

This document was provided, as is, to the California Department of Education (CDE) by **Aspire Golden State College Preparatory Academy** for the Advisory Commission on Charter Schools June 2026 Meeting Agenda and is posted to the CDE website to meet the legal requirements of California *Education Code* Section 33009.5. Minor formatting changes may have occurred during document remediation.

For more information regarding the content of this material, please contact the Charter Schools Division by email at charters@cde.ca.gov.



March 2, 2026

VIA: EMAIL
Charters@cde.ca.gov

Ric Reyes, Director
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814

Re: Aspire Golden State College Preparatory Academy's Appeal of the Denial of its Charter Renewal Petition: Written Submission with Citations to the Record Detailing the Basis for Appeal

Dear Director Reyes:

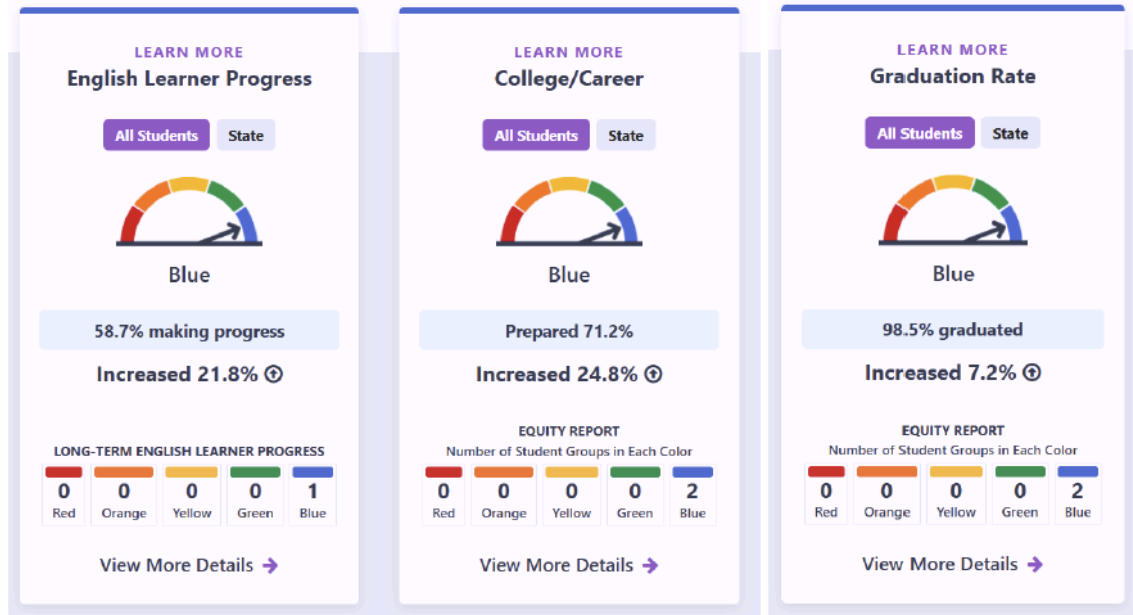
Aspire Public Schools ("Aspire"), which operates Aspire Golden State College Preparatory Academy ("GSP" or the "Charter School"), hereby submits an appeal to the State Board of Education ("SBE") of the denial of its charter renewal petition by its chartering authority, Oakland Unified School District ("OUSD" or the "District"), and the Alameda County Board of Education ("ACBOE" or the "County Board"), both of which abused their discretion in denying GSP's charter renewal petition.

GSP is classified as a middle-performing charter school under California law and the California Department of Education's ("CDE") Charter School Performance Category list. Founded in 2008, GSP has served the East Oakland community on and around 66th Avenue for eighteen years. GSP offers a small, safe, and close-knit learning environment for students and families.

Ninety-five percent of GSP students are socioeconomically disadvantaged, 26 percent are English Learners, and 17 percent are students with disabilities. Seventy-five percent of GSP's students with disabilities complete UC/CSU A–G requirements, and 100 percent graduate. On the 2024 California School Dashboard ("Dashboard") — the most recent data available to OUSD at the time of its charter vote — GSP earned three Blue performance indicators. Of the 9,626 public schools statewide that received a color on at least one indicator, just 10% (991 schools) earned the same or a higher number of Blue indicators. Two of GSP's Blue indicators — English Learner Progress ("ELPI") and College and Career ("CCI") — are measurements of academic performance that receive additional weight under California law in the charter renewal framework.

The 2024 Dashboard also reflects that GSP had the highest graduation rate in the City of Oakland. The Charter School exceeded its pre-pandemic graduation rate by five percentage

points, demonstrating sustained recovery from pandemic-era disruptions. In addition, GSP’s ELPI growth ranked second highest in the City of Oakland in 2024.



Middle-performing charter schools may only¹ be lawfully denied renewal by the chartering authority or the would-be chartering authority upon making a finding, among others, that closure of the charter school is in the best interest of its students. Moreover, the law requires that the finding must be supported by “specific facts” - not hunches or guesses. Education Code² Section 47607.2(b)(3) states:

The chartering authority **may deny** a charter renewal pursuant to this subdivision **only upon making written findings, setting forth specific facts to support the findings**, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, **that closure of the charter school is in the best interest of pupils** and, if applicable pursuant to paragraphs (2) and (3), that its decision provided greater weight to performance on measurements of academic performance. (Emphasis added.)

This is a meaningfully high standard for nonrenewal, which has the practical effect of conveying a default approval status to middle-performing charter schools. To find that closure is in the best interest of GSP students, both OUSD and the ACBOE would have had to consider the academic performance outcomes, as well as safety, stability, school size, educational program, connection to a larger educational network, etc., of the schools that GSP’s students would

¹ While a middle-performing charter school may be denied renewal for the factors contained in Education Code Section 47607(e), those factors are not relevant here as neither the District nor the County provided the required notice that such factors were present.

² All statutory citations herein are to the Education Code, unless otherwise identified.

otherwise attend, and demonstrate, with specific facts, that attendance at those schools would result in better outcomes for GSP students. As is documented in the record (DR³ 2283-2285; 3733-3805), neither the District nor the County Board successfully met this standard.

THE DOCUMENTARY RECORD FOR THIS APPEAL

Aspire, on behalf of GSP, made clear, concise requests to the District and the County Board for the documentary record and decision meeting transcripts, following the language in Section 47605(k)(2)(A).

OUSD responded with a link to its own public website containing several files, and no transcript for the decision meeting. OUSD staff affirmed that the District would not provide a transcript due to the CDE's position that a video suffices for a transcript.

ACBOE responded with links to the Zoom video recording of the decision meeting; a link to an automatically-generated transcript of the Zoom video recording, which County staff stated was inaccurate; and a link to the ACBOE meeting agenda for the decision meeting, which contained several files. The County did not send, on its own, the Board Resolution voted on to deny GSP's renewal charter. ACBOE did not provide a copy of the charter petition except as part of the 4000-page appeal submission following OUSD's denial of the charter renewal petition.

