics		x	
19	◆ Outcomes align with common core state standards			
19	◆ Outcomes and measures align with state priorities and goals identified in Educational Program		x	
21	◆ Lists school-wide student performance goals students will achieve over a given period of time: Projected attendance levels, dropout percentage, graduation rate goals, etc.		x	
21	◆ Describes academic achievement outcomes both Schoolwide and for all groups of pupils (anticipated racial/ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth)			x
21	◆ Clearly stated exit outcomes include acquisition of academic and non-academic skills, that are specific, measurable and rigorous		x	
22	◆ Acknowledges that exit outcomes and performance goals may need to be modified over time		x	
22	◆ Affirmation that "benchmark" skills and specific classroom-level skills will be developed		x	
22	◆ Affirmation/description that exit outcomes will align to mission, curriculum and assessments		x	
23	◆ Affirmation that college-bound students wishing to attend California colleges or universities will have the opportunity to take courses that meet the "A-G" requirements		n/a	
18	◆ If high school, graduation requirements defined and WASC accreditation addressed		x	

Measurable Student Outcomes – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	As indicated above, additional information provided by the petitioners and information that will be provided once students are enrolled will address these issues.

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Ed Code 47605 C | Student Progress Measurement

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
25	<input type="checkbox"/> Assessments include multiple, valid and reliable measures using traditional/alternative tools		x	
25	<input type="checkbox"/> Assessment tools include all required state and federal assessments		x	
25	◆ At least one assessment method or tool listed for each of the exit outcomes		x	
25	◆ Chosen assessments are appropriate for standards and skills they seek to measure		x	
24	◆ Affirmation/description of how assessments align to mission, exit outcomes, and curriculum		x	
25	◆ Describes minimal required performance level necessary to attain each standard		x	
26	◆ Outlines plan for collecting, analyzing/utilizing and reporting student/school performance			x
26	◆ Consistent with the way information is reported on the School Accountability Report Card		x	

Student Progress Measurement – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	The petition did not provide information about how student performance data will be collected and analyzed as part of an ongoing school improvement process.

Ed Code 47605 D | Government Structure

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
28	<input type="checkbox"/> Describes what role parents have in the governance and operation of the school		x	
27, 69	<input type="checkbox"/> Describes key features of governing structure (usually a board of directors) such as:		x	
	▪ Compliance with Brown Act, Public Records Act and Conflict of Interest Policy		x	
	▪ Size/composition of board, board committees and/or advisory councils		x	
	▪ Board's scope of authority/responsibility		x	
	▪ Method for selecting initial board members		n/a	
	▪ Board election/appointment and replacement		n/a	
27	◆ Affirms future development of, or has set of, proposed bylaws, policies or similar documents		x	
NA	◆ Initial governing board members identified by name or the process to be used to select them		n/a	
27	◆ Clear description of the legal status of the charter school		x	
27	◆ Outlines other important legal or operational relationships between school and granting agency		x	

Government Structure – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Ed Code 47605 E | Employee Qualifications

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
28, 30-31	<input type="checkbox"/> Identifies all key staff positions with the school		X	
30-31	<input type="checkbox"/> Describes specific key qualifications (knowledge, experience, education, certification)		X	
30	<input type="checkbox"/> Defines core, college preparatory teachers & affirms they will hold appropriate Commission on Teacher Credentialing certificate, permit or other equivalent document as required by Law including ESSA.		X	
30-31	<input checked="" type="checkbox"/> Identifies any non-core, non-college prep teaching positions staffed by non-certified teachers, along with required qualifications.		X	

Employee Qualifications – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 F | Health and Safety

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
34	<input checked="" type="checkbox"/> Affirms that each employee will furnish the school with a criminal record summary		X	
34-35	Outlines specific health and safety practices addressing such key areas as:			
	▪ Seismic safety (structural integrity and earthquake preparedness)		X	
	▪ Natural disasters and emergencies		X	
	▪ Immunizations, health screenings, administration of medications		X	
	▪ Tolerance for use of drugs and/or tobacco		X	
	▪ Staff training on emergency and first aid response		X	
	▪ References accompanied by a detailed set of health and safety related policies/ procedures or the date by which they will be adopted and submitted to the ACOE		X	

Health and Safety - Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- Strongly suggested to ensure that charter elements are reasonably comprehensive

Ed Code 47605 G | Racial & Ethnic Balance

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
37	<ul style="list-style-type: none"> ◆ Lists specific practices/policies designed to attract a diverse applicant pool/enrollment <ul style="list-style-type: none"> ▪ Includes specific language access policy for attracting and achieving targeted racial and ethnic balance 		X	
38	<ul style="list-style-type: none"> ☐ Practices and policies appear likely to achieve targeted racial and ethnic balance 		X	

Racial & Ethnic Balance – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 H | Admission Requirements

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
68	<ul style="list-style-type: none"> ☐ Mandatory assurances regarding non-discriminatory admission procedures ◆ Admission preferences which are required for conversion charter schools, if applicable 		X n/a	
40	<ul style="list-style-type: none"> ◆ Clearly describes admissions requirements, including any preferences 			X
40	<ul style="list-style-type: none"> ◆ Proposed admissions and enrollment process and timeline, as well as procedures for public random drawings, if necessary 			X

Admission Requirements – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:
	The initial submission did not include information regarding the lottery process. The school will use a rolling admission process and does not anticipate the need for a lottery.

Ed Code 47605 I | Annual Financial Audits

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
41	<ul style="list-style-type: none"> ☐ Procedure to select and retain independent auditor 		X	
41	<ul style="list-style-type: none"> ◆ Qualifications of independent auditor 		X	
41	<ul style="list-style-type: none"> ☐ Audit will employ generally accepted accounting procedures 		X	
41	<ul style="list-style-type: none"> ☐ The manner in which the audit will be conducted 		X	
41	<ul style="list-style-type: none"> ◆ Scope and timing of audit, as well as required distribution of completed audit 		X	
41	<ul style="list-style-type: none"> ☐ Process for resolving audit exceptions and deficiencies to the satisfaction of the Alameda County Office of Education 		X	

Annual Financial Audits – Comments

Legend:

- ☐ Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 J | Suspension and Expulsion

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
42	<input type="checkbox"/> Detailed, step-by-step process by which student may be suspended or expelled		X	
42	◆ Reference to a comprehensive set of student disciplinary policies		X	
	◆ Reference homework policy for students suspended less than 5 days		X	
42	<input type="checkbox"/> Describe the expulsion appeal process		X	
43	<input type="checkbox"/> Outlines or describes strong understanding of relevant laws protecting constitutional rights of students, generally, and of disabled and other protected classes of students		X	
	◆ Policies balance students' rights to due process with responsibility to maintain a safe learning environment		X	
	◆ Explains how ACOE may be involved in disciplinary matters		X	

Suspension and Expulsion – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 K | Staff Retirement System

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
44	<input type="checkbox"/> Statement of whether staff will participate in STRS, PERS, or Social Security (if STRS, then all teachers must participate)		X	

Staff Retirement System – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 L | Attendance Alternative

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
45	<input type="checkbox"/> States that students may attend other schools or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence and/or description of other attendance alternatives		X	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Attendance Alternatives – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 M | Description of Employee Rights

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
46	<input type="checkbox"/> States that collective bargaining contracts of ACOE will be controlling		X	
46	◆ Whether and how staff may resume employment within the district or ACOE, if applicable		X	
46	◆ Sick/vacation leave (ability to carry it over to and from charter school, if applicable)		X	
46	◆ Whether staff will continue to earn service credit (tenure) in district or ACOE while at charter school, if applicable		X	

Description of Employee Rights – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47605 N | Dispute Resolution Process

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
47	<input type="checkbox"/> Adopts the Alameda County Office of Education process to settle disputes relating to the provisions of the charter		X	
47	◆ Outline of how the charter school will resolve internal complaints and disputes with teachers, other staff and parents.		X	

Dispute Resolution Process – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Ed Code 47605 O | Closure Procedures

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
49	<input type="checkbox"/> Outlines a description of the process to be used if the charter school closes		X	
50-51	<input type="checkbox"/> Process includes the identification of the school individual/position responsible for closure activities, a final audit of the charter school, specific plans for disposition of all net assets and liabilities, as well as for the maintenance and transfer of pupil records		X	

Closure Procedures – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Likelihood that the Petitions Will be Able to Successfully Implement the Program of the Proposed Charter

Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
◆ The Petition includes a thorough description of the education, work experience, credentials, degrees and certifications of the individuals comprising, or proposed to comprise, the directors, administrators and managers of the proposed charter school.		X	

Likelihood that the Petition will be able to successfully implement the program of proposed charter – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

REQUIRED SUPPLEMENTAL INFORMATION

Financial Plan (For Initial Petitions Only)

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
53	<input type="checkbox"/> Proposed first year operational budget		ACOE/dependent	
	• Start-up costs		ACOE/dependent	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

	• Cash flow for first three years		ACOE/ dependent
	• Financial projections for first three years		ACOE/ dependent
55	◆ Planning Assumptions		ACOE/ dependent
	▪ Number/types of students		ACOE/ dependent
	▪ Number of staff		ACOE/ dependent
	▪ Facilities needs		ACOE/ dependent
	▪ Costs of all major items are identified and within reasonable market ranges		ACOE/ dependent
	▪ Revenue assumptions in line with state and federal funding guidelines		ACOE/ dependent
	▪ Revenue from “soft” sources less than 10% of ongoing operational costs		ACOE/ dependent
	▪ Timeline allows window for referenced grant applications to be submitted and funded		ACOE/ dependent
Financial Plan – Comments			
If Exceeds Required Standard, include Strengths:		If Fails to Meet Standard, include Concerns and/or Additional Questions:	

Start-Up Costs (For Initial Petitions Only)

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
53	▪ Clearly identifies all major start-up costs		ACOE/ dependent	
53	<input type="checkbox"/> Staffing		ACOE/ dependent	
53	<input type="checkbox"/> Facilities		ACOE/ dependent	
53	<input type="checkbox"/> Equipment and Supplies		ACOE/ dependent	
56-61	<input type="checkbox"/> Professional Services		ACOE/ dependent	
	▪ Assumptions in line with overall school design plan		ACOE/ dependent	
	▪ Identifies potential funding source		ACOE/ dependent	
	▪ Timeline allows for grant and fundraising		ACOE/ dependent	
Start-Up Costs – Comments				
If Exceeds Required Standard, include Strengths:		If Fails to Meet Standard, include Concerns and/or Additional Questions:		

