California Department of Education

Charter Schools Division

Revised 5/2018

eab-csd-mar20item04

Attachment 1

# CHARTER SCHOOL PETITION REVIEW FORM:OnePurpose School

CALIFORNIA DEPARTMENT OF EDUCATION

## Key Information Regarding OnePurpose School

### Proposed Grade Span and Build-out Plan

#### Table 1: 2020–25 Proposed Enrollment

TK–transitional kindergarten

K–kindergarten

NA–Not Applicable. Grade levels not served.

| Grade | 2020–21 | 2021–22 | 2022–23 | 2023–24 | 2024–25 |
| --- | --- | --- | --- | --- | --- |
| TK | 9 | 9 | 9 | 9 | 9 |
| K | 20 | 30 | 36 | 42 | 42 |
| 1 | 18 | 19 | 28 | 35 | 41 |
| 2 | 15 | 17 | 18 | 25 | 34 |
| 3 | 23 | 14 | 16 | 17 | 24 |
| 4 | 19 | 22 | 13 | 15 | 16 |
| 5 | 14 | 18 | 21 | 12 | 14 |
| 6 | NA | NA | NA | NA | NA |
| 7 | NA | NA | NA | NA | NA |
| 8 | NA | NA | NA | NA | NA |
| 9 | NA | NA | NA | NA | NA |
| 10 | NA | NA | NA | NA | NA |
| 11 | NA | NA | NA | NA | NA |
| 12 | NA | NA | NA | NA | NA |
| Total | 118 | 129 | 141 | 155 | 180 |

### Proposed Location

OnePurpose School (OPS) currently serves 95 pupils in TK through grade five on a Proposition 39 agreement with San Francisco Unified School District (SFUSD), co-locating with Harte (Bret) Elementary at 948 Hollister, San Francisco, California.

### Brief History

OPS is a State Board of Education (SBE)-authorized charter school serving pupils in TK through grade five. OPS was approved by the SBE on January 14, 2015, for a five-year term, which expires on June 30, 2020.

On October 15, 2019, the petitioner submitted the OPS petition to SFUSD. On December 10, 2019, the SFUSD Board denied the OPS petition by a unanimous vote of seven to zero. The OPS petitioner submitted a petition on appeal to the California Department of Education (CDE) on December 11, 2019.

### Lead Petitioner

Pamela Mann, Chair, Board of Directors

## SUMMARY OF REQUIRED CHARTER ELEMENTS PURSUANT TO CALIFORNIA *EDUCATION CODE* SECTION 47605(b)

| **Charter Requirements Pursuant to California*****Education Code* Section 47605(b)** | **Meets Requirements** |
| --- | --- |
| Sound Educational Practice (California *Education Code* [*EC*] sections 47605[b] and [b][1]) | No |
| Ability to Successfully Implement the Intended Program (*EC* Section 47605[b][2]) | No |
| Required Number of Signatures (*EC* Section 47605[b][3]) | NA |
| Affirmation of Specified Conditions (*EC* sections 47605[b][4] and [d]) | Yes |
| Exclusive Public School Employer (*EC* Section 47605[b][6]) | Yes |
| 1. Description of Educational Program (*EC* Section 47605[b][5][A])
 | No |
| 1. Measurable Pupil Outcomes (*EC* Section 47605[b][5][B])
 | Yes |
| 1. Method for Measuring Pupil Progress (*EC* Section 47605[b][5][C])
 | Yes |
| 1. Governance Structure (*EC* Section 47605[b][5][D])
 | No |
| 1. Employee Qualifications (*EC* Section 47605[b][5][E])
 | Yes |
| 1. Health and Safety Procedures (*EC* Section 47605[b][5][F])
 | Yes |
| 1. Racial and Ethnic Balance (*EC* Section 47605[b][5][G])
 | Yes |
| 1. Admission Requirements (*EC* Section 47605[b][5][H])
 | Yes |
| 1. Annual Independent Financial Audits (*EC* Section 47605[b][5][I])
 | Yes |
| 1. Suspension and Expulsion Procedures (*EC* Section 47605[b][5][J])
 | No |
| 1. Retirement Coverage (*EC* Section 47605[b][5][K])
 | Yes |
| 1. Public School Attendance Alternatives (*EC* Section 47605[b][5][L])
 | Yes |
| 1. Post-employment Rights of Employees (*EC* Section 47605[b][5][M])
 | Yes |
| 1. Dispute Resolution Procedures (*EC* Section 47605[b][5][N])
 | No |
| 1. Closure Procedures (*EC* Section 47605[b][5][O])
 | Yes |
| Standards, Assessments, and Parent Consultation (*EC* sections 47605[c][1] and [2]) | Yes |
| Effect on Authorizer and Financial Projections (*EC* Section 47605[g]) | Yes |
| Teacher Credentialing (*EC* Section 47605[l]) | Yes |
| Transmission of Audit Report (*EC* Section 47605[m]) | Yes |
| Goals to Address the Eight State Priorities (*EC* Section 47605[b][5][A][ii]) | Yes |
| Transferability of Secondary Courses (*EC* 47605 [b][5][A][iii]) | NA |

**REQUIREMENTS FOR STATE BOARD OF EDUCATION-AUTHORIZED CHARTER SCHOOLS**

## Sound Educational Practice

*EC* sections 47605(b) and (b)(1)

*California Code of Regulations*, Title 5(5 *CCR*) sections 11967.5.1(a) and (b)

### Evaluation Criteria

For purposes of *EC* Section 47605(b), a charter petition shall be “consistent with sound educational practice” if, in the SBE’s judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.

For purposes of *EC* Section 47605(b)(1), a charter petition shall be “an unsound educational program” if it is either of the following:

1. A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.
2. A program that the SBE determines not likely to be of educational benefit to the pupils who attend.

**The charter petition is not “consistent with sound educational practice.”**

### Comments

The OPS petition is not consistent with sound educational practice. OPS’s pupils do not perform at least equal to its comparable district schools where the majority of OPS pupils would otherwise attend.

#### Renewal Criteria

*EC* Section 47607 set forth grounds for denying a renewal petition.

1. The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.
2. The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

OPS does not perform, overall, at least equal to its comparable district schools where the majority of OPS pupils would otherwise attend.

Although OPS has been in operation for five years, the first year that OPS enrolled grade three pupils was 2017–18, only then making OPS eligible to take the California Assessment of Student Performance and Progress (CAASPP) assessment for English language arts (ELA) and mathematics.

**CDE’s Review of Renewal Criteria Under *EC* Section 47607**

The CDE selected five schools serving similar grade spans where pupils would otherwise attend and that are comparable in that they have similar enrollment for similar significant subgroups.