The Charter School has compiled the linked documents and URLs to the videos as the **Documentary Record** ("DR") submitted with this appeal.

The Charter School has included two documents as the **Supplementary Record** ("SR").

THE UNIQUE CASE OF A CHARTER RENEWAL PETITION APPEAL TO THE SBE

It is important for the SBE to consider that this appeal follows a denial of a charter renewal petition for a currently operating charter school. Unlike petitioners seeking to establish new charter schools that have come before the SBE on appeal, GSP has successfully operated for 18 years and possesses vested fundamental due process rights in the continuity of its charter and its continued operation for its more than 405 enrolled students. To GSP's knowledge, this appeal of the non-renewal of its charter to the State Board of Education is just the second renewal appeal following AB 1505, and the first where the authorizer did not cite "substantial fiscal or governance factors" in support of its decision to deny renewal. As such, this appeal implicates significant legal rights for GSP in particular, and California charter schools more generally.

The critical distinction in this appeal is that renewal proceedings are quasi-judicial in nature, and are entitled to a standard that affords less deference to the District and County Boards' decisions. (See *Shapell Industries, Inc. v. Governing Board* (1991) 1 Cal.App.4th 218, 231 [when proceedings are quasi-judicial in nature, "review will be stricter"]; *Eureka Teachers Assn. v. Board of Education* (1988) 199 Cal.App.3d 353, 361 [a quasi-judicial proceeding is one "in which by law (1) a hearing is required, (2) evidence is required to be taken, and (3) discretion in the determination of facts is vested in the inferior board"].)

³ All references to "DR" are to the Documentary Record. Leading zeros have been omitted from page citations.

The more exacting standard for quasi-judicial proceedings matters here because the non-renewal of GSP's charter has the practical effect of closing the Charter School, which substantially affects GSP's vested fundamental rights and gives rise to heightened constitutional protections of due process. (See *Shapell Industries, Inc.*, *supra*, 1 Cal.App.4th at 231; see also *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1526 [decision of nonrenewal involves a vested right because it “affects a right which has been *legitimately acquired* or is otherwise vested”].)

To be sure, GSP possesses a vested right in the continuity of its charter and its continued operations to the same extent that property rights vest through other permits and licenses issued by the government. (See, e.g., *Ryan v. Cal. Interscholastic Fed.-San Diego Sec.* (2001) 94 Cal.App.4th 1048, 1061 [“Property interests are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law -- rules or understandings that secure certain benefits and that support claims of entitlement to those benefits.”]; *Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal.App.2d 776, 784 [“By the weight of authority, a municipal building permit or license may not arbitrarily be revoked by municipal authorities, particularly where, on the faith of it, the owner has incurred material expense.”]; see also *Coe v. City of San Diego* (2016) 3 Cal.App.5th 772; *Anton v. San Antonio Community Hosp.* (1977) 19 Cal.3d 802.) GSP's right in the continuity of its charter and continued operations vested upon OUSD's approval of its initial charter petition, after which point its charter can only be revoked or non-renewed after holding a hearing, considering the applicable evidence, and making specific factual findings as required by statute. (See Ed. Code, §§ 47605, 47607, 47607.2; Cal. Code Regs., tit. 5, § 11966.4, subs. (b), (c); see, e.g., *Anton v. San Antonio Community Hosp.*, *supra*, 19 Cal.3d at 824-825.)

Where, as here, the Charter School possesses a vested property right, it is unlawful for OUSD and ACBOE to deprive GSP of its interests without providing heightened due process required by law. “[W]hen governmental agencies adjudicate or make binding determinations which directly affect the legal rights of individuals, it is imperative that those agencies use the procedures which have traditionally been associated with the judicial process.” (*Brown v. City of Los Angeles* (2002) 102 Cal.App.4th 155, 175; *Interstate Brands v. Unemployment Ins. Appeals Bd.* (1980) 26 Cal.3d 770, 780 [greater protections are imperative when affected right is of such “sufficient significance to preclude its extinction or abridgment by a body lacking *judicial* power”].) Neither OUSD nor ACBOE provided such process here for distinguishing admissible evidence from non-admissible evidence, allowing competent testimony, applying the law to the facts, and providing a neutral forum before neutral fact-finders. Substantive due process also “prevents government from enacting legislation that is ‘arbitrary’ or ‘discriminatory’ or lacks ‘a reasonable relation to a proper legislative purpose.’” (*Chan v. Jud. Council of California* (2011) 199 Cal.App.4th 194, 201.) OUSD and ACBOE thus had a much higher standard to meet here before depriving GSP of its due process rights. OUSD and ACBOE abused their discretion by relying on incompetent evidence (particularly, the lack of evidence) in denying GSP's charter renewal petition, failing to faithfully apply the law to the evidence, and by proceeding in a manner lacking neutrality and in violation of procedural protections owed to GSP.

LEGAL STANDARDS ON APPEAL

Through the passage of AB 1505 in 2019, the Legislature effectuated a compromise over competing visions for how the charter approval and appeal process would operate going forward. That compromise guaranteed certain due process rights to charter petitioners, as addressed below, and in turn, the SBE was designated as the administrative body to correct *abuses of discretion* by school district and county boards of education in denials of charter petitions. (Section 47605(k)(2)(E).)

In hearing appeals under AB 1505's standards, it is fundamentally the role of the SBE to ensure that school districts and county boards of education comply with the law in reviewing charter petitions, and reverse denials that do not do so. This ensures that school district and county boards of education conform with those requirements going forward. Reversal for abuse of discretion is necessary to ensure that the legal requirements of AB 1505 are applied uniformly, to educate school district and county boards, as well as petitioners, on the legal requirements under the Charter Schools Act, and to minimize the extent that, in the future, charter petitioners must bring appeals to the SBE to correct or mitigate procedural and substantive violations of law. (*See, e.g., County of Santa Cruz v. Civil Service Commission of Santa Cruz* (2009) 171 Cal.App.4th 1577, 1582 ["Reversal is warranted when the administrative agency abuses its discretion."])

The SBE has adopted a definition of abuse of discretion that covers decisions that are "**arbitrary, capricious, entirely lacking in evidentiary support, unlawful, or procedurally unfair.**" (CDE June 30, 2022 Information Memorandum to the SBE, emphasis added.) An abuse of discretion is established when the agency "has not proceeded in a manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence." (Code of Civil Procedure Section 1094.5(b); *see also, Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515; *Manjares v. Newton* (1966) 64 Cal.2d 365, 370.) The dictates of abuse of discretion act as a safeguard for ensuring that administrative agencies have made careful, reasoned, and equitable decisions. (*J. L. Thomas, Inc. v. County of Los Angeles* (1991) 232 Cal.App.3d 916, 927.)