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Annual Operating Budget (Most Current Board Adopted Budget with any Variances or Material Changes Noted)				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
	<ul style="list-style-type: none"> Annual revenues and expenditures clearly identified by source 		ACOE/dependent	
	<ul style="list-style-type: none"> Revenue assumptions closely related to applicable state and federal funding formulas 		ACOE/dependent	
	<ul style="list-style-type: none"> Expenditure assumptions reflect school design plan 		ACOE/dependent	
	<ul style="list-style-type: none"> Expenditure assumptions reflect market costs 		ACOE/dependent	
	<ul style="list-style-type: none"> “Soft” revenues not critical to solvency 		ACOE/dependent	
	<ul style="list-style-type: none"> Strong reserve or projected ending balance (the larger of 3% of expenditure or \$25,000) 		ACOE/dependent	
	<ul style="list-style-type: none"> If first year is not in balance, identifies solvency in future years and sources of capital sufficient to cover deficits until the school year when the budget is projected to balance 		ACOE/dependent	
	<ul style="list-style-type: none"> Expenditure for sufficient insurance to name district as also insured/hold harmless agreement 		ACOE/dependent	
	<ul style="list-style-type: none"> Expenditure sufficient for reasonably expected legal services 		ACOE/dependent	
	<ul style="list-style-type: none"> Expenditure for Special Education excess costs consistent with current experience in the school district/county 		ACOE/dependent	
	<ul style="list-style-type: none"> Expenditure for facilities – if specific facilities not secured, reasonable projected cost 		ACOE/dependent	
Annual Operating Budget – Comments				
If Exceeds Required Standard, include Strengths:		If Fails to Meet Standard, include Concerns and/or Additional Questions:		

Cash Flow Analysis				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
	<ul style="list-style-type: none"> Monthly projection of revenue receipts in line with local/state/federal funding disbursements 		ACOE/dependent	
	<ul style="list-style-type: none"> Expenditures projected by month and correspond with typical/reasonable schedules 		ACOE/dependent	
	<ul style="list-style-type: none"> Show positive cash balance each month and/or identify sources of working capital 		ACOE/dependent	
Cash Flow Analysis – Comments				
If Exceeds Required Standard, include Strengths:		If Fails to Meet Standard, include Concerns and/or Additional Questions:		

Legend:

- ❑ Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Long-Term Plan				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
	<ul style="list-style-type: none"> Projects revenues and expenditures for at least two additional years 		ACOE/dependent	
	<ul style="list-style-type: none"> Revenue assumptions based on reasonable potential growth in local, state and federal revenues 		ACOE/dependent	
	<ul style="list-style-type: none"> Revenue assumptions based on reasonable student growth projections 		ACOE/dependent	
	<ul style="list-style-type: none"> Reasonable cost-of-living and inflation/funding reduction assumptions 		ACOE/dependent	
	<ul style="list-style-type: none"> Annual fund balances are positive or sources of supplemental working capital are identified 		ACOE/dependent	
Long-Term Plan - Comments				
If Exceeds Required Standard, include Strengths:		If Fails to Meet Standard, include Concerns and/or Additional Questions:		

Impact Statement				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
62	<ul style="list-style-type: none"> Provides estimated numbers of students anticipated to enroll (Initial Petitions Only) 			X
	<ul style="list-style-type: none"> Identifies whether charter will request to purchase support services from ACOE or district (Initial Petitions Only) 		X	
	<ul style="list-style-type: none"> Describes suggested processes and policies between charter and ACOE including: <ul style="list-style-type: none"> Process, activities and associated fees for oversight of charter Regular, ongoing fiscal and programmatic performance monitoring and reporting as required by ACOE 			
	<ul style="list-style-type: none"> Description of support service needs and suggested payments for services to authorizer, if applicable. <ul style="list-style-type: none"> Clearly drafted contract(s)/agreement(s) or reference to contract(s) for services. 		X	
	<ul style="list-style-type: none"> Identify whether a request will be made for use of ACOE or district-owned facilities 		X	
	<ul style="list-style-type: none"> Reasonably detailed lease or occupation agreement for privately obtained facilities 			X
	<ul style="list-style-type: none"> Proposed legal status of school is identified 		X	
44	<ul style="list-style-type: none"> Describes the manner in which administrative services of the charter school are to be provided 		X	
	<ul style="list-style-type: none"> Identify whether school intends to manage risk independently or will seek to secure coverage other public agency 		X	
50	<ul style="list-style-type: none"> Addresses potential civil liability effects, if any, upon the school and the ACOE 		ACOE/dependent	
Impact Statement – Comments				
If Exceeds Required Standard, include Strengths:		If Fails to Meet Standard, include Concerns and/or Additional Questions:		
		School is submitting estimated enrollment for year 2 through 5.		

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Facilities				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
63	<input type="checkbox"/> Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.		X	
63	<input type="checkbox"/> In the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school.		n/a	
63	<input type="checkbox"/> Are reasonable costs for the acquisition or leasing of facilities to house the charter school reflected in budget (taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614)		n/a	

Facilities – Comments	
If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Ed Code 47641 | Special Education

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
14	<input type="checkbox"/> Petition specifies the means by which the charter school will comply with the provisions of Education Code section 47641		X	
14	<input type="checkbox"/> Has consulted with a SELPA agency concerning Special Ed. Services		X	
14	<input type="checkbox"/> Has contacted the special education director in district/LEA providing services		X	
	▪ Discussed special education responsibilities of charter		X	
	▪ Discussed application of SELPA policies		X	
14	<input type="checkbox"/> Describes how special education services will be provided consistent with SELPA Plan and/or policies and procedures		X	
	▪ Includes fiscal allocation plan		X	
14-15	<input type="checkbox"/> Includes the process to be used to identify students who qualify for special education programs and services, including		X	
	▪ Referral		X	
	▪ Assessment		X	
	▪ Instruction		X	
	▪ Due Process		X	
	▪ Agreements describing allocation of actual and excess costs		X	
	▪ Charter fiscally responsible for fair share of any encroachment on general funds		X	
	<input type="checkbox"/> The school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities		X	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
If charter is LEA within SELPA				
	<ul style="list-style-type: none"> Notifies SELPA Director of intent prior to February 1st of the preceding school year 		n/a	
	<ul style="list-style-type: none"> Provides current operating budget in accordance with Ed Code 42130 and 42131 		n/a	
	<ul style="list-style-type: none"> Responsible for any legal fees relating to application and assurances process 		n/a	
	<ul style="list-style-type: none"> Meets the terms of the "Agreement Regarding the Organization, Implementation, Administration and Operation of SELPA" 		n/a	
	<ul style="list-style-type: none"> Assurance Statement that Charter is fiscally responsible for fair share of any encroachment on general funds 		n/a	
Petition includes the following assurances:				
	<ul style="list-style-type: none"> The charter will comply with all provisions of IDEA 		x	
	No student will be denied admission based on disability or lack of available services		x	
	<ul style="list-style-type: none"> Will implement a Student Study Team process 		X	
	<ul style="list-style-type: none"> Any student potentially in need of Section 504 services will be the responsibility of the charter school 		x	
Overview of how special education funding and services will be provided by:				
14	<input type="checkbox"/> Petition/MOU describes the process for notifying district of residence and authorizing school district when a special education student enrolls, becomes eligible, ineligible and/or leaves charter school <ul style="list-style-type: none"> Charter School Alameda County Office of Education SELPA 		x	
14	<input type="checkbox"/> Petition/MOU describes the transition to or from a district when a student with an IEP enrolls in, or transfers out of, the charter school		x	
Special Education – Comments				
If Exceeds Required Standard, include Strengths:		If Fails to Meet Standard, include Concerns and/or Additional Questions:		

INDEPENDENT STUDY | Requirements in this section apply to petitions proposing to utilize a non-classroom based instructional strategy in the charter school.

Ed Code 47612.5, 51745 and 51747 Independent Study				
Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
66	<input type="checkbox"/> The petition verifies that the K-12 public school guidelines for independent study will be evident in the annual audit. 47612.5(b) Notwithstanding any other provision of law and except to the extent inconsistent with this section and Section 47634.2, a charter school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted there-under.		x	
9	<input type="checkbox"/> The petition states that it will meet the requirement related to the ratio of ADA to FTE certificated employees as prescribed under education code 51745.6(a). The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time		x	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

	<p>equivalent certificated employees responsible for independent study, calculated as specified by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other education programs operated by the school district. The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education fulltime equivalent employees responsible for independent study, to be calculated in a manner prescribed by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest daily attendance of pupils in that county.</p>			
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The petition includes Written Policies required for eligibility to receive apportionments for Independent Study per E.C. 51747:

64	<input type="checkbox"/> The maximum length of time, by grade level and type of program that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work.		x	
64	<input type="checkbox"/> The number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether he or she should return to the regular school program.		x	
	<input type="checkbox"/> The requirement that a current written agreement for each pupil will be maintained in file, at a minimum, the following areas: Page 64		x	
	<input type="checkbox"/> The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress. Page 64		x	
	<input type="checkbox"/> The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work. Page 64		x	
	<input type="checkbox"/> The specific resources, including materials and personnel that will be made available to the pupil. Page 64		x	

Ed Code 47612.5, 51745 and 51747 | Independent Study | Continues

Found on page:	Evaluation Criteria	Exceeds Required Standard	Meets Required Standard	Fails To Meet Required Standard
	<input type="checkbox"/> A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed prior to an evaluation of whether or not the pupil should be allowed to continue in independent study. Page 66		x	
	<input type="checkbox"/> The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one semester, or one-half year for a school on a year-round calendar. Page 65		x	
	<input type="checkbox"/> A statement of the number of course credits, or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion. Page 65		x	
	<input type="checkbox"/> The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. Page 65		x	
	<input type="checkbox"/> Each written agreement shall be signed, prior to the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having		x	

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive

	responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. Page 65			
	<input type="checkbox"/> Petition acknowledges that independent study will be supervised by an appropriately credentialed teacher per 51747.5(a) Appendix		x	
	<input type="checkbox"/> Petition acknowledges that school may claim apportionment credit for independent study only to the extent of the time value of pupil or student work products, as personally judged in each instance by a certified teacher per 51747.5(b). Appendix		x	

Independent Study – Comments

If Exceeds Required Standard, include Strengths:	If Fails to Meet Standard, include Concerns and/or Additional Questions:

Document to be used as Working Draft Only

Legend:

- Required to be included in charter petition and/or Memorandum of Understanding
- ◆ Strongly suggested to ensure that charter elements are reasonably comprehensive



ALAMEDA COUNTY OFFICE OF EDUCATION
L. Karen Monroe, Superintendent
313 West Winton Ave. Hayward, CA 94544
(510) 887-0152 www.acoe.org

Memorandum No. - 9.

Meeting Date: 5/9/2017

TO: Alameda County Board of Education
FROM: Eileen McDonald, Board President
RE: Board Committee Updates

Background :

Policy and Legislation Committee Report

- The Board will review and consider taking action on the following Board Policies for SECOND READING:
 - BP 4040 Employee Use of Technology
 - BB 9324 Minutes and Recordings
- The Board will review and consider taking action on the following Board Policies for FIRST READING:
 - BB 9320: Meetings and Notices
- The Board will review and consider taking a position on the following State legislation:
 - AB 1224: Charter Schools: Chartering Authority Pilot Program
 - AB 1360: Charter Schools: Pupils Admissions, Suspensions, and Expulsions

Action Requested:

INFORMATION/ ACTION

The Board will review and consider taking action on Board Policies and Bylaws, and State legislation.