The following table shows the percentage of pupils that met/exceeded standards on the 2017–18and 2018–19 CAASPP assessment for ELA and mathematics for OPS, and the CDE-chosen comparable schools that pupils would otherwise attend. The 2017–18 and 2018–19 CAASPP data show that OPS does not perform, overall, at least equal to comparable district schools.

**CAASPP Results for CDE-Chosen Comparable Schools (Percent Meets/Exceeds Standards)**

| School | 2017–18 ELA | 2017–18 Math | 2018–19ELA | 2018–19Math |
| --- | --- | --- | --- | --- |
| OPS | 15 | 10 | 9.38 | 6.25 |
| Bryant Elementary | 32.61 | 25.27 | 30.34 | 24.47 |
| Chavez (Cesar) Elementary | 14.15 | 14.15 | 21.93 | 15.74 |
| Glen Park Elementary | 40.12 | 38.33 | 38.79 | 36.97 |
| Harte (Bret) Elementary | 11.5 | 3.49 | 7.79 | 10.39 |
| Marshall Elementary | 36.66 | 21.85 | 36.03 | 18.18 |

**OPS’s Review of Renewal Criteria Under *EC* Section 47607**

The OPS petitioner completed CAASPP data comparison analyses for OPS and SFUSD resident schools, including those in the Bayview area, for pupils schoolwide.

The following table shows the percentage of pupils that met/exceeded standards on the 2017–18 CAASPP assessment for ELA and mathematics for OPS, and the OPS-chosen comparable schools that pupils would otherwise attend. At the time the OPS petitioner submitted the OPS renewal petition to SFUSD, the 2018–19 CAASPP data was not available.

The petitioner states that the data show that OPS’s outcomes were stronger than Harte (Bret) Elementary in both ELA and mathematics, the school where pupils would most likely attend. The petitioner states that OPS was on par with the Bayview area’s average (Attachment 3, pp. 30–31).

**CAASPP Results for OPS and OPS-Chosen Comparable Schools (Percent Meets/Exceeds Standards)**

| School | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- |
| OPS | 15 | 10 |
| Harte (Bret) Elementary | 11.5 | 3.9 |
| Carver (George Washington) Elementary | 19.76 | 20.69 |
| Malcolm X Academy | 23.91 | 30.43 |
| Bayview Average | 12 | 13 |

**SFUSD’s Review of Renewal Criteria Under *EC* Section 47607**

SFUSD reviewed 2017–18 and 2018–19 CAASPP data for OPS and SFUSD-chosen resident schools for all pupils schoolwide and for all numerically significant groups of pupils served in grade three and grade four.

The following table shows the percentage of pupils that met/exceeded standards on the 2017–18 and 2018–19 CAASPP assessment for ELA and mathematics for OPS schoolwide, and by the following subgroups: African-American, Hispanic/Latino, socioeconomically disadvantaged (SED), English learner (EL), and pupils with disabilities (SPED).

**CAASPP Results by Subgroup for OPS (Percent Meets/Exceeds Standards)**

| OPS | All | African-American | Hispanic/Latino | SED | EL | SPED |
| --- | --- | --- | --- | --- | --- | --- |
| 2017–18 ELA (Grade 3) | 15 | 17 | NA | 17 | NA | NA |
| 2017–18 Math (Grade 3) | 10 | 8 | NA | 11 | NA | NA |
| 2018–19 ELA (Grade 3) | 15 | NA | NA | 21 | NA | NA |
| 2018–19 Math (Grade 3) | 5 | NA | NA | 0 | NA | NA |
| 2018–19 ELA (Grade 4) | 0 | NA | NA | NA | NA | NA |
| 2018–19 Math (Grade 4) | 8 | NA | NA | NA | NA | NA |

The 2017–18 and 2018–19 CAASPP data for OPS, schoolwide and by subgroup, show the following (Attachment 6, pp. 2–3):

* OPS’s grade three schoolwide results for ELA were the same in 2017–18 and 2018–19.
* OPS’s grade three schoolwide results for mathematics decreased from 2017–18 to 2018–19.
* OPS’s results for the cohort moving from grade three in 2017–18 to grade four in 2018–19 were poorer than 2017–18’s ELA and mathematics results.
* OPS’s grade three results for SED pupils improved from 2017–18 to 2018–19 in ELA but declined in mathematics.

The following tables show the percentage of pupils, schoolwide and by subgroup, that met/exceeded standards on the 2017–18 grade three and 2018–19 grade three and grade four CAASPP assessment for ELA and mathematics for OPS, the SFUSD-chosen district schools that pupils would otherwise attend, and SFUSD.

**2017–18 ELA CAASPP Grade Three Results by Subgroup for OPS and SFUSD-Chosen District Schools (Percent Meets/Exceeds Standards)**

| School | All | African-American | Hispanic/Latino | SED | EL | SPED |
| --- | --- | --- | --- | --- | --- | --- |
| OPS | 15 | 17 | NA | 17 | NA | NA |
| Harte (Bret) Elementary | 10 | NA | NA | 15 | 9 | NA |
| Carver (George Washington) Elementary | 10 | 13 | NA | 10 | NA | NA |
| Malcolm X Academy | 13 | NA | NA | 7 | NA | NA |
| SFUSD | 52 | 21 | 28 | 36 | 22 | 22 |

**2017–18 Mathematics CAASPP Grade Three Results by Subgroup for OPS and SFUSD-Chosen District Schools (Percent Meets/Exceeds Standards)**

| School | All | African-American | Hispanic/Latino | SED | EL | SPED |
| --- | --- | --- | --- | --- | --- | --- |
| OPS | 10 | 8 | NA | 11 | NA | NA |
| Harte (Bret) Elementary | 0 | NA | NA | 0 | 0 | NA |
| Carver (George Washington) Elementary | 23 | 27 | NA | 24 | NA | NA |
| Malcolm X Academy | 19 | NA | NA | 20 | NA | NA |
| SFUSD | 57 | 15 | 35 | 44 | 36 | 29 |