Abuse of discretion for failure to proceed in the manner required by law takes broad form; it is even appropriately charged when an agency has failed to follow requirements merely *implied* or within the *spirit* of the law. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 79–86 [failure to consider requirements implied in law prior to approving or disapproving a project constitutes an abuse of discretion]; *Walsh v. Kirby* (1974) 13 Cal.3d 95, 103–106 [failure to follow spirit of law despite literal compliance is an abuse of discretion].) *See also, Boreta Enterprises v. Department of Alcoholic Beverage Control* (1970) 2 Cal.3d 85, 96, [abuse of discretion in license revocation when decision was based on policy rather than legal rationale]; *Austin v. Department of Motor Vehicles* (1988) 203 Cal.App.3d 305 [agency abused its discretion when it issued a final decision beyond the 15-day timeline required by law.]

An abuse of discretion is clearly present when the explicit dictates of the law are not followed, as here. (*People v. Superior Court (Humberto S.)* (2008) 43 Cal.4th 737, 746 [an exercise of discretion based on an error of law is an abuse of discretion]); *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 355 [46 Cal. Rptr. 3d 355, 138 P.3d 692] [erroneous application of legal standard constitutes an abuse of discretion]),

and the District failed to meet basic procedural requirements (*Envtl. Prot. Info. Ctr. v. Johnson* (1985) 170 Cal.App.3d 604, 620 [failure to follow appropriate procedures in approval process is an abuse of discretion]). Administrative agencies have no discretion to make erroneous interpretations of law. (*Garamendi v. Mission Ins. Co.* (2005) 131 Cal.App.4th 30, 41.)

Under the abuse of discretion standard, the SBE must also overturn a denial that is not supported by substantial evidence of the kind required for a charter renewal petition to be denied. “Substantial evidence means evidence which is ‘of ponderable legal significance.’ Obviously, the word cannot be deemed synonymous with ‘any’ evidence. It must be reasonable in nature, credible, and of solid value; it must actually be ‘substantial’ proof of the essentials which the law requires in a particular case.” (*Hall v. Department of Adoptions* (1975) 47 Cal.App.3d 898, 906.) “Speculation is not substantial evidence.” (*People v. Killebrew* (2002) 103 Cal.App.4th 644, 661; *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274 [“Unsubstantiated opinions, concerns, and suspicions ... though sincere and deeply felt, do not rise to the level of substantial evidence.”])

Further, under an abuse of discretion standard, the SBE must also overturn the denial of a charter renewal petition where the evidence indicates prejudice by the chartering authority and its governing authority in denying the petition. The process under Section 47605 governing the approval of charter petitions is quasi-adjudicatory because the governing board is responsible for receiving evidence and testimony, weighing the evidence, and making factual determinations. The law requires that where an agency or governing body is acting in that capacity as a decision maker, as here, the governing body “must be neutral and unbiased.” (See *Woody’s Group, Inc. v. City of Newport Beach* (2015) 233 Cal.App.4th 1012, 1021.) A governing body cannot be considered “unbiased” unless they have “no conflict of interest, ha[ve] not prejudged the specific facts of the case, and [are] free of prejudice against or in favor of any party.” (*Petrovich Development Co., LLC v. City of Sacramento* (2020) 48 Cal.App.5th 963, 973 [citing with approval *The Rutter Group* 2019) 3:426, p. 3-70.]) Critically, “allowing a biased decision maker to participate in the decision is enough to invalidate the decision” under an abuse of discretion standard. (*Id.*)

As detailed in this written submission, neither the District nor the County acted in an unbiased manner on the GSP charter renewal petition.

ABUSES OF DISCRETION AS DEMONSTRATED BY THE DOCUMENTARY AND SUPPLEMENTARY RECORDS

A. The OUSD Board abused its discretion by improperly denying GSP’s renewal as a middle-performing charter school

Specific abuses: entirely lacking in evidentiary support, unlawful, and procedurally unfair

OUSD staff recommended approval of GSP’s charter renewal petition. This key fact is crucial to explaining how the OUSD Board abused its discretion by denying the renewal. District staff put Aspire and GSP through a rigorous charter renewal process; carefully and critically evaluated the evidence; and ultimately recommended renewal because the facts did not support a

finding that GSP was failing to meet or make sufficient progress toward meeting standards that provide a benefit to students, that closure of the Charter School is in the best interest of pupils, and that its decision provided greater weight to performance on measurements of academic performance. (Section 47607.2(b)(3).) The District Board departed from this recommendation, which it has the discretion to do, but failed to meet the legal standard to make proper factual findings to deny GSP's renewal charter. Front and center, page one of the 43-page Staff Report declared (DR 2295):

Staff Recommendation

Although there are multiple legally compliant options, based on the contents of this Staff Report, **Staff recommends approval** of the renewal petition for Aspire Golden State Prep for 5 years, beginning July 1, 2026, until June 30, 2031, to serve students in Grades 6-12 and a projected annual enrollment as outlined in the table above, with fiscal and performance benchmarks as detailed in the full staff recommendation on page 37.

Again, middle-performing charter schools may only be lawfully denied renewal by the chartering authority or the would-be chartering authority upon making findings, among others, that closure of the charter school is in the best interest of its students. Section 47607.2(b)(3) states:

The chartering authority **may deny** a charter renewal pursuant to this subdivision **only upon making written findings, setting forth specific facts to support the findings**, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, **that closure of the charter school is in the best interest of pupils** and, if applicable pursuant to paragraphs (2) and (3), that its decision provided greater weight to performance on measurements of academic performance. (Emphasis added.)

This is a meaningfully high standard for nonrenewal, which has the practical effect of defaulting to approval status for middle-performing charter schools. **The OUSD Board did not clear the high bar required to lawfully deny a middle-performing charter school, and, therefore, its action was entirely lacking in evidentiary support, unlawful, and procedurally unfair - three elements of the CDE's definition of abuse of discretion.**

GSP's students will be demonstrably worse off if the Charter School closes

To find that closure is in the best interest of GSP students, the OUSD Board would have had to consider the academic performance outcomes, as well as safety, stability, school size, educational program, testimony from students, families, and staff, connection to a larger educational network, etc., of the schools that GSP's students would otherwise attend, and then demonstrate with specific facts that attendance at those schools would result in better outcomes for GSP students. The OUSD Board did not meaningfully engage in this analysis, and District staff reached the opposite conclusion.

The District Board's Resolution to Deny asserts that GSP students would be "served better" elsewhere but does not analyze the academic performance, access, safety, or capacity of

the schools students would attend if GSP closed. (DR 2285) Nor did the OUSD Board demonstrate that a meaningful number of GSP students could actually (or would elect to) attend other, higher performing public schools, when considering commuting time, enrollment capacity, and admission criteria. Indeed, the OUSD Staff Report reached the opposite conclusion (DR 2285), and the Board did not reconcile that contradiction in making its limited, conclusory findings. There are no specific facts showing that closure of GSP will improve outcomes for GSP students. Indeed, the overwhelming majority of public comments submitted at the public hearings held by OUSD and the ACBOE confirmed that GSP students will be irreparably harmed if GSP closes. The students, and their parents, do not agree that closure is in the Charter School's students' best interest.