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Backup Material	BP 4040
<input type="checkbox"/> Cover Memo	BB 9324
<input type="checkbox"/> Backup Material	BB 9320
<input type="checkbox"/> Backup Material	AB 1224
<input type="checkbox"/> Backup Material	AB 1224 Assembly Committee Education Analysis
<input type="checkbox"/> Backup Material	AB 1360
<input type="checkbox"/> Backup Material	AB 1360 Assembly Committee Education Analysis

Employee Use of Technology

The County Board recognizes that technological resources enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to and exchange of information. The County Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use county technology primarily for purposes related to their employment.

Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private.

County technology includes, but is not limited to, computers, the county's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through county-owned or personally owned equipment or devices.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of county technology. Upon employment and whenever significant changes are made to the county's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use county technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The Superintendent or designee shall ensure that all county computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the county, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of county technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct county business will be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of county technology to the Superintendent or designee.

Inappropriate use of county technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

Legal Reference:

EDUCATION CODE

52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

VEHICLE CODE

23123 Wireless telephones in vehicles

23123.5 Mobile communication devices; text messaging while driving

23125 Wireless telephones in school buses

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:

6777 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

COURT DECISIONS

City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

American Library Association: <http://www.ala.org>

California Department of Education: <http://www.cde.ca.gov>

Federal Communications Commission: <http://www.fcc.gov>

U.S. Department of Education: <http://www.ed.gov>

Policy ALAMEDA COUNTY OFFICE OF EDUCATION

adopted: December 10, 2002 Hayward, California

revised: June 12, 2007

revised: May 9, 2017

DRAFT

Minutes and Recordings

The County Board of Education recognizes that maintaining accurate minutes of County Board meetings provides a record of official actions for use by the County Office of Education (COE) staff and the public and helps foster public trust in County Board governance.

The County Board shall keep a record of its proceedings and shall record the votes of County Board members in the meeting minutes. (Education Code 1015, 1040)

The County Board's minutes shall be public records and shall be made available to the public upon request.

The minutes shall reflect which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

In order to ensure that the minutes are focused on County Board action, the minutes shall include only a brief summary of the County Board's discussion, but shall not include a verbatim record of the discussion on each agenda topic or the names of County Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion and the names of the County Board members who made and seconded the motion.

The minutes shall also report any action taken and the vote or abstention on that action of each County Board member present. (Government Code 54953)

The minutes shall reflect the names given by those individuals who comment during the meeting's public comment period as well as the topics they address.

The Alameda County Superintendent of Schools or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. The County Board shall approve the minutes as circulated or with necessary amendments.

Upon approval by the County Board, the minutes shall be signed by the County Board President or designee.

Official County Board minutes and recordings shall be stored in a secure location and shall be retained in accordance with law.

Any minutes or recordings kept for County Board meetings held in closed session shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

Recording or Broadcasting of Meetings

The County Board may tape, film, or broadcast any open County Board meeting. The County

Board president shall announce at the beginning of the meeting that a recording or broadcasting is being made at the direction of the County Board. As practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any County Board recording may be erased or destroyed 30 days after the meeting once the minutes of that meeting have been approved. Recordings made at the direction of the County Board during a meeting are public records and, upon request, shall be made available for inspection by members of the public on COE equipment without charge. (Government Code 54953.5)

Legal Reference:

EDUCATION CODE

1011 County board meetings

1015 Recording votes

1040 Duties of the County Board

GOVERNMENT CODE

6250-6270 Public Records Act

54952.2 Meeting defined

54953 Meetings

54953.5 Audio or video recording of proceedings

54953.6 Broadcasting of proceedings

54957.2 Closed sessions; clerk; minute book

54960 Violations and remedies

PENAL CODE

632 Unlawful to intentionally record a confidential communication without consent

CODE OF REGULATIONS, TITLE 5

16020-16027 Classification and retention of records

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2014

A Call to Order, revised 2015

WEB SITES

CSBA, Agenda Online: <http://www.csba.org>

California Attorney General's Office: <http://www.ag.ca.gov>

Bylaw ALAMEDA COUNTY OFFICE OF EDUCATION

adopted: June 25, 1991 Hayward, California

revised: August 12, 1997

revised: September 9, 2014

revised: May 9, 2017

NOTE: Underlining indicates same or similar wording between CURRENT and SAMPLE.

Open Meeting Requirements

In accordance with state open meeting laws (Brown Act), the County Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, County Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the County Board's bylaws, policies, and administrative regulations.

A County Board meeting exists whenever a majority of County Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the County Board or County Office of Education.

NOTE: Underlining indicates same or similar wording between CURRENT and SAMPLE.

Meetings of the County Board of Education are conducted for the purpose of accomplishing County Board business. In accordance with state open meeting laws (Brown Act), the County Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, County Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the County Board's bylaws, policies, and administrative regulations.

A County Board meeting exists whenever a majority of County Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

Note: The Brown Act prohibits serial meetings, defined under Government Code 54952.2 as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business. However, Government Code 54952.2 specifies that briefings between staff and County Board members are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other County Board member. County Superintendent of Schools briefings involving less than a majority of the County Board are allowed, but participants must ensure that the comments or positions of one member are not shared with other members.

Note: This prohibition against serial meetings also applies to communications via technology. Email exchanges, chat room threads, or comments posted on a blog that result in a majority of the County Board "discussing" an item within the subject matter jurisdiction of the County Board could result in a Brown Act violation.

Note: In 84 Ops.Cal.Atty.Gen. 30 (2001), the Attorney General opined that Government Code 54952.2 prohibits a majority of the Board from sending emails to each other to develop a collective concurrence as to action to be taken by the Board even if the emails are (1) sent to the secretary and chairperson, (2) posted on the agency's web site, and (3) distributed at the next meeting. Although the Attorney General recognized that those three conditions would allow the deliberations to be conducted, to some extent, "in public," the emails were prohibited by the Brown Act because all debate would be completed before the meeting and members of the public who did not have Internet access would be excluded from the debate.

A majority of the County Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the County Board. However, an employee or County Office official may engage in separate conversations with County Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the County Board, as long as that employee or County Office official does not communicate the comments or position of any County Board members to other County Board members.

A majority of the County Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the County Board. However, the County Superintendent of Schools or a county office of education (COE) employee or official may engage in separate conversations with County Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the County Board, as long as that person does not communicate the comments or position of any County Board members to other County Board members. (Government Code 54952.2)

Note: Government Code 54953.2 requires that all County Board meetings meet the protections of the Americans with Disabilities Act (42 USC 12132) and implementing regulations (28 CFR 35.160, 36.303). Such protections require the County Board to ensure that the meeting is accessible to persons with disabilities and, upon request, to provide disability-related accommodations, such as auxiliary aids and services. Auxiliary aids and services may include accommodations at the actual meeting, such as a sign-language interpreter, or accommodations to the supporting documentation, such as Braille translation of the agenda packet. Government Code 54954.2 requires that the agenda specify how, when, and to whom a request for accommodation should be made.

In order to help ensure the participation of individuals with disabilities at County Board meetings, appropriate disability-related accommodations or modifications shall be provided upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted.

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within the county, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the COE is a party

2. Inspect real or personal property which cannot conveniently be brought into the county, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the COE has no meeting facility within its boundaries or if its principal office is located outside the county
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the COE over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the COE but located outside the county, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the County Board's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs

Note: Pursuant to Education Code 1042, the County Board may fill the vacancy of the County Superintendent by appointing an interim superintendent until the position is filled at the next general election. Pursuant to Article 9, Section 3, of the California Constitution, some county boards also appoint the County Superintendent. In either case, the County Board may conduct interviews regarding candidates for the position of County Superintendent. County Boards that appoint the County Superintendent pursuant to Article 9 should remove the word "interim" from the following statement.

8. Interview residents of another county or district regarding the County Board's potential employment of an applicant for interim County Superintendent

Meetings exempted from the boundary requirements, as specified in items #1-8 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the County Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the County Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code

54954)

Regular Meetings

The County Board shall hold two (2) regular meetings each month. Regular meetings shall be held at 6:30 p.m. on the second and fourth Tuesdays of each month. Any amendment of a regular meeting schedule shall require the affirmative vote of at least 5 board members.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. No action shall be taken on any item not appearing on the posted agenda, except as allowed by law.

Time Limits for County Board Meetings

The County Board shall conclude its business prior to 10:30 p.m. The County Board may extend this time to another specific time by majority vote. Between 10:00 and 10:30 p.m., a motion to extend the meeting time shall take precedence over any other business on the table at the time. In the event that no action to extend the meeting time has been taken prior to

Regular Meetings

Note: Education Code 1011 and Government Code 54954 mandate that the County Board hold regular meetings at a time and place fixed by the County Board.

The County Board shall hold two (2) regular meetings each month. Regular meetings shall be held at 6:30 p.m. on the second and fourth Tuesdays of each month. Any amendment of a regular meeting schedule shall require the affirmative vote of at least 5 board members.

Note: Pursuant to Government Code 54954.2, the agenda for a regular meeting must be posted at least 72 hours prior to the meeting, at a location that is freely accessible to the public. Government Code 54954.2 also requires that the agenda be posted on the County Board's and/or the county office of education's (COE) web site.

Note: The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a location where it can be read by the public at any time during the 72 hours immediately preceding the meeting. For example, if a building where the agenda is posted is closed during the evening hours, the agenda must also be posted in a location accessible during evening hours, such as a lighted display case outside of the building. The Attorney General also opined in 88 Ops.Cal.Atty.Gen. 218 (2005) that the agenda may be posted on a touch screen electronic kiosk, in lieu of a paper copy on a bulletin board, as long as the kiosk is accessible without charge to the public 24 hours a day, seven days a week.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the County Board's and/or COE's web site. (Government Code 54954.2) No action shall be taken on any item not appearing on the posted agenda, except as allowed by law.

Note: Pursuant to Government Code 54957.5, the agenda must list any address where the public can inspect agenda materials that are distributed to County Board members less than 72 hours before a regular meeting. In addition, pursuant to the California Public Records Act (Government Code 6252-6270), agenda materials related to an open session of a County Board's regular meeting are "public records" and are subject to inspection by any member of the public.

10:30 p.m., the chair shall announce at 10:30 p.m. that the meeting is adjourned and that all incomplete agenda items shall be made a part of the agenda for the next regularly scheduled meeting.

Upon request, the local media shall be mailed the annual calendar of regular County Board meetings. Any changes to the calendar shall be mailed prior to the changed meeting.

A notice of each regular meeting shall be mailed to any person who has filed with the County Board a written request for such notice. The notice shall be mailed at least one week prior to the meeting. Requests are valid for one year from the date filed unless renewed. Renewal requests must be within 90 days after January 1 of each year.