**2018–19 ELA CAASPP Grade Three and Grade Four Results by Subgroup for OPS and SFUSD-Chosen District Schools (Percent Meets/Exceeds Standards)**

| School | All | African-American | Hispanic/Latino | SED | EL | SPED |
| --- | --- | --- | --- | --- | --- | --- |
| OPS (Grade 3) | 15 | NA | NA | 21 | NA | NA |
| OPS (Grade 4) | 0 | NA | NA | NA | NA | NA |
| Harte (Bret) Elementary (Grade 3) | 0 | NA | 0 | 0 | 0 | NA |
| Harte (Bret) Elementary (Grade 4) | 11 | NA | NA | 13 | NA | NA |
| Carver (George Washington) Elementary (Grade 3) | 15 | 8 | NA | 14 | NA | NA |
| Carver (George Washington) Elementary (Grade 4) | 17 | 18 | NA | 19 | NA | NA |
| Malcolm X Academy (Grade 3) | 0 | NA | NA | 0 | NA | NA |
| Malcolm X Academy (Grade 4) | 34 | NA | NA | 33 | NA | NA |
| SFUSD (Grade 3) | 52 | 21 | 29 | 37 | 29 | 20 |
| SFUSD (Grade 4) | 53 | 20 | 30 | 35 | 20 | 19 |

**2018–19 Mathematics CAASPP Grade Three and Grade Four Results by Subgroup for OPS and SFUSD-Chosen District Schools (Percent Meets/Exceeds Standards)**

| School | All | African-American | Hispanic/Latino | SED | EL | SPED |
| --- | --- | --- | --- | --- | --- | --- |
| OPS (Grade 3) | 5 | NA | NA | 0 | NA | NA |
| OPS (Grade 4) | 8 | NA | NA | NA | NA | NA |
| Harte (Bret) Elementary (Grade 3) | 6 | NA | 5 | 7 | 0 | NA |
| Harte (Bret) Elementary (Grade 4) | 19 | NA | NA | 21 | NA | NA |
| Carver (George Washington) Elementary (Grade 3) | 30 | 23 | NA | 36 | NA | NA |
| Carver (George Washington) Elementary (Grade 4) | 17 | 18 | NA | 19 | NA | NA |
| Malcolm X Academy (Grade 3) | 57 | NA | NA | 62 | NA | NA |
| Malcolm X Academy (Grade 4) | 39 | NA | NA | 40 | NA | NA |
| SFUSD (Grade 3) | 58 | 22 | 32 | 47 | 43 | 26 |
| SFUSD (Grade 4) | 51 | 11 | 25 | 38 | 25 | 21 |

The 2017–18 grade three and 2018–19 grade three and grade four CAASPP data for OPS, schoolwide and by subgroup, compared to SFUSD-chosen district schools show the following (Attachment 6, pp. 3–5):

* OPS’s grade three ELA results in 2017–18 exceeded SFUSD-chosen district schools but lagged SFUSD.
* OPS’s grade three mathematics results in 2017–18 exceeded Harte (Bret) Elementary but lagged all other SFUSD-chosen district schools and SFUSD.
* OPS’s grade three ELA results in 2018–19 were at least equal to or better than SFUSD-chosen district schools but lagged SFUSD.
* OPS’s grade three mathematics performance in 2018–19 lagged all comparison schools and SFUSD.
* Zero percent of OPS’s grade four pupils who tested in 2018–19 met or exceeded standards in ELA, despite 15 percent of this cohort meeting or exceeding standards while in grade three in 2017–18.

The CDE reviewed the information provided by SFUSD and determined that SFUSD’s review and analysis of the pupil achievement data pursuant to *EC* Section 47607 was comprehensive. Further, the CDE determined that SFUSD considered increases in pupil academic achievement for all groups of pupils served by OPS as the most important factor in determining whether to grant OPS’s renewal request.

**SFUSD’s Review of Renewal Criteria Under *EC* Section 52052–Alternative Measures**

Academic Performance Index (API) has not been calculated as of the 2013–14 school year (SY). In such a case, *EC* Section 52052(f) provides for the following in determining whether a charter school has met the requirements for the renewal of its charter:

* Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups shall be used.

SFUSD did not consider academic performance under *EC* Section 52052(f).

**CDE’s Review of Renewal Criteria Under *EC* Section 52052–Alternative Measures**

The CDE also considered *EC* Section 52052 in its review of OPS’s renewal petition. As referenced above, API has not been calculated as of the 2013–14 SY. In such a case, *EC* Section 52052(f) provides for the following in determining whether a charter school has met the requirements for the renewal of its charter:

* Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups shall be used.

The CDE reviewed the following alternative measures as criteria for charter renewal (Attachment 3, pp. 27–40):

* Chronic absenteeism
* Suspension rate
* Developmental reading levels
* Teacher and staff development indicators and outcomes
* Culture and climate indicators and outcomes
* Family engagement indicators and outcomes
* Organizational outcomes

The CDE reviewed the alternative measures information provided by OPS pursuant to *EC* Section 52052(f). The data from the OPS alternative measures reflect increases in chronic absenteeism and suspension rate. The data presented by OPS for developmental reading levels; teacher and staff development indicators and outcomes; culture and climate indicators and outcomes; family engagement indicators and outcomes; and organizational outcomes relies on assessments and/or data for which the CDE lacks independent confirmation of their reliability, fairness, and alignment.

## Ability to Successfully Implement the Intended Program

*EC* Section 47605(b)(2)

5 *CCR* Section 11967.5.1(c)

### Evaluation Criteria

For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program":

1. If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners’ control.
2. The petitioners are unfamiliar, in the SBE’s judgment, with the content of the petition or the requirements of law that would apply to the proposed charter school.
3. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).
4. The petitioners personally lack the necessary background in the following areas critical to the charter school’s success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

**The petitioners are not able to successfully implement the intended program.**

### Comments

#### Current Fiscal Analysis

The OPS multi-year projected budget includes the following projected pupil enrollment (Attachment 4):

* 118 TK through grade five in 2020–21
* 129 TK through grade five in 2021–22
* 141 TK through grade five in 2022–23

OPS has a good financial record under SBE authorization. OPS’s fiscal year (FY) 2019–20 first interim report indicates that OPS is projecting a positive ending fund balance of $451,249 and reserves of 17.85 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding (MOU) between OPS and the SBE. The CDE reviewed the audited financial data from the 2018–19 audit report that reflected an unqualified status.

The CDE concludes that the OPS projected budget is viable with the projected enrollment of 118, 129, and 141 and positive ending fund balances of $391,516; $291,131; and $199,549 with reserves of 14.7, 10.1, and 6.4 percent for FY 2020–21 through 2022–23, respectively.