In its Resolution to Deny GSP's petition for renewal (described further below), the Board made the conclusory determination that closure is in the best interest of GSP students because "students would be served better in comparison schools as highlighted in the Staff Report, including but not limited to **Figures 49 and 50** from the Staff Report." (DR 2285, emphasis added.) Before the Board vote on its renewal charter, GSP shared with the District that data about the Charter School, in comparison with other public schools, was presented in the District's Staff Report in a non-intuitive way that is procedurally unfair. (SR 1-5) As those Figures were explicitly made into findings for denial, GSP asserts that the data they provide are incomplete at best, therefore rendering the District Board's decision entirely lacking in evidentiary support and unlawful.

For example, in Figure 50, the Staff Report compares combined results from GSP's grades 6-12 on some Dashboard measures with 16 other "nearby schools," many of which are only high school grade levels. Figure 50 includes ELA and Math DFS, and graduation rate. It excludes ELPI and CCI, which are two of the "measurements of academic performance," as defined in Section 47607(c)(3), which OUSD was legally required to give extra weight to, in accordance with Section 47607.2(b)(2). The Charter School provides greater detail on this argument, below. While GSP performed favorably against most schools on the list, documenting ELPI and CCI results, the two remaining measurements of academic performance, would demonstrate further that GSP outperforms the comparison schools that were listed in the Staff Report. (DR 2329-2330)

Figure 50: 2023-24 Performance Comparison of Nearby Schools Serving Grades 9-12

HSAA (Percent of Total Enrollment)	School	Grade Span	% SED	% EL	% SWD	ELA DFS	Math DFS	Grad Rate
CASTLEMONT/CCPA/ MADISON (47.7%)	Aspire GSP	6-12	95%	28%	16%	-69.8	-144.6	99%
	Alternatives in Action	9-12	95%	54%	17%	-107.6	-183.1	67%
	Aspire Lionel Wilson	6-12	87%	21%	16%	-26.8	-126	92%
	Castlemont High	9-12	99%	47%	18%	-188.1	-193.9	68%

	Coliseum College Prep Academy	6-12	98%	43%	21%	-68.9	-133.6	92%
	Sojourner Truth	K-12	98%	26%	22%	-204.9	-234.4	58%
	Lighthouse High	9-12	93%	29%	15%	-44.7	-154.1	90%
	Lodestar	K-12	90%	45%	13%	-83.9	-99.9	89%
	LPS Oakland R & D Campus	9-12	71%	37%	15%	-89.1	-191.1	94%
	Madison Park Academy 6-12	6-12	100%	40%	16%	-93.9	-162.3	89%
	Oakland Unity High	9-12	68%	13%	19%	50.3	-48.9	94%
	Rudsdale Continuation High	9-12	99%	71%	9%	-326.3	-344.3	66%
Fremont (5.7%)	ARISE High	9-12	88%	33%	17%	-1.3	-102.5	90%
	Bay Area Technology	6-12	84%	26%	18%	-56	-111.4	93%
	Fremont High	9-12	99%	54%	14%	-155.9	-235.7	81%
	Latitude 37.8 High	9-12	66%	26%	23%	-11.6	-103.4	92%
	LIFE Academy	6-12	98%	37%	22%	-18.8	-73.2	95%

Source: English Learners – CDE Downloadable Data Files (School Enrollment, English Learners); Socioeconomically Disadvantaged/Special Education – CDE DataQuest School Enrollment by Subgroup Report; OUSD Special Education/Distance From Standard/CORE Growth Percentile – OUSD Department of Research, Assessment, and Data

(DR 2329-2330)

Further, Figure 49, again compares combined results from GSP’s grades 6-12 with other “nearby schools,” many of which include elementary grade levels. Figure 49 also includes Francophone Charter School (a French dual immersion K-8 charter school) and East Bay Innovation Academy. (DR 2329) These schools’ socioeconomically disadvantaged (“SED”) student population, at 35% and 38%, respectively, do not offer a meaningful comparison to GSP, whose students are 95% SED. Moreover, Francophone only accepts students in grades 2 and up who are able to demonstrate grade level proficiency in French, thus disqualifying most, if not all, GSP students from attending.⁴ It is further our understanding that East Bay Innovation Academy

⁴ See Francophone’s Admission Policy, [here](#)

may be closing by the end of the fiscal year, so GSP students could not attend that school. The District Board’s conclusion that closure is in the best interest of students is invalidated by these comparisons. Relying on comparisons to dissimilar schools and dissimilar grade levels means that the evidence used is unreasonable, not credible, and not of solid value. Nor is it substantial; it is, indeed, speculative.⁵ The District Board’s action is entirely lacking in evidentiary support.

These two schools may outperform GSP in DFS on ELA and Math, but that is not the end of the inquiry. They simply do not serve a student population anything like the Charter School’s, nor do their academic results, standing alone, demonstrate conclusively that GSP students would be better off if their school closed.

Figure 49: 2023-24 Performance Comparison of Nearby Schools Serving Grades 6-8

MSAA (Percent of Total Enrollment)	School	Grade Span	% SED	% EL	% SWD	ELA DFS	Math DFS
CCPA/GREENLEAF/ LIFE 6-8 (16.1%)	Aspire GSP	6-12	95%	28%	16%	-69.8	-144.6
	Coliseum College Prep Academy	6-12	98%	43%	21%	-68.9	-133.6
	Greenleaf	K-8	96%	63%	11%	-75.5	-89.3
	Oakland Unity Middle	6-8	98%	36%	14%	-13.8	-27.7
ELHURST UNITED (12.6%)	East Bay Innovation Academy	6-12	38%	10%	19%	9.2	-45.4
	Elmhurst United Middle	6-8	98%	44%	16%	-94.7	-148.7
FRICK (9.9%)	Francophone Charter School of Oakland	K-8	35%	17%	8%	26.2	-6
	Frick United	6-8	99%	57%	17%	-160.2	-207.5
	Independent Study, Sojourner Truth	K-12	98%	26%	22%	-204.9	-234.4

Source: English Learners – CDE Downloadable Data Files (School Enrollment, English Learners); Socioeconomically Disadvantaged/Special Education – CDE DataQuest School Enrollment by Subgroup Report; OUSD Special Education/Distance From Standard/CORE Growth Percentile – OUSD Department of Research, Assessment, and Data

(DR 2329)

Figure 49 (Performance Comparison of Nearby Schools Serving Grades 6-8) excludes three schools that are included in Figure 50 and that also serve middle school grades. This includes Madison, Lodestar, and Lionel Wilson. Other schools are included in both tables if they are 6-12 grade serving institutions. No explanation is given for this selective exclusion. Including those schools in Figure 49 would result in stronger comparative performance for GSP. These omissions again support a showing that the District Board’s action was entirely lacking in evidentiary support. Selecting some schools and excluding others in a manner that consistently makes GSP look worse in comparison is itself an abuse of discretion.