County Board Member Conference and Meeting Reports

County Board member reports of events shall be submitted to the County Board in writing to be included in the minutes. The County Board member reporting may comment briefly on the report and respond to any questions fellow County Board members.

Persons requesting notices shall pay an annual mailing fee as determined by the County Board upon the County Superintendent's recommendation.

Special Meetings

Special meetings of the County Board may be called by the presiding officer or a majority of the County Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the County Superintendent as described in Government Code 3511.1.

Notice of special meetings shall be delivered at least 24 hours before the meeting to all County Board members, the County Superintendent, and to the local media who have requested such notice in writing. This notice also shall be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice also shall be posted on the County Office of Education's web site. This notice shall specify the time and place of the meeting and the business to be transacted; no other business shall be considered at these meetings.

Whenever agenda materials relating to an open session of a regular meeting are distributed to the County Board less than 72 hours before the meeting, the secretary to the County Board or his/her designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

County Board Member Conference and Meeting Reports

County Board member reports of events shall be submitted to the County Board in writing to be included in the minutes. The County Board member reporting may comment briefly on the report and respond to any questions fellow County Board members.

Special Meetings

Special meetings of the County Board may be called by the presiding officer or a majority of the County Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the County Superintendent. (Education Code 1012; Government Code 54956)

Note: Pursuant to Government Code 54956, written notice of a special meeting may be delivered personally or by other means, including email or fax. Any County Board or COE that has its own web site shall also post the notice on its web site.

Written notice of special meetings shall be delivered personally or by any other means to all County Board members and the local media who have requested such notice in writing. The notice also shall be posted on the County Board's and/or COE's web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Government Code 54956)

Any County Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the County Board or by being present at the meeting at the time it convenes.

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the County Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Special Meeting

The County Board may hold a special meeting without complying with the 24-hour notice requirement in the case of an emergency situation. An emergency situation means:

1. A work stoppage, crippling activity, or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the County Board.
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the County Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the County Board.

Except in the case of a dire emergency, the County Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the County Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the County Board. In the case of a

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Emergency Meetings

Note: Government Code 54956.5 authorizes a closed session during emergency meetings, as long as two-thirds of the members present at the meeting agree on the need for the closed session.

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the County Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The County Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the County Board
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the County Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the County Board

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dire emergency, the County Board president or designee shall give such notice at or near the time he/she notifies the other members of the County Board about the meeting.

No closed session may be held during an emergency special meeting. All other rules governing special meetings shall be observed, with the exception of the 24-hour notice requirement. The minutes of the meeting, a list of persons the president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least ten days in a public place as soon after the meeting as possible.

Adjourned Meetings

A majority vote by the County Board may adjourn any meeting to a later time and place that shall be specified in the order of adjournment. Within 24 hours after a meeting has been adjourned to a later time, a copy of the order of adjournment shall be posted at the meeting site.

If no members are present at any regular or adjourned regular meeting, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings.

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The County Board may occasionally convene a study session or public forum to study an issue

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The minutes of the meeting, a list of persons the County Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned/Continued Meetings

A majority vote by the County Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the County Board may adjourn such a meeting. If no County Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Time Limits for County Board Meetings

The County Board shall conclude its business prior to 10:30 p.m. The County Board may extend this time to another specific time by majority vote. Between 10:00 and 10:30 p.m., a motion to extend the meeting time shall take precedence over any other business on the table at the time. In the event that no action to extend the meeting time has been taken prior to 10:30 p.m., the chair shall announce at 10:30 p.m. that the meeting is adjourned and that all incomplete agenda items shall be made a part of the agenda for the next regularly scheduled meeting.

Study Sessions, Retreats, Public Forums, and Discussion Meetings

Note: The following section is optional and may be revised to reflect County Board practice. Pursuant to Government Code 54954.2, the County Board must still comply with the 72 hours public notice requirement when holding a study session, retreat, public forum, or other such meeting.

The County Board may occasionally convene a study session or public forum to study an issue

in more detail or to receive information from staff or feedback from members of the public.

The County Board may also convene a retreat or discussion meeting to discuss County Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the County Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within County Office boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of County Board members at any of the following events is not subject to the Brown Act provided that a majority of the County Board members do not discuss specific County Office business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the County Office to address a topic of local community concern
3. An open and noticed meeting of another body of the County Office
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the County Board, provided that the County Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a County Board member and any other person are not subject to the Brown Act.

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2. An open, publicized meeting organized by a person or organization other than the County Board or County Office of Education to address a topic of local community concern
3. An open and noticed meeting of another body of the COE
4. An open and noticed meeting of a legislative body of another local agency
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6. An open and noticed meeting of a standing committee of the County Board, provided that the County Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a County Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Annual Organizational Meeting

The County Board shall hold an annual organizational meeting within the time limits prescribed by law.

At this meeting the County Board shall:

1. Elect a president and a vice-president from its members.
2. Develop a schedule of regular meetings for the year.
3. Develop a County Board calendar for the year.
4. Designate County Board representatives.

Teleconferencing

A teleconference is a meeting of the County Board in which County Board members are in different locations, connected by electronic means through audio and/or video.

The County Board may use teleconferences for all purposes in connection with any meeting within the County Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call.

A County Board member may participate in a regular or special meeting of the County Board via a teleconference under the following circumstances:

1. The County Board member's illness.
2. The illness of an immediate family member.
3. The County Board member's presence at the regular meeting site is prevented due to an emergency situation.
4. The County Board member is unable to attend the regular meeting site because of circumstances beyond his/her control.

During the teleconference, at least a quorum of the members of the County Board shall

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The County Board may use teleconferences for all purposes in connection with any meeting within its subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the County Board shall

participate from locations within County Office boundaries.

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public.

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the County Board, including the right of the public to address the County Board directly at each teleconference location.

All County Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The County Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

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Note: In 84 Ops.Cal.Atty.Gen. 181 (2001), the Attorney General opined that a city is not required under the Americans with Disabilities Act to provide, as an accommodation for a disabled city council member who was unable to attend a regularly scheduled meeting, a teleconference connection to the member's house where the public would not be permitted to be present. According to the Attorney General, Government Code 54953 requires that members of the public be permitted to be present at any teleconference location.

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the County Board, including the right to address the County Board directly at each teleconference location. (Government Code 54953)

All County Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The County Board secretary or designee shall facilitate public participation in the meeting at each teleconference location.



AB-1224 Charter schools: Chartering Authority Pilot Program. (2017-2018)

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Date Published: 02/17/2017 09:00 PM

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 1224

Introduced by Assembly Member Weber

February 17, 2017

An act to add Section 47604.6 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1224, as introduced, Weber. Charter schools: Chartering Authority Pilot Program.

Existing law, the Charter Schools Act of 1992, provides for the establishment and operation of charter schools and authorizes the governing board of a school district, a county board of education, and the State Board of Education to approve a petition for the establishment of a charter school and to act as a chartering authority.

This bill would establish the Chartering Authority Pilot Program under which the state board would be authorized to select up to 5 county boards of education with demonstrated authorizing and oversight capacity to authorize and oversee up to 10 additional charter schools each. The bill would authorize a nonprofit public benefit corporation that operates more than one charter school in the state to petition a county board of education participating in the pilot program to consolidate all of its existing and future charter schools under the jurisdiction of a single chartering authority, subject to approval by the state board. The bill would require the state board to annually evaluate and report to the Legislature on the performance of participating chartering authorities and each charter school approved pursuant to the pilot program and would authorize the state board, after 7 years of operating the pilot program, to extend the chartering authority of the participating chartering authorities. The bill would also authorize the state board to solicit and receive grants from private nonprofit foundations and organizations to fund the administration of the pilot program.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 47604.6 is added to the Education Code, to read:

47604.6. (a) The Chartering Authority Pilot Program is hereby established under the administration of the state board. The state board shall consider and may select up to five county boards of education with demonstrated

authorizing and oversight capacity to authorize and oversee up to 10 additional charter schools each pursuant to this section.

(b) The state board shall adopt a process, timeline, and application criteria that allows for at least one application cycle each year to be considered for charter authorization in accordance with this section until the maximum number of chartering authorities has been selected. The state board shall consider in its selection criteria the selection of counties that reflect the range of size, geography, and demographics of the state. At a minimum, the application shall include all of the following:

(1) A charter approval plan that includes a description of how the county board of education will apply the criteria and timelines specified in subdivision (b) of Section 47605 to evaluate and approve charter petitions.

(2) The scope of the pilot program that includes a description of the types of charter schools that the county board of education may consider within its pilot program that is beyond its traditional authorizing scope. This may include, but is not limited to, certain types of charter school educational models, multiple charter schools operating under a single governance structure, a specific regional or geographic scope within or beyond the county, and provisions to assume the chartering duties of a small school district that chooses to opt out of chartering pursuant to subdivision (e).

(3) How the county board of education will ensure the charter schools authorized pursuant to this section create and implement a local engagement plan to ensure that the governing boards of school districts and communities in which the charter school will be located are notified of the proposed charter school and are provided an opportunity to comment on each proposed charter school. Engagement activities shall, at a minimum, include one public hearing during the timeline and approval process of the charter by the county in the community in which each proposed charter school plans to operate and a process for the chartering authority to work with the charter school to consider and resolve complaints about the charter school by the local community, including complaints by the governing board of the school district in which the charter is located.

(4) A charter school oversight plan that includes a description of the county board of education's capacity and expertise in approving and overseeing charter schools and how the county board of education plans to expand its capacity to accommodate additional charter schools. The plan shall, at a minimum, ensure compliance with Section 47604.32 and shall outline the provisions of any memorandum of understanding that may be necessary between the charter school and the participating chartering authority.

(5) Assurance that the participating chartering authority will generally align with standards of charter authorizing and oversight approved by the state board to ensure quality and proper levels of accountability for performance.

(6) A plan for annual reporting to the state board and for an annual public meeting in the county in which charter schools authorized by the county board of education are located that describes chartering activities and the academic performance and fiscal viability of each charter school authorized pursuant to this section.

(c) The state board shall establish a process to evaluate proposals submitted in accordance with subdivision (b) and select no more than five of the highest quality applications to participate in the pilot program.

(d) (1) The state board shall annually evaluate and report to the Legislature on the performance of the participating chartering authorities and each of the charter schools approved pursuant to the pilot program, and may require the participating chartering authority to submit annual reports as necessary to meet this requirement. A report to be submitted pursuant to this paragraph to the Legislature shall be submitted in compliance with Section 9795 of the Government Code.

(2) At the end of seven years of operating the pilot program, the state board may extend the authority for any of the pilot program participants, or, if the state board finds that a participating county board of education has been unable to provide reasonable oversight over its charter schools, the state board may terminate the authority of any of the participants. If the state board terminates the authority of a participating county board of education, the oversight of a charter school authorized by that county board of education pursuant to this section shall be transferred to the state board or to the governing board of the school district in which the charter school operates.

(e) (1) A participating chartering authority shall align charter approvals to the geographic constraints imposed by the state board.