#### Declining Enrollment

The OPS petition approved on January 14, 2015, stated the following enrollment projections:

| **Grade** | **2015–16** | **2016–17** | **2017–18** | **2018–19** | **2019–20** |
| --- | --- | --- | --- | --- | --- |
| **TK** | 24 | 24 | 24 | 24 | 24 |
| **K** | 48 | 48 | 48 | 48 | 48 |
| **1** | 48 | 48 | 48 | 48 | 48 |
| **2** | NA | 48 | 48 | 48 | 48 |
| **3** | NA | NA | 48 | 48 | 48 |
| **4** | NA | NA | NA | 48 | 48 |
| **5** | NA | NA | NA | NA | 48 |
| **Total** | 120 | 168 | 216 | 264 | 312 |

OPS’s enrollment has fluctuated since its inception and is significantly under-enrolled compared to the proposed plan stated in their 2015 approved petition. OPS currently serves 95 pupils in its TK through grade five educational program. In its proposed petition in 2015, OPS projected an enrollment of 312 pupils for the 2019–20 school year. The CDE has significant concerns about OPS’s outreach and recruitment strategies due to the severe under enrollment.

#### Past History Under SBE Authorization

OPS has been issued seven letters of concerns from the CDE regarding academic and operational noncompliance including the following:

* January 10, 2019: OPS was issued a letter of concern following a site visit by CDE staff, which took place on December 6, 2018. The CDE determined the following: three OPS teachers were not in possession of valid teacher credentials and EL authorizations; OPS lacked an English Learner Advisory Committee (ELAC), and school safety and emergency drills; and OPS’s pupil cumulative records and Individual Education Plan files were not properly maintained.

The CDE has determined that the OPS response was sufficient; however, the CDE continues to monitor the school’s compliance in regards to teacher credentialing.

* December 10, 2018: OPS was issued a letter of concern for five teachers not in possession of valid teacher credentials and EL authorizations. Additionally, the CDE noted concerns regarding changes to the OPS Governing Board composition and leadership positions, and the OPS educational program.

The CDE has determined that the OPS response was sufficient.

* August 30, 2018: OPS was issued a letter noting OPS’s violation of State and Federal law pertaining to educational stability for foster youth. The SBE had been informed that a current OPS student and a foster youth had been denied enrollment to OPS, and OPS was the student and foster youth’s school of origin.

The CDE has determined that the OPS response was sufficient.

* June 1, 2018: OPS was issued a letter of concern following a site visit by CDE staff, which took place on May 17–18, 2018. The CDE determined that five OPS teachers were not in possession of valid teacher credentials and EL authorizations. Additionally, OPS was noncompliant in the following: English language development instruction; establishment of an ELAC; provision of safety procedures and drills training to staff; and consultation with stakeholders in regards to the Local Control and Accountability Plan development.

The CDE has determined that the OPS response was sufficient.

* October 4, 2017: OPS was issued a letter of concern following a site visit by CDE staff, which took place on September 27–28, 2016. The CDE determined that one OPS teacher was not in possession of a valid teacher credential. Additionally, the CDE determined noncompliance in the areas of English language development (ELD) instruction, student and personnel files, Brown Act Training, Mandated Reporter Training, and Criminal Summaries Assurance.

The CDE has determined that the OPS response was sufficient.

* August 3, 2016: OPS was issued a letter of concern. OPS lost its status as a California nonprofit public benefit corporation due to an administrative oversight. OPS had failed to submit the appropriate tax forms with the Internal Revenue Service, therefore, losing its status as a nonprofit public benefit corporation.

The CDE has determined that the OPS response was sufficient.

* February 8, 2016: OPS was issued a letter of concern following a site visit by CDE staff, which took place on December 7–8, 2015. The CDE determined that two OPS teachers were not in the possession of valid teacher credentials.

The CDE did not receive a response to the February 8, 2016, letter of concern.

OPS has been issued one letter of concern from the CDE regarding a low-ending fund balance and enrollment.

* April 19, 2016: OPS was issued a fiscal letter of concern. OPS projected a fund balance of $1,808 with 0.11 percent reserves for FY 2015–16, which did not meet the recommended 5 percent in reserves as outlined in the MOU between OPS and the SBE.

The CDE has determined that the OPS response was sufficient.

The following outlines OPS’s fiscal standing based on the annual SBE Fiscal Memorandums issued over the last four years:

* August 1, 2019: Good financial standing, which means that a charter school has demonstrated an ability to operate with a balanced budget; maintain stable enrollment and attendance ratios; manage cash liquidity; maintain a low debt level; maintain a positive fund balance; and has met the recommended reserve level specified in the MOU.
* August 1, 2018: Good financial standing, which means that a charter school has demonstrated an ability to operate with a balanced budget; maintain stable enrollment and attendance ratios; manage cash liquidity; maintain a low debt level; maintain a positive fund balance; and has met the recommended reserve level specified in the MOU.
* August 10, 2017: Good financial standing, which means that a charter school has demonstrated an ability to operate with a balanced budget; maintain stable enrollment and attendance ratios; manage cash liquidity; maintain a low debt level; maintain a positive fund balance; and has met the recommended reserve level specified in the MOU.
* April 1, 2016: Fair financial standing, which means that a charter school has shown some signs of fiscal distress and needs to take appropriate action to address the decline in financial condition. In addition, a charter school may have an out-of-balance (deficit spending) budget; declining enrollment or attendance ratio; cash liquidity that is not adequate; debt level that is high; declining or low fund balances; or reserve level that is below the level required in the MOU.

## Required Number of Signatures

*EC* Section 47605(b)(3)

5 *CCR* Section 11967.5.1(d)

### Evaluation Criteria

For purposes of *EC* Section 47605(b)(3), a charter petition that “does not contain the number of signatures required by [law]” …, shall be a petition that did not contain the requisite number of signatures at the time of its submission …

**This requirement is not applicable.**

### Comments

Signatures are not applicable for a charter renewal.

## Affirmation of Specified Conditions

*EC* sections 47605(b)(4) and (d)

5 *CCR* Section 11967.5.1(e)

### Evaluation Criteria

For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in (*EC* Section 47605[d])" …, shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).

| Criteria | Criteria Met |
| --- | --- |
| 1. [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 disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California *Penal Code*. 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 guardian, within this state, except that any 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.
 | Yes |
| 1. (A) A charter school shall admit all pupils who wish to attend the school.
2. 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. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school’s teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis.
3. In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.
 | Yes |
| 1. 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 *EC* Section 48200.
 | Yes |

**The petition does contain the required affirmations.**

### Comments

The OPS petition contains the required affirmations (Attachment 3, pp. 15–19).

## Exclusive Public School Employer

*EC* Section 47605(b)(6)

5 *CCR* Section 11967.5.1(f)(15)

### Evaluation Criteria

The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 [commencing with Section 3540] of Division 4 of Title 1 of the California *Government Code*), as required by *EC* Section 47605(b)(6), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA).