The OUSD Board’s Resolution to Deny GSP’s renewal petition erroneously relied on these false comparisons contained in just two Figures from a Staff Report that recommended renewal of the Charter School’s charter. For example, the Resolution asserted that GSP’s

⁵ See, e.g., *Hall v. Department of Adoptions* (1975) 47 Cal.App.3d 898, 906. (“Speculation is not substantial evidence.”) *People v. Killebrew* (2002) 103 Cal.App.4th 644, 661; *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274 (“Unsubstantiated opinions, concerns, and suspicions ... though sincere and deeply felt, do not rise to the level of substantial evidence.”)

“[s]tudents would be served better in comparison schools as highlighted in the staff report, including but not limited to figures 49 and 50 from the staff report, and that the decision provided greater weight to performance on measurements of academic performance.” (DR 2285) This is false. To the contrary, as illustrated in the following excerpt from GSP’s presentation to the OUSD Board during the Decision Hearing on October 21, 2025, GSP outperforms its comparison schools on the majority of indicators:

From GSP’s Presentation to the OUSD Board on October 21, 2025

“In using data across middle school and high school comparisons [reference to comparison schools as highlighted in the staff report], there are 64 data points for comparison for ELA, Math, and Graduation Rate found on page 35 and 36. GSP has greater performance across those domains on 61% of those data points. (39 of the 64 comparison data points)

We also know the legal framework from AB 1505 names that there is greater weight to performance on measurements of academic performance We noticed two academic indicators are missing from the tables in the staff report. The English Learner Progress and College / Career Indicator. Since the law states there is greater weight for academic indicators, when we add those data points in the comparison tables, our performance jumps from 61% to 70.2%. On 73 of 104 data points, we outperform the comparison schools.”

(DR 2368-2386)

In fact, a fair comparison of GSP’s outcomes to the OUSD-selected comparison schools would show that out of 17 schools, GSP had the highest graduation rate (98.5%) and the second-highest ELPI rate (58.7%). The data are backed up by the lived experiences of GSP students and families, as the Board heard repeatedly during the public comment hearing and the decision hearing. Several GSP students testified to the OUSD Board that they had previously attended OUSD schools and chose to enroll in and remain at GSP because they felt it better met their needs - academically, socially, and/or in terms of safety. (DR OUSD video timestamp 1:34:53-1:56:14) OUSD plainly did not clear the high bar required to lawfully deny a middle-performing charter school.

In addition, the way family and student voice shows up in the record raises serious concern when viewed alongside the conclusory best-interest finding. Numerous students and families testified in support of renewal and described GSP as providing stronger academic support, safety, stability, and a better fit than district alternatives. That testimony goes directly to what it means for closure to be “in the best interest of pupils,” yet the denial resolution does not engage with or reconcile this testimony at all. The concern is compounded by the fact that the denial resolution was amended and projected after public comment closed, which eliminated families’ ability to respond to new language before the vote. Taken together, the record does not reflect transparent, evidence-based deliberation about students’ best interests.

The Resolution to Deny also relied on incomplete information and misrepresentations. For example, the first “Resolved” clause states that “[t]he charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school,” and relies, in part, on the observation in the Staff Report that “A-G rates declined significantly during charter term.” (DR 2284-2285) This assertion misrepresents the OUSD Staff Report and the record. In its assessment of whether “the Charter School Presented a Sound Educational Program?,” the OUSD Office of Charter Schools named the following strength of GSP’s petition for renewal: “A-G completion rates have shown an upward trajectory over the last three years.” (DR 2327)

In fact, GSP has outperformed OUSD and the state on A-G completion. Across the charter term, in four out of the six years, GSP demonstrated higher performance on A-G completion rates than OUSD, with two years (2020 and 2021) during the pandemic as outliers. As such, the OUSD Board’s narrow focus on A-G rates during the COVID-19 pandemic denies the reality that GSP students have made considerable gains in their A-G rates during the full charter term, and that closure is not in their best interest.

There is a readily apparent alternative explanation to understand the District Board’s interest in nonrenewing GSP’s charter

As has been widely reported, OUSD is facing tremendous budgetary pressures, due largely to declining student enrollment. Less than two weeks before voting on GSP’s renewal charter, the District Board adopted Resolution No. 2526-0177, “Directing the Preparation of Budget Scenarios to Address OUSD’s Structural Deficit.” The Resolution included the following directive (SR 9):

NOW, THEREFORE, BE IT RESOLVED, that the Board directs the Superintendent to prepare at least two budget scenarios for community input and Board review that total \$100 million in budget adjustments (“Budget Scenarios”). The Budget Scenarios will include both the costs and the impact on students. The budget scenarios will not include school closures or mergers.

The District Board took action to direct the District Superintendent to prepare budget scenarios, but prohibited the Superintendent from including any consideration of OUSD school closures or mergers in those scenarios. The Board is clearly communicating that it does not want to consider closing its own schools.

And yet, nonrenewing a charter school would likely mean, in practical effect, that at least some of those students may enroll in District schools, including in the schools identified in Figures 49 and 50. When faced with a choice to close its own schools or to nonrenew a charter school, the District Board appears to have opted for the latter.

A chartering authority can only nonrenew a middle-performing charter school by making three specific factual findings, including one that closure is in the best interest of students. Here, the OUSD Board failed to meet that standard. In voting to deny GSP’s charter renewal petition, a bare majority of the Board relied on selective, misleading data that did not consider the actual students who attend GSP. The Resolution to Deny, itself, provided limited detail and ignored

important additional considerations. The District Board's action was entirely lacking in evidentiary support, unlawful, and procedurally unfair.

B. The OUSD Board abused its discretion by not giving appropriate weight to the measurements of academic performance, as required by law

Specific abuses: arbitrary, entirely lacking in evidentiary support, unlawful, and procedurally unfair

As indicated above, Section 47607.2(b)(3) mandates: “[t]he chartering authority shall provide **greater weight to performance on measurements of academic performance** in determining whether to grant a charter renewal.” (Emphasis added.) Section 47607(c)(3), in turn, defines “measurements of academic performance” as: “indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 that are based on statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, the English Language Proficiency Assessments for California, or any successor system, and the college and career readiness indicator.”

The law offers no distinction of relative levels of importance among the four⁶ measures; there is no indication that Dashboard indicators based on CAASPP are more prized. There is similarly no indication that ELPI and CCI can be disregarded. The SBE dedicated substantial time and resources to create and modify its measurements of academic performance, and no school district has the legal authority to favor one measure over the others. Here, the District Board acted arbitrarily by intentionally disregarding the measurements of academic performance that most strongly supported GSP's petition for renewal.