(2) Except as specified in paragraph (1), a charter school authorized by a participating chartering authority is exempt from Section 47605.1 and the geographic restrictions imposed pursuant to Section 47605.

(f) A nonprofit public benefit corporation that operates more than one charter school in the state may petition a county board of education participating in the pilot program to consolidate all of its existing and future charter schools under the jurisdiction of a single chartering authority that has been approved by the state board in accordance with this section for this purpose. A chartering authority that opts to accept the authorizing and oversight for an organization with multiple charter schools shall first receive approval from the state board to authorize and oversee charter schools beyond its typical geographic jurisdiction. In addition to the requirements of subdivision (b), the request shall include a process for the authorizing county board of education to review the overall fiscal and operational health of the charter organization as part of its oversight.

(g) Notwithstanding the geographic restriction of subdivision (k) of section 47605, and in addition to the authority provided in subdivision (k) of Section 47605, the state board may designate one or more entities to oversee charter schools that it approves pursuant to subdivision (j) of Section 47605 in accordance with the chartering authority approval process in this section.

(h) An operating charter school that changes chartering authorities as a result of this section shall continue to operate under the terms and conditions of its approved charter and shall not be deemed a new charter school. The charter school shall retain all of its financial and operational practices and status as a continuing charter school, including, but not limited to, funding eligibility, funding rates under the local control funding formula, demographic data, school codes, employment, enrollment eligibility, and accountability status.

(i) Except where explicitly exempt, a participating chartering authority shall comply with all laws and requirements of chartering authorities imposed by this chapter, including all of the provisions related to charter school approval, oversight, renewal, and revocation. A charter school authorized by a county board of education pursuant to this section shall comply with all of the provisions applicable to charter schools pursuant to this chapter except where explicitly exempted by this section.

(j) Nothing in this section shall be construed to limit or change the chartering authority of school districts, county boards of education, or the state board pursuant to Section 47605, 47605.5, 47605.6, 47605.8 or 47606.

(k) The state board may solicit and receive grants from private nonprofit foundations and organizations for the purpose of funding the administration of the pilot program established under this section.

(l) For purposes of this section, the following definitions apply:

(1) "Participating chartering authority" means a county board of education selected to participate in the pilot program authorized by this section.

(2) "Pilot program" means the Chartering Authority Pilot Program established pursuant to this section.

Date of Hearing: April 26, 2017

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

AB 1224 (Weber) – As Amended April 18, 2017

SUBJECT: Charter schools: Chartering Authority Pilot Program

SUMMARY: Establishes a County Chartering Pilot Program for three county offices of education (COEs) to authorize up to five new charter schools in their county or the neighboring counties; authorizes existing charter management organizations (CMOs) to consolidate up to 10 existing schools, located anywhere in the State, under a county office of education as part of the Pilot Program; and, exempts these charter management organizations from existing requirements pertaining to the citing of resource centers which would allow an unlimited number of resource centers anywhere in the State. Specifically, **this bill:**

- 1) Establishes the Chartering Authority Pilot Program under the administration of the SBE and specifies the SBE shall consider and may select up to three county boards of education with demonstrated authorizing and oversight capacity to authorize and oversee up to five new charter schools.
- 2) Requires the SBE to adopt a process, timeline, and application criteria that allows for at least one application cycle each year to be considered for charter authorization until the maximum number of chartering authorities has been selected; requires the SBE to consider in its selection criteria the selection of counties that reflect the range of size, geography, and demographics of the state; and requires at a minimum, the application to include all of the following:
 - a) A charter approval plan that includes a description of how the county board of education will apply the criteria and timelines specified in subdivision (b) of Section 47605 to evaluate and approve charter petitions.
 - b) The scope of the pilot program that includes a description of the types of charter schools that the county board of education may consider within its pilot program that is beyond its traditional authorizing scope. This may include, but is not limited to, certain types of charter school educational models, multiple charter schools operating under a single governance structure, a specific regional or geographic scope within or beyond the county, and provisions to assume the chartering duties of a small school district that chooses to opt out of chartering.
 - c) How the county board of education will ensure the charter schools authorized create and implement a local engagement plan to ensure that the governing boards of school districts and communities in which the charter school will be located are notified of the proposed charter school and are provided an opportunity to comment on each proposed charter school. Engagement activities shall, at a minimum, include one public hearing during the timeline and approval process of the charter by the county in the community in which each proposed charter school plans to operate. The plan shall also include a process for the chartering authority to work with the charter school to consider and resolve complaints about the charter school by the local community, including complaints by the

- governing board of the school district in which the charter is located, and a clear process for parents to report any concerns or complaints about the charter school.
- d) A charter school oversight plan that includes a description of the county board of education's capacity and expertise in approving and overseeing charter schools and how the county board of education plans to expand its capacity to accommodate additional charter schools. The plan shall, at a minimum, ensure compliance with Section 47604.32 and shall outline the provisions of any memorandum of understanding that may be necessary between the charter school and the participating chartering authority.
 - e) Assurance that the participating chartering authority will generally align with standards of charter authorizing and oversight approved by the SBE to ensure quality and proper levels of accountability for performance.
 - f) A plan for annual reporting to the SBE and for an annual public meeting in the county in which charter schools authorized by the county board of education are located that describes chartering activities and the academic performance and fiscal viability of each charter school authorized pursuant to this section.
- 3) Requires the SBE to establish a process to evaluate proposals submitted and select no more than three of the highest quality applications to participate in the pilot program.
 - 4) Requires the SBE to annually evaluate and report to the Legislature on the performance of the participating chartering authorities and each of the charter schools approved pursuant to the pilot program, and may require the participating chartering authority to submit annual reports as necessary to meet this requirement.
 - 5) Requires by June 30, 2024, the board to submit a final report to the Legislature with conclusions about the success or challenges of the pilot and whether any statutory changes are recommended to implement the conclusions; authorizes the SBE to extend the authority for any of the pilot program participants to continue to authorize and oversee the charter schools approved, or, if the SBE finds that a participating county board of education has been unable to provide reasonable oversight over its charter schools, the SBE may terminate the authority of any of the participants; and, specifies if the SBE terminates the authority of a participating county board of education, the oversight of a charter school authorized by that county board of education shall be transferred to the SBE or to the governing board of the school district in which the charter school operates.
 - 6) Authorizes a pilot county board to only approve charter schools that will operate within its county or an adjacent county, and any other geographic constraints imposed by the SBE.
 - 7) Specifies, in order to ensure access for parents and other members of the community, a charter school shall ensure that any meeting of the governing board be accessible in a teleconference location in the county that has authorized the charter school and any county in which the charter school operates.
 - 8) Specifies that a nonprofit public benefit corporation that operates more than one charter school in the state may petition a county board of education participating in the pilot program

to consolidate some or all of its existing and future charter schools under the jurisdiction of a single chartering authority that has been approved by the SBE.

- 9) Specifies that a chartering authority that opts to accept the authorizing and oversight for an organization with multiple charter schools shall first receive approval from the SBE to authorize and oversee charter schools beyond its typical geographic jurisdiction.
- 10) Exempts a charter school that is part of a charter management organization from the citing requirements for resource centers pursuant to section 47605.1 and the geographic restrictions imposed pursuant to Section 47605, if authorized by the SBE to do so.
- 11) Requires the request to include a process for the authorizing county board of education to review the overall fiscal and operational health of the charter organization as part of its oversight.
- 12) Authorizes the county to approve only one charter management organization; specifies that a charter organization, shall count as one charter school and may transfer oversight of up to up to ten existing individual charter schools to the county; and, specifies that a charter management organization approved may add no more than one new school every other year for the length of the pilot, and subject to approval by the county.
- 13) Specifies that in order to ensure access to parents and other members of the community, an organization with multiple charter schools in multiple counties shall ensure that any meeting of the governing board be accessible in a teleconference location in each county in which the organization has been authorized to operate a charter school.
- 14) Authorizes the SBE to transfer oversight responsibilities to a COE in the pilot for an unlimited number of schools that may be approved by the SBE on appeal.
- 15) Specifies that an operating charter school that changes chartering authorities as a result of approval in this section shall continue to operate under the terms and conditions of its approved charter and shall not be deemed a new charter school, and requires the charter school to retain all of its financial and operational practices and status as a continuing charter school, including, but not limited to, funding eligibility, funding rates under the local control funding formula, demographic data, school codes, employment, enrollment eligibility, and accountability status.
- 16) Specifies that a pilot authorizer may charge for the actual costs of supervisorial oversight, management of the pilot and reporting to the SBE in an amount no greater than three percent of the pilot charter schools' revenues, and specifies that accounting for the use of oversight fees collected, and an evaluation of the adequacy of oversight fees received shall be included in the annual reports.
- 17) Specifies that except where explicitly exempt, a participating chartering authority shall comply with all laws and requirements of chartering authorities imposed by this chapter, including all of the provisions related to charter school approval, oversight, renewal, and revocation, and specifies a charter school authorized by a county board of education shall comply with all of the provisions applicable to charter schools except where explicitly exempted by this measure.

- 18) Specifies that nothing in this measure shall be construed to limit or change the chartering authority of school districts, county boards of education, or the SBE.
- 19) Authorizes the SBE or a participating chartering authority to solicit and receive grants from private nonprofit foundations and organizations for the purpose of funding the startup and administration of, or research and reporting on, the pilot program.
- 20) Makes the following definitions for purposes of this measure:
 - a) "Participating chartering authority" means a county board of education selected to participate in the pilot program authorized by this section.
 - b) "Pilot program" means the Chartering Authority Pilot Program established pursuant to this section.

EXISTING LAW:

- 1) Establishes the Charter Schools Act of 1992 which authorizes a school district, a county office of education or the SBE to approve or deny a petition for a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved student learning.
- 2) Establishes a process for the submission of a petition for the establishment of a charter school. Authorizes a petition, identifying a single charter school to operate within the geographical boundaries of the school district, to be submitted to the school district. Authorizes, if the governing board of a school district denies a petition for the establishment of a charter school, the petitioner to elect to submit the petition to the county board of education. Authorizes, if the county board of education denies the charter, the petitioner to submit the petition to the SBE. Authorizes a school that serves a countywide purpose to submit the charter petition directly to the county office of education. Authorizes a school that serves a statewide purpose to go directly to the SBE.
- 3) Authorizes a charter to be granted for not more than five years. Authorizes a charter granted by a school district, county board of education or SBE to be granted one or more renewals by that entity for five years. Requires the renewals and material revisions of the charter to be based on the same standards for the original charter petition.
- 4) Authorizes a charter school to establish a resource center, meeting space or other satellite facility located in a county adjacent to that in which the charter school is authorized if the following conditions are met:
 - a) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.
 - b) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter school is authorized.

FISCAL EFFECT: Unknown

COMMENTS: This bill establishes a County Chartering Pilot Program for three county offices of education (COEs) to authorize up to five new charter schools in their county or the neighboring counties. The measure authorizes existing charter management organizations (CMOs) to consolidate up to 10 existing schools located anywhere in the State, under a county office of education as part of the Pilot Program. Further, the bill exempts these charter management organizations from existing requirements pertaining to the citing of resource centers which would allow these CMO's to establish an unlimited number of resource centers anywhere in the State.