**The petition does include the necessary declaration.**

### Comments

The OPS petition does include the necessary declaration (Attachment 3, p. 18).

**THE 15 CHARTER ELEMENTS**

## 1. Description of Educational Program

*EC* Section 47605(b)(5)(A)

5 *CCR* Section 11967.5.1(f)(1)

### Evaluation Criteria

The description of the educational program …, as required by *EC* Section 47605(b)(5)(A), at a minimum:

| **Criteria** | **Criteria Met** |
| --- | --- |
| 1. Indicates the proposed charter school’s target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.
 | Yes |
| 1. Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person” in the twenty-first century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.
 | Yes |
| 1. Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.
 | Yes |
| 1. Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).
 | Yes |
| 1. Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school’s pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to *EC* Section 60605 and to achieve the objectives specified in the charter.
 | Yes |
| 1. Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.
 | No |
| 1. Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.
 | No |
| 1. Specifies the charter school’s special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.
 | Yes |

**The petition does not, overall, present a reasonably comprehensive description of the educational program.**

### Comments

The OPS petition does not, overall, present a reasonably comprehensive description of the educational program. The petition does not indicate how OPS will identify pupils who are not achieving at or above expected levels nor how OPS will respond to and meet the needs of low-achieving and high-achieving pupils. Additionally, the petition does not state that reclassified fluent English proficient (RFEP) pupils will be monitored for four years after reclassification.

If approved by the SBE, as a condition for approval, the OPS petitioners will be required to revise the petition to reflect the SBE as the authorizer and to include the necessary language for Element 1–Description of Educational Program by describing the criteria used to identify low-achieving and high-achieving pupils, and the plan for how OPS will respond to and meet the needs of these pupils as well as by stating that RFEP pupils will be monitored for four years after reclassification.

#### Educational Program

OPS intends to serve 118 pupils in TK through grade five in 2020–21 and grow to serve 180 pupils in 2024–25. The petition states that OPS’s goal is to build a strong foundation for pupils to succeed in school and beyond, thereby escaping the cycle of poverty through solid academic preparation and social-emotional support that is delivered with care and respect, and that nurtures self-confidence, strength, resilience to overcome challenges, and the ability to advocate for one’s self. The petition states that OPS believes that learning best occurs for pupils and families when each of the following conditions are in place (Attachment 3, pp. 42–43):

1. High quality instruction
2. Social-emotional behavioral support for all learners
3. Parent engagement
4. Continuous improvement
5. Adequate funding

The OPS petition states that in addition to being proficient academically, pupils need to develop specific thinking skills and personal qualities to overcome the obstacles they face in breaking the cycle of poverty (Attachment 3, p. 54).

#### Plan for Low-Achieving Pupils

The petition does not indicate the criteria used to identify pupils as low-achieving nor does it describe a specific plan for how OPS will respond to and meet the needs of low-achieving pupils. The petition states that OPS utilizes a Response to Intervention (RTI) framework for providing comprehensive support to pupils, using assessment data to inform educators’ decisions about how best to teach and support the development of their pupils. The system provides for the early identification of academic, social-emotional, and behavioral challenges and timely intervention for pupils who are at risk for long-term negative learning outcomes. The system includes three levels of intensity, or three levels of prevention, which represent a continuum of pupil support as follows:

* Primary (Tier 1)–High quality core instruction that meets the needs of most pupils, such as changing seat assignments; implementing strategic grouping; giving fewer, more targeted assignments or problems; or providing additional resources or tools to complete an assignment.
* Secondary (Tier 2)–Evidence-based interventions of moderate intensity that address the learning or behavioral challenges of most at-risk pupils, which would include all potential resources not being delivered by the core classroom teacher that could supplement the Tier 1 interventions taking place.
* Tertiary (Tier 3)–Individualized interventions of increased intensity for pupils who show minimal response to secondary prevention, which are generally individualized intensive interventions that may supplant some of the instruction taking place in the regular education class.

#### Plan for High-Achieving Pupils

The OPS petition does not indicate the criteria used to identify pupils as high-achieving nor does it describe a specific plan for how OPS will respond to and meet the needs of high-achieving pupils. The OPS petition states that the same features and supports that are in place for pupils who may be at risk also benefit pupils who are high performing. The petition also states that teachers implement modifications similar to the RTI system provided for pupils not meeting pupil outcomes, which may include the following examples (Attachment 3, pp. 93–94):

* Tier 1–Center-based instruction to provide accelerated options for content.
* Tier 2–Small group targeted instruction to accelerate learning.
* Tier 3–Targeted one-on-one and often pull-out instruction by a specialist, or support personnel to provide customized instruction not available in the mainstream classroom such as one-on-one tutoring in advanced concepts.

#### Plan for English Learners

The petition states that OPS reclassifies ELs in accordance with federal and state requirements, and monitors pupils who have been reclassified for the required three years; however, the petition does not state that RFEP pupils will be monitored for four years after reclassification. The petition states that OPS will determine the home language of each pupil upon enrollment through the administration of a Home Language Survey. All pupils who indicate a home language other than English will be assessed within 30 days of initial enrollment and at least annually each spring until re-designated as fluent English proficient. The petition states that OPS utilizes a combination of integrated ELD in an inclusion setting and designated ELD in homogenous groupings by language level. Teachers use a research-based set of strategies to provide ELs with access to the core content and the experiences necessary to develop proficiency in all English language domains. The petition states that these strategies frontload the content vocabulary and sentence structures pupils will need to explore content, express their learning, complete projects, have debates, and otherwise think critically about their learning (Attachment 3, pp. 103–111).

#### Plan for Special Education

The OPS petition states that OPS will comply with all applicable state and federal laws in serving pupils with disabilities to ensure that all pupils with disabilities are provided with a free, appropriate public education. OPS is a member of the El Dorado District Office of Education Special Education Local Plan Area. The petition identifies a clear plan for special education pupils, including identification; assessment referrals; development, implementation, evaluation of the Individualized Education Program; and procedural safeguards. Additionally, the petition states that all teachers will receive professional development regarding effective instructional strategies that can be manifested into the classroom setting to support pupils with disabilities (Attachment 3, pp. 94–103).

## 2. Measurable Pupil Outcomes

*EC* Section 47605(b)(5)(B)

5 *CCR* Section 11967.5.1(f)(2)

### Evaluation Criteria

Measurable pupil outcomes, as required by *EC* Section 47605(b)(5)(B), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Specify skills, knowledge, and attitudes that reflect the school’s educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.
 | Yes |
| 1. Include the school’s API growth target, if applicable.
 | Not Applicable |

**The petition does present a reasonably comprehensive description of measurable pupil outcomes.**

### Comments

The OPS petition does present a reasonably comprehensive description of measurable pupil outcomes. The petition contains a table that outlines the goals, actions, measurable outcomes, methods of measurement, and applicable pupil groups that align with the eight state priorities (Attachment 3, pp. 113–126).