Aside from Figures 49 and 50 included above, the District's Resolution to Deny also was selective in its application of the first finding under Section 47607.2(b)(3), which bound OUSD to give all four academic indicators equal and greater weight as compared to the non-academic indicators. For example, one Board member addressed GSP's math and ELA results, but not its increases in ELPI and the College and Career Indicator, which were “Blue” on the Dashboard - the highest possible level of accomplishment. (DR OUSD video timestamp 2:03:15-2:03:44) As noted above, the Figures 49 and 50 in the OUSD Staff Report similarly left out those academic indicators from its analysis. All four of those indicators are “measurements of academic performance,” as defined in law, and all four must be given equal, greater weight.

The District Board conveniently chose to ignore fully half of the relevant measurements of academic performance – which also happen to be the ones that were favorable to GSP. (DR 2285) That selective approach means that the District's findings #1 and 3 are factually inaccurate, because GSP did not fail to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school. The Charter School made more than sufficient progress across two of the measurements of academic performance. It simply cannot be in the best interest of students to close a Charter School that is not only meeting but exceeding expectations, often dramatically outpacing its District counterparts on several indicators. GSP

⁶ This counts ELA and math each as a measurement.

has undoubtedly demonstrated its capacity to provide an educational program where students progress academically, often against significant odds.

In the Staff Report, Figures 49 and 50 exclude two academic indicators required to receive weight under AB 1505: English Learner Progress and the College/Career Indicator. See Figures 49 and 50 above, which only analyze ELA and math DFS. Board discussion similarly focused on ELA and Math while ignoring ELPI and CCI, both of which strongly favor GSP. When all academic indicators are included, GSP outperforms comparison schools on roughly 70 percent⁷ of data points, not 61 percent which is what the table shows.

The District Board Resolution to Deny misstates fact and conflicts with the OUSD Staff Report. The denial resolution states that A–G completion declined significantly over the charter term (DR 2285), but the staff report itself says that A–G completion has shown an upward trajectory over the last three years. (DR 2327) This selective reading of the record, especially given the context of the pandemic years and the longer-term trend of improvement, shows that the District Board’s action was procedurally unfair.

Section 47607.2(b)(3) requires chartering authorities to consider four different measurements of academic performance for charter schools serving high school grade levels: ELA, math, ELPI, and CCI. The law does not indicate that any measurement is more or less important than the others. The law does not permit a chartering authority to ignore two of the measurements. Here, when the District Board denied the GSP charter renewal petition without consideration of 50% of the measurements of academic performance - which, again, were favorable to the Charter School - it abused its discretion by taking action that was arbitrary, entirely lacking in evidentiary support, unlawful, and procedurally unfair.

C. The District Board Resolution to Deny was defective

Specific abuses: unlawful, and procedurally unfair

OUSD’s Resolution to Deny the GSP Charter Was Hidden From the Public

The agenda for OUSD’s October 21, 2025 Board meeting was timely posted. When it was posted on October 17, the agenda linked to a Resolution to approve GSP’s charter. This was true on October 19. This remained true on October 20. However, on the morning of October 21, the day of the Board meeting, a Resolution to deny GSP’s renewal was added to the agenda, but buried at the end of the document called “Decision Hearing – Board Memorandum, Resolution – Aspire Golden State” This file, on October 17, 19, and 20, contained only a Resolution to approve the renewal charter. Only on the day of the meeting was the Resolution to deny added. This means that most members of the public had no knowledge of its existence; and those who did know, had virtually no time to prepare to refute it. The Charter School has no information indicating that the District sent public notice of the addition of a Resolution to deny its charter renewal petition.

⁷https://docs.google.com/spreadsheets/d/104B5ZmJsOWBg45TX413OimwzSypcQq-T_GX1nQTHsQQ/edit?gid=299443498#gid=299443498

The OUSD Board Modified the Resolution to Deny in Real-Time, Without Public Input

The OUSD Board's decision to deny the renewal of Aspire Golden State College Preparatory Academy raises serious procedural concerns under Section 47607.2(b)(3). The record of the meeting, including the Board's conduct and the sequence of actions taken, demonstrates a departure from the transparent and evidence-based process required by law.

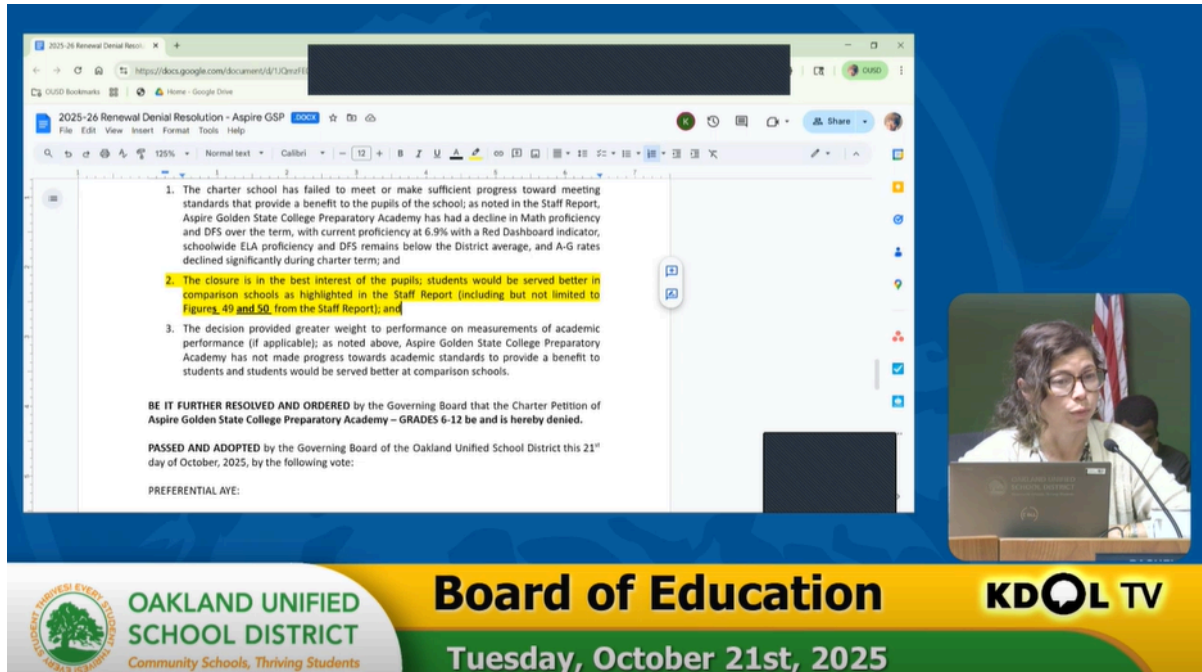
After receiving presentations from Office of Charter Schools staff and the GSP team, and hearing public comment, the Board moved quickly to take action on the GSP charter. In its haste, the Board resorted to projecting part of the Resolution to deny on a screen, and discussing revisions made to it, apparently in closed session. We can only assume that changes were discussed in closed session because the Resolution already contained yellow highlighting when it was projected on a screen in the meeting room, and the Board did not discuss those highlighted changes during the open session portion of the meeting. (DR OUSD video timestamp 1:56:14-1:58:04)