This measure makes several policy changes that are concerning:

- Removes local control over charter authorizing and transfers that authority to COEs.
- Authorizes COEs to grant charters outside of their county jurisdiction by citing charter schools in adjacent counties.
- Allows CMO's to consolidate the oversight for 10 existing schools anywhere in the state under a COE, which will make oversight significantly more difficult since the COE could be hundreds of miles from the schools.
- Authorizes COEs to charge up to 3% oversight fees, which could create a perverse incentive for COEs to participate only to raise revenue.
- Exempts CMO's from the existing laws regarding the citing of charter school resource centers, which will allow an unlimited number of resource centers anywhere in the state.
- Limits parent and teacher access to authorizer board meetings due to the increased distance between the school and the authorizer.
- Gives authority to extend the pilot program to the SBE, instead of returning the program to the Legislature for extension.
- Authorizes the SBE to transfer oversight responsibilities for the SBE charter schools approved on appeal, to any of the participating COEs.

According to the author, "A consensus has emerged across public education in California that there is substantial dysfunction within the authorizing and oversight of charter schools.

However, there is not a consensus on how to resolve the problems of this dysfunction, and there is inadequate experience with alternative options to assess what solutions might work. The current process relies almost exclusively on local school districts as the primary authorizer. This structure creates an inherent conflict of interest in which districts must approve and oversee the entities that may be seen as "competing" for pupils and their associated revenues, removing objectivity from their chartering role. As a result,

- Some districts have denied or revoked a charter petition for reasons that are not allowed under the law, in nearly all cases leading to approval of the charter on appeal.
- Situations have occurred in which charter petitions (without judging the integrity of the petition itself) have been authorized for the fiscal benefit of the school district or other reasons unrelated to pupil achievement.
- The profoundly important responsibility of overseeing the charter school on a regular basis is sometimes given short shrift or has become a license to burden the charter school with extraneous and sometimes illegal obligations.
- At least one district has been unresponsive to parent and community concerns about the operation of its charter schools.

Some small districts have authorized charter schools legitimately but then failed to provide responsible oversight because they do not have the capacity or experience to ensure the oversight is effective."

Local Control. This bill gives authority to COEs to grant 5 new charter schools within their county or an adjacent county. The bill further allows a charter management organization to consolidate up to 10 schools under a COE that are located anywhere in the state. This bill removes local control for charter authorizing from school districts. The Legislature has had intense focus on providing local control to school districts through the Local Control Funding Formula and other state policies, and the committee should consider whether removing local control for charter authorizing moves away from that focus.

Parental Access. This bill allows CMO's to consolidate 10 existing charter schools under a single charter authorization from a COE. This provides convenience for CMO's that find it cumbersome to work with 10 different school district authorizers for their 10 charter schools. While this policy may provide greater convenience to the CMO, it does not provide convenience to the parents at those school sites who will have limited access to the authorizer board meetings. Board meetings need to be accessible to parents and teachers. The bill requires the CMO board meetings to be accessible to parents through teleconference in the county in which the school is located, but that puts parents at a disadvantage. Participation by telephone is not the same as face to face interaction. The committee should also consider why the teleconference is merely within the county and not at the school site. It is unclear whether the bill provides enough access to parents and teachers to meet the needs of the community at the local level.

Oversight for Charter Schools at a Distance. By authorizing a COE to authorize charter schools in an adjacent county and a CMO's charter schools anywhere in the state, oversight of the charter schools could suffer due to the distance between the authorizer and the schools. The further the authorizer is from the schools, the less oversight occurs. A significant aspect of the oversight process is to visit the charter school, walk classrooms, observe conditions, observe instruction, etc. A paper review is not sufficient. Requiring a county office to travel many miles to conduct oversight will likely not result in improved oversight.

Exemption for Resource Centers. This bill grants charter management organizations that consolidate existing charter schools under a COE to be exempt from existing requirements for citing resource centers. It is unclear why charter management organizations under this pilot would need such an exemption unless the intent is to either authorize an unlimited number of resource centers or the CMO currently has resource centers that are in violation of existing law and the CMO will be authorized to keep the resource centers through this exemption. The committee should consider whether this exemption is in response to the appellate court decision in the case of Anderson Union HSD v. Shasta Secondary Home School, which disallowed the citing of a resource center located within the county, but outside the district, in which the charter school is located.

Jurisdiction. This bill authorizes COEs to grant charter schools in their county or in an adjacent county. The bill further authorizes COEs to take over the oversight responsibilities for CMO's with schools currently located anywhere in the state. Allowing COEs to authorize schools in another county jurisdiction is equivalent to a city council citing a recycling center in another city's jurisdiction. Outside of education, the committee staff is unaware of any other local authority that is allowed to cite facilities outside their local geographic jurisdiction.

Pay to Play. This bill authorizes COEs to charge up to 3% for oversight of the charter schools they authorize under this pilot. While anecdotal evidence from COEs demonstrates that the current 1% oversight fee does not adequately cover the costs of proper charter school oversight, there is potential under this pilot program for COEs to use this to generate revenue. The committee may recall that Acton-Agua Dolce Unified School District appeared to generate revenue with a higher oversight fee as the district authorized charter schools outside its jurisdiction. It is quite possible that COEs will be interested in participating in the pilot program, not for their interest in providing model oversight, but because this will raise revenue for the COE.

Pilot Extended by the SBE. This bill authorizes the SBE to extend the pilot program without returning to the Legislature for approval. Typically, pilot programs have a clear sunset date and an evaluation due to the Legislature at least one year prior to the sunset date. Legislation must then be approved by the Legislature and signed by the Governor to extend the sunset date of a pilot program. Committee staff is unaware of any pilot program for which the Legislature has granted power to a state agency or elected body to decide whether or not to extend a pilot program. The authority to extend a pilot program has always rested with the Legislature. The committee should consider whether it's appropriate for the Legislature to devolve the authority to extend this pilot program to the SBE, rather than have that consideration return to the Legislature as with all other pilot programs.

SBE transferring Oversight to Counties. This bill authorizes the SBE to transfer oversight responsibilities for all the charter schools that the SBE approves on appeal, to one or more COEs in the pilot. Further, the bill specifies that these existing schools do not count toward the limit of 5 new schools per county. Currently, the SBE authorizes 23 charter schools. This will expand the scope of the pilot significantly.

Unclear Intent. This bill authorizes COEs to consider certain types of charter school educational models, multiple charter schools operating under a single governance structure, a specific regional or geographic scope within or beyond the county, and provisions to assume the chartering duties of a small school district that chooses to opt out of chartering. This list is so broadly written that it is unclear what the intent of this language could include. The committee should consider whether COEs should be allowed to charter schools that differ in scope from existing charter school models.

REGISTERED SUPPORT / OPPOSITION:

Support

California Charter Schools Association (Sponsor)
Amethod Public Schools
Aplus
Butte County Superintendent of Schools
Placer County Board of Education
Yolo County Board of Education
Several individuals

Opposition

California Association of Highway Patrolmen

California Federation of Teachers

California School Boards Association

California School Employees Association

California Teachers Association

Kern County Superintendent of Schools

Los Angeles County Office of Education

San Francisco Unified School District

Silicon Valley Leadership Group

Ventura County Office of Education

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AB-1360 Charter schools: pupil admissions, suspensions, and expulsions. (2017-2018)

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AMENDED IN ASSEMBLY MARCH 30, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 1360

Introduced by Assembly Member Bonta

February 17, 2017

An act *to amend Section 47605 of the Education Code*, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1360, as amended, Bonta. Charter schools: ~~admissions and pupil discipline.~~ *pupil admissions, suspensions, and expulsions.*

The Charter Schools Act of 1992 provides for the establishment and operation of charter ~~schools.~~ *schools and requires a petition for the establishment of a charter school to contain comprehensive descriptions of various procedures, including the charter school's admission, suspension, and expulsion procedures.*

This bill would require the charter school's admission, suspension, and expulsion procedures to comply with specified minimum procedural requirements, including that the procedures comply with federal and state constitutional due process requirements. The bill would require a charter school's expulsion procedures to ensure that a pupil is entitled to a formal hearing, as specified, and would authorize a pupil to appeal the expulsion to the county board of education. To the extent the bill would impose additional requirements on local educational agencies and charter schools, the bill would impose a state-mandated local program.

Existing law requires, if the number of pupils who wish to attend a charter school exceeds capacity, for attendance to be determined by a public random drawing and requires admission preferences to be extended to pupils currently attending the charter school and pupils who reside in the school district. Existing law provides that other preferences may be permitted by a chartering authority on an individual school basis, as specified.

This bill would require other preferences to be approved by the charter school at a public hearing and would require the preferences to comply with specified other requirements.

The bill also would authorize a charter school to encourage parental involvement, but would require the charter school to notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement, is not a requirement for acceptance to, or continued enrollment at, the charter school.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~This bill would express the intent of the Legislature to enact legislation that would prohibit discriminatory admissions practices and ensure due process in pupil discipline at charter schools.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *It is the intent of the Legislature in enacting this act to do all of the following:*

(a) Ensure equal access to interested pupils at charter schools and prohibit practices that discourage enrollment or disproportionately push out segments of already enrolled pupils.

(b) Ensure that charter school discipline policies are fair and transparent.

(c) Ensure that a pupil's constitutional right to due process is protected at charter schools.

(d) Consistent with Section 5 of Article IX of the California Constitution, ensure that charter schools operate within the system of common schools by remaining "... free, nonsectarian and open to all students..." as stated in Wilson v. State Board of Education (1999) 75 Cal.App.4th 1125, 1137–38.

(e) Gather data on pupil turnover in the charter school environment.

SEC. 2. *Section 47605 of the Education Code is amended to read:*

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the *charter* school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the *charter* school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal 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.

(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, ~~they~~ *there* shall be a material revision to the charter school's charter.

(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists:

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.

(6) Commencing January 1, 2003, a petition to establish a charter school ~~may~~ shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In 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 governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. 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.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, 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"~~ "A to G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups

of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the charter school furnish it with a criminal record summary as described in Section 44237.

(G) The means by which the *charter* school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

(H) Admission ~~requirements, if applicable,~~ *policies and procedures, consistent with subdivision (d).*

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or ~~expelled,~~ *expelled, consistent with subdivision (d), which, at a minimum, shall also do the following:*

(i) Identify a list of acts for which a pupil enrolled in the charter school may be suspended or expelled.

(ii) Identify suspension and expulsion procedures, including the maximum length of time for which a pupil may be suspended. The procedures shall also accommodate the rights of pupils with disabilities, consistent with federal law.

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) 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.

(c) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.

(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall

not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the *charter* school.