## 3. Method for Measuring Pupil Progress

*EC* Section 47605(b)(5)(C)

5 *CCR* Section 11967.5.1(f)(3)

### Evaluation Criteria

The method for measuring pupil progress, as required by *EC* Section 47605(b)(5)(C), at a minimum:

| **Criteria** | **Criteria Met** |
| --- | --- |
| 1. Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.
 | Yes |
| 1. Includes the annual assessment results from the Standardized Testing and Reporting (STAR) program.
 | Not Applicable |
| 1. Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils’ parents and guardians, and for utilizing the data continuously to monitor and improve the charter school’s educational program.
 | Yes |

**The petition does present a reasonably comprehensive description of the method for measuring pupil progress.**

### Comments

The OPS petition presents a reasonably comprehensive description of the method for measuring pupil progress. OPS describes a variety of assessments utilized to track and measure pupil progress (Attachment 3, pp. 127–131). In addition, the petition includes a chart identifying the assessment scope and sequence, which outlines the assessment tool and purpose, grade levels, subject areas, timeline, and minimum performance level (Attachment 3, pp. 132–136). The petition states that OPS utilizes a state-approved Student Information System to support its data practice by creating reports that allow the school to disaggregate, analyze, and disseminate performance data to staff, parents, pupils, and its authorizing agency. The petition additionally states that a combination of formal and informal reporting takes place to ensure families have open access to information and data on their child’s development (Attachment 3, pp. 127–139).

## 4. Governance Structure

*EC* Section 47605(b)(5)(D)

5 *CCR* Section 11967.5.1(f)(4)

### Evaluation Criteria

The governance structure of the charter school, including, but not limited to, the process … to ensure parental involvement …, as required by *EC* Section 47605(b)(5)(D), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Includes evidence of the charter school’s incorporation as a non-profit public benefit corporation, if applicable.
 | Yes |
| 1. Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:
	1. The charter school will become and remain a viable enterprise.
	2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).
	3. The educational program will be successful.
 | No |

**The petition does not present a reasonably comprehensive description of the school’s governance structure.**

### Comments

The petition does not present a reasonably comprehensive description of the school’s governance structure. The petition does not address all requirements under Senate Bill 126.

The petition states that in accordance with *EC* Section 47604(a), OPS shall be a directly-funded independent charter school operated by OPS, Inc., a California non-profit public benefit corporation, and that OPS will be governed by a Board of Directors pursuant to its adopted corporate bylaws. The petition states that the OPS Board oversees the fundamental aspects of the school. The petition includes an organization chart and lists the roles and responsibilities of the Board of Directors. All meetings shall be called, held, and conducted in accordance with the Brown Act, Corporate Bylaws, Ralph M. Brown Act, and California *Government Code* (*GC*) Section 54950.

The CDE notes that the petition states that the OPS principal shall take on the role and responsibilities of the Chief Executive Officer (CEO) until enrollment allows adding the position of a CEO (Attachment 3, p. 141). Additionally, the OPS Bylaws state that the President, a Board Member, is also the CEO of the corporation. As the Board appoints and removes corporate officers, and fixes their compensation, this could be a potential conflict of interest (Attachment 7, p. 24).

The petition states that OPS encourages parent involvement in the school through the development of the OnePurpose Parent Group, which is made up of parents and guardians of OPS pupils and teachers whose primary role is to provide support regarding school activities, raise money, plan staff appreciation events, and provide feedback to the Board of Directors on issues of concern. The petition states that the School Site Council is an advisory committee that works to support the mission of OPS, which includes reviewing and providing input on, and tracking progress towards goals in the Local Control and Accountability Plan (LCAP) and LCAP Federal Addendum. Additionally, the petition states that for as long as there are 21 or more ELs in attendance, OPS will form an ELAC.

The SBE requires all SBE-authorized charter schools to comply with *EC* Section 47604.1 (effective January 1, 2020), which requires charter schools or entities managing charter schools to comply with the following:

1. Ralph M. Brown Act (commencing with *GC* Section 54590);
2. California Public Records Act (commencing with *GC* Section 6250);
3. Conflict of Interest rules (commencing with *GC* Section 1090); and
4. Political Reform Act (commencing with *GC* Section 81000).

If approved by the SBE, as a condition for approval, the OPS petitioner will be required to revise the petition to reflect the SBE as the authorizer and to include the necessary language for Element 4–Governance Structure regarding the California Records Act, Conflict of Interest rules, and the Political Reform Act.

## 5. Employee Qualifications

*EC* Section 47605(b)(5)(E)

5 *CCR* Section 11967.5.1(f)(5)

### Evaluation Criteria

The qualifications (of the school’s employees), as required by *EC* Section 47605(b)(5)(E), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health and safety of the school’s faculty, staff, and pupils.
 | Yes |
| 1. Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.
 | Yes |
| 1. Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to, credentials as necessary.
 | Yes |

**The petition does present a reasonably comprehensive description of employee qualifications.**

### Comments

The OPS petition does present a reasonably comprehensive description of employee qualifications (Attachment 3, pp. 153–159).

## 6. Health and Safety Procedures

*EC* Section 47605(b)(5)(F)

5 *CCR* Section 11967.5.1(f)(6)

### Evaluation Criteria

The procedures …, to ensure the health and safety of pupils and staff, as required by *EC* Section 47605(b)(5)(F), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Require that each employee of the school furnish the school with a criminal record summary as described in *EC* Section 44237 and comply with *EC* Section 44830.1.
 | Yes |
| 1. Include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406.
 | Yes |
| 1. Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.
 | Yes |
| 1. Provide for the screening of pupils’ vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.
 | Yes |

**The petition does present a reasonably comprehensive description of health and safety procedures.**

### Comments

The OPS petition does present a reasonably comprehensive description of health and safety procedures. The petition states that the OPS Board of Directors has adopted and implements full health and safety procedures, and risk management policies at the school site, which include health and wellness policies and a comprehensive safety plan. The petition states that employees and contractors of OPS will be required to submit to a criminal background check and furnish a criminal record summary as required by *EC* sections 44237 and 45125.1. Additionally, OPS shall not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law, pursuant to *EC* sections 44830.1 and 45122.1. The CEO shall monitor compliance with this policy and report to the Board of Directors at least once per year. The President of the Board shall monitor the fingerprinting and background clearance of the CEO. OPS shall require all employees, and any volunteer or vendor contracting entity who may have frequent or prolonged contact with pupils, to undergo a risk assessment and/or be examined and determined to be free of active tuberculosis within the period of 60 days prior to employment/service, or otherwise meet the requirements of *EC* Section 49406. The petition states that all enrolled pupils and staff will be required to provide records documenting immunizations as is required at public schools pursuant to *Health and Safety Code* sections 120325 through 120375, and *California Code of Regulations*, Title 17 sections 6000 through 6075. The petition states that OPS shall comply with all federal and state legal requirements, including, but not limited to, the requirements of *EC* Section 49450 related to pupil immunization, health examination, and health screening, which includes, but is not limited to, screening for vision, hearing, and scoliosis to the same extent as would be required if the pupils were attending a non-charter public school (Attachment 3, pp. 161–166).