Following is Board member Latta's motion to deny and discussion of the revisions to the Resolution to deny:

"I'd like to make a motion to deny the petition for renewal of Aspire Golden State College Prep academy. If staff can present the projection of the resolution, please, on the screen... So I believe this resolution was previously posted. There are a couple of highlighted amendments. I won't read the entire resolution, but I would like us to consider denying the renewal petition for finding one that the charter school has failed to meet or make sufficient progress towards meeting standards that provide a benefit to the pupils of the school. As noted in the staff report, Aspire Golden State College Preparatory Academy has had a decline in math proficiency and distance from standard over the term with current proficiency at 6.9% with a red Dashboard indicator. Schoolwide ELA proficiency and distance from standard remain below the District average and A to G rates declined significantly during the charter term and two, that has an amendment. The closure is in the best interest of the pupils. Students would be served better in comparison schools as highlighted in the staff report, including but not limited to figures 49 and 50 from the staff report, and that the decision provided greater weight to performance on measurements of academic performance. As noted above, Aspire Golden State College Preparatory Academy has not made progress towards academic standards to provide a benefit to students, and students would be served better at comparison schools."

(Emphasis added.)

(DR OUSD video timestamp 1:56:18-1:58:04)



The seven OUSD Board members then engaged in discussion before voting on the Resolution. Three of the four Board members who would later vote to approve the Resolution to Deny provided no public commentary, analysis, or explanation for their vote during board discussion. (DR OUSD video timestamp 2:03:15-2:03:44; 2:05:58-2:06:56)

The fourth Board member who voted in favor of the Resolution to Deny, Director Williams, said in his complete statement, “I just want to thank the Charter Matters Committee for providing us both recommendations. I just feel that there are challenges there which have some concerns. So I’m going to stand with those challenges and I think that, you know, our kids will be best served elsewhere.” (DR OUSD video timestamp 2:03:15-2:03:44) This statement was false, in that the Charter Matters Committee (of which Director Williams is a member) did not provide two recommendations on how the Board could vote on the petition for renewal. The Board’s Charter Matters Committee last convened on June 26, 2025, several months before GSP submitted its renewal petition. Even if Director Williams was referring to the Office of Charter Schools, his statement would still be incorrect, because the Office of Charter Schools only made one recommendation, which was to approve GSP’s petition for renewal. (DR 2295) The absence of any discussion, analysis, or factual findings violates the explicit requirement in Section 47607.2(b)(3) that any denial of a middle-performing charter school be supported by “specific facts” demonstrating that the charter school failed to meet renewal standards.

Notably, the most detailed discussion on the GSP renewal item came from Board member Hutchinson, who voted against the Resolution to deny renewal. He stated:

“When I was in Board leadership, I worked really hard with others to establish procedures under 1505 of how these renewals were supposed to happen. I fully trust and respect our charter office, and I totally back their opinion and recommendation. It is very frustrating now, at this point, at the last minute, again I have colleagues on the board who are trying to introduce something where they gotta **put it up on the screen because nobody’s even seen it before**. This is not how we’re supposed to operate as a school board no matter how you feel about charters or other things. This ain’t the way to go about it. We worked really hard to establish a process so everyone knew how things would operate and what would happen. And now, like that, I have colleagues on the board who want to throw out years of work because they think they know better. I want to just say unequivocally, that this is unacceptable that **I only found out this morning that this was a plan that some people had**. It is disrespectful and disingenuous. And I’ll put my record of fighting against charter schools up against anyone and I want everyone who’s here today to remember what you heard said earlier in the night and then realize how quickly people can flip it up on you. This is unacceptable, it’s not why we worked to establish a process. And we gotta remember, as the Oakland School Board, we are elected by the residents of Oakland, which means we represent everyone in Oakland. This is not the way, and there’s no way I could ever accept anything that throws out years of hard work, disregards the state, disregards the community, and disregards our own charter office. This is unacceptable and I am embarrassed and insulted that we’re at this point.”

(Emphasis added.)

(DR OUSD video timestamp 1:58:12-2:01:30)

Director Hutchinson’s comment underscores that even members of the OUSD Board itself identified fundamental deviations from standard governance practices and statutory requirements applicable to charter renewals.

A careful review of the proceedings reveals serious procedural irregularities: (1) The Resolution to Deny was discreetly published on the day of the hearing, then amended and shared after public comment closed, (2) the Board apparently relied on misrepresentations of GSP’s A–G data, incomplete and misleading analysis of comparison schools, incomplete reviews of academic indicators, and a misunderstanding of analysis performed by its own Office of Charter schools, and (3) the OUSD Board provided no actual analysis (beyond conclusory declarations) in support of its Resolution to Deny renewal. Together and taken individually, these grave errors point to a process that failed to meet the transparency and evidentiary standards required under state law.

Thus, even if the Board made findings for denial that nominally meet the legal requirements of Section 47607.2(b)(3) (which, as the record demonstrates, it did not), the way those findings came about either demonstrated significant lapses of quality control, or an end-run around the procedural requirements of Assembly Bill 1505. A majority of the OUSD Board violated those procedural protections. Their action cannot be the last word on this vital charter

school. The District Board abused its discretion by acting in a manner that was unlawful and procedurally unfair.

D. OUSD abused its discretion by failing to provide a transcript of the decision meeting

Specific abuses: unlawful, and procedurally unfair

Section 47605(k)(2)(A) unambiguously requires the District to provide, upon request from the petitioner, the transcript of the meeting during which the charter renewal petition was denied. GSP made such written request to OUSD on February 13, 2026. Citing adherence to CDE guidance, OUSD declined to provide the required transcript.

It is the Charter School's understanding that OUSD's position is that, notwithstanding the clear language of statute, a transcript is not required because the CDE in 2022 and again in 2025 allowed a video to stand in for a transcript. While we understand the rationale for the District's position, particularly given the CDE's advice, the Charter School rejects the notion that either the CDE or the District has the legal authority to decline to follow a clear legal requirement.

Any denial that a transcript is a writing is unserious on its face. Even the most rudimentary, dictionary-style definition of a transcript is that it is a writing. From Merriam-Webster⁸:

transcript noun

tran·script (ˈtrɑn(t)-skript)

Synonyms of *transcript* >

1 a : a written, printed, or typed copy

especially : a usually typed copy of dictated or recorded material

b : an official or legal and often published copy

| a court reporter's *transcript*

The Charter School was materially harmed by the District's noncompliance with law. Under AB 1505, charter schools were on the losing end on a raft of legal issues. One of the very few new protections that charter schools were afforded, however, was the chartering authority, or would-be chartering authority, shoulders the staff time and financial burden of producing the transcript so clearly required in law. It is fundamentally unfair, plus patently out of step with the law, for the chartering authority to simply push off its compliance burden onto a charter school.