(B) If the number of pupils who wish to attend the charter school exceeds the *charter* school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the *school* district except as provided for in Section 47614.5. ~~Other~~ *Additionally, other* preferences may be permitted by the chartering authority on an individual *charter* school ~~basis and only if consistent with the law.~~ *basis, in accordance with all of the following:*

(i) Each type of preference shall be approved by the charter school at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) Charter school suspension and expulsion procedures shall meet the following minimum requirements:

(A) The procedures shall comply with federal and state constitutional due process requirements, which include providing notice and an opportunity to be heard.

(B) For expulsions, the procedures shall ensure all of the following:

(i) The pupil is entitled to a formal hearing to determine if the pupil shall be expelled.

(ii) The pupil shall be provided written notice of the hearing, which, at a minimum, shall identify the date and place of the hearing, a statement of the specific facts and charges upon which the proposed expulsion is based, a copy of the disciplinary rules that relate to the alleged violation, and notice of the procedures that will govern the hearing, including those specified in clause (iii).

(iii) At the hearing, the pupil or the pupil's parent or guardian, or the pupil's educational rights holder if the pupil is a foster child or youth or a homeless child or youth, has a right to appear in person or to be represented by an attorney licensed to practice law in California or by a nonattorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including through witnesses. A record of the hearing shall be made so that a reasonably accurate and complete written transcription of the proceedings can be made.

(iv) If the individual, panel, or board conducting the formal hearing determines that the pupil shall be expelled, the individual, panel, or board shall issue a written decision identifying the basis for the decision, including all facts in support of the decision, which shall be based upon substantial evidence relevant to the charges adduced at the formal hearing and shall not consist solely of hearsay evidence.

(v) Written notice of any decision to expel shall be sent by the charter school to the pupil or the pupil's parent or guardian, or the pupil's educational rights holder if the pupil is a foster child or youth or a homeless child or youth, and shall include notice of the right to appeal the expulsion to the county board of education, as provided for in clause (vi), and notice of the educational placement to be provided to the pupil during the time of expulsion, as provided for in clause (viii).

(vi) A pupil may appeal the expulsion to the county board of education with jurisdiction in the county in which the charter school is located.

(vii) The charter school shall ensure no loss of instructional days for the pupil pending final determination of the expulsion, including an appeal, if one is filed, by providing the pupil access to educational programming.

(viii) Upon final determination to expel a pupil, the charter school shall ensure the pupil is provided access to educational programming until the charter school has confirmed the pupil has been provided a suitable educational placement.

(4) A pupil shall not be removed, involuntarily dismissed, disenrolled, or terminated from a charter school unless the charter school has complied with all of the procedures specified in subparagraph (B) of paragraph (3).

(5) Nothing in this section is intended to restrict or otherwise limit the rights available to pupils in charter schools under other federal and state law. All such protections shall apply with full force and effect.

~~(3)~~

(6) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(e) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(f) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the *charter* school, the manner in which administrative services of the *charter* school are to be provided, and potential civil liability effects, if any, upon the *charter* school and upon the school district. The description of the facilities to be used by the charter school shall specify where the *charter* school intends to locate. The petitioner or petitioners *also* shall ~~also~~ be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.

(h) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(i) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(j) (1) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The county board of education shall review the petition pursuant to subdivision (b). If the petitioner elects to submit a petition for establishment of a charter school to the county board of education and the county board of education denies the petition, the petitioner may file a petition for establishment of a charter school with the state board, and the state board may approve the petition, in accordance with subdivision (b). A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(2) In assuming its role as a chartering agency, the state board shall develop criteria to be used for the review and approval of charter school petitions presented to the state board. The criteria shall address all elements required for charter approval, as identified in subdivision (b), and shall define "reasonably ~~comprehensive~~ *comprehensive*," as used in paragraph (5) of subdivision ~~(b)~~ (b), in a way that is consistent with the intent of this part. Upon satisfactory completion of the criteria, the state board shall adopt the criteria on or before June 30, 2001.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) If either the county board of education or the state board fails to act on a petition within 120 days of receipt, the decision of the governing board of the school district to deny ~~a~~ *the* petition shall be subject to judicial review.

(5) The state board shall adopt regulations implementing this subdivision.

(6) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the ~~petition~~ *petition*, to the department and the state board.

(k) (1) The state board may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the state board to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

(2) The designated local educational agency shall have all monitoring and supervising authority of a chartering agency, including, but not limited to, powers and duties set forth in Section 47607, except the power of revocation, which shall remain with the state board.

(3) A charter school that is granted its charter through an appeal to the state board and elects to seek renewal of its charter shall, before expiration of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the charter school's petition for renewal, the *charter* school may petition the state board for renewal of its charter.

(l) Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering entity, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

(n) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SECTION 1. It is the intent of the Legislature to enact legislation that would prohibit discriminatory admissions practices and ensure due process in pupil discipline at charter schools.~~

Date of Hearing: April 26, 2017

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1360 (Bonta) – As Amended March 30, 2017

SUBJECT: Charter schools: pupil admissions, suspensions, and expulsions

SUMMARY: Modifies the provisions for extending preferences for charter school admissions and establishes requirements for charter school suspension and expulsion procedures.

Specifically, **this bill:**

- 1) Expresses the intent of the Legislature to ensure the following:
 - a) Equal access to interested pupils at charter schools and prohibit practices that discourage enrollment or disproportionately push out segments of already enrolled pupils;
 - b) That charter school discipline policies are fair and transparent;
 - c) That charter schools operate within the system of common schools by remaining "... free, nonsectarian and open to all students..." as stated in *Wilson v. State Board of Education (1999)*;
 - d) Gather data on pupil turnover in the charter school environment.
- 2) Authorizes additional preferences for enrollment in a charter school in accordance with all of the following:
 - a) Each type of preference shall be approved by the charter school at a public hearing;
 - b) Preferences shall be consistent with federal law, the California Constitution, and Education Code Section 200;
 - c) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program;
 - d) Preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.
- 3) Requires a charter school petition's descriptions of suspension and expulsion procedures to do the following:
 - a) Identify the list of acts for which a pupil enrolled in a charter school may be suspended or expelled;
 - b) Identify suspension and expulsion procedures, including the maximum length of time for which a pupil may be suspended. Requires the procedures to also accommodate the rights of pupils with disabilities, consistent with federal law.

- 4) Requires charter school suspension and expulsion procedures to meet the following minimum requirements:
 - a) The procedures shall comply with federal and state constitutional due process requirements, including providing notice and an opportunity to be heard;
 - b) For expulsions, the procedures shall ensure all of the following:
 - i) The pupil is entitled to a formal hearing to determine if the pupil shall be expelled;
 - ii) The pupil shall be provided written notice of the hearing, which, at a minimum, identifies the date and place of the hearing, a statement of specific facts and charges upon which the proposed expulsion is based, a copy of the disciplinary rules that relate to the alleged violation, and the notice of the procedures that will govern the hearing;
 - iii) At the hearing, the pupil or the pupil's parent or guardian, or the pupil's educational rights holder (if the pupil is a foster child or youth or a homeless child or youth), has a right to appear in person or to be represented by an attorney licensed to practice law in California or by a non-attorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including through witnesses. A record of the hearing shall be made so that a reasonably accurate and complete written transcription of the proceedings can be made;
 - iv) If the individual, panel, or board conducting the formal hearing determines that the pupil shall be expelled, a written decision must be issued identifying the basis for the decision, including all facts in support of the decision, which shall be based upon substantial evidence relevant to the charges adduced at the formal hearing and not consist solely of hearsay evidence;
 - v) Written notice of any decision to expel shall be sent by the charter school to the pupil or the pupil's parent or guardian, or the pupil's educational rights holder (if the pupil is a foster child or youth or a homeless child or youth), and shall include notice of the right to appeal the expulsion to the county board of education and notice of the educational placement to be provided to the pupil during the time of expulsion;
 - vi) A pupil may appeal the expulsion to the county board of education with jurisdiction in the county in which the charter school is located;
 - vii) The charter school shall ensure no loss of instructional days for the pupil pending final determination of the expulsion, including an appeal, if one is filed, by providing the pupil access to educational programming;
 - viii) Upon final determination to expel a pupil, the charter school must ensure the pupil is provided access to educational programming until the charter school has confirmed the pupil has been provided a suitable educational placement.

- 5) Specifies that a pupil shall not be removed, involuntarily dismissed, disenrolled, or terminated from a charter school unless the charter school has complied with all of the expulsion procedures specified.
- 6) Specifies that nothing in this bill is intended to restrict or otherwise limit the rights available to pupils in charter schools under other federal and state law. All such protections apply with full force and effect.
- 7) Specifies that a charter school may encourage parental involvement, but must notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

EXISTING LAW:

- 1) Establishes the Charter Schools Act of 1992 which authorizes a school district, a county board of education or the state board of education (SBE) to approve or deny a petition for a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved student learning. (EC 47600 and 47601)
- 2) Requires a charter school to admit all pupils who wish to attend the school. Specifies that if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance must be determined by a public random drawing. Specifies that preference shall be extended to pupils currently attending the charter school and pupils who reside in the county. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law. (EC 47605)
- 3) Establishes equal rights and opportunities in the educational institutions of the state for all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other any characteristic that is considered in the definition of hate crimes. (EC 200)
- 4) Requires a governing board of a school district to hold a public hearing on the provisions of the charter no later than 30 days after receiving a petition and either grant or deny the charter within 60 days of receipt of the petition. Specifies that the governing board of a school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings setting forth specific facts to support the findings, including the finding, among others, that the petition does not contain reasonably comprehensive description of the procedures by which pupils can be suspended or expelled. (EC 47605)
- 5) Specifies that a charter school shall comply with charter school laws but is otherwise exempt from the laws governing school districts, except for all of the following: (EC 47610)
 - a) Teacher participation in the State Teachers' Retirement System (STRS) and the Public Employees' Retirement System (PERS) if the charter chooses to offer coverage in either or both of those systems;
 - b) Access to loans from the Charter School Revolving Loan Fund;

- c) All laws establishing minimum age for public school attendance;
 - d) The California Building Standards Code.
- 6) Authorizes or requires a principal or a superintendent of schools to suspend or expel a student in a non-charter school committing any of a number of specified acts. (EC 48900, 48900.2, 48900.3, 48900.4, 48900.7, 48915)
 - 7) Specifies the number of days a suspension can occur, the procedures for notifying parents or guardians and the requirement to hold a conference. (EC 48903, 48911)
 - 8) Specifies the process for expulsion, the requirement for the governing board to recommend a plan of rehabilitation for the pupil at the time of the expulsion order, the process for readmission, the requirement for the governing board to establish rules and regulations for expulsions, the right of a pupil to have a hearing, the timeline for the hearing, and the process for appealing an expulsion. (EC 48916, 48916.1, 48918, 48918.5, 48919, 48919.5, 48920, 48921, 48922, 48923, and 48924)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author,

“Charter schools have contributed to increased segregation rather than diverse integration of our public school system. Research and reports have documented disproportionately high use of punitive and exclusionary discipline in addition to different enrollment practices that violate protections of student rights for public schooling. Students with more significant needs - such as students with disabilities, students with social-emotional needs, and students who are English Learners – are often disenrolled or removed by charter schools, which undermines local communities.