## 7. Racial and Ethnic Balance

*EC* Section 47605(b)(5)(G)

5 *CCR* Section 11967.5.1(f)(7)

### Evaluation Criteria

Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) 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 …, as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.

**The petition does present a reasonably comprehensive description of means for achieving racial and ethnic balance.**

### Comments

The OPS petition does present a reasonably comprehensive description of means for achieving racial and ethnic balance. The petition describes an outreach plan and states that OPS assesses the demographics of the school on an annual basis to determine the degree to which it is representative of SFUSD and the neighborhood in which the school is located, and adjusts the recruitment process as needed (Attachment 3, p. 168).

## 8. Admission Requirements, If Applicable

*EC* Section 47605(b)(5)(H)

5 *CCR* Section 11967.5.1(f)(8)

### Evaluation Criteria

To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of *EC* Section 47605(d)(2)(B) and any other applicable provision of law.

**The petition does present a reasonably comprehensive description of admission requirements.**

### Comments

The petition states that OPS shall admit all pupils who wish to attend the school. Applications will be accepted during a publicly advertised open application period each year for enrollment in the following school year. OPS will hold a public random drawing moderated by a neutral third party to determine enrollment for the impacted grade level. The petition states that all applicants will be notified of the lottery via letter and phone call, and that the date and time will be posted publicly on the school website. Families will be invited to attend the lottery but are not required to do so in order to secure their spot. The petition states that enrollment preferences in the case of a public random drawing shall be as follows (Attachment 3, pp. 169–173):

1. Siblings of currently enrolled and admitted pupils at OPS
2. Pupils residing within the territorial jurisdiction of the authorizer
3. Children of employees at OPS, not to exceed 10 percent of total enrollment
4. All other applicants

The SBE has the discretion to approve the proposed preferences in the OPS petition at a public hearing.

If approved by the SBE, as a condition for approval, the OPS petitioner will be required to revise the petition to reflect the SBE as the authorizer and to include the necessary language for Element 8–Admissions Requirements to reflect the following enrollment preference: 2) Pupils residing within the territorial jurisdiction of SFUSD, rather than the authorizer.

## 9. Annual Independent Financial Audits

*EC* Section 47605(b)(5)(I)

5 *CCR* Section 11967.5.1(f)(9)

### Evaluation Criteria

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 SBE’s satisfaction, as required by *EC* Section 47605(b)(5)(I), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Specify who is responsible for contracting and overseeing the independent audit.
 | Yes |
| 1. Specify that the auditor will have experience in education finance.
 | Yes |
| 1. Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the timeline in which audit exceptions will typically be addressed.
 | Yes |
| 1. Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.
 | Yes |

**The petition does present a reasonably comprehensive description of annual independent financial audits.**

### Comments

The OPS petition does present a reasonably comprehensive description of annual independent financial audits. The petition states that an audit committee will select an independent auditor through a request for proposal format and that the Board of Directors will annually approve the selection of an independent auditor. The CEO will facilitate the audit. The petition states that the OPS audit will be completed and forwarded to the district, the county superintendent of schools, the State Controller, and the CDE by December 15 each year. The CEO, along with the audit committee, will review any audit exceptions or deficiencies and report them to the Board of Directors with recommendations on how to resolve them. The Board of Directors will submit a report to the authorizer describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the district along with an anticipated timeline for the same (Attachment 3, p. 175).

## 10. Suspension and Expulsion Procedures

*EC* Section 47605(b)(5)(J)

5 *CCR* Section 11967.5.1(f)(10)

### Evaluation Criteria

The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners’ reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.
 | Yes |
| 1. Identify the procedures by which pupils can be suspended or expelled.
 | Yes |
| 1. Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.
 | No |
| 1. Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests of the school’s pupils and their parents (guardians).
 | Yes |
| 1. If not otherwise covered under subparagraphs (A), (B), (C), and (D):
2. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.
3. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.
 | No |

**The petition does not present a reasonably comprehensive description of suspension and expulsion procedures.**

### Comments

The OPS petition does not present a reasonably comprehensive description of suspension and expulsion procedures. The petition does not state that a pupil shall not be involuntarily removed by OPS for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. Additionally, the petition does not state that when an appeal relating to the placement of the pupil or the manifestation determination has been requested by either the parent or OPS, the pupil shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in 20 *United States Code* (*USC*) Section 1415(k)(l)(c), whichever occurs first, unless the parent and OPS agree otherwise.

Addressing evaluation criteria A, B, and D, the petition states that OPS will implement and continue to develop a schoolwide positive behavior intervention and support that will foster a culture of discipline grounded in positive behavior intervention. The petition lists discretionary and non-discretionary offenses and procedures for suspension and expulsion (Attachment 3, pp. 176–193). Additionally, the petition states that OPS is committed to the annual review and modification of the list of offenses, and policies and procedures surrounding suspension and expulsion (Attachment 3, p. 178). The petition states that a pupil may be expelled either by the neutral and impartial OPS Board following a hearing before it, or by the OPS Board upon the recommendation of a neutral and impartial Administrative Panel to be assigned by the Board as needed. The Administrative Panel will consist of at least three members who are certificated and who are neither a teacher of the pupil nor a member of the OPS Board (Attachment 3, p. 186).

Addressing evaluation criteria C and E, the OPS petition states that when an appeal relating to the placement of the pupil or the manifestation determination has been requested by either the parent or OPS, the pupil shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 *USC* Section 1415(k), until the expiration of the 45-day time period provided for in an interim alternative educational setting, unless the parent and OPS agree otherwise (Attachment 3, p. 191–192).