⁸ <https://www.merriam-webster.com/dictionary/transcript>, accessed on February 26, 2026.

The reason that a written transcript is so important is that GSP's appeal to the SBE must be a "written submission." (Section 47605(k)(2)(A).) A video cannot be imported into a written submission. A transcript, however, can readily be imported into a written submission. A properly prepared transcript can be clipped and pasted into a written document (as below, with the County Board's transcript) in a way that stands out and is more powerful than standard text in a document. A written transcript allows SBE members to review portions of the meeting without having to pull up a video file and fast forwarding to a particular timestamp. A written transcript allows members of the SBE to review the file during the SBE meeting. Again, GSP was materially harmed by OUSD's lack of provision of a transcript of the decision meeting.

E. ACBOE abused its discretion through unlawful harassment

Specific abuses: arbitrary and capricious

A high-level employee at Aspire Bay Area was subjected to sexual and racial harassment from a member of the County Board, who then voted to deny the charter renewal petition appeal. Recognizing the public nature of a charter renewal appeal to the SBE, Aspire will not name the County Board member, and will use gender-neutral pronouns.

Aspire has filed a complaint with the Alameda County Office of Education, alleging specific facts that an ACBOE member, during an in-person meeting for the explicit purpose of discussing GSP's charter renewal petition appeal to the County Board under Section 47607.5, repeatedly diverted the conversation to the Aspire employee's appearance and personal life, making comments and statements that were sexualized, racially charged, and coercive in light of their position and the pending decision.

The complaint alleges: sexual harassment/sex-based harassment; unlawful discrimination/race-based harassment; intimidation and implied quid pro quo pressure; and compromised integrity of process/bias concerns. Aspire is willing to share the complaint with the CDE on a confidential basis.

The Aspire employee left the meeting not knowing whether their appearance, race, gender, or willingness to entertain the Board member's advances on behalf of the Board member's daughter would factor into the vote over GSP's petition for renewal. Indeed, the Board member's unprofessional and egregious conduct introduced significant doubt in the Aspire employee's mind that the ACBOE's process and decision would be 100% dictated by the applicable law and relevant facts. That the ACBOE Board member voted to deny the charter renewal appeal demonstrates that the appeal was infected by bias, discrimination, and harassment, and that ACBOE's procedures were arbitrary and capricious, and not based solely upon the applicable legal standard for a *de novo* appeal. This interaction brings into question the professionalism of the full County Board: how it made decisions and whether those decisions were grounded in law and facts. It is conceivable that conversations about GSP's appeal took place among Board members, including possibly in closed session. The Charter School has no way of knowing whether the Board member influenced other Board members to vote against GSP's renewal.

F. ACBOE selectively considered 2025 academic data, but only in a way that harmed GSP

Specific abuses: arbitrary and capricious

On December 11, 2025 the Alameda County Office of Education (“ACOE”), through its Charter Schools Office and expressly “[o]n behalf of the Alameda County Office of Education Board of Trustees,” issued a written request for clarification regarding GSP’s renewal petition appeal. The letter stated that the questions corresponded to the Charter Petition Review Evaluation Matrix, as referenced in ACOE’s Charter Policies and Procedures Manual.

The December 11 correspondence specifically requested, in Question No. 6 (DR 7926):

“If available, please provide the National Student Clearinghouse data for the most recent 2025 cohort of high school graduates showing the number/percentage of graduates who enrolled in college. If this data is not available please provide the most recent graduating cohort.”

In direct response to this request, GSP timely submitted the National Student Clearinghouse data for the Class of 2025. The 2025 Clearinghouse data demonstrated an **11 percentage point increase in college enrollment** (59% for the class of 2025) compared to the 2024 cohort. (DR 7959)

Despite expressly requesting the 2025 National Student Clearinghouse data, and despite its inclusion in the administrative record, ACOE’s staff report, its public hearing presentation, and the subsequent ACBOE denial resolution characterized GSP’s college enrollment outcomes as reflecting a “downward trend” because the analysis stopped at 2024 data and did not include the 2025 data which was requested and provided. Notably, none of these documents incorporated, analyzed, or even referenced the 2025 data submitted in response to Clarifying Question No. 6.

By omitting the most recent cohort data—data that ACOE specifically requested and that demonstrated measurable improvement—ACOE relied on an incomplete evidentiary record in concluding that GSP’s college-going rates were in decline. That conclusion, in turn, was cited as part of the rationale supporting denial and the determination that non-renewal—and thus closure—was in the “best interest of pupils.” (DR 8086) Where the underlying factual predicate for decline is based on an incomplete record that excludes material and responsive evidence demonstrating improvement, the resulting best-interest determination is necessarily flawed. A finding that closure serves students’ best interests cannot lawfully rest on a distorted or selectively presented account of student outcomes. The exclusion of the 2025 data materially altered the portrayal of the school’s trajectory and reinforced a narrative of sustained decline that is not supported when the full record is considered.

Moreover, publicly available data further underscores the materiality of the omitted information. According to the OUSD College Enrollment Dashboard—using National Student Clearinghouse as its data source—OUSD’s 2025 college enrollment rate is reported as 53.6%. GSP serves a student population that is approximately 95% socioeconomically disadvantaged,

compared to approximately 81.5% socioeconomically disadvantaged Districtwide in OUSD. Any evaluation of college-going outcomes, particularly for purposes of determining whether closure is in the best interest of pupils, must account for both the most current cohort data and the demographic context in which those outcomes are achieved. The failure to incorporate the 2025 National Student Clearinghouse data, while simultaneously characterizing the Charter School as experiencing a downward trend, deprived the Board of a complete and contextually accurate comparison and further undermines the evidentiary basis for the best-interest finding.

An agency abuses its discretion when it fails to consider relevant evidence before it, disregards material portions of the administrative record, or bases its findings on selectively presented data. Here, ACOE's failure to incorporate and evaluate the 2025 National Student Clearinghouse data—after formally requesting it on behalf of the Board—constitutes a failure to consider relevant and material evidence. Because the 2025 data demonstrated an 11 percentage point increase in college enrollment, the conclusion that GSP's outcomes were on a downward trend is not supported by substantial evidence in light of the complete record.

Accordingly, ACOE's finding regarding a downward trend in college-going rates reflects an abuse of discretion because it was arbitrary and capricious.

* * *

We look forward to working with the CDE and the SBE during their consideration of GSP's appeal. Please feel free to contact me if you have any questions.

Sincerely,



Daniel N. Soleimani
General Counsel, Aspire Public Schools

Enclosures