Charter schools are part of the statewide public school system, and must have nondiscriminatory admission policies, as well as suspension and expulsion policies that guarantee all students appropriate due process rights. Any practices that serve to weed out certain children or families – whether intentional or unintentional – are not acceptable and must be eliminated. AB 1360 helps ensure that charter schools – as part of our system of public education – provide fair access to all students, regardless of zip code, family circumstances, where they were born, how they look, who they love, or the language they speak.

In order to guarantee student access at California’s charter schools, we must require charter schools to serve high-need students such as English learners and special education students, at the same level as neighborhood public schools. AB 1360 clarifies that a charter school’s admissions policies must not limit access to groups such as low-income students or English learners. AB 1360 clarifies that charter school suspension and expulsion procedures must comply with federal and state constitutional due process requirements, including fair notice

and an opportunity to be heard. All children in California should be entitled to equal access to all public education opportunities, including charter schools.”

Background. Charter schools are authorized by school district governing boards, county boards of education or the SBE. Charter schools must comply with charter school provisions of law and are generally exempt from most laws governing school districts. According to the CDE, there are currently 1,247 charter schools and seven all-charter districts in California enrolling a total of 572,752 students.

As part of its request for approval of charter status, a charter petition must include "reasonably comprehensive" descriptions of specified information, including, among others, a description of the educational program of the school, the governance structure of the school, qualifications required by individuals to be hired at the school, the manner by which annual, independent financial audits will be conducted, the manner by which the school's staff will be covered by the teachers' retirement systems or federal social security, the procedures the school will follow to ensure the health and safety of pupils and staff, and the procedures by which pupils can be suspended or expelled.

Conditions for establishing preferences for charter admission. Charter schools are required to admit all pupils who wish to attend. Current law also requires, if the number of pupils who wish to attend exceeds the capacity of the school, attendance must be determined by a public random drawing. Preference must be given to pupils currently attending the charter school and pupils who reside in the county.

This bill authorizes additional charter school admissions preferences as long as the preferences are:

- Approved by the charter school at a public hearing;
- Consistent with state law, federal law and Education Code Section 200;
- Do not result in limiting enrollment access to specified pupil groups;
- Do not require mandatory parental volunteer hours.

These requirements clarify that charter school admissions preferences must be fair, transparent and must ensure that the school's preferences do not result in limiting enrollment access to students with disabilities, academically low-achieving students, English learners, neglected or delinquent students, homeless students, or students who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program. These requirements essentially codify other parts of existing law and current practice.

Suspensions and expulsions in school districts: Under existing law, a principal or a superintendent may suspend or recommend expulsion of a pupil for committing any of a number of specified acts. For expulsions, current law specifies three categories: 1) acts committed by a pupil that result in immediate suspension and recommendation for expulsion; 2) acts committed by a pupil for which a principal or superintendent must recommend expulsion, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance; and 3) acts committed by a pupil for which a principal or superintendent have discretion to determine expulsion.

Upon a recommendation of expulsion of a pupil, a school district governing board is required to hold a hearing and provide a student and his or her parents or legal guardians written notice that includes the charges upon which a proposed expulsion is based, within specified timelines. The governing board may meet in closed session, but the final action to expel a pupil must be made in a public session. A pupil who is expelled may file an appeal to the county board of education.

Suspensions and expulsions in charter schools. Charter schools are required in their petition for a charter to describe the procedures by which pupils can be suspended or expelled, but are not required to comply with the suspension and expulsion policies and procedures which apply to other public schools under current law. This bill establishes procedures that are very similar, although not identical, to the procedures established under Education Code Section 48918 governing the expulsion process for school districts.

The bill requires a charter petition to identify the acts for which a pupil may be suspended or expelled and the length of time for which a pupil may be suspended. This bill allows a charter school to determine the actions subject to suspensions and expulsions and the length of suspensions.

This bill also requires a charter to ensure that its expulsion procedures provide a pupil with specified rights, including the right to receive and appear at a formal hearing, the right to have an attorney or non-legal advisor and the right to inspect documents and question witnesses. The charter must also provide a written notice of the hearing that includes specific facts and charges for which a proposed expulsion is based, the disciplinary rules that relate to the violation, and the procedures governing the hearing. If the individual, panel or board conducting the formal hearing decides to expel the pupil, a written decision must be issued identifying the basis and facts in support of the expulsion. A pupil may appeal the expulsion to the county board of education with jurisdiction in which the charter school is located. Until an expelled pupil is in a suitable educational placement, the charter school must ensure that the pupil is provided access to an educational program.

Research on charter school admission policies. A 2016 report by ACLU and Public Advocates, *Unequal Access: How Some California Charter Schools Illegally Restrict Enrollment*, reviewed charter schools' public, written policies on admissions. The authors contend that, out of the roughly 1,200 charter schools in California, at least 253 or over 20% have admissions policies that are exclusionary. The report cites examples of these charter schools, which have admissions requirements for entry, including the following:

- Minimum grade point average (GPA);
- Demonstration of English language proficiency;
- Pupil or parent/guardian essay or interview;
- Proof of citizenship;
- Mandatory parent volunteer hours and/or monetary donations.

The report contends that these types of requirements disadvantage certain groups of students, including English language learners, students with disabilities, and immigrants, among others by precluding or discouraging enrollment.

Discipline in charter schools. A 2016 report by the Center for Civil Rights Remedies at UCLA, *Charter Schools, Civil Rights and School Discipline: A Comprehensive Review* summarizes the analysis of publicly reported school discipline data for over 5,250 charter schools nationwide. The report notes that deep disparities in discipline practices were found at many charter schools. Findings include the following:

- In 2011-12, charter schools nationally suspended 7.8% of all students enrolled, versus a rate of 6.7% at non-charter schools;
- 235 charter schools suspended more than 50% of their enrolled students with disabilities and in 1,093 charter schools, students with disabilities were suspended at a rate at least 10 percentage points higher than their non-disabled peers;
- Charter secondary schools suspend more than 16 more Black students than White students per every 100 students enrolled;
- Suspension rate for English learners in charter secondary schools is 10% versus 5.6% for White students.

The report does note that, as with regular public schools, most charter schools are not high-suspending. There are wide variations in discipline policy and practice among charter schools. More elementary charter schools met the definition of a lower-suspending school than a higher-suspending school and at the secondary level; higher-suspending charters only slightly outnumbered lower-suspending charters.

The authors conclude that charter schools do not need to have high suspension rates to be successful and “while some charter schools are contributing to the school-to-prison pipeline, others may provide excellent examples of non-punitive approaches that could help plug the pipeline.”

Arguments in support. Supporters note that this bill helps to ensure that charter schools, as a part of the public education system, provide fair admission and fair discipline.

This bill would clarify that a charter school’s admission policies are approved at a public hearing and do not result in limiting access to groups of students, such as low-income students, disabled students, or English learners. They note that the intent of school choice is to allow parents and families to choose which school their children will attend, not that public schools choose which students they will serve. No charter school should discriminate against a student because of race, language, color, national origin, religion, gender or gender identification, sexual orientation, disability, marital status, or economic status, and should not discriminate against any student because of educational need, academic performance, or any other form of preferential selection.

They also note that the bill clarifies that charter school suspension and expulsion procedures must comply with federal and state constitutional due process requirements, including fair notice and an opportunity to be heard.

Finally, they state that a charter school should not intimidate a student or parent when asking for voluntary contributions to the charter school and that parent involvement and voluntary service should be encouraged, but cannot be a condition of enrollment.

Arguments in opposition. The California Charter Schools Association (CCSA) opposes AB 1360 as they contend that it removes charter schools' ability to establish their own suspension and expulsion practices and would establish a "one size fits all" policy. They note that many charter schools have become leaders in employing restorative justice practices and positive behavioral interventions, and that requiring charter schools to revert to traditional disciplinary practices would undermine these innovative programs.

According to CCSA, charter schools are currently required to ensure students are afforded due process when being recommended for suspension or expulsion under provisions of the U.S. and California constitutions. Charter schools are subject to an additional level of scrutiny through the oversight of the applicable chartering authority.

Finally, CCSA questions the need to revise the requirements for charter school admissions as current law already requires charter schools to outline their admission requirements in their petition and explicitly prohibits practices that discriminate against any protected class of pupils.

Prior and similar legislation. SB 322 (Leno) of the 2015-16 Session contained identical language as this bill, as well as double-jointing language to avoid chaptering out with SB 739 (Pavley). The bill failed passage on the Assembly Floor.

SB 739 (Pavley) of the 2015-16 Session would have prohibited a school district from authorizing a new charter school to be located outside of its jurisdiction if it is assigned a negative budget certification. This bill was vetoed by the Governor.

AB 2032 (Mendoza) of the 2011-12 Session would have required charter school suspension and expulsion procedures to identify a list of acts for which a pupil may be suspended or expelled, the length of time a pupil may be suspended, and the procedures a pupil and parents and guardians will be informed about their due process rights, including the right to a hearing. This bill was held in Assembly Appropriations.

AB 1034 (Gatto) of the 2011-12 Session would have made changes to the requirements for charter schools regarding student admissions requirements that are similar to those proposed by this bill. The bill was vetoed by the Governor. The veto message stated:

"Charter schools are established to encourage the widest possible range of innovation and creativity. Their governing charters reflect the ideas and aspirations of those willing to undertake this profoundly difficult challenge. It is critical that they have the flexibility to set admission criteria and parent involvement practices that are consistent with the school's mission."

SB 433 (Liu) of the 2011-12 Session, which, among other provisions, would have required charter schools to comply with the policies and procedures governing the suspension and expulsion of pupils in other public schools. The bill was held in Senate Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Boys and Men of Color (Sponsor)
American Civil Liberties Union (Sponsor)
California Federation of Teachers (Sponsor)
California School Employees Association (Sponsor)
California Teachers Association (Sponsor)
Public Advocates (Sponsor)
Public Counsel (Sponsor)
California State PTA
Los Angeles Alliance for a New Economy
San Diego Education Association
United Teachers of Richmond

Opposition

California Charter Schools Association
Charter Schools Development Center

Analysis Prepared by: Debbie Look / ED. / (916) 319-2087



ALAMEDA COUNTY OFFICE OF EDUCATION
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Memorandum No. - 10.

Meeting Date: 5/9/2017

TO: Alameda County Board of Education
FROM: Melinda Giannes, Appeals Coordinator
RE: Interdistrict Appeal

Background :

The Board will hear and take action on the following interdistrict appeals. These matters will be heard in closed session.

1. IDT # 02-SF-17/18 - Dublin USD
2. IDT # 40-KP-16/17 - Fremont USD

Action Requested:

ACTION

That these matters be heard in closed session.