If approved by the SBE, as a condition for approval, the OPS petitioner will be required to revise the petition to reflect the SBE as the authorizer and to include the necessary language for Element 10–Suspension and Expulsion as follows:

* No pupil shall be involuntarily removed by OPS for any reason unless the parent or guardian of the pupils has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action.
* When an appeal relating to the placement of the pupil or the manifestation determination has been requested by either the parent or OPS, the pupil shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in 20 *USC* Section 1415(k)(l)(c), whichever occurs first, unless the parent and OPS agree otherwise.

## 11. Teachers’ and Public Employees’ Retirement System, and Social Security Coverage

**California State Teachers’ Retirement System, California Public Employees’ Retirement System, and Social Security Coverage**

*EC* Section 47605(b)(5)(K)

5 *CCR* Section 11967.5.1(f)(11)

### Evaluation Criteria

The manner by which staff members of the charter schools will be covered by California State Teachers’ Retirement System (CalSTRS), California Public Employees’ Retirement System (CalPERS), or federal social security, as required by *EC* Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.

**The petition does present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage.**

### Comments

The petition does present a reasonably comprehensive description of the OPS retirement systems. The petition states that OPS enrolls credentialed and non-certificated employees in a competitively-defined contribution plan and makes contributions at an employer contribution rate equivalent to the contributions found under CalSTRS. The OPS CEO shall be responsible for ensuring that appropriate arrangements for retirement coverage are made (Attachment 3, p. 195).

## 12. Public School Attendance Alternatives

*EC* Section 47605(b)(5)(L)

5 *CCR* Section 11967.5.1(f)(12)

### Evaluation Criteria

The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by *EC* Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.

**The petition does present a reasonably comprehensive description of public-school attendance alternatives.**

### Comments

The OPS petition does present a reasonably comprehensive description of public-school attendance alternatives (Attachment 3, p. 197).

## 13. Post-employment Rights of Employees

*EC* Section 47605(b)(5)(M)

5 *CCR* Section 11967.5.1(f)(13)

### Evaluation Criteria

The description of the rights of any employees 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, as required by *EC* Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:

| Criteria | Criteria Met |
| --- | --- |
| 1. Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.
 | Yes |
| 1. Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.
 | Yes |
| 1. Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.
 | Yes |

**The petition does present a reasonably comprehensive description of post-employment rights of employees.**

### Comments

The OPS petition does present a reasonably comprehensive description of post-employment rights of employees (Attachment 3, p. 199).

## 14. Dispute Resolution Procedures

*EC* Section 47605(b)(5)(N)

5 *CCR* Section 11967.5.1(f)(14)

### Evaluation Criteria

The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA.
 | No |
| 1. Describe how the costs of the dispute resolution process, if needed, would be funded.
 | No |
| 1. Recognize that, because it is not a LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.
 | No |
| 1. Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE’s discretion in accordance with that provision of law and any regulations pertaining thereto.
 | No |

**The petition does not present a reasonably comprehensive description of dispute resolution procedures.**

### Comments

The OPS petition does not present a reasonably comprehensive description of dispute resolution procedures. The petition does not contain the following statements:

* Recognize that, because it is not a local educational agency, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.
* Recognize that the SBE cannot be pre-bound to a contractual obligation to split the costs of mediation or agree to mediation to resolve disputes.
* Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE’s discretion in accordance with that provision of law and any regulations pertaining thereto.

If approved by the SBE, as a condition for approval, the OPS petitioners will be required to revise the petition to reflect the SBE as the authorizer and to include the necessary language for Element 14–Dispute Resolution Procedures by including the language noted above.

## 15. Closure Procedures

*EC* Section 47605(b)(5)(O)

5 *CCR* Section 11967.5.1(f)(15)

### Evaluation Criteria

A description of the procedures to be used if the charter school closes, in keeping with *EC* Section 47605(b)(5)(O). 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.

**The petition does include a reasonably comprehensive description of closure procedures.**

### Comments

The OPS petition does include a reasonably comprehensive description of closure procedures (Attachment 3, pp. 203–205).

**ADDITIONAL REQUIREMENTS UNDER *EDUCATION CODE* SECTION 47605**

## Standards, Assessments, and Parent Consultation

*EC* sections 47605(c)(1) and (2)

5 *CCR* Section 11967.5.1(f)(3)

### Evaluation Criteria

Evidence is provided that:

| Criteria | Criteria Met |
| --- | --- |
| 1. The school shall meet all statewide standards and conduct the pupil assessments required pursuant to *EC* sections 60605, 60851, and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.
 | Yes |
| 1. The school shall, on a regular basis, consult with their parents and teachers regarding the school’s educational programs.
 | Yes |

**The petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation.**

### Comments

The OPS petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation (Attachment 3, pp. 15, 127–139, and 150–151).

## Effect on Authorizer and Financial Projections

*EC* Section 47605(g)

5 *CCR* Section 11967.5.1(c)(3)(A–C)

### Evaluation Criteria

…[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:

| Criteria | Criteria Met |
| --- | --- |
| * The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.
 | Yes |
| * The manner in which administrative services of the school are to be provided.
 | Yes |
| * Potential civil liability effects, if any, upon the school and the SBE.
 | Yes |
| The petitioners have provided financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.  | Yes |

**The petition does provide the required information and financial projections.**

### Comments

The OPS petition does provide the required information and financial projections (Attachment 3, pp. 209–211 and Attachment 4).

## Teacher Credentialing

*EC* Section 47605(l)

5 *CCR* Section 11967.5.1(f)(5)

### Evaluation Criteria

Teachers in charter schools shall be required to hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold …It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses.

**The petition does meet this requirement.**

### Comments

The OPS petition does meet this requirement (Attachment 3, pp. 17 and 157).

## Transmission of Audit Report

*EC* Section 47605(m)

5 *CCR* Section 11967.5.1(f)(9)

### Evaluation Criteria

A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year … to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited …, and the CDE by December 15 of each year.

**The petition does address this requirement.**

### Comments

The OPS petition does address this requirement (Attachment 3, p. 175).

## Goals to Address the Eight State Priorities

*EC* Section 47605(b)(5)(A)(ii)

### Evaluation Criteria

A charter school shall provide a description of annual goals 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.

**The petition does address this requirement.**

### Comments

The OPS petition does address this requirement. The petition contains a table that outlines the goals, actions, measurable outcomes, methods of measurement, and applicable pupil groups that align with the eight state priorities (Attachment 3, pp. 113–126).

## Transferability of Secondary Courses

*EC* Section 47605(b)(5)(A)(iii)

### Evaluation Criteria

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

**This requirement is not applicable.**

### Comments

OPS does not serve secondary pupils.