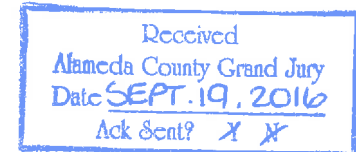




September 15, 2016

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



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

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

Dear Presiding Judge and Foreperson Jones:

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

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

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

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

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

Given the impactful nature of the Equity Pledge on the relationship between the District and charter schools, we are attaching the Oakland Public Schools Equity Pledge Progress Update dated June 22, 2016 and supplemental information regarding the Equity Pledge, in addition to the responses to the Grand Jury's Findings and Recommendations.

Respectfully submitted,



James Harris, Board President



Antwan Wilson, Superintendent

File ID Number: 16-2010
Introduction Date: 9-14-16
Enactment Number: 16-1427
Enactment Date: 9-14-16

I. Introduction

A. Current State of Charter Schools within the District

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

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

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

1. Commitment as an Authorizing Agency

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

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

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

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

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

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

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

2. Rigorous Oversight

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

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

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

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

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

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

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

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

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

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

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

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

3. Ensuring Systems for Student Success

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

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

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

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

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

Total Number of Schools:

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

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

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

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

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

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

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

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

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

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

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

4. Oakland Public Schools Equity Pledge

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

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

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

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

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

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

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

District Response Finding 16-35:

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

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

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

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

District Response Finding 16-36:

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

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

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

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

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

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

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

District Response Finding 16-37:

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

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

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

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

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

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

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

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

District Response Finding 16-38:

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

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

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

District Response Recommendation 16-28:

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

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

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

District Response Recommendation 16-29:

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

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

District Response Recommendation 16-30:

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

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

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

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

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

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

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

District Response Recommendation 16-31:

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

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

District Response Recommendation 16-32:

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

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

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

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

District Response Recommendation 16-33:

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

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

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

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

District Response Recommendation 16-34:

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

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

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

District Response Recommendation 16-35:

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